

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 4/21/2014
ITEM NO: 9.c

Division Approval

City Manager Approval

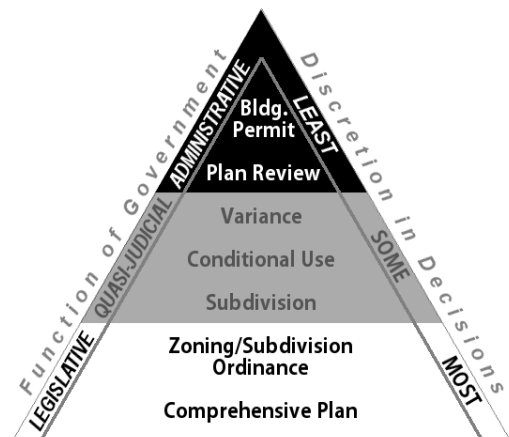
Item Description: Request by J.W. Moore, Inc., holder of a purchase agreement for the residential property at 297-311 Co. Rd. B, for approval of a rezoning from LDR-1 to LDR-2 and a preliminary plat creating 7 residential lots

Application Review Details

- Public hearing: April 10, 2014
- RCA prepared: April 11, 2014
- City Council action: April 14, 2014
- Statutory action deadline: April 29, 2014

Action taken on a proposed zoning change or easement vacation is **legislative** in nature; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community. Action taken on a plat proposal is **quasi-judicial**;

the City's role is to determine the facts associated with the request, and apply those facts to the legal standards contained in State Statute and City Code.



1.0 REQUESTED ACTION

J.W. Moore proposes to rezone the residential parcels at 297-311 County Road B to facilitate a 7-lot single-family residential plat. The proposal also includes vacation of an existing drainage and utility easement with the intent to relocate the easement and install storm water infrastructure that would improve area drainage as well as meet the requirements of the proposed development.

2.0 SUMMARY OF RECOMMENDATION

The Planning Division concurs with the recommendation of the Planning Commission to approve the proposed REZONING, EASEMENT VACATION and PRELIMINARY PLAT; see Section 8 of this report for the detailed recommendation.

3.0 BACKGROUND

- 3.1 The subject property, located in Planning District 16, has a Comprehensive Plan Land Use Designation of Low-Density Residential (LR) and a zoning classification of Low-Density Residential-1 (LDR-1) District.
- 3.2 When exercising the City's legislative authority when acting on a REZONING request, the role of the City is to review a proposal for its merits in addition to evaluating the potential impacts to the public health, safety, and general welfare of the community. If a rezoning request is found to be consistent with the Comprehensive Plan and is otherwise a desirable proposal, the City may still deny the rezoning request if the proposal fails to promote the public health, safety, and general welfare.
- 3.3 When exercising the so-called "quasi-judicial" authority when acting on a PLAT request, the role of the City is to determine the facts associated with a particular request and apply those facts to the legal standards contained in the ordinance and relevant state law. In general, if the facts indicate the applicant meets the relevant legal standard, then they are likely entitled to the approval, although the City is able to add conditions to a plat approval to ensure that the likely impacts to roads, storm sewers, and other public infrastructure on and around the subject property are adequately addressed.
- 3.4 An applicant seeking approval of a plat of this size or a rezoning is required to hold an open house meeting to inform the surrounding property owners and other interested individuals of the proposal, to answer questions, and to solicit feedback. The open house for this application was held on January 6, 2014; the brief summary of the open house meeting provided by the applicant is included with this staff report as Attachment C.

4.0 REZONING ANALYSIS

- 4.1 The LR guidance of the property in the Comprehensive Plan allows for two possible low-density zoning designations: the existing LDR-1 and the proposed LDR-2. Since the subject property is about three-and-a-half acres in size, the proposed seven lots would yield about two dwelling units per acre, which about half of the recommended maximum density of single-family detached homes established in the Comprehensive Plan.
- 4.2 The proposal seeks to create seven single-family residential lots from the land area of the two existing parcels. The land area and frontage length along County Road B and Farrington Street is sufficient for seven lots, as proposed, that meet or exceed the minimum width and area requirements for residential parcels in the existing LDR-1 zoning district. While the rezoning to LDR-2 isn't essential to creating a 7-lot plat, the smaller minimum width and area requirements of the LDR-2 district facilitates a better arrangement of the proposed lots and keeps the width of the lots more consistent with the adjacent properties along County Road B and Farrington Street.
- 4.3 The narrowest of the proposed lots are 70 feet wide, and the smallest area is about 11,500 square feet, which exceed the minimum requirements of 60 feet of width and 6,000 square feet of area in the LDR-2 district.

5.0 EASEMENT VACATION ANALYSIS

- 5.1 The Public Works Department staff has reviewed the proposed vacation/relocation of the drainage and utility easement as illustrated in Attachment C and is supportive of vacating the existing easement provided that the proposed replacement easement meets the

pertinent requirements. The applicant is continuing to work with Public Works staff on these details.

- 5.2 Since the Planning Commission is responsible for holding the public hearings for applications like the proposed vacation, Planning Division staff is preparing the report and supporting materials for review. But the Planning staff doesn't have an interest, *per se*, in such proposals and merely conveys the comments and recommendation of the Public Works Department in addition to coordinating the review of the proposal by the Planning Commission and City Council.

6.0 PRELIMINARY PLAT ANALYSIS

- 6.1 Plat proposals are reviewed primarily for the purpose of ensuring that all proposed lots meet the minimum size requirements of the zoning code, that adequate streets and other public infrastructure are in place or identified and constructed, and that storm water is addressed to prevent problems either on nearby property or within the storm water system.
- 6.2 As noted above, the proposed PRELIMINARY PLAT meets the requirements for drainage and utility easements and exceeds the minimum lot size requirements. The proposed PRELIMINARY PLAT is included with this report as Attachment D.
- 6.3 Roseville's Public Works Department staff has been working with the applicant to address the requirements related to grading, drainage, easements, and dedication of additional right-of-way along both County Road B and Farrington Street. While these details are essential parts of a PRELIMINARY PLAT application, the City Council is not asked to review and digest such engineering-related plans; instead, actions by the City Council typically include conditions that such plans must ultimately meet the approval of Public Works staff. To that end, Engineering staff has reviewed the subject plan and has returned some comments to the applicant related to general site grading as it relates to storm water as well as some general utility items; these items will be addressed to satisfy administrative requirements for issuance of any grading and/or building permits. Beyond these items, Engineering staff has no remaining comments on the preliminary plat
- 6.4 City Code §1011.04 (Tree Preservation) specifies that an approved tree preservation plan is a necessary prerequisite for approval of a PRELIMINARY PLAT. A tree survey has been provided which identifies the trees on the property as well as the trees which are likely to be removed, based on the current grading and utility plans and anticipated locations houses and driveways. Largely because about 80% of trees to be removed are not characterized as "significant" trees according to §1011.04, the result of the tree replacement calculation is that no replacement trees are required. While the essential information has been provided, the final tree preservation plan depends upon the final grading plan and plans for the individual homes, which may not be finalized until after the final plat; for this reason, it is prudent to proceed with review and possible approval of the PRELIMINARY PLAT with the condition that site grading and building permits should not be issued without iterative review of the tree preservation plan to account for any impacts not anticipated at this point in the planning process.
- 6.5 At its meeting of February 6, 2014 Roseville's Parks and Recreation Commission reviewed the proposed PRELIMINARY PLAT against the park dedication requirements of §1103.07 of the City Code and recommended a dedication of cash in lieu of land. The existing land area is composed of two buildable parcels subdivided from Lot 7 of the

1881 Michel's Rearrangement of Lots 9 to 16 Inclusive of Mackubin and Iglehart's Addition of Out Lots plat. Since the existing land comprises two residential units, the proposed 7-unit plat would create five new building sites. The 2014 Fee Schedule establishes a park dedication amount of \$3,500 per residential unit; for the five, newly-created residential lots the total park dedication would be \$17,500, to be collected prior to recording an approved plat at Ramsey County.

7.0 PUBLIC COMMENT

7.1 The duly-noticed public hearing for this application was held by the Planning Commission at its meeting of April 10, 2014; draft minutes of the meeting are included with this RCA as Attachment E. No concerns were expressed about the number or size of the proposed lots, but some people were nervous about the fact that duplexes and other two-family structures are permitted in the LDR-2 district. In the end, the majority of Planning Commissioners were comfortable that one-family detached homes will be developed as proposed and voted, 6 – 1, to recommend approval of the application.

7.2 In addition to the comments offered at the public hearing, Planning Division staff has received one email from a neighboring property owner about the proposal. This homeowner has no particular problem with the proposed one-family development, but is concerned about ensuring that the storm water issues on his property are not exacerbated by the development. The email is included with this RCA as Attachment F.

8.0 RECOMMENDATION

8.1 Based on the comments and findings outlined in Sections 3 – 4 and 7 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the proposed REZONING of the property at 297-311 County Road B from LDR-1 to LDR-2, pursuant to Title 10 of the Roseville City Code, with the condition that the rezoning shall be contingent upon approval and recording of the final plat.

8.2 Based on the comments and findings outlined in Sections 3, 5, and 7 of this report, the Planning Division and Public Works Department concur with the recommendation of the Planning Commission to approve the proposed EASEMENT VACATION at 311 County Road B, with the condition that the final approval of the easement vacation shall be contingent upon approval and recording of the final plat.

8.3 Based on the comments and findings outlined in Sections 3, 5, and 7 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the proposed PRELIMINARY PLAT pursuant to Title 11 of the Roseville City Code with the condition that permits for site improvements shall not be issued without iterative review of the tree preservation plan to account for any impacts not previously anticipated.

134 **9.0 POSSIBLE COUNCIL ACTIONS**

135 **9.1 Approve the proposed REZONING, EASEMENT VACATION, AND PRELIMINARY PLAT, as**
136 **recommended.**

137 **a. Adopt an ordinance** rezoning the property at 297-311 County Road B from LDR-1
138 to LDR-2, pursuant to Title 10 of the City Code and the recommendation of Section
139 8.1 of this report.

140 **b. Pass a motion** approving the proposed easement vacation and preliminary plat for the
141 property at 297-311 County Road B, pursuant to Title 11 of the City Code and the
142 recommendations of Sections 8.2 – 8.3 of this report.

143 **9.2 Pass a motion to table one or more of the items for future action.** Tabling beyond
144 April 29, 2013 may require extension of the 60-day action deadline established in Minn.
145 Stat. §15.99.

146 **9.3 Pass a motion, to deny the requested approvals.** Denial should be supported by
147 specific findings of fact based on the City Council’s review of the application, applicable
148 zoning or subdivision regulations, and the public record.

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Attachments:	A: Area map	D: Preliminary plat information
	B: Aerial photo	E: Draft 4/10/2014 public hearing minutes
	C: Open house summary	F: Public comment
		G: Draft ordinance