

**City of Falcon Heights  
City Hall  
2077 Larpenteur Avenue West**

**Minutes  
Planning Commission Meeting  
Tuesday, August 25, 2020  
7:00 PM**

**NOTE: THIS MEETING WAS HELD BY WEB CONFERENCE**

**A. CALL TO ORDER:**

The meeting was called to order by Chair John Larkin at 7:00 PM.

**B. ROLL CALL:**

Present: Larkin, Williams, Gerich, Phillips

Absent: Kotelnicki, Wilson

Present Staff and Council Liaisons: Staff Liaison Markon, Council Liaison Gustafson

**C. APPROVAL OF MINUTES:**

July 28, 2020

**The minutes were approved by roll call, 4-0.**

**D. INFORMATION AND ANNOUNCEMENTS**

**1. Beekeeping Ordinance**

Liaison Justin Markon introduced Jim Wassenberg, Chair of the Environment Commission, who joined the meeting for a discussion on the bee ordinance. The beekeeping ordinance started in the Environment Commission.

Chair Larkin said, just as a comment, that there is no public hearing tonight. But we are going to discuss the beekeeping ordinance as it has been presented to us. Larkin invited Liaison Markon to introduce the ordinance.

Liaison Markon said the beekeeping ordinance started with the Environment Commission earlier this year. It has been on their 2020 work plan as something to look at. The draft ordinance that we have is 95% content from 2012, which is the last time that the Commission and the Council took a look at this topic. Back in 2012 the Council decided not to move forward with the ordinance. It started in the Environment Commission and made its way to a City Council Workshop, but not sure if it had a stop at the Planning Commission, but it did move forward after the City Council Workshop and it hasn't been picked up until now. So far this year, the Environment Commission has held a couple discussions on it, mostly taking a look at the 2012 ordinance to see if there was anything that the Commissioners felt needed tweaking. A couple changes were made and then last month, for the July Environment Commission meeting, Mr. Gary Reuter, from the University of Minnesota bee lab,

joined the Environment Commission meeting. Gary has been with the University of Minnesota for a very long time, and he may have helped craft the ordinance back in 2012. At the July meeting, there was a really good back and forth with Gary. He took a look at our ordinance ahead of time and offered a few updates for 2020. The Environmental Commission had a plenty of questions about beekeeping in general, what residential beekeeping looks like, and what urban beekeeping looks like. Falcon Heights is by no means the first community to do this. Liaison Markon says he doesn't have a list of cities with beekeeping ordinances at the moment, but he certainly can get one if people are curious about that. Both Minneapolis and St. Paul have beekeeping ordinances. The provisions that are in this draft ordinance are mostly unchanged from 2012. There were a few things that were updated, based on what Commissioners thought was important, what Gary offered as comments, and then the Planning Commission has the draft tonight. This draft is the same that the Environment Commission looked at a couple weeks ago. They didn't have any extra comments at the time. The hope is that the Planning Commission can take a look at the draft in this meeting and offer any questions or comments. Liaison Markon says he will take the draft back to the Environment Commission at their September meeting. They may also stop at the City Council Workshop next week and do the same debriefing that is being done at this meeting. The draft will then go to the Environment Commission for their final vote of approval in mid September. Then the hope is that the Planning Commission will hold a public hearing on September 22<sup>nd</sup>. From there it will go to the City Council for perhaps a workshop or regular meeting for their consideration and approval. That is the timeline that they are currently looking at. The City Attorney reviewed the draft and didn't have much to say on it at the time. Liaison Markon said he will now turn the meeting over to Jim Wassenberg, and would be happy to take any questions or comments from Planning Commission members.

Jim Wassenberg, Chair of the Environment Commission, said that the draft they reviewed was from the original 2012 version. The Environment Commission did have a good back and forth with Gary Reuter, beekeeper from the University of Minnesota. A lot of the questions revolved around people with allergies to bees and distancing of the hives from properties requiring flyways. A lot of the internal discussion was around how should the people in the area be informed, should they be required to give consent, how would the City permit, how do we enforce violations or deny permits if people are not practicing the proper rules. All of that is in the proposal as it is sitting right now. The initial ordinance as it was written was actually in quite good shape.

Chair Larkin asked Wassenberg, as an example of notification of the neighbors, if the house next to the beekeeper is sold and the new resident of the property had a bee allergy. What happens in that particular case? Do they file a complaint and then it goes through the complaint hearing process? Or does the permit have to be reapplied for? It was decided that the permit needs to be reapplied for every year. Wassenberg says that at that time if someone in the area has a medically documented bee allergy then the permit could be denied. Wassenberg says maybe to clarify, it should be stated that the reapplication in that situation be denied as well. Larkin commented that he could see that the new property owner, if they have a bee allergy, and look in their back yard to see their neighbor has a bee hive in it, that all

of a sudden that property becomes much less desirable to them. Wassenberg agreed. Larkin mentioned to Liaison Gustafson that when the draft comes before the City Council that might want to debate how to deal with new homeowners.

Liaison Gustafson asked that if under this ordinance, everybody has to reapply every year and go through the full process? Larkin answered under permit (e) section (5), it says "all beekeeping permits shall expire on December 31<sup>st</sup> of the year following issuance". Liaison Markon said that they tried to mirror it on the chicken permitting process which are the first year, at whatever time you are issued, it expires at December 31<sup>st</sup> of the year after that, so if a chicken permit was issued right now, it will expire December 31, 2021. Then they renew sometime next year so it will start January 1, 2022, and then that is good for a full two-year cycle. So then it will renew again on January 1, 2024. Larkin said that it is not clear. Liaison Markon answered that the intention was that these would be on an every couple year basis, just like is done with chickens. Wassenberg said a two-year cycle is correct. Liaison Markon said that we only have about eight active chicken permits and are expecting a similar number, and maybe a couple less, of beekeeping permits. The thought is that because of how simple it is to renew a chicken permit, beekeeping is kind of a different thing to deal with. Because it is so different, there is a possibility to extend the permitting after the first year to probationary, perhaps making it a five-year or a non-renewable permit, unless something comes up such as a complaint or a medical issue in the case of bees. These are other things that can be discussed.

Liaison Gustafson asked how many people have expressed an interest in keeping bees in the City? Has anyone come to City Hall and said I would like to keep bees or are people actively wanting to keep bees in the City? Liaison Markon answered that that the City gets one or two requests a year. They mostly ask what are the limits. The current limits are that people can't actively keep bees, but they can encourage bees with Mason bee houses, which are not the same as honey bees. They can do limited attraction for bees if they feel inclined, but nothing on the scale of the honey beekeeping that this ordinance would permit. Liaison Markon said that he would think that there is some limited interest out there. The City has had chickens for going on seven years now and only have eight residents that have them. It is still considered a success. Liaison Markon says we have the provisions out there that people can keep chickens if they want to, but it is not anticipated having too many more requests for bees than chickens at this point.

Commissioner Gerich said that back to the allergy issue, he thinks it would be reasonable to have a clause that if there is a medically documented issue with any of the neighboring houses surrounding a beekeeping residence that there could be a review of a license. There may be a neighboring residence that is unaware of a medical allergy in their household that could become an issue after the fact. Other Commissioners agreed to add a clause. Liaison Gustafson asked if there would be a need for the City to notify the people surrounding a bee license that there is a beekeeper at this address, in the case of when the beekeeper applies for renewal. Liaison Gustafson said we are asking for 100% approval of neighboring properties in the ordinance, so would those same neighboring properties need to be notified each year that is going to be renewed? Jim Wassenberg said it would be the responsibility of the beekeeper to inform his neighbors. Liaison Markon said that it is inform at the

moment and not inform and sign here that you approve. The Environment Commission did debate that issue quite a bit in the last few meetings. The Environment Commission felt that informing was enough. It couldn't be denied if someone said "Well I just don't like bees". The way the ordinance is written at the moment is that the only way it can really be denied if someone has a medical condition or allergy for bees. Liaison Markon said the way the he was considering it was that they would not have to re-inform when they go to renew their permit, but we could make that a stipulation and that could certainly catch issues as they come up. But Liaison Markon would also think as Commissioner Gerich mentioned that if you all of a sudden find out that their child has a bee allergy, you probably know your neighbor has the bees you might do something a little quicker. The City would then be able to take care of the issue, perhaps in a non-renewal period. Jim Wassenberg thinks that the Environment Committee probably added to the area on Applications in section 4 regarding this issue. Chair Larkin responded to Jim Wassenberg saying that if something is revoked there probably should be some understanding that the beekeeper would have 60 days or some time period by which to divest themselves of the hives. Larkin says because this is not a cheap activity when people get into it. He isn't certain that it should be written into the code, there probably should be some consideration allowing them some time to make the change. Jim Wassenberg said finding a home for the bees is probably the biggest thing, and selling their equipment.

Chair Larkin said that he saw a comment about how some bees have been purposely breed to be docile or non-aggressive. Larkin asked if there was some talk about requiring a beekeepers to have those kind of bees as part of their hive. Liaison Markon answered that "no" there wasn't that discussion, although Gary Reuter from the University of Minnesota did say that, on the whole, honey bees naturally are calm little creatures. And Gary Reuter went through great pains to differentiate honey bees from wasps, from hornets, and to really go to bat for the honey bees. They are good for the environment, they are good for plant pollination, there's honey. Gary Reuter seemed to make the case that the bees themselves are pretty OK.

Chair Larkin said that he is certain that there would be some further editing of the document. Larkin discovered that there is a word missing in Section (d) under Colony Density, (5), third line. The word "of" is missing.

Commissioner Williams asked about clarification of the Colony Density in (2) section, dealing with a flyway barrier. There proceeded to be a back and forth conversation between Commissioner Williams, Chair Larkin, Liaison Markon, Liaison Gustafson and Commissioner Wassenberg regarding flyway barriers and placement of the hives on a beekeeper's property. Liaison Markon offered to wordsmith that section and get a better explanation. Chair Larkin says that he agrees that (2) of the Colony Density section could use some clarity. Larkin asked if anyone else had comments.

Chair Larkin says he likes the idea. Larkin says that giving people the encouragement to keep bees, if they so choose, is a great thing. Liaison Markon says that it was another thing that Gary Reuter did say, while there is the encouragement certainly to protect our pollinators, including honey bees, he did stress that if that is your only reason for keeping honey bees, then you are in the

wrong business. Honey bees are meant for honey production. That should be your primary goal when you go into this. So to save the pollinators, plant some plants that will help them naturally, or help your neighbors that want the honey. That was the big take-away from the conversation with Gary Reuter. Chair Larkin asked if it might be worth while to add Gary Reuter's comments to Section #1 if it fits. From the standpoint of saying that "whereas the keeping of bees is a commercial enterprise designed in order to generate and produce honey." Larkin said he could see people reading this and thinking to put a hive in their backyard to promote the bee population. Liaison Gustafson said that where it is clear that our purpose is for honey production, is the reason for this bee ordinance so that people can have their own honey production in their yard, rather than just good feelings for pollinators? Liaison Markon said "yes". Just like for chickens. You can't slaughter chickens in the City, so the only other thing is for the eggs. So just as people have been self-sustainable with their egg collecting if they have chickens at home, you can have your own honey if you have honey bees. That's the goal. Chair Larkin asked for any other comments. There were none on this subject.

## E. INFORMATION AND ANNOUNCEMENTS

### 1. Hendrickson update

Liaison Markon said that there is a Hendrickson project update. There will be more information probably at our next meeting. The Hendrickson apartment building at 1750 Larpenteur, is open, accepting new residents. While they were finishing up construction and getting everything ready to go this Spring, the City determined that they did not install the paver grass on the east side of the property. If you are standing on Larpenteur and you are looking at the front of the building this is on the left side between the building's east face and the Larpenteur Manor garages. The Hendrickson building, in the plans, called for paver grass on that east side. It is a special material that you can put underneath the turf grass that supports it and allows heavy vehicles to drive across, with the intention that they don't sink into the ground. It is useable year round to support vehicles. There is also a surmountable curb on the east side of their front parking lot so that vehicles can get over it without actually having to jump the curb. There is a nice divot that they can drive across and get to the east side of the building. The City determined that the paver grass was not installed as they were doing the construction. After some back and forth between the City, the general contractor, along with the building owners, they have determined that they would like to remove the paver grass from the project scope. Because the paver grass is in the site plan and was part of the approvals for the Planned Unit Development, in order to remove it from the scope, and in order for them not to put it in at this point, we would have to do a Planned Unit Development amendment, amendment to the code for their PUD. In the back and forth the City learned that they forgot to install the pavers. Liaison Markon spoke to the developer, and his understanding was that it was actually was removed from the project scope some months before the final approvals back in November 2018. Liaison Markon has looked at all the plans, and it shows up in every one of them; that paver grass is supposed to be there. Liaison Markon was not with the City at the time in the early phases when it was going through the Planning Commission, but only when it got the final Council approval. Liaison Markon does not remember it being talked about much. City Administrator Thongvanh does remember it a little bit. There were other fire department considerations that were talked about, and those we satisfied at the

time when everything got approved. But the paver grass piece, the real intention is that heavy duty vehicles could get through there any time of the year if they needed to access the east side of the building because they can't very well with the garages on the east side. The City's Fire Marshal and Liaison Markon visited the property a few months ago to take a look at this. The Fire Chief of Roseville also took a drive down and he took a look at things. In their professional estimation, they were satisfied with it not being in. Their thought was that for various reasons they probably wouldn't take a vehicle down there even if the pavers were there. The building has sprinklers in it so if there was a fire they would activate right away and douse the fire. As far as extrication, if someone was on that east side and they needed to come down they also felt that might not be the best tactical way to do it. They might be able to get them through the interior of the building a little easier. Liaison Markon felt that the fire professionals were satisfied if the pavers didn't go in. Liaison Markon says he anticipates in his discussions with the developer that they will have an application that will trigger the public hearing process that is due by next Tuesday, September 1 in order to be on the schedule for our next full Planning Commission meeting toward the end of September. This body will hold the public hearing, make a recommendation whether or not it is important to keep the pavers as part of the scope or not, and then final vote will be by the City Council a couple weeks after the Planning Commission recommendation. In the end, if the City Council approves the removal, then nothing else has to be done, the plans will be included with the planning development records for the project. If the Council votes that they deny the amendment request, then they would have to install the pavers sometime at a later date. Liaison Markon says that is the information he has at the moment, certainly happy to take any questions, but he wanted to provide that background before this comes up again.

Chair Larkin asked if there is a deadline for by which they need to do this, because right now they are in violation, correct? Liaison Markon says they are, but the City had to take some time to determine where they were at and if it was in the plans or not. If it doesn't make the September deadline then they will have more discussions, but the City is satisfied that as long as they make the September deadline for now, then we will be able to keep moving without any penalty to them. Chair Larkin asked if there are any questions. Liaison Gustafson mentioned that he recalled that the Falcon Heights Fire Chief at the time when it was presented to Council thought that it was a great idea to have those pavers. Tom Williams said that he remembers someone mentioning that extended hoses would serve the same purpose getting back to that section of the building, that a vehicle would not necessarily need to be driven down a small road. Liaison Gustafson said yes, it was not critical to fire fighting, it was just an add-on.

Chair Larkin asked if they did any landscaping there, or is that clear. Liaison Markon answered that when you look at the site plan where the wall of the building is located, it is about 14 feet from the property line, but then there are balconies on that east side which don't show up on the site plan. The building is 14 feet, but you're not going to get around a 4-foot balcony that hangs over the edge. And then on the east side of those balconies there is a French drain system and then turf all around that. When on site looking at it, technically the truck could fit, if it did and there were pavers there is also a chance that it would crush the French drain system. There is

also an electrical line along that east side right behind those garages, and that is what our Fire Marshal and the Roseville Fire Chief noted that it may not be the most adequate from a tactical side if you are trying to throw up a ladder or something else and you have an electrical pole right on the other side of you. So there is landscape grass just under the French drain system. If it is approved that they don't need to put pavers in then I assume that they will just continue to have the turf grass there. Chair Larkin said that where he was headed was is there a reason to make sure that the modified PUD prevents from installing planting trees or other shrubbery in that area that they would have to keep it as turf grass, Liaison Markon responded he would guess that we will see what they come up with in their amended landscape plan. From the City perspective there is not a concern if they put trees or shrubbery there, only that they have to be maintained. Chair Larkin said that was his only thought if there was some reason why that at some point that the Fire Marshal felt that they needed to get back there that if they were to put in landscaping that would prevent that then that would not be reasonable. Liaison Markon says that there is still 10 to 12 feet between the edge of the balcony and the back side of the property line. There is certainly enough room to walk and take a small vehicle such as a lawn mower.

F. ADJOURN

Adjourned by roll call at 7:48 PM.