

**City of Falcon Heights  
Planning Commission Minutes  
August 24, 2010**

**PRESENT:** Commissioners Black, Gustafson, Hasegawa, Minns, Noble, and Rodich, Council Liaison Harris, City Attorney Tom Scott, Staff Liaison Jones.

**ABSENT:** Commissioner Wartick (with notice)

A quorum being present, the meeting was called to order by the Chair at 7:02 p.m.

The Planning Commission minutes for May 25, 2010, were approved.

**Public Hearing: Amending the Falcon Heights City Code to establish a mixed use, high density residential zoning district R-5M and the rezoning of certain properties to R-5M to be consistent with the City's adopted Comprehensive Plan**

At the invitation of the Chair, Staff Liaison Deb Jones presented a comprehensive introduction to the matter at hand, including an outline of the City's obligations under the Metropolitan Planning Act to meet expected growth in population, a summary of the years of City process that led to the adoption of the present comprehensive plan and the reasoning behind the selection of the properties proposed for rezoning tonight, as well as the proposed character of the new R-5M zone.

In a nutshell, Falcon Heights is required to designate sufficient land to accommodate housing for the 250 additional households projected to be added to the city by 2030 and to revise its zoning code to allow for that housing to be built. The proposed code amendments would establish a new mixed-use multi-family residential zone that would also allow the commercial uses currently allowed in the B-2 business district. The properties proposed for this new zoning district, R-5M, are portions of TIES and Spire properties, Larpenteur Manor and Hermes. At 28 housing units per acre (the average density of existing apartment building properties in Falcon Heights) this would be enough land to add 250 housing units in the next 20 years.

Ms. Jones emphasized that redevelopment is not required and that there are no known plans to build at this time. All that is happening is that the City is making sufficient land available for possible future housing development, as required by the Metropolitan Planning Act. She introduced Tom Scott, city attorney, who was present to help answer questions from the public and to advise the Commission.

In addition to the new zone, the R-4 section is being revised to bring it into line with the actual average housing density in the city's existing R-4 zones, which averages approximately 28 units per acre. Also, the R-3 zone (12 units per acre) is being restored to the code to allow for future town home type redevelopment. Although the comp plan identified some areas where this type of development could take place in the future, no land is being rezoned R-3 at this time.

Commissioner Gustafson opened the public hearing. The first person to speak was Florian Lauer of 1736 Tatum. Mr. Lauer said he thought the hearing was about the conditional use

permit at Spire Credit Union. Upon being informed by the Chair that the hearing on that matter had taken place in May and having the current issue recapped for him, Mr. Lauer said it seemed to him to be the city giving the green light for “anything goes” and “maximum zoning” regardless of the impact on neighborhoods.

Commissioner Black asked staff if it wasn't the case that these matters of housing density and where to locate new housing had been extensively discussed during the formation of the comprehensive plan and that the present rezoning is simply a matter of carrying out a plan already approved and adopted. Ms. Jones confirmed this is the case.

Mr. Choong Sihm Youn of 1742 Tatum came next to the podium. He said he is an architect and has witnessed at first hand the cozy relationship between developers and cities. He pointed out an apartment development in Lauderdale that he said has destroyed the quiet character of that city. He feels the properties proposed for rezoning will be prime targets for profit-motivated developers who will bring similar changes to Falcon Heights and make it a less desirable community.

Mr. Lauer spoke from the audience to ask if Falcon Heights could not rezone at a “lower level” – say, as R-4, so as not to give the green light for “maximum development.”

Ms. Jones asked the chair if she could take a moment to clarify the meaning of the zoning designations. She said zoning district names and definitions are not standardized definitions “out of a box.” They are defined by individual cities and “tailor-made” by each city to fit its own circumstances. The new zoning district description was crafted by the Falcon Heights city attorneys specifically and carefully to meet the requirements of the comprehensive plan and is unique to Falcon Heights. It creates a zone – unique to Falcon Heights – that allows the kind of apartments the city already has on its R-4 properties plus the business uses in the present B-2 district and gives owners some flexibility to have commercial, residential or mixed use on these four properties. The “M” stands for mixed, not maximum. The “5” is used because it is the next number after 4, not because it represents some kind of “ramping up” of density or intensity of use.

In answer to questions from commissioners, she confirmed that the new zone would permit greater densities (up to 40 units per acre, which is comparable to the highest density multi-family properties already existing in the city) only if the property is not adjacent to any R-1 district and there is parking under the building. Effectively, this means only south of Larpenteur and west of Snelling.

Judy Bailey of Hollywood Court had a question about the map. She pointed out that the map appears to show that the State Fair parking area south of Hollywood Court is part of the TIES property and asked if this is so. Ms. Jones apologized for not making the map more clear and confirmed that the number was just there to relate the cross-hatched TIES area to the map legend. The parking lot in question is indeed State Fair property.

Mr. Youn came to the podium again to ask why the P.U.D. zones were not under discussion. Ms. Jones said that the map he was looking at was one of a couple of color copies that had been placed out for display only and that the colors for R-4 and the existing P.U.D. properties are very similar, but those are P.U.D. zones that exist already in the city, not part of the present rezoning matter or any future plan.

Mr. Youn then asked if the parcel that is part of the Spire property nearest to his home could be taken out of the rezoning proposal. Would it leave enough room for the 250 units on the remaining properties. Ms. Jones replied that it was very likely that all of the proposed R-5M parcels would not be needed to provide the needed housing, but eliminating any one of them would possibly constrain the city's housing options too much. That one was included because it seemed like a good candidate. The candidate parcels are all in the comprehensive plan, which is not up for change at this time.

The next speaker was Tom Bertz, resident of Roseville, who spoke on behalf of TIES, 1667 Snelling. He is the Special Activities Director for TIES and had spoken at length with city staff and the TIES counsel and board about the proposed changes. He said TIES fully supports the planning changes but has no plans to alter the use that part of its property which is included in the rezoning.

There being no further public comment, the public hearing was closed.

### **Discussion and Recommendations on the code amendments and rezoning.**

The Commission having worked on these matters for seven months, there was no additional discussion. Commissioner Minns moved that the amendments be recommended for approval, Commissioner Black seconded. Motion approved unanimously.

Commissioner Rodich moved, Commissioner Minns seconded, that the rezoning be recommended for approval. Motion approved unanimously.

### **INFORMATION AND ANNOUNCEMENTS:**

Staff Liaison Jones gave "profound" thanks to the commissioners, city attorneys and Ms. Harris for their many hours of hard work over many months on this implementation of the comprehensive plan. The Commission's action is not the final word. The matter will go to the City Council in September.

Ms. Jones reminded the audience that the customary additional parking restrictions are in place for the State Fair. Those who need parking permits should have received a letter and need to make sure they get their permits before the Fair opens. She reminded those who are new to Falcon Heights that parking on lawns is not allowed.

The Citywide garage sale is coming up Saturday, September 18. Residents hold their garage sales and the City pays for the ad. Interested residents should sign up no later than the Tuesday before.

The annual neighborhood clean-up is the following Saturday, September 25, at the State Fairground. Residents should receive a mailing with instructions and prices. Proof of residency is required. Volunteers are needed to help unload vehicles.

Commissioner Gustafson thanked staff, Mr. Scott and the other commissioners for all their work leading up tonight's hearing. He called for an adjournment motion.

**ADJOURNMENT:** The meeting was adjourned at approximately 8:15 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison