

**CITY OF FALCON HEIGHTS**  
City Council & Planning Commission Joint Workshop  
City Hall  
2077 West Larpenteur Avenue

**MINUTES**

Wednesday, August 7, 2024  
6:30 P.M.

A. CALL TO ORDER: 6:33 PM

B. ROLL CALL:           GUSTAFSON\_X\_           LEEHY\_\_\_  
                          MEYER\_X\_   MIELKE\_X\_   WASSENBERG\_X\_  
  
                          WILSON\_X\_                   PAYNTER\_\_\_  
                          BROOKS\_X\_                 TRACY\_X\_  
                          MOGEN\_X\_                 SEIFERT\_X\_  
                          ANDERSON\_\_\_

STAFF PRESENT:   LINEHAN\_X\_   LYNCH\_X\_   VAN DER WERFF\_X\_

C. POLICY ITEMS:

1. City Code Updates

Community Development Coordinator Lynch provides changes to City Code updates that she and the Planning Commission have been working on.

The first major update is Accessory Dwelling Units (ADU). Lynch explains Missing Middle Housing is a Senate Bill that did not pass this year and refers to house-scale buildings with multiple units in walkable neighborhoods. An ADU is defined as a second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. They can help add to the housing supply without changing the look and feel of neighborhoods.

The Planning Commission proposes the following changes to the City Code related to ADU:

- Permitted in R-1 as an accessory use; permitted in other zoning districts if on a lot with one single-family residence
- Same setbacks as accessory buildings and garages
- Detached garages with an ADU may be two stories or 25' in height, whichever is less (otherwise 15' max)
- No more than one on a lot
- Either principal dwelling unit or ADU should be owner-occupied; must be under single ownership. ADU may not be sold independently of SFR.
- May be attached to, detached from, or internal to an SFR; may also be located within a garage.

- Only the SFR or ADU may be rented at once. At least one of those must be owner-occupied
- Home occupations are allowed in an ADU
- Must have at least 250 square feet of living area, max of 1000 square feet; but in no case may exceed 75% of principal dwelling unit's four-season living area
- May not occupy more than 40% of a required rear yard
- Maximum of two bedrooms
- May not be located closer to the front property line than the principal building
- Entryway must be connected to street or alley frontage with an improved walkway
- Must be constructed to be compatible with existing principal dwelling (design, form, height, materials, landscaping)
- ADU Parking – Currently drafted in code to not require additional parking outside of what is required for the existing single-family residence

Councilmember Wassenberg finds architectural unity favorable but it's hard to require. Commissioner Mogen adds the commission is concerned with odd-looking homes that do not fit within the neighborhood at all or the use of different materials.

Mayor Gustafson clarifies the 40% requirement of the rear yard. Councilmember Wassenberg points out it is more restrictive than having an impervious surface requirement. Check the code on what constitutes an impermeable surface.

Councilmember Meyer wonders if backyards are large enough in certain neighborhoods. He wants to ensure there is an option for everyone. Lynch explains there are other options such as in the basement or on top of the garage. Ultimately it would depend on the lot size and backyard.

Gustafson wonders how an ADU inside of a home is different from a duplex. Lynch explains that typically zoning is different from duplexes. These updates would also require the owner to occupy one of the units.

Commissioner Tracy asks about a separate address for the ADU. Lynch explains an ADU would be assigned Unit B and that would be shared with Ramsey County to add to addressing, the postal service and other agencies. Councilmember Mielke notes emergency vehicles will need to know the exact address. Lynch explains the new address will be updated in all emergency communication systems and the number needs to be visible from the street.

Lynch explains how the wording is being updated in the City Code. A definition for ADU was added. The one-story requirement for garages was removed. There are separate height requirements between one-story garages and two story garages to allow for ADU. Councilmember Mielke wonders if two-story garages are allowed now. Lynch comments it currently is not allowed. Linehan explains occupancy is the differentiating factor, storage is not problematic as long as it does not go above the height.

Gustafson wonders if someone has an ADU, would it require a rental license? Lynch answers yes, this would be added to the current licensing application as an option.

Wassenberg wonders about short-term rentals, which is a good purpose for ADU. Lynch adds there currently is no language regarding short-term rentals in City Code. She notes it's good to have owner occupancy for oversight.

Gustafson wonders about parking for ADUs. Lynch explains that this is a topic that requires a discussion as requiring 3 parking spots is up to the City Council. Wassenberg points out there could be different parking requirements for renting it out versus having a family member living there. Gustafson also believes the parking requirement depends on the purpose of the ADU. Lynch answers it's a difficult requirement to put in City Code. Councilmember Leehy notes it can be tricky to park on the street on certain blocks in Falcon Heights.

Commissioner Seifert explains he resides in the Northome neighborhood, parking used to be an issue with surrounding apartment buildings, but there is less traffic and parking around the apartments now. Leehy notes, parking can be tricky during the winter with snow on the roads.

Chair Wilson believes it would not add more than one car per block; people are having fewer vehicles nowadays. Lynch explains no more than two bedrooms are allowed for the ADU. Linehan adds if you think about how much of the current housing stock in the city has limited parking space and lot space, a majority would not be able to add an ADU. Lynch wonders if the Council is ok with not adding a parking requirement. Gustafson believes there will be problems if there is not a 3-car minimum. He believes adding density and not allowing for enough parking creates issues and parking tickets, especially during the winter time when there is snow. Leehy agrees it is problematic in the wintertime and maybe it's something that could be looked at later. Wilson notes you can't go back to make changes and make people add parking if they already allowed the ADU and are at a maximum of impervious surface.

Wassenberg and Seifert discuss parking in the Northome neighborhood which has a mix of single-family homes and apartment buildings. The apartment buildings used to take up more parking, but ownership changed, and now there are barely any vehicles that park in the neighborhood on the streets. Meyer agrees with not requiring an extra parking spot. Gustafson believes it should require 3 parking spots, and Leehy and Brooks agree. Mogen argues it would minimize the places that can allow ADUs. He regularly surveys city streets for parking and he never encounters parking problems. Wilson agrees, apart from the State Fair, but says that is problematic for the whole city. Brooks wonders how many houses already have 3 parking spots. Lynch notes the issue is the Northome neighborhood as they would be eliminated instantly with the 3-parking spot requirement. Seifert and Wassenberg add that even most houses in Northome have expanded their garages and have a small driveway, already allowing for 3 cars.

Lynch moves on to discuss updates around Multifamily Parking Minimums. The current City Code states the following:

- Multifamily Dwellings – Currently requires two spaces per dwelling unit, except 2.5 per dwelling unit required for buildings with 10 or less that abut no street parking zones.
  - At least ½ of the spaces must be enclosed unless the property abuts an alley

The Planning Commission proposes the following changes

- One space per dwelling unit, except 1.5 per dwelling unit required for buildings with 10 or less that abut no street parking zones.
  - Same requirement for ½ to be enclosed, unless abutting an alley

Lynch explains what was approved in the past in Falcon Heights and other cities.

Wassenberg states that if a large building has no parking onsite or nearby that it becomes more problematic. He believes it should be 1.5 regardless of the size of the building. He notes not all street parking is available parking either, for example, it could be permitted parking. He suggests a minimum of 1 per unit, if curbside parking within a certain range is not available, then there should be a 1.5 requirement.

Mogen thinks it's a reasonable idea. Larger buildings have developers and analysts that consider the market demand. Amber Union does not have any parking adjacent to them, only a surface lot. Linehan adds most Larpenteur and Snelling would follow that rule.

Wassenberg wonders about the covered parking requirement and if that needs to remain in the City Code. Lynch explains the Planning Commission suggested updating that. Linehan believes that covered parking has provided issues as certain apartment buildings sell the covered parking garages for higher prices than their tenants are willing to pay, forcing them to park on the surface lot or street.

Lynch adds, you can require two parking spaces, but buildings can still rent them out forcing residents to park on the streets. The parking requirement gets waived for affordable housing.

Gustafson wonders about adding guest parking requirements like other surrounding cities. Wilson points out that transit-oriented developments do not require visitor parking, and Larpenteur and Snelling have transit nearby.

Mogen and Wilson point out that Falcon Heights is more comparable to Minneapolis and St. Paul than to the suburbs to the north. Both those cities moved away from parking requirements for new developments.

Leehy notes there is not enough parking in Minneapolis. Public transit does not always align with people's schedules. She would like to keep it at two parking spots required.

Wilson disagrees and believes a two-parking spot requirement is wasted space. It makes housing less affordable as building parking lots are expensive. The only

spaces left for development are on Larpenteur and Snelling and those are both on bus lines.

Tracy brought up the parking issue from Amber Union residents parking on Hollywood Ct. and that was resolved pretty easily. So why require more than one parking spot? Lynch notes that overnight permitted parking has resolved the issue mostly.

Gustafson wonders about 1 parking spot per bedroom. Wilson explains there is not a lot of vehicles at Amber Union and they have numerous 3-bedroom units.

Mogen reiterates that developers know the market and know how to meet market demand.

Mielke wonders if the two-parking spot requirement scares developers away. Tracy states developments are having fewer bedrooms as it is not as cost-effective, he believes we should look at what developers are doing as they have studied the market.

Linehan explains numerous buildings were built before zoning laws and PUDS. They don't have the amount of parking that currently is required in the City Code.

Meyer agrees with the points Mogen and Tracy make and agrees the developers take market and housing needs into consideration.

Mielke likes the planning commission recommendation.

Lynch wonders about the covered parking requirement and clarifies the 1 and 1.25 parking requirements across the board. The council agrees to scratch the covered parking requirements.

Lynch explains other City Code Changes the Planning Commission proposes:

- Removed underground parking credits
- Trash Cans, currently they are not allowed to be visible from the front of the street. 90% of the city is in violation. They suggest allowing them located behind the front line of the house (to the side of the house).

Commissioners and Councilmembers agree with the proposed change. Other changes include:

- Home Occupations, allowable in accessory dwelling units, and updated definition to one from APA dictionary.
- Maximum building height, two stories or 25', whichever is lesser in height. To make consistent throughout City Code,
- Removed fall-out shelter and guesthouses, both could be covered under ADU
- Family Definition, removed exclusive of servants, added domestic partnership. Still keeping max of 4 people, not related.
- Vacant properties, updated to exclude inhabited ADU unless both the ADU and SFR are unoccupied.
- Add an expiration to a PUD. Currently, there is no expiration if a PUD is approved. It's problematic if a property does not get developed. Lynch suggests adding an



expiration time for when a PUD does not get developed, they would have to request an extension. She explains she wants to do more research into the issue and is not ready to move forward yet. Mielke wonders if a change in ownership ends it. Lynch notes not currently. Leehy agrees a phased aspect would be beneficial, specifically when there are financial hiccups.

- Vacant Properties – Excluded uninhabited ADUs unless both the ADU and single-family residence are unoccupied.
- Other grammatical updates.

Lynch explains the next step would be to draft an ordinance with changes to the City Code. The Planning Commission will hold a Public Hearing. The Planning Commission will then vote for a recommendation of approval or denial to the City Council. Lastly, the City Council will vote for approval or denial.

Linehan notes zoning code requires a public hearing with the Planning Commission.

Wassenberg wants to note that available curb parking should be explained.

Lynch explains that on-street parking, even with a permit, is first come, first served. Not available curb parking does not exist, because permitted parking is still available.

Lynch explains what other items she wants to update in City Code. For example, cannabis businesses within the City, but more research is needed.

City Council thanks the Planning Commission.

Mogen motions to adjourn at 8:02 PM Brooks seconded, and unanimously approved. The Planning Commission adjourned at 8:02 PM

## 2. Community Park Discussion

Linehan explains City Staff has looked at the viability of upgrading the current building. Kraus-Anderson provided detailed plans and a cost estimate. To bring the current building up to the current building code would cost roughly \$800,000. It would cost roughly \$1.4 million to be a functional building. Linehan compares that number to what it would cost to build new, which would be around \$1.5 million. Kraus-Anderson's analysis does not see this as a good investment, as a new building has more longevity. They are also concerned with cost increases and their variance is high. Linehan explains the old building has its challenges, but was a useful exploration.

Secondly, he asked HCM to look at an outdoor shelter concept and they provided examples. He believes this needs to be tweaked as colors and materials that were previously selected were not used, but says the sketches can be used to get a general idea This would cost \$1.1 million. He's disappointed with the rendering but it provides ideas. It will have a kitchen for concessions.

The council agrees there are problems with the examples provided.

Mielke wonders about gender-neutral/all-gender bathrooms. Linehan notes if Code allows it, they can drop a stall and have them all gender. Add automatic locking doors that will be alarmed after certain times to prevent sleeping in bathrooms.

Wassenberg wonders if it is heated and a year-round concept. Linehan believes it would still be functional year-round, but it would be cold in the winter. He explains it's a premium shelter with the option to add a fireplace. Mielke wonders about safety and a fireplace. The council discusses fireplaces at other locations.

Leehy wonders about area heaters for the concession area. Linehan is unsure about the building code, but agrees a baseboard electric heater could be explored. It would provide small heat for the concession, but not having heat lowers the overall cost.

Linehan explains the price estimates for the shelter are:

- $570 \times \$900/\text{sf} = \$593,000$
- $1,186 \times \$550/\text{sf} = \$652,300$
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He wonders what direction the Council wants to go without providing indoor space. A suggestion is updating the City Hall in the near future, specifically the Council Chambers and the conference room. There is not enough space and time in the week to allow for rentable space at City Hall currently. He adds City Hall used to be a rentable space for the community and could be again, but it would require some updates.

Mielke provides an example of Mounds View City Hall. The council discusses more ideas for City Hall.

Mielke likes the outdoor shelter idea.

Leehy wonders about inclement weather and if there is shelter available. Mielke wonders if there are safe shelters at other parks. Linehan explains if it serves for programming, there will need to be shelter present to protect from inclement weather. Mielke notes there is no programming that kids sign up for.

Linehan explains City staff is looking at being creative with partnering with other programming in surrounding areas and offering a coverage of cost or a reciprocity. Gustafson proposes movies in the park as programming.

Mielke wonders if the concessions could serve as a safe shelter. Linehan would need to check on occupancy.

Wassenberg explains he was curious about bringing the old building up to code, but he leans more towards a shelter now. He likes that is not heated year-round, which means it has less ongoing cost and no mechanical.

The council discusses adding more outdoor seating and allowing as much use.

Linehan adds this new roof can allow for solar to cover the electric cost.

The council would like to move forward with the demolition of the current park building, looking at the cost of upgrading City Hall. The savings would allow for more outside park amenities.

Mielke wonders about timing. Linehan believes they can start the planning and bidding process in the fall of 2024, and spring 2025 they can start demolition and building. He informs the Council the City did not get the DNR Grant for the playground, City Staff is going to try again next round. Now that playground plans are built out more, staff is more confident they will get the grant. It will be used to cover the cost of rubberized surfaces at the playground. Gustafson likes the rubberized surface, which is safer and more accessible.

Linehan is going to discuss the new plan with all the vendors and rescope the project to lower overhead costs. He wonders how the Council wants to involve the Parks Commission. Mielke suggests involving them in playground designs.

Wassenberg does not want to delay building the shelter. It would be wise to involve the Parks Commission in certain decisions such as park amenities, playground design and other items relative to the commission. Linehan agrees some finishes were already selected and can be incorporated into the shelter.

Linehan wonders what the Council's opinion is on the size of the shelter. Gustafson notes it allows for big solar panels to power the concession. Mielke likes that this also allows for more tree preservation.

Meyer wonders about a more generic premanufactured shelter and what the cost would be compared to this proposed shelter. Linehan notes the total estimate for the pavilion option is \$1.165M, but he believes it will come in lower.

### 3. Future Agenda Items

Linehan explains the schedule for the budget workshops in August and September, which he plans to have after regular Council meetings. In September, staff will be getting ready for assessment hearings and the Falcon Woods PMP. They will work on updating language in the assessment policy.

Mielke suggests discussing ordinance and policy changes about renters' rights that were provided by HOME line. Linehan wonders about the language that other cities have regarding this topic. Mielke says that Brooklyn Park has great policies. Linehan notes he would be interested to see other cities' policies.

### 4. Tenant Remedies Act

Linehan had a legal opinion drafted by the City Attorney around the Tenant Remedy Action (TRA) and when to file it. The Council discusses the direction provided by the City Attorney. Linehan wanted to share the information with the Council but needs to further discuss it with the City Attorney, as this is a legal opinion. The Council continues the discussion around providing solutions for tenants at Amber Union. Mielke states the Attorney General's office provided a different opinion than the City Attorney's. Meyer notes it's good to know there are options available.



Mielke states she is disappointed that the letter to Buhl did not include anything about the tenants not having air conditioning or rent credits and believes providing healthy and safe living circumstances is a requirement by the state. She feels the city did not do enough to help the tenants. Linehan answers there is not enough for the City to pursue action outside of the municipal authority for rental licensing, that he wants to help tenants as well, but there is no mechanism that can help them in court. They are following a procedure for code enforcement.

Mielke wonders about measuring air quality at Amber Union. Linehan notes a third party would need to be brought in as the City has no way to measure air quality. If the Fire Marshall finds reason, he may be able to require the owners to bring in a third party.

Linehan would like full direction from the Council on how to proceed. He wants to hold them accountable, but wants to follow the procedure. The majority agrees that the current path of action the City is taking is correct. Gustafson suggests maybe code amendments can be looked at by the Planning Commission.

Linehan provides updates from Amber Union since a violation has been sent. He clarifies that a license suspension could be a potential consequence if standards are met in the letter. Certain requirements could be included in a future TIF agreements.

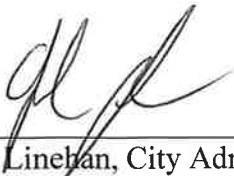
D. ADJOURNMENT: 9:27 PM

*DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to [mail@falconheights.org](mailto:mail@falconheights.org) prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.*



Randall C. Gustafson, Mayor

Dated this 28<sup>th</sup> day of August, 2024



Jack Linehan, City Administrator