

**CITY OF FALCON HEIGHTS**  
Regular Meeting of the City Planning Commission  
City Hall  
2077 West Larpenteur Avenue  
MINUTES  
March 28, 2023 at 7:00 P.M.

A. **CALL TO ORDER:** 7:00 P.M.

B. **ROLL CALL:**

Scott Wilson <u>  X  </u>	Jim Mogen <u>  X  </u>
Laura Paynter <u>    </u>	VACANT
Joel Gerich <u>  X  </u>	VACANT
Jake Anderson <u>  X  </u>	

Council Liaison Gustafson   X    
City Administrator Linehan   X    
Staff Liaison Lynch   X  

C. **APPROVAL OF AGENDA**

Mogen motion to approve agenda; approved 4-0

D. **APPROVAL OF MINUTES:**

Mogen motion to approve February 28<sup>th</sup>, 2023 minutes; approved 4-0

E. **PUBLIC HEARING**

City Code, Amber Union PUD Amendment

Staff Liaison Lynch introduced the history of the property and gave a background of the original Amber Union development after a re-zoning in June 2019 to a Planned Unit Development (PUD), followed by an amendment in October 2019 to increase the number of apartments. Amber Union ultimately received its Certificate of Occupancy and opened in late 2022.

The current PUD encompasses the 3.78 acre parcel on the corner of Larpenteur and Snelling Avenues. The two additional parcels to the west have served as 214 parking stalls, of which 167 are considered overflow parking. The current zoning of the two additional parcels is R5M, or mixed-use high density residential, the purpose

of which is to provide high-density housing with limited commercial uses within the same structure. The intent of the district is to meet or exceed the Comprehensive Plan's goal of 28 residential units per acre.

Lynch clarified that a PUD is essentially laid over the top of the zoning and allows flexibility in the use of the land. A PUD is required for all developments having two or more principal uses or structures on a single parcel of land.

Buhl has proposed a 630 square foot building for a Caribou Coffee with a drive-thru facility, comprising .43 acres of the 2.58 acres west of Amber Union. The building would have a walk-up window and exterior seating, but no internal space or seating for customers. There would be a 183' stacking lane for vehicles. The plan would remove 58 parking stalls from the existing lots, leaving 109 spaces considered overflow.

After Buhl approached the city, staff identified three potential options for the project to move forward:

1. Amend City Code to allow drive-throughs by right
2. Amend City Code to allow drive-throughs in certain zoning districts by a Conditional Use Permit. This allowance would stay with the land.
3. Amend City Code to allow drive-throughs through PUDs, which would also require an amendment to the existing Amber Union PUD

This project will be looked at through Option 3. The Amendment process would be the same as for any amendments to the Zoning chapter of city code.

The changes would be as follows:

1. Amend City Code definition of a drive-through facility to allow for eating establishments only as part of a PUD
2. Amend the Amber Union PUD to extend to cover the two additional parcels
3. Amend permitted uses for Amber Union PUD
4. Amend supplemental regulations for drive-through facilities

Pete Deanovic from Buhl Investors then provided an overview of the project, which is contained within the meeting agenda packet. Mr. Deanovic noted the existing partnership between Buhl and the City of Falcon Heights during the Amber Union Projects, and the desire to create a mutually beneficial project for Buhl and the City. He also noted his earlier promise to not propose a project for the western parcels before Amber Union was 100% occupied, which he noted was reached in early 2023. Paul Guidera, Director of Real Estate for Caribou, then gave some of the history and context behind Caribou's decision to partner with Buhl to propose a project at this location.

Chair Wilson then opened the public hearing.

Farook Meah (1597 Hollywood Ct) – Concerns about traffic, removal of stop sign on Snelling Drive, garbage generated by Amber Union.

John Larkin (1725 St Mary's St) – Request that Commission consider use of PUDs in planning process, use more as a planning tool than acceptance of projects on individual lots and locations. Consider separation of modifications to code & PUD submissions to be reviewed separately.

Judy Baldwin (1603 Hollywood Ct) – Concerns about Amber Union garbage, additional waste generated by additional business. Traffic/stop sign removal.

Irene Gengler (1611 Hollywood Ct) – Concerns of traffic flow, questions about traffic study.

Mary Ryker (1710 W Larpenteur) – Concerns for traffic, pedestrian safety crossing Larpenteur, trash at bus stop and Amber Union.

Jim Bykowski (1745 St Mary's St) – Questions about lot space south of the planned Caribou, exits to side streets.

Bev Larkin (1725 St Mary's St) – Pedestrian and vehicle safety. Traffic study was 5 days in February, not representative of year-round

Jeannie McPherson (1724 Asbury St) – Concern that approving this could open other businesses to request drive-throughs

Heather McNeff (1710 Asbury St) – Concerns about air pollution, children living nearby

Kate Laszewski (1615 Maple Knoll Dr) – Project does not match goals of current zoning, business model is based on commuters not residents, pedestrian access is through a window and thus seasonal.

Chuck Laszewski (1713 St Mary's St) – Asked whether a carbon dioxide emissions study was done – no. Traffic flow concerns. Other cities including Minneapolis have banned drive-throughs in large part because of carbon dioxide emissions. Climate and environmental concerns. Keep drive-throughs out of Falcon Heights.

Rice Davis (1407 California Ave) – Follow the Jan 11<sup>th</sup> City Council climate resolution. Other location drive-through coffee shops (Starbucks, Mudslingers) have traffic issues. 26 events at fairgrounds, will make morning traffic challenging throughout summer.

Wendy Noble (1539 Crawford Ave) – Drive-through issue has been reviewed and renewed on many occasions. Don't believe that a PUD should be used as an exception for drive-throughs.

Katie Carpenter (1700 St Mary's St) – Referenced January 2023 City Council climate resolution. Pedestrian safety.

Chair Wilson asked two additional times for any public speakers. Commissioner Mogen motioned to close the hearing, approved by consent.

Commission members then discussed their thoughts on the issue. Commissioner Mogen noted his concerns about the existing zoning, and that this plan is among the lowest density potential uses of the land, in addition to concerns about traffic and questioning the revisiting of what has been 20 years of not allowing drive-throughs. Commissioner Gerich expressed concerns about modifying both the city code and PUD together to allow this project, and the precedent that could be set by utilizing this option to allow drive-throughs in the city. Chair Wilson complimented Buhl on the Amber Union project and clarified with Mr. Deanovich when the building was fully occupied. City Administrator Linehan noted that the city commissioned the traffic study, not the developer. Wilson noted the project does not fully align with the Comprehensive Plan regarding environmental, safety, and health concerns.

Commissioner Anderson motioned to recommend the denial of the amendment to City Council, the motion passed by 4-0 vote.

Chair Wilson called a 5-minute recess, the meeting resumed at 8:45

## **F. NEW BUSINESS**

### **1. Comprehensive Plan Review**

Staff Liaison Lynch discussed the subcommittee meeting to review progress towards the policies and goals of the Comprehensive Plan. The commission decided to make the April 25<sup>th</sup> Planning Commission meeting a workshop unless critical agenda items or a public hearing is scheduled ahead of time.

## **G. INFORMATION AND ANNOUNCEMENTS**

### **1. Staff Liaison Report**

Staff Liaison Lynch announced the submission of an application for the Critical Corridors grant fund to do the Larpenteur/Snelling corridor study. The City Council approved the grant application in the last meeting.

### **2. Council Liaison Report**

Mayor Gustafson expressed his pleasure in re-engaging with the Planning Commission and is looking forward to working with the group again.

Commissioner Mogen motioned to adjourn, approved 4-0

**ADJOURN 8:50 P.M.**