

  
**ROSEVILLE**  
**PLANNING COMMISSION**  
**Meeting Agenda**

**Wednesday, October 7, 2015 at 6:30 p.m.**  
**Roseville City Hall Council Chambers, 2660 Civic Center Drive**

1. **Call to Order**
2. **Roll Call**
3. **Review of Minutes:** September 2, 2015 regular meeting minutes
4. **Public hearings**
  - a. **Project File 0017:** Request by City of Roseville for approval of amendments to Chapter 1011 of the City Code pertaining to tree preservation, replacement, and landscaping requirements.
  - b. **Project File 0036:** Request by City of Roseville for approval of comprehensive plan and zoning map changes for 3253 - 3261 Old Highway 8; comprehensive plan land use map change from High Density Residential (HDR) to Medium Density Residential (MDR) and a zoning classification change from High Density Residential-1 District (HDR-1) to Medium Density Residential District (MDR)
5. **Discussion Item:** Review the contemplated acquisition of property containing the ballfields at County Road C and Victoria Street and the contemplated disposal of the high-density residential lot at 2668 Lexington Avenue by City of Roseville
6. **Adjourn**

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Future Meetings: **Planning Commission & Variance Board (tentative):** November 4 & December 2  
**City Council:** October 5, 19, 26 & November 6, 16, 30

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**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 2**

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Preliminary Plat

Mr. Paschke briefly summarized the project specifics with the proposal and pending development to the Rosedale Center site as detailed in the staff report dated September 2, 2015 and shown on Preliminary Plat documents, essentially combining several lots and creating one additional lot as noted.

PUD Agreement #3608 Amendment

Mr. Paschke noted that since the lots and their respective legal descriptions would be changed, the PUD Agreement would need to be amended accordingly. Mr. Paschke noted that this would include development of a 141,000 square foot building addition, a 450 space parking deck, and up to five out parcels that would be similar to the land lease of Chianti Grill east of the Har Mar Mall retail strip center. Mr. Paschke noted the project also included associated site improvements, including parking modification, stormwater management, additional islands in the parking lot, and other amenities as detailed in documents included in the redevelopment proposal.

Throughout his presentation, Mr. Paschke displayed various plan forms and maps indicating the location of this proposed retail additional near the existing Green Mill Restaurant location, and location of the stormwater management area and second floor with parking deck and additional parking spaces.

Mr. Paschke reviewed several components of the current PUD Agreement needing revision as part of the Amended Agreement, including zoning from the former “Shopping Center” designation to the current “Regional Business (RB)” zoning designation providing direction to staff in their interpretation of permit review including that of the new outlots to meet generalized conditions within the PUD for consistency and with current design standards including building setbacks related to property lines, building height and design, and parking deck placement in relation to the property lines. Under RB zoning, Mr. Paschke noted that building height would be limited to 65’ and he expected the addition to be similar to existing building components for the anchor tenant as well as related retail uses. Mr. Paschke advised that, as more detailed plans become available for review, current design standards for exterior elevations would be incorporated into the amended PUD Agreement and current design standards addressing building materials, solidifying smaller retail sites or restaurants, or office uses versus the main building.

Mr. Paschke reviewed staff’s analysis to-date and how staff would address subsequent plans during the process as plans were further refined, including square footage for restaurant uses and parking stalls that appeared to exceed City Code requirements for a typical retail mall. Mr. Paschke noted that given current zoning ordinance and design standard requirements, future building plans for this proposal would need to meet those revised standards to the greatest extent possible as staff worked with the applicant during the review and permit process.

In conclusion, and as detailed in the staff report, Mr. Paschke advised that staff recommended approval of the Preliminary Plat as conditioned, and amendment of PUD Agreement 3608.

Commissioner Questions of Staff

Member Stellmach asked staff to explain traffic mitigation and whether this project would incorporate improvements to bicycle and pedestrian access in this area.

Mr. Paschke advised that as part of staff’s review of the site, they would look to connect pedestrians from County Road B-2 for better access to the Rosedale Center site and surrounding area as applicable and as easily for them as possible with the fewest traffic conflicts. As far as broader traffic issues on County Road B-2, Mr. Paschke advised that staff would address existing concerns and issues, and suggest potential ways to remedy them as part of this proposal.

At the request of Member Murphy, Mr. Paschke advised that the parking ramp was proposed at one level by modifying of the elevation, estimating it to be 12’ to 15’ off the ground, and connecting J. C. Penney’s and the new additional. With Member Murphy

99 noting the maximum height allowed at 65 in RB zoning districts, Mr. Paschke stated that  
100 he anticipated the ramp to be much lower than that maximum allowable.

101 With the addition of more impervious surface with this addition and site changes, Chair  
102 Boguszewski asked staff to review their Condition "B" in more detail and additional  
103 stormwater management for the broader area.

104 Mr. Paschke advised that as part of the redevelopment project, the applicant would be  
105 required to meet existing standards under current requirements of City Code and the  
106 area watershed district versus pre-existing or previous standards. Regarding the broader  
107 area component, Mr. Paschke noted that this area was already problematic and the City  
108 would ask the applicant, JLL, to work with the City and watershed district to create  
109 additional capacity within their stormwater pond to hold more water back and avoid any  
110 downstream issues, and as a cost-share opportunity as part of the improvements.

111 Public Works Director/City Engineer Mark Culver agreed with Mr. Paschke's assessment,  
112 noting that any improvements or disturbed areas, such as this proposed project, required  
113 the applicant and City of Roseville to work with the watershed district for mitigation  
114 efforts. As Mr. Paschke noted, Mr. Culver noted that this was a problem area as far as  
115 capacity of pipes north of the Rosedale Center, and while making no guarantees of what  
116 may occur, City staff was looking forward to the opportunity to partner with JLL and the  
117 watershed district to expand required stormwater management and mitigation to benefit  
118 the area north or upstream of the Rosedale Center.

119 At the request of Member Murphy, Mr. Culver advised that there would be no long-term  
120 stormwater flowing south along Fairview as a result of this improvement. Member Murphy  
121 noted that currently a lake typically formed in that area during larger rainfall events. Mr.  
122 Culver noted that with more capacity as anticipated, the City could relieve flow at one  
123 point that would facilitate drainage from other points going north as well.

124 **Applicant Representatives**

125 **Bill Mosten, Senior VP of Retail with JLL**

126 Mr. Mosten noted there were other representatives of the Rosedale Center's  
127 management team in the audience, as well as representatives from Dorsey/Whitney, and  
128 Kimley Horn.

129 Mr. Mosten advised that they were in agreement with staff's presentation, and expressed  
130 their appreciation of staff's support and the applicant's excitement going forward.

131 At the request of Member Murphy, Mr. Mosten estimated the process, while the schedule  
132 was still evolving, should be completed in approximately two years, either late in 2017 or  
133 early in 2018.

134 **Public Comment**

135 Chair Boguszewski closed the public hearing at 6:26 p.m.; no one spoke for or against.

136 **MOTION**

137 **Member Murphy moved, seconded by Member Bull to recommend to the City**  
138 **Council approval of the proposed PRELIMINARY PLAT as presented at this**  
139 **meeting of Lots 1, 2, and 3, Block 1, Rosedale Fifth Addition located at 1700**  
140 **County Road B-2 and 1705 Highway 36; based on the comments, findings, and**  
141 **conditions contained the project report dated September 2, 2015.**

142 **Ayes: 5**

143 **Nays: 0**

144 **Motion carried.**

145 **MOTION**

146 **Member Murphy moved, seconded by Member Cunningham to recommend to the**  
147 **City Council approval of the proposed amendment to Planned Unit Development**  
148 **(PUD) #3608 including:**

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- a. **Changing the legal description** from Lot 4, Block 1, Rosedale Center Fourth Addition, (Torrens Property – Certificate of Title No. 375111) Lot 3, Block 1, Rosedale Center Fourth Addition, except that part of overlying Lots 6 and 7, Block 5, Leinen Heights Number 2 (Torrens Property – Certificate of Title No. 375111); that part of Lot 3, Block 1, Rosedale Center Fourth Additional that overlies Lots 6 and 6, Block 5, Leinen Height Number 2 (Abstract Property ) to Lots 1, 2 and 3, Block 1, Rosedale Fifth Addition; based on the comments, findings, and conditions contained the project report dated September 2, 2015.
  - b. The City shall determine the required on-site parking for Rosedale and incorporate these requirements into the amended PUD Agreement.
  - c. All applicable sections of the current PUD Agreement shall be modified to account for the 2010 zoning requirements.
  - d. The City Engineer, Ramsey County and MnDOT shall all approve the traffic management plan and improvements prior to the issuance of a building permit for the leasable space. There may be some required traffic mitigation costs to be paid by the developer associated with these improvements.

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**Ayes: 5**  
**Nays: 0**  
**Motion carried.**

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Staff noted that this case is tentatively scheduled to come before the City Council at their September 21, 2015 meeting.

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**b. PLANNING FILE 15-010**  
**Request by Art Mueller for approval of a PRELIMINARY PLAT of property**  
**addressed as 2201 Acorn Road**

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Chair Boguszewski opened the public hearing for Planning File 15-010 at 6:28 p.m.

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Senior Planner Bryan Lloyd briefly reviewed the request as detailed in the staff report dated September 2, 2015; and displayed the proposed site plan (Attachment A) subdividing the property into four lots with a private street off Acorn Road. Mr. Lloyd reviewed the history of this subdivision and various proposals over the years, as detailed in the staff report, and denial of previous proposals for one reason or another; with one proposal approved in the past, but due to the documents not being recorded with Ramsey County before deadline, that approval had expired.

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Mr. Lloyd noted that the 2014 plat similar to this submittal had been denied by the City Council for the reasons noted in the staff report, after which Mr. Mueller had met with the City Council with a sketch plan addressing the City Council's expressed concerns and in order to receive their feedback at that time based on the previous denial and prior to making this application, which had attempted to satisfy those deficiencies as seen by the City Council and changes proposed accordingly.

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As detailed in the staff report, Mr. Lloyd reviewed the various components of this latest proposal as it related to a 32' wide private street with parking on both sides; four proposed lots that met or exceeded relevant requirements for corner and/or internal parcels; and subdivision code requirements for easements for stormwater drainage and utilities. Mr. Lloyd advised that elements of the proposed Preliminary Plat included engineering items with street width, location and lot sizes, as well as addressing stormwater management for the proposed development, and displayed a topographical map with drainage basins highlighted and attempting to consolidate stormwater more locally on the property and directing it to larger basins.

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Mr. Lloyd addressed the tree preservation requirements as part of the Preliminary Plat to avoid damage or removal as part of grading and/or stormwater management on the site, resulting in a tree inventory list for review by the City's consultant arborist as part of the City's plan review and calculations for required replacement in accordance with current

200 City Code, resulting in a total removal and replacement of 87 trees of minimum caliper or  
201 fewer depending on their actual size.

202 As indicated previously by the Parks & Recreation Commission with past proposals in  
203 recent years, they stand by their recommendation to require cash in lieu of land for the  
204 three additional lots created as part of this subdivision proposal.

205 Mr. Lloyd noted that in the Public Works/Engineering Department's review of the proposal  
206 specific to the road and drainage plans, they had determined that the drainage plan met  
207 applicable requirements for approval by the watershed district. However, Mr. Lloyd noted  
208 that they had observed that having that many ponds would require maintenance and  
209 need creation of an association to properly address and fund that maintenance long-term,  
210 in addition to future maintenance of the private road.

211 Prior to tonight's meeting and as noted in the staff report, Mr. Lloyd noted one e-mail in  
212 opposition to this proposal, and staff's receipt of one phone call supporting the proposal if  
213 it met all standard requirements as applicable. Mr. Lloyd noted the receipt of one  
214 additional written public comment – in opposition - received since dissemination of the  
215 agenda packet provided as bench handouts and made available to the public and for  
216 incorporation with the information going forward to the City Council with the Planning  
217 Commission's recommendation.

218 Mr. Lloyd advised that based on their review of City Code requirements, they  
219 recommended approval of the Preliminary Plat as conditioned and detailed in the RPCA.

220 Commissioner Questions of Staff

221 For the benefit of the public, new commissioners, and his own edification, Chair  
222 Boguszewski reviewed the historical context of previous applications before the Planning  
223 Commission and City Council, and ultimate approval of the 2014 Preliminary Plat by the  
224 Planning Commission and their determination that technical requirements had been met  
225 in that application and the subdivision would not prove detrimental to adjacent properties  
226 with staff recommending approval based on that analysis as well. However, Chair  
227 Boguszewski noted that subsequently, the City Council had expressed less confidence in  
228 that drainage plan, in addition to the road and other components.

229 Mr. Lloyd agreed with Chair Boguszewski's synopsis, and that drainage was the main  
230 concern of the City Council, in addition to removal of existing trees from the site.

231 Upon denial by the City Council in 2014, Chair Boguszewski further noted that additional  
232 directions to Mr. Mueller were drafted, prompting this revised proposal before the  
233 Commission, and appearing to meet those additional directions of the City Council.

234 Mr. Lloyd revised Chair Boguszewski's synopsis, noting the items listed in the staff report,  
235 lines 110-132, that staff had compiled from the City Council's meeting discussion and  
236 direction to Mr. Mueller, each identified by bullet point, with some met with the current  
237 Preliminary Plat, with others pending as this plat attempted to address, but he would not  
238 state categorically that each had been completely addressed from staff's perspective or  
239 interpretation at this time.

240 Noting his attendance at the most recent Open House held by Mr. Mueller, Chair  
241 Boguszewski asked Public Works Director/City Engineer Culver to talk more about how  
242 this latest proposal addresses stormwater, and whether it provides a better, more  
243 controlled or more conservative solution, and how it addresses past concerns.

244 Mr. Culver advised that he would say that the current proposal is different than previous  
245 proposals from the perspective of stormwater management, but stated he was not sure it  
246 differed dramatically so from the perspective of where water is going on site and where it  
247 would ultimately flow when overflowing. Mr. Culver opined that there may have been  
248 more overflow onto Acorn Road in previous proposals, but larger basins on that side  
249 created issues with setbacks on two lots in that immediate vicinity. Mr. Culver advised  
250 that Engineering staff reviewed the hydraulic report from the applicant's engineer, and for

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 6**

251 the most part, water would flow from the site into basins as highlighted in the grading plan  
252 displayed by Mr. Lloyd. Mr. Culver noted that site soils were not conducive to infiltration,  
253 but did provide filtration through engineered medium or soil several feet in depth in those  
254 basins with water seeping through it down to the drain tile and directed in various  
255 directions into those highlighted ponds and thereby providing rate control for stormwater  
256 on site. Given that situation, Mr. Culver advised that even though there was no direct  
257 underground piping in place to a dedicated stormwater system, this drainage plan as  
258 proposed should actually reduce the amount of water coming off the site or at a minimum  
259 slow it down, creating that rate control directed mostly to the southwest corner of the site,  
260 and while this area undulates, it ultimately flows toward an existing catch basin between  
261 this site and Marion Street, even though it takes it some time to get there. Mr. Culver  
262 advised that staff has surveyed the situation and verified some elevations, indicating that  
263 area undulates back there in those naturally graded areas with lots of vegetation, he  
264 noted that there would probably be pockets where water still sat due to that undulation.  
265 Based on staff's survey and their personal observations and expertise, Mr. Culver opined  
266 that there should be no flooding dangers to any structures, as runoff will arrive at a catch  
267 basin before any structure.

268 At the request of Chair Boguszewski, Mr. Culver clarified that the pockets where water  
269 could sit existed today and were not created or made worse with this proposal.

270 At the request of Chair Boguszewski, Mr. Culver stated that this project, as currently  
271 designed, would not make the current drainage situation any worse, but clarified that  
272 during a heavy rain event, these devices would get overrun. However, the way they're set  
273 up, Mr. Culver stated that they will drain over and down, but he could not guarantee there  
274 would be no additional drainage to the north of the site because of where future roof  
275 drains may be pointed and additional impervious surface being added. Using rain event  
276 experienced during the summer of 2015, Mr. Culver opined that with this proposal it  
277 would have provided better conditions than currently exist.

278 With agreement from Mr. Culver, Member Murphy clarified that this condition as  
279 addressed by Mr. Culver included that for a typical house and additional impervious  
280 surfaces.

281 Regarding additional trips for three new homes on this property, Member Murphy asked  
282 what the range would be for additional trips generated by residents.

283 Mr. Culver responded that generally speaking for an "average" residential home, trip  
284 generation estimated would indicate 9 – 10 trips per day – incoming and outgoing – but  
285 would fluctuate depending on the number of vehicles per home and ages of residents  
286 and their stage of life.

287 As an example, Member Murphy noted initial concerns and impressions from residents  
288 along County Road B that there would be a dramatic increase, but actually due to the  
289 closure of Highway 280, traffic had dramatically decreased.

290 While Acorn Road had its own unique issues, Mr. Culver noted that it currently had a  
291 small amount of traffic now, and he foresaw no appreciable increase or negative impact  
292 with this proposed development.

293 Chair Boguszewski agreed with that analysis, noting that the development proposal  
294 created only an incremental increase of three additional homes.

295 With normal curb cuts, Member Murphy asked how many street parking stalls would be  
296 achieved on this private road.

297 Mr. Lloyd provided staff's estimate of an average of four spaces available on an average  
298 driveway with thirteen spaces available on-street; with Member Murphy opining that this  
299 seemed more than sufficient for four single-family residential homes.

300 At the request of Chair Boguszewski, Mr. Lloyd suggested the Commission could include  
301 an additional condition for Preliminary Plat approval requiring creation of a homeowner's

302 association to fund future maintenance as a way to ensure it was done. Chair  
303 Boguszewski asked Community Development Director Paul Bilotta, available in the  
304 audience, to draft such a condition for consideration by the Commission.

305 Member Bull asked staff about standards for such an association for street and  
306 stormwater maintenance, and if they would be required to meet city standards and what  
307 the repercussions would be if those standards were not followed.

308 Regarding the stormwater system, Mr. Lloyd clarified that it would be obvious to the  
309 public as to that effectiveness and how it was functioning long-term; while development  
310 standards were the same for public and private streets based on city code.

311 At the request of Member Bull related to private services on a private street, Mr. Lloyd  
312 responded that a private main would be required to serve private water and sewer  
313 laterals similar to if it had been a public main in public rights-of-way with private laterals  
314 connecting to it.

315 Regarding street width and on-street parking, Member Bull expressed his concern for  
316 emergency or service vehicles since the length of the street was proposed at less than  
317 200' feet.

318 Mr. Lloyd advised that homeowner's association documentation would address required  
319 signage for mail and delivery service on Acorn Road for that reason and for service  
320 providers. Mr. Lloyd clarified that not providing a turnaround was not inconsistent with  
321 code requirements, and while it was unusual to have a private street without a turnaround  
322 in the community, city code did allow for it.

#### 323 **Applicant Representatives**

##### 324 **Chuck Plowe, Plowe Engineering**

325 Mr. Plowe advised that preliminary approval had been received from the Capitol Region  
326 Watershed District of the stormwater management plan; with requirements of the  
327 Watershed District of a maintenance agreement prior to final approval for maintenance of  
328 stormwater, which will be privately maintained.

329 At the request of Chair Boguszewski, Mr. Plowe confirmed that he was an engineer with  
330 an independent firm hired by Mr. Mueller to help design drainage features and meet the  
331 goals of stormwater management requirements of the City.

332 Mr. Plowe noted that the engineer's preference would be for a 32' wide street versus 28',  
333 but advised that they would comply with the 32' width if so directed.

334 Based on his understanding and review of City Council meeting minutes and their  
335 discussion with Mr. Mueller, Chair Boguszewski noted that the City Council had indicated  
336 their desire for a 32' wide street. Chair Boguszewski opined that, if the goal was for  
337 approval of the Plat, if a 32' width worked, the applicant seek to comply with that  
338 preference, with the option always available that they could further discuss that  
339 requirement with the City Council if they desired to do so.

##### 340 **Developer and Property Owner Art Mueller**

341 Mr. Mueller noted that if the street width remained at 28' and accommodate parking on  
342 only one side, it would result 700 square feet more in space for additional plantings,  
343 grass and trees.

344 Member Bull asked Mr. Mueller to address the compatibility of these proposed lot sizes  
345 versus other lots in the neighborhood in order that the Commission could understand the  
346 rationale.

347 Mr. Mueller opined that many of the neighborhood lots are smaller than those he's  
348 proposing, with the original 45 acres divided into eleven lots, and subsequently having  
349 divided them yet again. Mr. Mueller advised that part of the rationale in his proposal is  
350 that larger lots are no longer affordable for development.

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**Public Comment**

*Written comments were provided by Paul Romanowski, 2195 Acorn Road in the form of an e-mail dated September 2, 2015 with an attached letter dated November 15, 1993 from Mr. Mueller to City Manager Steve Sarkozy; and also written comments were provided by S & V Ramalingam, 2182 Acorn Road, both provided as bench handouts, and **attached hereto and made a part hereof.***

**Irv Cross, 2196 Marion Road**

Having been a resident in this neighborhood and abutting Mr. Mueller's property for sixteen years, Mr. Cross summarized his concerns provided in written comments, included in the staff report (Attachment D). Mr. Cross disputed the comments made by City Engineer Culver opining that a river forms from drainage, and had continually killed the grass in that area. Mr. Cross opined that he didn't see any change unless the water is redirected or not allowed to flow through there again, given the size of the proposed lots.

Mr. Cross referenced Attachment B providing an aerial view of the property, noting the density of trees and vegetation, making it a pleasant enjoyable community and their reason to move to that location in Roseville, since it provided a country feel with the vegetation and lot sizes within an urban community. However, once the trees are removed, never to be seen again, Mr. Cross opined that it would dramatically change the character of the area, including drainage becoming more problematic given the proposed elevation for lower lots.

While getting along fine with Mr. Mueller as his neighbor, Mr. Cross expressed his puzzlement in the proposed land fill or raising property levels that will not help with drainage for adjacent properties. Mr. Cross asked that the Commission take this into consideration, noting the reason for originally buying his property with the wildlife, vegetation and space, even though still emotionally tied to their neighbors.

**Mr. S. Ramalingam, 2182 Acorn Road**

Mr. Ramalingam summarized his written comments as noted and concerns for negative impacts of this proposed development related to grading, drainage, tree preservation, additional impervious area, and detracting from the ambience and character of an established, tree-filled neighborhood.

Mr. Ramalingam asked that the City consider that all neighbors are against destroying this single-family neighborhood with the proposed subdivision.

**Gary Boryczka, former owner of 2250 Acorn Road, still owner of an adjacent lot**

As the owner of property on Acorn Road immediately south of the service road on the corner, Mr. Boryczka also noted that he was a homeowner on Acorn Road until selling his home approximately one year ago. Mr. Boryczka stated that this project or different variations of it had been constantly proposed by Mr. Mueller for over ten years no without any notable changes in its design. Mr. Boryczka opined that the proposed subdivision would destroy this unique neighborhood and its history in the community, which the City had previously spent money on to make it a unique area of Roseville. Mr. Boryczka opined that the proposed road showing 9' parking stalls was deceiving as it would not allow enough room for snow storage in the winter time. Mr. Boryczka advised that he was in the construction businesses, but was having a hard time visualizing how emergency vehicles would access this subdivision during a typical Minnesota winter.

Regarding the grading plan and tree preservation plan, Mr. Boryczka questioned how the Oak tree drip lines would suffice, opining most of those trees would die. Further, Mr. Boryczka addressed the swale drainage proposed to flow to the southwest corner of the property, which had never changed in the many variations proposed for this subdivision, opining that it will drain off onto someone else's property as the proposed ponds will absolutely not hold the stormwater runoff. Given his expertise in the field of stormwater drainage, Mr. Boryczka further opined that the runoff would not stay in those areas due to their depth.

403 Mr. Boryczka noted that this subdivision has been opposed by the majority of neighbors  
404 in the immediate area; and personally opined that it would ruin the neighborhood and  
405 negate any benefits. Mr. Boryczka opined that this was a lot of money for these proposed  
406 lots, noting that he had his corner lot for sale for many years, and it remained so. Mr.  
407 Boryczka strongly suggested that this is not an appropriate plan for this area.

408 **Evan Thomas, 2177 County Road B**

409 Mr. Thomas expressed his concern with this proposal, particularly with the magnitude of  
410 any additional runoff unless the southwest corner of the lot would actually address that  
411 drainage, of which he remained skeptical. Mr. Thomas noted that both his property and  
412 that of Mr. Cross that shared a common border were very low and with very little grade at  
413 this point flowed toward the catch basin on Marion, a distance of in excess of 200'. Mr.  
414 Thomas noted that the property to the west of his property has been diked on all four  
415 sides, but in some heavy rain events, he still experienced water in some areas on his lot,  
416 and he had observed water in the middle of the Cross lot between their tennis court and  
417 pool. Mr. Thomas noted his lingering doubt as to whether or not in a worst case condition,  
418 the southwest corner destination and along the undulating slope across his lot with a one  
419 foot slope would still get to Marion Street before significantly impacting his lot. Even  
420 though he had no structures in that area, Mr. Thomas expressed concern that it would  
421 create more of a dilemma for Mr. Cross and seemed to him to represent a loose end yet  
422 in this proposal.

423 **Janet Romanowski, 2195 Acorn Road**

424 Ms. Romanowski spoke in support of the written comments provided by her and her  
425 husband, reiterating their strong opposition to Mr. Mueller's project. Mr. Romanowski  
426 noted that in the past the neighborhood had collected a petition with thirty signatures from  
427 the neighbors, all in opposition, and questioned why Mr. Mueller kept pushing this plan on  
428 his neighbors over and over and over again. Mr. Romanowski stated that the neighbors  
429 were taxpayers too, and given their strong opposition to this proposed project, should  
430 have a voice as well.

431 Member Cunningham sought clarification that the petition had been submitted prior to Mr.  
432 Mueller's submission of this revised plan.

433 Ms. Romanowski responded that while this was true, a similar petition could be submitted  
434 again for part of the record since the neighbors continued to feel the same opposition.

435 **Mr. S. Ramalingam**

436 Mr. Ramalingam questioned if a new petition was desired by the Commission every time  
437 a new plan came forward.

438 Member Cunningham clarified that she was not asking that, simply noting that there had  
439 been thirty signatures on a petition regarding the previous plan submitted by Mr. Mueller,  
440 with significant changes having been made in that original plan at the City Council's  
441 direction, which caused her to question if some of the previous concerns of neighbors  
442 had been satisfied in this latest plan.

443 Mr. Ramalingam responded that, if needed the neighbors could go ahead and get  
444 signatures on a new petition for submission.

445 **Paul Romanowski**

446 If a petition was needed, Mr. Romanowski opined that he could get another petition with  
447 even more signatures, since he had only been able to contact thirty neighbors for the  
448 past petition, but could get more now and produce it once again.

449 Member Cunningham reiterated that she was only seeking information as to the same  
450 people having signed the previous petition remained opposed to this updated plan, and  
451 was not asking for submission of another petition.

452 Mr. Romanowski opined that those signatories remained opposed and yet more as well.

453 With no one else appearing, Chair Boguszewski closed the public hearing at 7:29 p.m.

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Questions of Staff in response to Public Comment

Member Cunningham noted two significant concerns for her: tree preservation, and her desire that a revised tree preservation ordinance was available even though she understood it was in process and not yet ready for adoption, which she found unfortunate given the number of large trees being proposed for removal from this project area. Also of concern, Member Cunningham advised was the water drainage and runoff as referenced by Mr. Ramalingam in his written comments, and expressed her curiosity in whether there was actually a potential for “gallons of water” to address as a result of additional house foundations and impervious surfaces.

Public Works Director and City Engineer Mark Culver responded that the numbers stated by Mr. Ramalingam were essentially correct and comparable to his calculations resulting from additional impervious surface with this proposed project and as noted in his summary drainage report. While the basins appear to be shallow, Mr. Culver clarified that they were designed to be shallow as they were constructed with engineered soil that served as a holding cap not just for depth of the depression, and advised that the total actual depth of the engineered soil and the depth of the ponds or depression provided sufficient holding capacity. However, Mr. Culver agreed that they were most likely not going to hold all the water from large rain events, if similar to the intensity of those rains experienced this summer, but opined that from his recollection of his calculations believed that the design of the ponds would hold that water or slow down the runoff so it didn't leave the project site. Mr. Culver noted that the water would eventually leave the site by infiltrating through soils even though that is not the preferred mitigation.

Regarding the positive impact of existing trees on drainage, Mr. Culver opined was difficult to quantify given the variable canopy of trees that also served to prevent water from hitting the ground, even though it dripped off at different spots at different times, along with the root systems absorbing some of that water. With those mature trees gone, Mr. Culver opined that, while it may not look like a net balance will be achieved, and the drainage may not be significantly improved, he considered that it wouldn't be worse than currently experienced during a normal rain event.

Member Murphy asked, if he owned property on any side of this proposed subdivision if implemented, should he expect any more water flowing past his property, or whether the subdivision as proposed would change that flow from any direction.

Mr. Culver responded with his previous comments, advising that the developer had attempted to get water into the basins to facilitate the amount of runoff going north. Mr. Culver advised that in part that would depend on the location of downspouts for proposed homes in the subdivision, and how the long-term control was addressed. However, Mr. Culver stated that he wouldn't anticipate a lot of additional flow to the north, with that water flowing through that channel for outflow purposes.

Mr. Culver sought to correct one statement made during public comment, advising that water was not flowing to the catch basin on Marion Street, but approximately halfway between Marion and the Mueller property, of approximately 1/3 to 1/2 that length and water flowing through there. Mr. Culver suggested that the speaker may be experiencing that water flow across his property and vegetation growth through that natural channel, noting that the property owner may see water drainage for a longer time depending on rate controls put in place.

At the request of Member Murphy, Mr. Culver advised that the private street will not have catch basins as it was not intended to have curbs and gutters. At the request of Member Murphy, Mr. Culver further clarified that the water would flow or drain to the west to the end of the hammer head of that private street, and anticipated the remainder would most likely drain onto Acorn Road; and confirmed that the capacity exists today to handle that additional runoff.

Member Bull questioned if the basins surrounding the private street were intended to take care of the height of the property and street, but questioned whether impacts would not

507 be found from dropping elevations and hard cover from new residences and their  
508 driveways.

509 Mr. Culver responded that the majority appeared to be set up to flow adequately  
510 depending on the location of future downspout locations, anticipating that one proposed  
511 lot may prove problematic flowing east as it currently does.

512 Commissioner Discussion and Position Statements

513 For the benefit of newer Commissioners, Chair Boguszewski noted his vote to  
514 recommend approval the last time a similar proposal came before the Planning  
515 Commission and restated his rationale for that support. Basically, even though there was  
516 a lot going on with this subdivision, Chair Boguszewski expressed his faith in the City  
517 Engineer's assessment that the stormwater management would be no worse with the  
518 proposal than if nothing was done. Chair Boguszewski opined that the tree situation was  
519 what it was. From his personal perspective, Chair Boguszewski opined that it didn't come  
520 down to petitions or neighbors, but what a private property owner could do with his own  
521 property and how that affected the immediate neighborhood. Given that perspective,  
522 Chair Boguszewski noted that a lot of the concerns crossed that line, and since beauty  
523 was in the eye of the beholder, there were good and bad perspectives to be considered.

524 Based on his own role as a Planning Commissioner, Chair Boguszewski stated that he  
525 weighted his decision-making more heavily on the technical side, using the existing tree  
526 ordinance as an example and steps taken by the developer to meet it whether it seemed  
527 stark or not, he could not say "no" because he didn't particularly want this developer to  
528 move or remove trees, didn't seem appropriate. Chair Boguszewski stated that he could  
529 not stop a project because he didn't like a particular action, even though if he was a  
530 neighbor he might wish to prevent the development from happening or even sign a  
531 petition. However, as a Planning Commissioner, Chair Boguszewski stated that he felt  
532 the issues had been addressed, especially so in this latest plan in response to the City  
533 Council's direction; and therefore advised that he would vote to recommend approval of  
534 this Preliminary Plat as he had done with the previous plat, having provided his rationale  
535 upfront as to why he supported the subdivision.

536 Member Stellmach expressed his appreciation of the comments and concerns brought  
537 forward in writing and in person by neighbors, and stated that he shared some of those  
538 concerns especially regarding tree preservation, since he preferred to remove none of  
539 them. However, from the perspective of the Planning Commission, Member Stellmach  
540 stated that his decision needed to be based on whether or not this proposed Preliminary  
541 Plat complied with City Code, and finding that it did, offered his support in recommending  
542 its approval.

543 Member Murphy thanked the neighbors for sharing their comments with the Commission.  
544 As he and Member Bull reviewed the maps for this subdivision, Mr. Murphy noted lot  
545 sizes on County Road B, Acorn Road and Marion Road were all relatively smaller than  
546 these proposed lots, with getting larger moving north as noted by Mr. Mueller regarding  
547 previous subdivisions of neighboring properties. Mr. Mueller concurred with Chair  
548 Boguszewski that a revised tree preservation ordinance was not yet available,  
549 necessitating the need to seek compliance with the existing ordinance. While being  
550 sympathetic to the concerns expressed by neighbors, Member Murphy advised that he  
551 could not find a sufficient reason to vote against this proposal.

552 As a new member of the Commission, Member Bull advised that he had reviewed the  
553 technical part as addressed in the City's Comprehensive Plan and revised Zoning Code  
554 regarding lot sizes and design specifications, as well as reading the respective purpose  
555 statements of those documents to protect citizens and allow their safe enjoyment of their  
556 homes, the character of neighborhoods, and other factors outlined by and for Roseville  
557 citizens, all an important part of the picture. Member Bull also expressed appreciation for  
558 the written and verbal input provide by neighbors. Member Bull admitted he could not call  
559 the proposed tree plan a preservation plan, but considered it more of a removal plan,  
560 which would certainly affect the neighborhood with that removal and replacement with

561 smaller diameter trees. Member Bull advised that this had prompted his questioning of  
562 Mr. Mueller on his decision to divide this parcel into four lots due to his concern with  
563 additional hard cover with the private road and structures. Member Bull referenced  
564 discussion about runoff issues, noting that nothing was being done in the southwest  
565 corner to mitigate runoff through the cross basin, and when he looks at the plan on paper,  
566 it looks good. However, when considering how this may look with 24" of snowfall and  
567 depending on a homeowner's association to be responsible for plowing and storage of  
568 that snowfall, Member Bull stated that it caused him to consider ramifications realistically.  
569 Just considering a 9' elevation drop with one proposed home and the potential  
570 maintenance concerns long-term, Member Bull questioned if the City was doing justice  
571 for future residents in that area. Member Bull also noted his concern in not having a  
572 street turnaround for emergency vehicle access, opining he did not like a private street  
573 without such a turnaround. Given the whole nature of changing the character of this  
574 neighborhood, Member Bull expressed his interest in seeing a subdivision of two lots with  
575 access off Acorn Road, which he opined would be much easier for the neighborhood to  
576 support. However, Member Bull stated that he could not offer his support at this point for  
577 this proposed subdivision.

578 Member Cunningham admitted she had struggled with this subdivision the last time it  
579 came before the Commission, and she found herself doing so again, especially after  
580 hearing the thoughts and concerns still being expressed by neighbors to this parcel.  
581 While recalling that she had voted in support of the plan proposed the last time based on  
582 her role as Planning Commissioner, Member Cunningham stated that found the project  
583 was in line with the City's strategic plan and City code, even though the Commission's  
584 approval was limited in its ability to judge the feel of the neighborhood and construction  
585 noise. However, Member Cunningham admitted that she was alarmed to hear that this  
586 project could potentially decrease the value of Mr. Cross's property and increase water  
587 runoff he seed during periods of significant rainfall. Member Cunningham stated in her  
588 consideration of the general welfare portion of City Code, she could not justify sacrificing  
589 part of one resident's property for development of another, and she could not stop that  
590 thought process and those concerns. Regarding tree preservation, Member Cunningham  
591 stated that it is what it is and hopefully would be corrected and addressed in the near  
592 future. At this time, Member Cunningham state that she would vote against this  
593 Preliminary Plat.

594 **MOTION**

595 **Member Boguszewski moved, seconded by Member Murphy to recommend to the**  
596 **City Council approval of the proposed PRELIMINARY PLAT of the property**  
597 **addressed at 2201 Acorn Road; based on the comments, findings, and conditions**  
598 **contained the project report dated September 2, 2015; amended to include an**  
599 **additional condition as follows:**

- 600 • ***The applicant shall create and maintain a homeowner's association for the***  
601 ***long-term maintenance needs of the private infrastructure. The form of all***  
602 ***documents shall be reviewed and approved by the City Attorney, Public Works***  
603 ***Department and Community Development Department.***

604 **Ayes: 3 (Murphy, Stellmach, Boguszewski)**

605 **Nays: 2 (Bull and Cunningham)**

606 **Motion carried.**

607 Staff noted that this case is tentatively scheduled to come before the City Council at their  
608 September 21, 2015 meeting.

609 **c. PROJECT FILE 0017**

610 **Request by City of Roseville for approval of amendments to City Code, Chapter**  
611 **1011 pertaining to tree preservation and landscaping requirements**

612 Chair Boguszewski opened the public hearing for Planning File0017 at 7:49 p.m.

613 **MOTION**  
614 **Member Boguszewski moved, seconded by Member Cunningham to CONTINUE**  
615 **the Public Hearing for City Code Chapter 1011 pertaining to tree preservation and**  
616 **landscaping requirements to a date non-specific until such time as the proposed**  
617 **plan is drafted and delivered to the Planning Commission and they have a chance**  
618 **to review it.**

619 **Ayes: 5**  
620 **Nays: 0**  
621 **Motion carried.**

622 **Recess**

623 Chair Boguszewski recessed the meeting at 8:50 p.m. and reconvened at approximately 8:56 p.m.

624 **d. PLANNING FILE 15-016**  
625 **Request by Roseville Properties, with property owners Pinecone-Fairview, LLC and**  
626 **2720 Fairview DCE, LLC, for approval of outdoor semi-trailer storage at 2720**  
627 **Fairview Avenue as an INTERIM USE**

628 Chair Boguszewski opened the public hearing for Planning File 15-016 at 7:57 p.m.

629 City Planner Thomas Paschke briefly reviewed the history of this parcel and request of  
630 Roseville Properties for an Interim Use (IU) to use the former cross-dock freight terminal,  
631 mainly a parking lot, for the storage of semi-trailers throughout the site to, as detailed in  
632 the staff report dated September 2, 2015. Mr. Paschke displayed the site plan and aerial  
633 maps showing cross-dock freight terminals from past uses; with this IU proposed at three  
634 years until the property becomes more marketable, at which time the existing structure  
635 will be razed, as detailed in the narrative found in Attachment C. Mr. Paschke advised  
636 that specific requirements in staff's analysis for an IU were addressed in the staff report;  
637 with key issues related to public health addressed on page 3, and Item C containing  
638 recommendations of the City's Fire Marshal.

639 Mr. Paschke concluded that staff recommended approval of the three-year IU as  
640 conditioned extensively on pages 5 – 6 of the staff report.

641 At the request of Member Murphy, the applicant provided an aerial view of the site today  
642 at 2720 Fairview Avenue.

643 Chair Boguszewski clarified that, as it now stands under current City Code and Zoning  
644 Ordinance, this use is prohibited with the City having notified the applicant of the  
645 prohibition and giving notice to remove the current use; at which time the applicant filed  
646 this IU application for Planning Commission recommendation and ultimate resolution by  
647 the City Council.

648 Mr. Paschke affirmed that summary.

649 Unlike so many applications coming before the Commission, Chair Boguszewski noted  
650 that among the numerous conditions recommended by staff, none of them included a  
651 screening or fence.

652 Mr. Paschke responded that the lot was too large for any fence to adequately screen the  
653 trailer storage use; and therefore was not included as a condition of approval.

654 Noting the condition that trailers be moved back 70', Member Cunningham questioned if  
655 a fence wouldn't help to some degree, since now they're stored really close to the street,  
656 but if moved back with a fence installed, it provided much better aesthetics.

657 Mr. Paschke stated that a fence would need to be extremely high to screen the trailers,  
658 since they were higher than a typical fence height under City Code requirements. Mr.  
659 Paschke further noted that the purpose of a fence is to hide or screen something, which  
660 would not be achieved visually and prove futile, nor would it make financial sense for the  
661 applicant for a short-term use. Using the example cited by Member Cunningham for the

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 14**

662 Boaters Outlet property fencing, Mr. Paschke noted that that the fence screened a  
663 majority of boats stored on that site, but there were not as high as these trailers.

664 At the request of Member Cunningham, Mr. Paschke clarified that there was nothing in  
665 current City Code requiring screening of this type of use with a fence. Mr. Paschke stated  
666 that he was also not sure code would require an 8' screen all around the parcel even if a  
667 requirement; especially since this is a unique use, the storage of trailers, and not actually  
668 a motor freight terminal use.

669 At the request of Member Murphy, Mr. Paschke confirmed that this property is currently  
670 zoned and at the time of its last sale approximately 24 months ago was zoned as  
671 Community Mixed Use (CMU) and proposed for future zoning as CMU-3.

672 Member Murphy therefore noted that, at the time of sale, the purchaser knew that this  
673 was a nonconforming use under CMU zoning designation or under proposed zoning to be  
674 considered later this evening under Project File 0026.

675 Mr. Paschke advised that whether or not the use was conforming or legally  
676 nonconforming at the time of sale, since there may have still been a motor freight use  
677 actively using the site, that use had ceased to exist as the property had been vacant or  
678 not been used for that particular use for over one year, and in accordance with State  
679 Statute was therefore no longer a considered a legal nonconforming use that had been  
680 previously grandfathered. Therefore, Mr. Paschke advised that the applicant had filed this  
681 request to address that use until the property was marketed for a higher and better use.

682 At the request of Member Murphy, Mr. Paschke clarified that proper term for this  
683 requested use was "outdoor storage of trailers;" and confirmed that such a use was not  
684 allowed elsewhere in the City as a separate and distinct use. Other than a specific truck  
685 terminal use, Mr. Paschke advised that the City no longer allowed the outright outdoor  
686 storage of trailers and had been prohibited as a separate use during his entire tenure with  
687 the City of Roseville.

688 Member Murphy noted then, that in consideration of the general welfare of the City, such  
689 a use was not allowed anywhere in the City today; and questioned if another type of use  
690 (e.g. pawn shop) could be potentially allowed as an IU when not actually allowed going  
691 forward, noting several other properties west on Fairview Avenue requesting similar IU  
692 approval.

693 Member Murphy asked who monitored or enforced the storage within those trailers (e.g.  
694 hazardous waste, combustibles, etc.).

695 Mr. Paschke responded that staff did not track it and it was a trust factor; and that the  
696 contents in these particular trailers and on this property indicated that until or unless  
697 betrayed that trust was inherent in allowing the use.

698 Noting the location of the communication antennae on this site, which Mr. Paschke  
699 advised he would need to research further since it was on private versus public property,  
700 and whether or not the City could require its removal within a certain time frame. Mr.  
701 Paschke suggested the Commission could add an additional condition for staff to work  
702 with the applicant on removal of that antenna within the next three years, depending on  
703 whether it fell within the commercial tower provisions of City Code without further staff  
704 review.

705 Given the City's revised site maintenance standards for commercial occupancy, Member  
706 Murphy asked if the current state of the property met today's standards.

707 Mr. Paschke responded that it did not do so 100%; and staff might seek to remedy them  
708 in certain areas, thus the recommended conditions for approval (e.g. dock doors and  
709 coverings or protection of trucks backing up since some seemed to be falling off the  
710 building or in slight disrepair; minor repairs needed of garage doors on the north side;  
711 and overgrown weeds and grass). Mr. Paschke opined that overall the building looked  
712 fairly good with some minor repairs; and noted that other City Departments may have

713 other infractions to address over time for things that had yet to be included or  
714 acknowledged to-date.

715 Member Murphy noted the advertisement of electrical hook-ups, not currently in use; and  
716 opined that from his perspective, this was not a good site for refer connections,  
717 suggesting that an additional condition be applied that no electricity shall be supplied to  
718 trailers under this IU.

719 Mr. Paschke concurred that would be a valid additional condition.

720 At the request of Member Murphy, Mr. Paschke reviewed the potential timeframe to  
721 determine if the building remained or was razed, advising that at some point the owner  
722 would determine if the upkeep was costing more than the building was worth, but  
723 suggested leaving that decision up to the property owner versus conditioning it as part of  
724 this IU.

725 At the request of Member Murphy, Mr. Paschke advised that the conditions of approval  
726 would initiate upon approval of the IU for completion within a reasonable time depending  
727 on the weather and approval process yet this fall.

728 Member Bull sought clarification of where the trailers will actually be parked, as some are  
729 stored in the south lot next to the building, but it was also conditioned that IU approval  
730 required a property line setback of a minimum of 30' between the trailers and building.

731 Mr. Paschke clarified that this condition was looking at those trailers parked next to the  
732 building; similar to the aerial map and was intended to address traffic flow on the site by  
733 relocating the drive lane running along the building. Mr. Paschke opined that whether or  
734 not the trailers could still be positioned there remained an unknown at this time.

735 Chair Boguszewski suggested minor tweaking of recommended condition 1.d to clarify  
736 their location of at least 30' from the building.

737 At the request of Member Bull, Mr. Paschke clarified staff's interpretation of the front yard  
738 requiring 70' setback; and clarified that it wasn't an arbitrary location for the front yard  
739 given the history of that site and what the City desired and did not desire in a commercial  
740 front yard.

741 Chair Boguszewski suggested further tweaking of conditions stating "no trailer parked  
742 further west of the line drawn in front of the building requiring a 70' setback" that would  
743 prevent theoretically extending the face of the building.

744 Member Bull asked if there was available definition of hazardous or dangerous materials  
745 with the intent to eliminate any vagueness of that requirement.

746 While unsure of the actual definition, Mr. Paschke advised that it would address anything  
747 potentially combustible or erodible.

748 Member Murphy noted that the Fire Marshal would be well versed in that definition and all  
749 it entailed.

750 Regarding the "Big Blue Box" reference in the packet, Member Stellmach sought  
751 clarification of what that meant.

752 Mr. Paschke advised that this was the owner of the current trailers located on the site.

753 At the request of Member Stellmach, Mr. Paschke confirmed that the IU could be  
754 terminated if the approval is not complied with at any time during the three year term.

755 At the request of Chair Boguszewski, Mr. Paschke reviewed the process for such a  
756 termination, including an initial written notice to the applicant of the violation of  
757 noncompliance with one or more conditions seeking their immediate remedy; and if not  
758 done, seeking formal termination of the IU itself in accordance with the legal due process  
759 followed by the City Attorney's office, and similar to other applications requiring approval  
760 of the Commission through a public hearing process and subsequent City Council action,

761 followed by legal recourse. Mr. Paschke advised that during his tenure, he had never had  
762 such a situation occur due to noncompliance.

763 **Applicant Representatives**

764 **Chad Commers, Vice President, Roseville Properties Management Co. (RPMC)**  
765 For those unfamiliar with Roseville Properties, Mr. Commers provided a brief history of  
766 their firm, with their acquisition portfolio including properties in Roseville since 1978. Over  
767 that time, Mr. Commers noted the decades-long process of improving and reinvesting in  
768 the community through upgrades of those properties, advising that their company was  
769 here for the long-term.

770 Mr. Commers advised that this particular property was acquired over a decade ago and  
771 had been used as a motor freight terminal until that tenant left to acquire a larger facility,  
772 at which time Roseville Properties continued to lease the property for a variety of uses.  
773 Mr. Commers admitted it had been his oversight that caused the current situation in  
774 losing the grandfathered or legal nonconforming use, thus the request currently before  
775 the Commission.

776 Mr. Commers advised that this site was not achieving its maximum potential for their firm  
777 or for the City for the long-term, and therefore the IU request was simply to bring in some  
778 cash flow while their firm finished improvements and renovations to two of their other  
779 properties (Play It Again Sports and Petco), at which time they intended to begin  
780 marketing this parcel and the property immediately adjacent for potential renovation in  
781 the spring and summer of 2016. Depending on market conditions, Mr. Commers advised  
782 that the company's intent was to get something going within the next 2-3 years. Mr.  
783 Commers verified that his firm's intent was to raze the building if the IU is granted; and  
784 continue to use the property for trailer storage, and simply backfill that former building  
785 footprint once raised for additional trailer storage during the term of the IU.

786 According to the attachments to the staff report, Member Cunningham noted that it  
787 appeared approximately 100 trailers were currently being stored on the property, and  
788 questioned how many were anticipated if and when the building was razed.

789 Mr. Commers responded that, once the building was razed, it would depend on the  
790 amount of the site required for setbacks and drive lanes as conditioned by staff, and  
791 currently being revised and drawn up by the architect for Roseville Properties.

792 With Member Cunningham noted that the lot appeared to be packed in tight on the site  
793 now, Mr. Commers admitted the lot was fairly full, but if the IU is approved, there will  
794 probably be room for fewer trailers, depending on the results once the actual schematics  
795 are finalized.

796 Chair Boguszewski noted that razing the building should accommodate some of the room  
797 lost through setback and drive lane requirements.

798 At the request of Member Murphy, Mr. Commers addressed the contents of trailers  
799 currently on the lot advising that they were excess storage for Goodwill Industries, and  
800 therefore should be no reason for any concern about hazardous substances.

801 However, Member Murphy clarified that the Fire Marshal may have valid concerns with  
802 combustibles stored in the trailers on the subject property and potential fire issues with  
803 adjacent buildings with arson potentials of those combustible materials.

804 Mr. Commers responded that no igniter was evident within a significant distance with the  
805 subject property surrounded by vacant parcels.

806 **Public Comment**

807 **Carole Erickson, 1996 Langton Lake Drive – Applewood Point**  
808 Ms. Erickson stated that she had been a big supporter of Roseville Properties for years,  
809 but was concerned in granting this use given the substantial number of years the City of  
810 Roseville had been trying to shed the image in the Twin Lakes Redevelopment Area from

811 a trucking center and transitioning to office and hotel uses. Ms. Erickson noted that the  
812 City had worked hard to redevelop that entire area to make it more aesthetically pleasing  
813 for residents and those travelling through the community. Therefore, since this is not a  
814 permitted use, Ms. Erickson opined that a one year IU term versus a 3 year term for the  
815 owner to get the property cleaned up and get rid of truck storage would be much more  
816 acceptable. Ms. Erickson further opined that the trailers currently parked there continued  
817 to be an eyesore.

818 With no one else appearing, Chair Boguszewski closed the public hearing at 8:37 p.m.

819 Commissioner Position Statements

820 At the request of Member Cunningham, Mr. Paschke advised that the proposed 3 year IU  
821 term was based on past practice with IU's not typically being granted beyond 5 years  
822 unless through the renewal process. Over the last few years, Mr. Paschke advised that  
823 the typical IU term was for three years, but noted it could be less if the Planning  
824 Commission chose to do so. However, Mr. Paschke opined that he thought a 3 year term  
825 was viable for the property owner, their tenant(s), and the City if the result was eventually  
826 achieving a higher and better use for the site, which at one time was motor freight  
827 terminal and similar uses.

828 At the request of Member Cunningham, Mr. Paschke confirmed that any IU application  
829 had the option of seeking an extension.

830 Chair Boguszewski stated that he had some concerns with this particular IU, opining that  
831 he found the sheer number of conditions to make it palatable to be staggering. In  
832 addition, Chair Boguszewski noted suggestions by his colleagues to add even more  
833 conditions (e.g. fencing, no electrical power for refer trailer storage, etc.), and also  
834 concerns with the vagueness of the City's ability to monitor or enforce what is stored in  
835 those trailers depending on the particular tenant going forward. Even though these  
836 current trailers are Goodwill Industries-affiliated trailers, Chair Boguszewski noted there  
837 was no satisfactory response to the concerns raised by Member Murphy regarding  
838 monitoring storage or how that would be realistically accomplished. While agreeing that  
839 additional conditions were indicated as previously discussed, and his support for an IU  
840 term less than 3 years, Chair Boguszewski agreed with the comments of Ms. Erickson  
841 regarding this being a step backwards for the Twin Lakes Redevelopment Area,  
842 especially with upcoming completion of Twin Lakes Parkway, and serving as a step in  
843 reverse for improving the character of this particular sub-neighborhood that was looking  
844 for an aesthetic upgrade. If this IU request was for a different part of town, Chair  
845 Boguszewski opined that he might find it easier to consider, but not here when there was  
846 a direct attempt to upgrade the aesthetics. Chair Boguszewski opined that he, and  
847 probably numerous other Roseville residents, would concur with the comments  
848 expressed by Ms. Erickson, but also shared her appreciation for all Roseville Properties  
849 had done in the community to-date. However, Chair Boguszewski opined that this use  
850 was not the best fit on this site, and therefore, he was not leaning toward recommending  
851 its approval at this point.

852 Member Bull advised that he had attended and spoken to Mr. Commers and his father at  
853 their open house for this project; and recognized their other work currently being finished  
854 on other acquisitions before addressing this site, and trying to make it income-producing  
855 until it could be marketed for a better and higher use. Member Bull noted that the  
856 proposed use under the IU request had been historically compatible with this property,  
857 and given the proposed 3 year term and commitment by the owner to raze the building  
858 seemed to move forward with a better use of the site. Member Bull noted that by razing  
859 the building and restoring the surface area within that three year timeframe would allow  
860 Roseville Properties to recoup some of their costs. However, if the property owner found  
861 a viable tenant within 6-12 months, he felt confident they would accelerate plans  
862 accordingly. Member Bull opined that the number of conditions recommended by staff  
863 seemed sufficient, without getting even more excessive with additional conditions,  
864 including the requirement to park trailers back to back.

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 18**

865 Member Murphy clarified that this requirement for parking was a state requirement for a  
866 5' separation for security purposes when trailers were parked parallel to each other.

867 Member Bull stated he would support the IU request with a few wording changes.

868 Member Stellmach stated that he was leaning toward supporting the 3-year IU request,  
869 opining that safety issues would improve with the staff-recommended conditions to the  
870 IU, and in consideration of the property owners' apparent interest in the goal of  
871 transitioning the property sooner than later, and which he would then support them in  
872 those efforts.

873 Member Cunningham admitted she struggled in approving a 3 year IU when so much  
874 remained up in the air with this area, and the Twin Lakes parkway, opining that it may  
875 prove discouraging for residents to see this unsightly storage in an area focused on  
876 redevelopment. While appreciating the 70' front yard setback condition, Member  
877 Cunningham stated that she could not support a 3 year IU, but would be more amenable  
878 to a 1 or 2 year IU.

879 Chair Boguszewski noted that the Commission could choose to amend the IU term at  
880 their discretion.

881 Based on the plans outlined by Mr. Commers, Member Cunningham suggested that a 2  
882 year IU term seemed reasonable based on current market conditions, while still allowing  
883 them to return to the Planning Commission for an extension of the IU if market conditions  
884 dictated it.

885 Chair Boguszewski stated that he was not convinced that a fence or visual barrier  
886 screening of the site wouldn't also improve the application from his perspective.

887 Member Cunningham noted that it may just be the uniqueness of this site since the next  
888 IU request proposed fencing.

889 Mr. Paschke responded that there was a difference in the IU requests based on their  
890 specific use, with the other request consisting of a contractor yard that functioned much  
891 differently than this and requiring screening at a lower level than could be achieved with  
892 the trailer storage use. Mr. Paschke opined that a massive wall that would need to be  
893 created to screen this IU use would be more unsightly than the trailers, and would not  
894 serve to address the functioning of the site required by the Fire Marshal to address his  
895 concerns. Mr. Paschke advised that this was part of the rationale in staff recommending  
896 the 3-year term and no fence requirements on this parcel based on uses on the east side  
897 of Fairview Avenue also having a lot of outdoor storage on those sites and similar to how  
898 this site functioned in the past. Given the intent of the owner to raze the existing building  
899 and redevelop the sit in the short-term, Mr. Paschke opined a term of 2-3 years was  
900 better from his perspective, and without knowing how those properties on the east side of  
901 Fairview Avenue would eventually develop.

902 Community Development Director Paul Bilotta addressed the fencing specific to this IU  
903 application, noting that most IU terms were for a full 5 years, with potential extension if  
904 remaining compliant. However, Mr. Bilotta noted that neither the applicant nor the City  
905 was interested in extending this particular use for 10-15 years. Mr. Bilotta advised that  
906 one reason a fence was included in this IU approval and conditions was to not place an  
907 additional performance requirement on the site or asking the property owner to invest  
908 significantly on the site's value under this IU use. While it was at the discretion of the  
909 Planning Commission and subsequently the City Council, Mr. Bilotta advised that staff's  
910 rationale was that it would be better to simply get the trailers further back on the lot and  
911 not require a fence that may imply that the property owner had long-term rights for these  
912 activities, and thereby encouraging redevelopment of the site for a higher and better use.

913 In looking at Fairview Avenue based on its past and where it appear to be moving and  
914 general welfare concerns for the neighborhood in allowing this IU, Member Murphy stated  
915 that he didn't feel he could support the request. In looking back to 2006 or even 2011,  
916 Member Murphy noted there was much more empty space and less trailer storage on this

917 sit than current; and opined that the door had therefore officially been closed on that  
918 legal, nonconforming use and it would set a bad precedent to reopen that door.  
919 Recognizing other enforcement actions going on throughout the City through the  
920 Neighborhood and Business Enhancement Programs (NEP and BEP), Member Murphy  
921 noted this use was no longer allowed anywhere within the City today under any CMU  
922 subcategory, making it difficult to consider approval at his location on Fairview Avenue.

923 Chair Boguszewski asked Mr. Commers the average length of time any one trailer was  
924 stored on the property or their transition in and out.

925 Mr. Commers advised that these trailers were not typically moved in our out, making this  
926 tenant and use less onerous on streets and the neighborhood that previously found and  
927 that could ease some of the concerns expressed by Commissioners. Mr. Commers  
928 expressed his firms' desire to move this forward, and noted their ownership of other  
929 properties elsewhere in Roseville, including some parcels directly across the street from  
930 this subject site, allowing them better control of the area. However, Mr. Commers also  
931 noted that Roseville Properties continued to be caught in a position of uncertainty about  
932 the Twin Lakes Redevelopment Area, which had been the case for some time now, with  
933 this twenty-acre site serving as a lynchpin that he saw setting off redevelopment of this  
934 broader area. In an effort to further ease some of the concerns of the Commission, Mr.  
935 Commers offered to sign this parcel that future development is coming and a potential  
936 timeframe for that redevelopment for the benefit of residents driving down the street to  
937 assure them the City was not taking a step backward and hopefully send a clear  
938 message that redevelopment was coming. Mr. Commers reiterated that the goal was to  
939 assure the community that property owners and the City were taking positive steps  
940 forward to redevelop these properties.

941 Regarding the timeframe, Member Bull noted that if a 2 year IU term was provided, the  
942 property owner would need to make a decision within eighteen months whether or not to  
943 extend the IU or the City Council would need to start making plans for vacating it.  
944 Therefore, Member Bull suggested a 3 year IU seemed more appropriate for decision-  
945 making for all parties.

946 Member Cunningham asked Mr. Commers if a 2 year IU term was worth their time.

947 Mr. Commers responded that staff had agreed to a 3 year maximum term and would not  
948 budge on a longer term. Therefore, Mr. Commers noted that it only provided more  
949 incentive for them to get this site redeveloped as soon as possible, since it isn't a  
950 profitable site in its current use or condition, and not even covering taxes with current  
951 revenues under current zoning restrictions. Mr. Commers reiterated the intent of  
952 Roseville Properties in even pursuing this IU was an attempt to offset expenses and get  
953 out of that situation as soon as possible, allowing a certain amount of time to come up  
954 with ideas and start that process. Mr. Commers advised that a 3 year IU term would be  
955 preferable, but even if a 2 or 2.5 year term, they would take what they could get, since  
956 they were at the mercy of the Commission and City Council, but reiterated that Roseville  
957 Properties was in it for the long haul.

958 Chair Boguszewski noted that it still didn't preclude Roseville Properties from coming  
959 back for an extension if things didn't work out, with Mr. Commers responding that he  
960 remained optimistic that the next great deal was forthcoming.

961 Chair Boguszewski stated that this additional discussion had not served to move him  
962 from his previous position, opining that something determined to be an undesirable use  
963 on this 40,000 square foot property continued to be undesirable even if intended for the  
964 short term until something better could be found. Considering the long-term plan for this  
965 area and from a process perspective, Chair Boguszewski stated that he was not  
966 amenable to making a motion to support this IU request.

967 Before considering revising the proposed conditions for approval of this IU, Member  
968 Murphy suggested another solution seeking a proposal everyone could support,

969 suggesting a motion to DENY approval of the IU rather than attempting to approve it with  
970 yet more conditions to make it more palatable.

971 Before taking that step, Member Cunningham sought consensus on the potential of  
972 changing the term, reiterating her hesitancy in allow this IU on this parcel and in  
973 agreement with Chair Boguszewski. However, Member Cunningham admitted she would  
974 be much more amenable with a 2 year IU term to assure neighbors that there was a light  
975 at the end of the tunnel rather than voting to DENY the IU request entirely.

976 **MOTION**

977 **Member Cunningham moved, seconded by Member Bull to recommend to the City**  
978 **Council approval of the INTERIM USE allowing outdoor storage of semi-truck**  
979 **trailers at 2720 Fairview Avenue; based on the comments, findings, and conditions**  
980 **contained the project report dated September 2, 2015; amended as follows:**

- 981 • **Condition 1.d is amended to read: “Trailers parked/stored in the south lot area**  
982 **shall be parked either next to the building or sough of the building [, OR] [and]**  
983 **must be set back a minimum of 10 feet from the property line with a minimum**  
984 **of 30 feet between trailer and building for a clear drive lane to the rear and**  
985 **around the building.”**
- 986 • **Condition 2 amended to read: “... and the site shall be maintained through the**  
987 **duration of this IU.”**
- 988 • **Condition 4 amended to read: “This approval shall expire at 11:59 p.m. on**  
989 **September 30, [2018] [2017], reducing the proposed approval term of this IU**  
990 **from 3 years to 2 years; and expiring on September 30, 2017.”**
- 991 • **Condition Additional Condition: “No electricity will be supplied for use with**  
992 **this trailer storage (e.g. no refer trailers).”**

993 **FRIENDLY AMENDMENT**

994 **Member Murphy moved, seconded by Member Cunningham a friendly amendment**  
995 **to add a condition (#3.c) that the existing building antennae shall be brought into**  
996 **conformance with City Code or removed.**

997 **The maker and seconder of the original motion were in agreement with this friendly**  
998 **amendment.**

999 **MOTION (as amended)**

1000 **Ayes: 3 (Bull, Cunningham, Stellmach)**

1001 **Nays: 2 (Murphy and Boguszewski)**

1002 **Motion carried.**

1003 Staff noted that this case is tentatively scheduled to come before the City Council at their  
1004 September 21, 2015 meeting.

1005 **e. PLANNING FILE 15-017**  
1006 **Request by Roseville Properties, with property owner 1826 Grand Avenue, LLC, for**  
1007 **approval of outdoor semi-trailer storage at 2211 – 2217 Count Road C-2 as an**  
1008 **INTERIM USE**

1009 Chair Boguszewski opened the public hearing for Planning File 15-017 at 9:07 p.m.

1010 City Planner Thomas Paschke briefly reviewed the request as detailed in the staff report  
1011 dated September 2, 2015 for this property consisting of multiple connected buildings with  
1012 parking along Partridge Road and County Road C-2. Mr. Paschke reviewed existing uses  
1013 and their noncompliance and a history of this site and previous uses. With the current  
1014 yard used as a contractor yard, Mr. Paschke advised that the IU request raised a number  
1015 of additional items to address code compliance for screening of this site and its use in  
1016 outdoor truck and equipment storage (e.g. construction material and equipment). While a  
1017 number of similar issues arise with this use as those brought up with trailer storage in the  
1018 last case, Mr. Paschke advised that this site had only one access point, and from staff’s

1019 perspective that didn't create the problematic issues for drive lanes and internal traffic  
1020 flow on the property.

1021 Mr. Paschke briefly reviewed staff's analysis of criteria for this IU application, and  
1022 recommended approval with similar conditions as addressed in the last case.

1023 Member Stellmach questioned if and when IU properties area inspected to ensure  
1024 conditions are being complied with during its term.

1025 Mr. Paschke advised that the Community Development Department initially reviewed the  
1026 applicant's plan to meet those requirements, along with the Fire Marshal, with that initial  
1027 inspection to determine compliance, with subsequent staff inspections to make sure they  
1028 were meeting the objectives and goals of the IU.

1029 Member Bull opined that this IU request seemed to be for trailer storage as well and  
1030 didn't reference the contractor business, causing him to question if this was considered a  
1031 permitted use on this property as currently zoned.

1032 Mr. Paschke responded that the contractor storage use was not a permitted use, and  
1033 similar to the previous IU request, upon staff's completion of an inspection of the site  
1034 noted a number of existing violations related to current zoning code, with the property  
1035 owner subsequently provided written notice of that noncompliance item by item and  
1036 requirement to bring it into compliance within a certain timeframe. Upon meeting with the  
1037 property owners and their tenant regarding those compliance violations, Mr. Paschke  
1038 advised that the fence issue remained unresolved until the other concerns had been  
1039 addressed; and resulting in application for this IU. Mr. Paschke opined that, given the  
1040 amount of nonconformity on the site, versus the specific use of this particular property, an  
1041 IU would expand and address multiple issues remaining on site.

1042 Member Bull noted the difference with this property compared to the previous IU request,  
1043 with this property not being directly adjacent to other uses in the neighborhood and  
1044 keeping in character with it even though it remained a nonconforming use.

1045 ***At the observation of Member Bull, Mr. Paschke corrected the term of the IU from***  
1046 ***September 1 to September 30 for its expiration (page 6, Condition 8)***

1047 At the request of Member Bull regarding removal of concrete and gravel materials, Mr.  
1048 Paschke noted that staff was allowing some latitude in relocating that material at another  
1049 site depending on upcoming winter weather, but still requiring removal.

1050 **Applicant Representatives**

1051 **Chad Commers, Vice President, Roseville Properties Management Co. (RPMC)**  
1052 Similar to the previous request, Mr. Commers advised that Roseville Properties had  
1053 acquired this property from the bank approximately two years ago, and the site was also  
1054 slated for redevelopment after this winter. Mr. Commers noted the end product for this  
1055 site was being marketed for a 41,000 square foot office building within this industrial use  
1056 area once the appropriate tenant was found to accomplish that use effectively. Mr.  
1057 Commers advised that the gravel pile on site was actually residue from a Roseville street  
1058 project, and the firm intended to remove it, potentially spreading it across the site to level  
1059 current holes and prepare the site for re-use. Mr. Commers advised that other than for  
1060 the trailer storage, Roseville Properties was agreeable to bring the use into compliance  
1061 once that official direction had been given. Mr. Commers further advised that all leases  
1062 for this site were written with a short-term nature so when the opportunity came along to  
1063 do something different with the property, Roseville Properties could take advantage of  
1064 that.

1065 Chair Boguszewski closed the public hearing at 9:22 p.m.; no one spoke for or against.

1066 **Commissioner Position Statements**  
1067 Member Murphy stated that, as much as the previous IU application offended him, he  
1068 found this IU request to fit well at this location, and seemed to be a good continued use  
1069 short-term until redeveloped.

1070 Member Bull suggested striking Condition 1.f since Condition 3 addressed it sufficiently.

1071 Member Cunningham noted the previous IU request had not wanted to ask the property  
1072 owner to make the financial commitment for a fence, while this one did, and questioned  
1073 the differences that would make installation on this site a requirement.

1074 Mr. Paschke noted the differences in requiring a fence on the portion of this property  
1075 used solely for contractor yard components to be consistent with that type of use versus  
1076 that of a motor freight terminal. While still requiring an investment, Mr. Paschke noted  
1077 that the contractor items to be screened were considered more unsightly and needed to  
1078 be addressed on this site versus trailer storage.

1079 Member Cunningham questioned if the investment for fencing didn't encourage this use  
1080 to stick around allowing the property owner to recoup their investment.

1081 Mr. Bilotta advised from the market side, when looking at this site versus that on Fairview  
1082 Avenue proposed for development within the next year, while sometimes developments  
1083 may or may not occur, if this particular site drug on for a longer period of time, it would  
1084 not impact activities on adjacent parcels as it would negatively impact the potential  
1085 development possibilities along Fairview Avenue with its more central location in the  
1086 community rather than this one on the west side of I-35W.

1087 At the request of Member Murphy, Mr. Paschke displayed the intended location of the  
1088 fence specific to contractor storage, showing a much smaller area versus the entire lot.

1089 Member Murphy stated his willingness to support a motion to approve this IU as long as  
1090 Condition 1.f remained to clarify where trailers can be stored versus where construction  
1091 equipment could be stored on the corner.

1092 Member Bull clarified, as confirmed by Mr. Paschke, that Condition 1 applied only to the  
1093 trailer storage area, with nothing prohibiting trailer storage where the contractor yard is  
1094 currently located.

1095 Mr. Paschke noted the applicant was not seeking that, and the fact remained that all  
1096 equipment related to the contractor yard needed to be on an all-weather surface and  
1097 requiring an entirely different type of storage. Mr. Paschke clarified that the other  
1098 conditions dealt with other uses (e.g. trailer storage on the west side of the parcel).

1099 **MOTION**

1100 **Member Bull moved, seconded by Member Murphy to recommend to the City**  
1101 **Council approval of the INTERIM USE allowing outdoor storage of semi-truck**  
1102 **trailers, contractor yard, and semi-truck sales and leasing at 2211 and 2217 County**  
1103 **Road C-2; based on the comments, findings, and conditions contained the project**  
1104 **report dated September 2, 2015.**

1105 • ***Condition 8 corrected the term of the IU from September 1 to September 30 for***  
1106 ***its expiration.***

1107 **Ayes: 5**  
1108 **Nays: 0**  
1109 **Motion carried.**

1110 Staff noted that this case is tentatively scheduled to come before the City Council at their  
1111 September 21, 2015 meeting.

1112 **f. PROJECT FILE 0026**  
1113 **Request by City of Roseville for approval of amendments to the 2030**  
1114 **Comprehensive Plan and Zoning Code pertaining to various properties within the**  
1115 **Twin Lakes Redevelopment Area**

1116 Chair Boguszewski opened the public hearing for Project File 0026 at 9:32 p.m.

1117 Senior Planner Bryan Lloyd briefly reviewed the request for amendment of the 2030  
1118 Comprehensive Plan and Zoning Code for the Twin Lakes Redevelopment Area as

1119 detailed in the staff report dated September 2, 2015. Mr. Lloyd noted this would include  
1120 changes to the existing Comprehensive Plan Land Use Map (Attachment A) guiding  
1121 future Community Mixed Use (CMU) land use designation that provided much broader  
1122 language than guidance currently found in the High Density Residential (HDR) zoned  
1123 designation. Mr. Lloyd advised that the Comprehensive Plan change would be a  
1124 foundational elemental in amending current zoning code. Mr. Lloyd advised that this  
1125 request currently before the Planning Commission was a result of months of public input  
1126 and City Council review and discussion, and creation of the proposed zoning map  
1127 (Attachment B) showing four use designations within the CMU zoning in the Twin Lakes  
1128 Redevelopment Area.

1129 Mr. Lloyd directed the Commission’s attention to Table 1005-5 detailing uses in these  
1130 four zoning districts (Attachment C).

1131 At the request of Member Murphy regarding the hash markings in the area bordering the  
1132 lake, Mr. Lloyd noted that existing CMU regulations limited height to some extent, and  
1133 this buffer area suggested even further height reductions to minimize massing along  
1134 street frontages and along lake borders to improve pedestrian aesthetics. Mr. Lloyd noted  
1135 that this would implement absolute height limitations for that area, with the proposed  
1136 CMU-1 designation allowing a maximum height of 35’, and overall height limited to 65’ in  
1137 CMU-2 designations; with the further provision for that 35’ height restriction within the  
1138 “hashed” areas.

1139 Within the various CMU subareas, Mr. Lloyd noted that CMU-2 subareas provided less  
1140 density to the north, thus buffering more intense development from sensitive areas (e.g.  
1141 parks, natural areas, and wetlands) with the CMU-4 subarea the most intensive area. Mr.  
1142 Lloyd clarified that these subareas in CMU designated zoning did not necessarily apply to  
1143 the entire community, but was specific to the Twin Lakes Redevelopment Area.

1144 In addition to the Commission focus tonight on the Table of Uses (Attachment C – pages  
1145 16 – 18), Mr. Lloyd noted the requested text changes (Attachment C, page 16) and  
1146 revised definition of the first section of Zoning Code Chapter 1001, Introduction, Section  
1147 1001.10: Definitions (Attachment C, Page 1).

1148 Mr. Lloyd briefly reviewed the intent of each of the four subareas in the CMU zoning  
1149 designation as detailed in the staff report dated September 2, 2015, and further defined in  
1150 Attachment C, and the proposed uses for each. Mr. Lloyd noted that this resulted in  
1151 different land uses across those 4 subareas, providing for a unique situation with the  
1152 regulating plan providing a different layer of zoning, specially addressing setback  
1153 requirements, use regulations, and where 24-hour uses were or were not acceptable  
1154 given the subarea proximity to residential uses.

1155 Mr. Lloyd addressed an email provided to staff earlier today from Member Stellmach  
1156 suggesting further simplifications that staff found valid, and with Mr. Lloyd’s responding e-  
1157 mail to Commissioners, staff recommended they be included as a new section to page 16  
1158 of Attachment C specifically addressing limited business hours district-wide versus  
1159 basing them on use limitations. Mr. Lloyd further noted an observation by Member  
1160 Stellmach of a potential conflict in regulating customers within permitted uses as a  
1161 conditional use (CU) during nighttime while allowing hotels as permitted (P) use when  
1162 their guests were arriving or departing at all hours. Mr. Lloyd opined that the simplest way  
1163 to address it was to make lodging uses in the Land Use Table 1005-5 a CU in CMU-4 to  
1164 avoid that conflict. If other conflicts or inconsistencies were found, Mr. Lloyd asked  
1165 Commissioners to point them out for the next iteration.

1166 Mr. Lloyd noted in the Land Use Table for the Twin Lakes area, the laboratory/research  
1167 and development use was not expressly discussed as a permitted use in the table, but  
1168 seemed to be a natural fit with other P uses promoted for corporate or biotechnical firms  
1169 or offices of a similar nature in the Twin Lakes Redevelopment Area, making it a sensible  
1170 addition to the proposed revised Table of Uses at least in the Industrial section to  
1171 accommodate laboratories for research and development and/or testing. Mr. Lloyd

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 24**

1172 suggested it may be prudent to think more intentionally about what research and  
1173 development or testing could entail and how to regulate them to address outdoor  
1174 elements and concerns (e.g. testing explosives as a non-permitted – NP – use while a  
1175 more sensible use may be in testing driverless vehicles outdoors and whether or not to  
1176 regulate that type of implementation).

1177 Regarding the requested zoning changes, Mr. Lloyd based on the proposed Table of  
1178 Uses for Twin Lakes, some uses were clearly P and others NP, while others were open  
1179 to interpretation, usually falling into the CU, and potentially falling into the Planned Unit  
1180 Development (PUD) area if the City Council ultimately decides to reinvent that option in  
1181 the near future and depending on specific for each case. With that PUD consideration  
1182 slated to come forward in the next few months, Mr. Lloyd advised that further refinement  
1183 could occur at that time.

1184 In conclusion, Mr. Lloyd noted that staff was seeking two separate motions of the  
1185 Planning Commission tonight for subsequent recommendation to the City Council, as  
1186 detailed in the staff report.

1187 Chair Boguszewski summarized staff's requested actions: proposed changes to the  
1188 concept of the CMU Zoning District itself given the general perception that the single  
1189 category was too broad or general in nature, creating a desire to split it into  
1190 subcategories allowing varying degrees of latitude or restriction; and the desire to change  
1191 two parcels in this area from the current zoning designation of High Density Residential  
1192 (HDR) to CMU-2 parcels; provided the Commission concurs with the conceptual zoning  
1193 designations from CMU to CMU-1, 2, 3 or 4.

1194 Chair Boguszewski noted that it's possible the City Council may not support the  
1195 Commission's recommendation and could still change those two parcels to CMU without  
1196 subcategories; with Mr. Lloyd concurring with that potential, noting that changing the  
1197 Comprehensive Plan opened up that possibility.

1198 If that was the case, Chair Boguszewski asked staff if they still would have wanted to split  
1199 the CMU into 4 subcategories, with Mr. Lloyd responding that the preferred lower  
1200 intensity development couldn't be achieved with a uniform CMU zoning district, and a  
1201 more geographic nuance of zoning regulations was actually driving the process, part of  
1202 which would be changing the Comprehensive Plan to achieve that.

1203 From a process standpoint, Chair Boguszewski noted that it behooved the Commission  
1204 to vote on the four CMU subareas first and subsequent to that determine the CMU-1  
1205 zoning as applicable.

1206 At the request of Chair Boguszewski, Mr. Lloyd confirmed that CMU-1 and CMU-2  
1207 designations were fairly similar other than for business hour designations depending on  
1208 the specific land use, and proposed for only two specific categories where they differed.  
1209 Chair Boguszewski further noted that in CMU-2 and CMU-3 designations, there were  
1210 eight differences proposed, with lodging and large format retail uses being addressed.  
1211 Chair Boguszewski opined that it seemed the greatest value wasn't necessarily achieved  
1212 in splitting this into 4 subareas, which he felt could have been 90% achieved by splitting  
1213 the CMU into 2 districts and combining CMU-3 and CMU-4 into CMU-2, other than for  
1214 addressing hours of operation.

1215 Mr. Lloyd clarified that CUM-1 and CMU-2 zoning designations had a further distinction in  
1216 overall height limitations, recognized by Chair Boguszewski.

1217 Chair Boguszewski sought clarification and confirmation from staff that action to amend  
1218 the Comprehensive Plan required a 5/7 majority vote, requiring unanimity from those  
1219 members present tonight, which may create a problem in the quorum present.

1220 Chair Boguszewski noted the tremendous amount of work that has gone into this, and  
1221 commended staff and Member Stellmach for their review and good recommendations to-  
1222 date. Given the considerable amount of time to sufficiently and meaningful review the  
1223 Table of Uses line by line, and the need to focus on exceptions and potential complexities

1224 of those discussions, Chair Boguszewski suggested either reviewing a portion tonight, or  
1225 given the lateness of the hour, to continue it to a future meeting.

1226 Member Murphy concurred, but suggested hearing from those members of the public in  
1227 attendance tonight and asked staff if there was any negative impacts if the Commission  
1228 didn't finalize their discussion and action tonight.

1229 Chair Boguszewski duly noted his intent to hear public comment from those in  
1230 attendance tonight.

1231 Mr. Lloyd advised that from a staff perspective there was no formal 60-day rule to comply  
1232 with as this was an internal application, and only impacted developers tracking its  
1233 progress who may be anticipating its completion in September, his only concern.

1234 At the request of Member Cunningham, Chair Boguszewski advised that public comment  
1235 would be heard on any portion of this requested action, but asking speakers to clearly  
1236 identify which requested action they were specifically addressing to avoid confusion.

1237 **Public Comment**

1238 **Lisa McCormick, 2950 Wheeler Street**

1239 Ms. McCormick advised that she would be addressing both issues, expressing concern  
1240 with the limited time of 5 minutes per speaker.

1241 Ms. McCormick spoke to the long process of over a year for this item to come forward;  
1242 and referenced materials she had brought to the City Council in June and  
1243 Councilmember Laliberte's request at that time that those materials also be forwarded to  
1244 the Planning Commission for incorporation, noting that she would be further referencing  
1245 some of those exhibits in her comments tonight.

1246 Ms. McCormick specifically addressed some of the neighborhood concerns in this area  
1247 serving as a gateway to 700 Roseville homes focused around the intersection of Fairview  
1248 Avenue and Terrace Drive; and that neighborhood's submittal of 3 petitions to-date to the  
1249 Planning Commission and/or City Council, 1 specifically related to conditions for Interim  
1250 Use (IU) approval for Vogel Sheetmetal, and 1 specifically addressing resident concerns  
1251 in the currently zoned HRD area, seeking rezoning to Medium Density Residential  
1252 (MDR), but now proposed by the City Council directing staff toward CMU-1, which  
1253 ultimately was more amenable to residents of adjacent properties and for the parks,  
1254 which was their initial intention. Ms. McCormick stated that the 3<sup>rd</sup> petition was put  
1255 forward featuring specifics the neighbors felt would be more favorable in the Twin Lakes  
1256 Redevelopment Area, including speaking to height, big box retail uses; with the City  
1257 Council instituting a planning process in January of 2015. Ms. McCormick stated that at  
1258 that time, residents were told that the process would be multi-step, including a  
1259 neighborhood survey, a review of visual preferences related to height issues, and then  
1260 resulting in a more fine-tuned product. However, Ms. McCormick opined that the process  
1261 was later halted with only one step – the neighborhood survey – having been  
1262 accomplished. Ms. McCormick noted that it was interesting to her to note that the  
1263 petitions contained signatures of approximately 80 neighbors, while approximately 66  
1264 surveys were received.

1265 When this was last discussed by the City Council in June of 2015, Ms. McCormick  
1266 advised that she had asked the Mayor if they were disregarding the petitions and instead  
1267 leaning toward rezoning to CMU, and was told that appeared to be the mood of the City  
1268 Council at that time and after having talked to other residents.

1269 Ms. McCormick clarified that she was speaking on her own behalf tonight as a resident.  
1270 Ms. McCormick stated that the neighbors were willing to be reasonable with a lighter  
1271 intensity CMU which seemed to make sense, but the inclusion of a significant number of  
1272 P uses remained an issue for them as they had advised the City Council, and asked that  
1273 the Commission scale those uses back further or signify them as CU as a way to further  
1274 define them.

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 26**

1275 Ms. McCormick noted the many unknowns in their neighborhood based on the upcoming  
1276 construction of Twin Lakes Parkway and potential negative impacts to the area, with  
1277 those concerns primarily concerning intensity, noise and traffic, which had also been  
1278 shared with the City Council. While the traffic study recently conducted was expanded to  
1279 include County Road C -2 and Snelling Avenue intersections, Ms. McCormick noted the  
1280 current negative service levels of those intersections, and opined that the built-in  
1281 assumption was included that Snelling Avenue would be expanded to six lanes, which  
1282 was not even on anyone's realistic wish list. Ms. McCormick provided photographic  
1283 evidence of traffic issues at neighborhood intersections that were taken in May of 2015,  
1284 and noted she was concerned with even more traffic with the extension of Twin Lakes  
1285 Parkway. Ms. McCormick also provide a photo taken from a residential deck adjacent to  
1286 an adjacent business, with 50' between them, and noted the neighborhood's rationale in  
1287 being concerned that hours of operation be clearly addressed.

1288 In her personal review of old planning files, Ms. McCormick referenced the multi-tenant  
1289 building where "Bridging" was currently located and changes in those uses in the 1990's  
1290 and conditions that no truck traffic was permitted north of the building, and no deliveries  
1291 permitted after 8:00 p.m., and doors closed and dumpster removal hours also addressed  
1292 (refer Planning File 2574). Ms. McCormick questioned if a new zoning district would take  
1293 those conditions into account, and if not asked that they would be.

1294 Ms. McCormick addressed height as another issue, and while appreciation restrictions of  
1295 35' in CMU-1 zoning districts, opined that extending a 65' height restriction over the  
1296 remainder of the CMU district would be preferable. Ms. McCormick noted past  
1297 discussions and viewpoints expressed between her and Community Development  
1298 Director Paul Bilotta; addressing potential height or stories based on wireless antenna  
1299 atop buildings which she found not to be conducive other than in the proposed CMU-4  
1300 zoning district. Ms. McCormick stated that she would prefer a mid-level height along  
1301 Fairview Avenue, nothing more than 2 stories along County Road C unless at Cleveland  
1302 Avenue with Snelling Avenue currently being the only exception proposed.

1303 Regarding frontage types, Ms. McCormick spoke in support of flexible frontage as  
1304 proposed along the northern boundary, with no specific discussions about that previously,  
1305 causing her to question the actual intent of the City Council, staff and Commission.

1306 Regarding business hours, Ms. McCormick opined that if a business was immediately  
1307 adjacent to a residential area in CMU-1 zoning districts it should be restricted in hours of  
1308 operation, and not as currently proposed for closure between 2:00 and 6:00 a.m., which  
1309 could prove problematic for general livability for those residents due to noise, traffic and  
1310 other issues.

1311 As far as more uses designed CU, Ms. McCormick noted that the City of St. Paul  
1312 required CU for most of their permitted uses providing them that extra check or control for  
1313 case by case evaluation and also allowing public input at that time.

1314 In response, Chair Boguszewski concluded that Ms. McCormick was generally supportive  
1315 of the concept of four CMU zoning designations.

1316 Ms. McCormick confirmed that, while that wasn't her first preference, it was acceptable.

1317 Chair Boguszewski concluded that Ms. McCormick was expressing concern with the  
1318 process itself, seeking to be more fully involved in determining the P, NP or CU uses in  
1319 each line of the Table of Uses, suggesting CU across the board may be more preferred.  
1320 In general, Chair Boguszewski suggested that Ms. McCormick was concerned, as he had  
1321 articulated as a personal concern of his own, that based on survey results and desires  
1322 previously articulated by residents, that shifting some of those uses in CMU-1 and CMU-2  
1323 subareas should be more restrictive.

1324 Ms. McCormick agreed in principle with Chair Boguszewski's summary.

1325 **Bonnie Vogel, 2830 Fairview Avenue (Vogel Mechanical)**

1326 For the benefit of the Commissions' review of this issue, Ms. Vogel noted that time was of

1327 the essence from a business perspective; and opined that this discussion had included or  
1328 sought little input from the business community to-date. Ms. Vogel referenced a recent  
1329 publication by the North Suburban Chamber of Commerce in which it was found that  
1330 there was one business for every three homes, but she opined she was not hearing input  
1331 in that proportion, suggesting a narrow viewpoint. Ms. Vogel noted that some of these  
1332 issues affected their business personally, and reminded the Commission that while there  
1333 may be a difference in taxpayers, the businesses contributed to a community in a variety  
1334 of ways beyond its tax base.

1335 Ms. Vogel stated that the zoning issue was huge, and referenced the first meeting their  
1336 firm had held before purchasing their business located at immediately north and east of  
1337 the intersection of Fairview Avenue and Terrace Drive, at which only four residents were  
1338 present, with their most important request and concern being that their firm mow the  
1339 lawn. Since then, Ms. Vogel noted that they had been criticized for not doing their due  
1340 diligence, and having invested considerable money in their firm to address environmental  
1341 issues and concerns in response to the adjacent residential neighborhood, remained  
1342 interested in moving forward. Ms. Vogel noted the differences in their firm's much less  
1343 intense use than the previous user (Aramark), with only six employees working at this  
1344 site, yet still being unable to move in completely due to phasing and financing issues due  
1345 to various delays in the process.

1346 Ms. Vogel asked that the Commission consider business issues related to financing  
1347 partner requirements, equity in their building and equipment, and the position it placed a  
1348 business in if they intended to make any P use subject to CU, requiring business to delay  
1349 activities for another 90-120 days in that process. Ms. Vogel noted that this could result in  
1350 losing a business to another community; and asked that they give fair consideration to  
1351 the timeliness of their decision-making.

1352 Chair Boguszewski and Member Murphy sought clarification, provided by Mr. Lloyd, that  
1353 the Vogel property had originally been zoned HDR, and proposed for CMU-1, and thus  
1354 requiring an IU at this time; with any proposed zoning change allowing approval  
1355 remaining as is.

1356 Mr. Lloyd further clarified that the IU approval was predicated on an understanding that  
1357 the businesses use was limited production/processing, and was a CU in the proposed  
1358 CMU-1 zoning district, if approved. At that time, Mr. Lloyd advised that Vogel Mechanical  
1359 could apply for a CU as a P use versus their current limited term IU that they were  
1360 currently operating under for their property.

1361 **Lacy Kapaun, 1840 County Road C-2 West**

1362 Ms. Kapaun stated that she was generally in agreement with the various zoning sections,  
1363 with the exception of the height restriction, opining that it was too high in areas along  
1364 Fairview Avenue unless in a CMU-1 designated area where 35' would be acceptable.

1365 Ms. Kapaun stated that her other issue was in not knowing the results of the Twin Lakes  
1366 Parkway extension and what may develop as a result or how much traffic it may  
1367 generate. Other than those many unknowns at this time, Ms. Kapam stated that the other  
1368 provisions appeared to be reasonable, beyond knowing how much traffic would be  
1369 produced with various uses. Therefore, Ms. Kapam asked for more restrictions in CMU-3  
1370 along Fairview Avenue, since that was a major concern for her; and further expressed  
1371 her agreement with the comments and issues brought forward tonight by Ms. McCormick.

1372 **Kathleen Erickson, 1790 Centennial Drive**

1373 Ms. Erickson spoke to the process itself, opining that the reason more residents didn't  
1374 participate was because the language involved in most discussions within City Hall was  
1375 too intimidating for the average citizen. As an example, Ms. Erickson referenced the first  
1376 mailed notice the neighborhood had received for the public hearing to consider the IU for  
1377 the former Aramark building, admitting she had no idea what that meant beyond  
1378 understanding it was a short-term use. Without being an attorney or developer, Ms.  
1379 Erickson noted that residents were unaware of what was actually happening, and in her

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 28**

1380 subsequent conversations with a number of her neighbors, they had no idea the strip had  
1381 even been rezoned HDR, nor how or when that was done. Ms. Erickson noted that  
1382 initially the neighborhood preference was for MDR to avoid upsetting existing businesses  
1383 while still protecting residents in the area and Oasis Park.

1384 As a 40 year resident of Roseville, Ms. Erickson stated that neither she nor her neighbors  
1385 were trying to block progress, but simply seeking protection for their property and their  
1386 ability to enjoy their quality of life without hurting anyone else.

1387 While the timeframe may be important, Ms. Erickson opined that its importance seemed  
1388 important for some things, but not others. Ms. Erickson expressed her interest in being  
1389 good neighbors, and hoped adjacent property owners would do so as well, even though  
1390 she no longer had much trust in any protections the process may offer, since it hadn't  
1391 seemed to work for the residential neighborhood over the last 1.5 years. Ms. Erickson  
1392 asked for the Commission's compassion, reiterating that their intent was not to stop  
1393 development in Roseville, but to retain a walkable community and maintain the  
1394 demographics of their neighborhood and the investments made in those homes. Ms.  
1395 Erickson concluded by asking that the Commission consider the protection of those  
1396 residential properties as well as those of the business community.

1397 With no one appearing, Chair Boguszewski closed the public hearing at 10:28 p.m.

1398 Chair Boguszewski stated that from his perception, he shared conceptually those  
1399 comments of Ms. McCormick regarding the uses in CMU-1, but not necessarily those she  
1400 suggested in CMU-2 and CMU-3. If the intent is to have a more restrictive buffer zone in  
1401 the broader CMU district, Chair Boguszewski stated that he understood the desire to  
1402 have CMU-1 more restrictive than currently proposed. Further, Chair Boguszewski  
1403 agreed with the perception that the neighborhood surveys may or may not have been  
1404 taken into account during staff's work on this; however, he noted that this remained a  
1405 draft proposition. Chair Boguszewski admitted that personally he did not feel prepared  
1406 tonight to approve the Table of Uses in any array of P, NP or CU uses without the  
1407 opportunity to perform a more detailed and thoughtful review.

1408 Having followed the pedigree of this process via webcast of City Council discussions to-  
1409 date and the give and take of those discussions, Member Murphy opined that another set  
1410 of eyes had already given it a general review.

1411 Mr. Lloyd advised that since the public input session referenced in January, the subareas  
1412 within the CMU had been broken out by the City Council, and would most likely be of  
1413 greater concern or interest to the community than the initial list of uses discussed by the  
1414 City Council, having morphed into this summary presentation based on feedback to-date  
1415 and further review. Subsequent to that process, Mr. Lloyd noted the staff addition of the  
1416 remainder of the CMU district table filling in the blanks based on their knowledge and  
1417 various input sources to-date, with some uses more conventional in nature and easier to  
1418 address than some.

1419 Specific to gas station uses, Chair Boguszewski note dif it was CU across the board it  
1420 seemed less problematic to him than having it as a P use in CMU-1 if that is intended as  
1421 a buffer zone. With Vogel Mechanical an ongoing project, Chair Boguszewski questioned  
1422 what if any ramifications there would be for them if the Commission didn't' take action on  
1423 or complete this discussion tonight.

1424 At the request of Chair Boguszewski, Mr. Lloyd noted the current IU for Vogel remained  
1425 in place, and needn't warrant the Commission moving more quickly than warranted or in  
1426 a way they felt most comfortable with, given the ultimate goal of making sure the resulting  
1427 recommendations were done right.

1428 While not suggesting charging forward with the process, Member Murphy asked what  
1429 homework assignment staff would recommend for individual commissioners between  
1430 now and the next meeting.

1431 Chair Boguszewski responded that commissioners had previously discussed that and  
1432 noted the individual work and research done by Member Stellmach in advance of  
1433 tonight's meeting and recommendations incorporated by staff based on those efforts.  
1434 Chair Boguszewski suggested another may be a work session limited to this item to avoid  
1435 a process that delayed things another year, but allowing productive and thoughtful review  
1436 of this issue in addition to balancing it with the other land use cases coming before the  
1437 commission. Chair Boguszewski noted one example of the process would be more  
1438 detailed discussion with the commission charged to balance business and residential  
1439 interests, opining that the City Council should find it of value for the commission to work  
1440 with staff and edit thoughts and whys in the commission's determinations or at least the  
1441 rationale in their recommendations. If submitted individually, Chair Boguszewski  
1442 suggested at a minimum that staff assemble those individual comments to inform further  
1443 discussion of the whole body.

1444 Member Murphy sought further direction on how best to pursue the process or what to do  
1445 differently.

1446 Community Development Director Bilotta noted that a lot of effort has gone into the Twin  
1447 Lakes Redevelopment Area for decades, not just this year; and while it seems like the  
1448 end is near for this issue, there remained many voices and ideas. Mr. Bilotta clarified that  
1449 the onus was not entirely on the Planning Commission or public comments held at the  
1450 Public Hearing, noting that the City Council had also gone through a lot of the proposed  
1451 uses line by line and were now at a point where they were seeking the Commission to  
1452 weigh in once again. Therefore, Mr. Bilotta assured commissioners that an additional  
1453 month would not prove problematic, but clarified that another six months may be harmful.

1454 Mr. Bilotta noted that it was unfortunate that tonight's agenda had so many land use  
1455 cases in addition to this internal document. However, he expressed appreciation of the  
1456 comments and discussion, as well as the public process and public comment. Mr. Bilotta  
1457 did opine, however, that good decisions are not possible after such an agenda and at this  
1458 late hour.

1459 Mr. Bilotta suggested the option to continue the Public Hearing and discussion to the  
1460 October meeting, or scheduling a Special Meeting for only this issue before the next  
1461 Regular Planning Commission meeting.

1462 Chair Boguszewski questioned if that option would allow additional public comment at the  
1463 next regular Commission meeting.

1464 Member Cunningham noted she had numerous suggested changes beyond staff's hard  
1465 work to-date, and suggested doing individual homework and having the opportunity to  
1466 share those suggestions as a group before officially voting on it.

1467 Member Murphy suggested inviting the City Council for a joint discussion as well, such as  
1468 a Worksession of the two bodies before going their separate ways with varying ideas.

1469 Chair Boguszewski opined that each City Councilmember had the opportunity to view  
1470 Commission meetings, as the Commission did for City Council meetings; and while loving  
1471 the idea of a joint meeting, questioned if it was realistically feasible. Chair Boguszewski  
1472 opined that it was the charge to the Commission to make recommendations and send it  
1473 back to the City Council allowing for another level of scrutiny.

1474 Further discussion ensued regarding the process to complete this review, whether  
1475 individually or corporately and how to gain consensus on each line item that could prove  
1476 extensive and the advantages and disadvantages of a Special Planning Commission  
1477 meeting and concern that public comment would be part of that process as well.

1478 Mr. Bilotta advised that public comment could be part of a Special Meeting as long as  
1479 appropriately noticed, and if commissioners were all in agreement, there was no need to  
1480 spend additional time tonight on the discussion. Mr. Bilotta suggested that individual  
1481 commissioners submit typographical errors to staff prior to the Special Meeting to allow  
1482 for more substantial discussion on technical issues and actual uses as that meeting.

**Regular Planning Commission Meeting  
Minutes – Wednesday, September 2, 2015  
Page 30**

1483 Member Cunningham noted that this would also give the neighborhood and business  
1484 owners more time to address specific areas they found objectionable beyond those few  
1485 examples brought forward tonight, which she considered a missing part of the process to-  
1486 date.

1487 Further discussion ensued regarding notice requirements and timing for a special  
1488 meeting; current land use applications in-house for consideration at the October regular  
1489 meeting of the body; options to provide notice to the neighborhood of the special meeting  
1490 and topic for discussion; and the format of a special meeting.

1491 Member Bull noted that the Planning Commission's action remained a recommendation  
1492 to the City Council and was not final, and still allowed for additional public comment at the  
1493 City Council level. However, Member Bull spoke in support of having more time for the  
1494 Commission to have confidence in their recommendations to the City Council on this  
1495 document and Table of Uses.

1496 Chair Boguszewski concurred, opining that such a thoughtful and deliberate approach  
1497 would represent a huge service for the City Council, including any supporting email  
1498 documentation or rationale for that decision-making process.

1499 Member Bull expressed concern with individual commissioner comments directed to staff  
1500 without the benefit of the group's feedback if they were contrary to other commissioners.

1501 Mr. Lloyd assured the commission that staff would call out any areas of conflict.

1502 At the request of Member Cunningham, Chair Boguszewski clarified that individual  
1503 commissioners should feel free to send their thoughts and comments to staff for  
1504 compiling, but not for incorporation if in conflict with each other. Chair Boguszewski  
1505 stated that incorporating and deciding actual uses would be done by the commission at  
1506 the next meeting.

1507 **MOTION**

1508 **Member Murphy moved, seconded by Member Cunningham to TABLE**  
1509 **consideration of the proposed COMPREHENSIVE LAND USE PLAN MAP CHANGE**  
1510 **and the proposed ZONING MAP CHANGES to the next Planning Commission,**  
1511 **whether a Special Meeting or at the next Regular Meeting, depending on staff's**  
1512 **ability to schedule those meetings.**

1513 **Ayes: 5**

1514 **Nays: 0**

1515 **Motion carried.**

1516 **6. Adjourn**

1517 Chair Boguszewski adjourned at 10:50 p.m.



**REQUEST FOR PLANNING COMMISSION ACTION**

Agenda Date: **10/07/2015**

Agenda Item: **5a**

**Division Approval**

**Agenda Section**

Public Hearing

Item Description: City of Roseville request to Amend §1011.04 Tree Preservation and Restoration in all Districts (**PROJ0017**).

**BACKGROUND**

1 Back in May 2015, The City Council approved the hiring of Sambatek and S & S Tree  
2 Specialists to complete the tree preservation updating.

3 On July 6, 2015, Ben Gozola (Sambatek) and Mark Rehder (S & S Tree Specialists) were  
4 present to listen and discuss with the Planning Commission and City Council tree preservation,  
5 replacement, and other associated items (see attachment A). At the conclusion of the meeting  
6 the City Council requested a check-back prior to the proposed amendments being forwarded to  
7 the Planning Commission for public hearing and a recommendation.

8 On August 24, 2015, Mr. Gozola and Mr. Rehder presented their revisions to the tree  
9 preservation requirements and were given additional comments and directed to proceed through  
10 the formal review and approval process.

11 This evening Mr. Gozola and Mr. Rehder are present to review and discuss with the Planning  
12 Commission and citizenry the draft amendments as proposed in the attached document.

**PUBLIC COMMENT**

13 As of the time this report was prepared, Planning Division staff has not received any  
14 communications from the public.  
15

**PLANNING DIVISION RECOMMENDATION**

16 Based on the information provided in the draft proposal, the Planning Division recommends  
17 approval of the ZONING TEXT AMENDMENTS to §1011.04 TREE PRESERVATION AND RESTORATION  
18 IN ALL DISTRICTS.  
19

**SUGGESTED PLANNING COMMISSION ACTION**

20 By motion, recommend approval of the ZONING TEXT AMENDMENTS to §1011.04 Tree  
21 Preservation and Restoration in all Districts, based on comment received by the public and those  
22 noted by Planning Commissioners.  
23

**Prepared by: City Planner Thomas Paschke - 651-792-7074 | thomas.paschke@ci.roseville.mn.us**

Attachments: A: 070615 Minutes  
B: 082415 Minutes

C: Overview memorandum  
D: Draft tree preservation amendments

**EXTRACT FROM THE JOINT MEETING OF CITY COUNCIL AND PLANNING COMMISSION  
RELATED TO TREE PRESERVATION, JULY 6, 2015**

**Ben Gozola, Sambatek and Mark Reeder, S & S Tree Service**

Mr. Gozola introduced Mark Reeder from S & S Tree Service, with each consultant providing a brief personal biography and a history of their company and services they provided. Mr. Gozola advised that he would be involved in the process and ordinance writing for each objective; with Mr. Reeder providing detailed expertise on tree preservation and replacement.

Taking the lead in the presentation, Mr. Gozola advised that the intent was two-fold: to exactly understand what the community wished to accomplish, and general approaches based on feedback from the City Council tonight to reach an understanding. Mr. Gozola noted each community was different and provided examples of other communities and their variable foci. Mr. Gozola advised that he had researched meeting minutes from the City as part of his background information provided during this presentation and his findings of areas for discussion to glean a better understanding of the community.

At the request of Chair Boguszewski, Mr. Gozola confirmed that woodland preservation areas included both private and public properties; frequently identified through GIS mapping; and ecologically rated by species.

Councilmember McGehee noted the need to consider Roseville as a flyway area for migratory song birds over Minneapolis to Langton Lake and surrounding areas where quality vegetation is needed.

Mr. Gozola reviewed tree ordinances for the cities of Minnetonka, Savage, and Farmington among others and their specific approaches.

Chair Boguszewski expressed interest in the tree bank program as a concept he'd be interested in pursuing if moving in that direction in addressing replacement rates and incentives for woodland protection and tree "banking" credits.

Commissioner Daire opined it seemed presumptive to have to replace or take the base line as it is now and anything coming later was referred back to that baseline, making it implicit that there was no consideration of or underlying idea that the current status is enough. Commissioner Daire suggested consideration also should be given to air quality, amount of shade, sunlight penetration you can use to define where or if you need additional foliage, and other issues as well.

Mr. Gozola noted that this was getting to the heart of discussion, and sought to hear goals or what the City Council and Commission wished to accomplish; at which point he would work with staff to draft an ordinance to achieve those specific goals.

Commissioner Murphy asked if any cities had a concept to put trees somewhere beyond a development like park; and opined that would have been nice alternative to have available with the recent Pizza Lucé development and nearby Oasis Park that could have benefitted.

In his role serving as a Planner for the City of Victoria during a transitional period, Mr. Gozola advised that they allowed that concept in other areas of the community if no place was available on the existing project site, even though their ordinance was very strict.

Councilmember McGehee suggested the use of trees along freeways as sound barriers, which had been considered in past discussions.

Chair Boguszewski noted the issues brought up so far involved symmetric as mentioned by Commissioner Daire and a rationale for establishing goals.

Mr. Reeder noted other ideas in communities, and software applications to establish a baseline, such as by addressing canopy coverage vacillating, to consider where to go in the future.

Commissioner Daire spoke in support of that approach.

Chair Boguszewski opined that underpinning the whole concept, the key seemed to allow part of the comprehensive plan to involve a quantitative plan by holding a broader public discourse around the entire concept and not just the city deciding they have authority of trees in a private yard, but agreeing to a good, long-term goal for the entire community. Chair Boguszewski opined that it certainly made things more palatable rather than his initial concerns that a tree ordinance was within the realm of government overreach.

Mr. Gozola continued with examples from other communities, including addressing either mechanism during development and/or construction (Maple Grove), limiting tree preservation to a subdivision versus zoning ordinance (Plymouth), or cash in lieu of tree removal or restoration (Minnetrista).

As outlined in Attachment A of Sambatek's memorandum dated July 6, 2015, Mr. Gozola reviewed his current project understanding and observations of the community's current status.

Chair Boguszewski noted the points discussing flexibility on the part of the community and the overarching goal of why to keep or increase trees as part of the educational piece as well.

Mayor Roe noted the need to justify any city ordinance with some kind of policy.

While hearing a lot about tree preservation from Planning Commission discussions, Councilmember Willmus stated his observation of their deliberations was based on how they were interpreting the letter of the law with the zoning code and comprehensive plan. However, Councilmember Willmus noted that the Tree Board, as a role of the Parks & Recreation Commission, had not yet been heard from, and expressed his desire to make sure they weighed in on this discussion as a vital part of the equation.

During his eight year tenure with the City, City Manager Trudgeon advised that he was not aware of the Tree Board being involved much or being aware of their actual role. However, going forward, Mr. Trudgeon advised that he would incorporate them into these discussions.

Councilmember McGehee opined that Public Works was also part of the equation, as this involved the entire city, whether private trees, right-of-way or boulevard trees, or those located in parks or general common spaces. Councilmember McGehee opined that some of the issues of importance to her included grouping trees or massing them to identify certain areas; recognizing the flyway migratory areas; retaining vegetation in natural areas; diversity with boulevard tree planning, as well as its spacing for maintenance and to ensure tree survival, and how to address use of underground stormwater storage in irrigating trees. Councilmember McGehee also noted her concerns heard from residents in their lack of confidence with tree inspections requiring the expensive removal of apparently diseased trees, and subsequent discovery when analyzed by the U of MN that they were not actually diseased at all. Councilmember McGehee expressed her lack of support for planting elsewhere in lieu of the immediate development area, opining that provided nothing but wasteland in some areas and overcrowding in other areas. Councilmember McGehee further noted a recent newspaper article about one old growth tree species (the state's largest Butternut tree) in the community that needed to be preserved.

Councilmember Willmus agreed with Councilmember McGehee in the need to call attention to old growth trees, with much of the tree planning occurring as the community grew from farmland to residential during the 1950's through 1970's; and impressive growth achieved without any actual tree preservation plan in place. During the Pulte Housing Development project, Councilmember Willmus admitted it had served as a real eye opener for the City Council in clear-cutting that area for

development and replacing those trees that may be found lacking from some perspectives. Councilmember Willmus clarified that he was not interested in an ordinance governing or requiring a private resident to cut down an old tree or having to approach City Hall to get a replacement tree permit, but was more concerned with an ordinance addressing subdivisions or redevelopment and consistent and fair questions to ask as part of that process.

While recognizing that the Planning Commission as a body didn't have authority over what the City Council ultimately adopted as an ordinance, Chair Boguszewski noted the individual comments of commissioners, and their willingness to serve on a task force or advisory board to assist the City Council in their efforts.

Mayor Roe noted that got back to the balance question and what triggered enforcement; and his tendency to agree with Councilmember Willmus' interest in a reasonable approach to promote adding trees, but recognizing while there may not be much old growth from a technical sense, the community still had some significant trees.

Councilmember Etten agreed that it was necessary to decide the City's purpose in having such an ordinance, with an excellent list available in the annual Arbor Day Resolution addressing the City's regulatory function and benefits for the community and its overall health and public good. Councilmember Etten noted the involvement of the Tree Board as part of the Emerald Ash Borer (EAB) infestation; and encouraged Mr. Gozola and Reeder to review the staff RCA prepared for the November 17, 2014 and past discussions. While perhaps not being a desirable species, Councilmember Etten noted there was value in a 70' tall Cottonwood tree as a significant tree, even though not considered a specimen tree, a common sight in Roseville. Councilmember Etten expressed his interest in incentives to preserve such trees; and noted his frustrations in not tying together a tree preservation plan drawing with the grading plan drawing during review of land use cases during the Planning Commission and City Council review, opining that they needed to go together to understand the overall impact of building in a readable format. Under current code, Councilmember Etten noted the negative potential to clear all trees in the right-of-way, such as evidenced near Lady Slipper Park on West Owasso Boulevard, but recognizing the positive impact with the replacement berm embankment and appreciation of it as a justification to clear the area, and not just because it happened to be on the right-of-way. Councilmember Etten noted the big impacts to neighborhoods, and solar considerations to address and how to balance those interests as part of the process.

In referencing the previously-noted Pulte Development, Councilmember McGehee noted the need to address tree protection during the construction process, and her concern in the impacts of the Oaks with compaction of their root mass during that construction process, without any guidelines in place to address that.

Councilmember Etten also addressed the Pizza Lucé development as an example and the lack of staff resources to continually monitor every development without professional assistance to maintain quality trees.

Councilmember Laliberte expressed her appreciation of this presentation and examples from other communities. Councilmember Laliberte stated her biggest concern was with the Pulte Project serving as a wake-up call for her in the potential for clear-cutting trees and starting from scratch. Councilmember Laliberte agreed that she was not interested in the city assessing or approving a private property owner's need to remove a tree for insurance and/or structure issues, nor in their being required to jump through hoops to accomplish that work, given the expensive nature of such a venture to remove a tree already. Councilmember Laliberte spoke in support of coordinating with various departments and commissions as an integrated part of the decision-making process for the City Council

and addressing where responsibilities lie and where final decisions were made; and whether current staffing or a different staffing model was indicated as part of the process moving forward.

City Manager Trudgeon thanked Councilmember Willmus for bringing the Tree Board to his attention; noting they did not currently have a direct role in reviewing tree preservation, which was often tied to development. However, Mr. Trudgeon noted the need to include their perspective related to shade trees, pests, and boulevard issues; and noted the need to reconcile their role with this discussion.

Mayor Roe opined that the City's first attempt at a tree preservation ordinance was good, but now it was time to refine it. As noted by Councilmember Etten and the discussion held in November of 2014, Mayor Roe opined that fairly reflected the thoughts of the City Council, and while there may be a difference of opinion among individual Councilmembers about ultimate triggers, the policy decision needed to be made. Mayor Roe indicated that to begin that process, a draft ordinance would provide something for the City Council to respond to, while hoping tonight's input had provided some parameter within which to start that work.

Mr. Gozola thanked the City Council for their overall direction, noting he was not hearing anything to indicate the points already pointed out were not out-of-line or off-base, but still grounded in what the City hoped to accomplish. Mr. Gozola thanked Planning Commissioners for their input as well; and expressed his interest in bringing all boards and departments into the consultation process. Since this is the first introductory meeting held, Mr. Gozola noted next steps would be to review this discussion with staff, define a cost to develop an ordinance, with nothing signed to-date; and bringing that proposal back to the City Council with a plan about how to get the city where they thought they wanted to go.

Mayor Roe opined that the preservation areas provided an interesting concept (e.g. Acorn Road) that may indicate different replacement rates, as well as credits for off-site replacement and/or tree "banking," all of which he found worthy to look at. Mayor Roe opined that the "cash in lieu of" for trees could fund those wanting to put up a tree and the ability to do so at a reduced cost, offering his interest in looking at that concept.

Based on earlier comments and what additional information was needed, Councilmember Laliberte noted the need to have all departments aligned and working together. Recognizing the position for a Forester posted earlier this year, Councilmember Laliberte noted the need to hear more options: whether a staff position was preferable, or an outside consultant or business; or whether the City's role was to get involved in the business or identifying good or bad trees beyond disease issues (e.g. EAB) to avoid being seen as "tree snobs."

Along those lines of good or bad trees, Councilmember McGehee noted the need to avoid encouraging planting of noxious invasive trees, but also providing a general list of trees that differentiated between native or non-native plantings rather than trying to define all tree species; but only those not serving to encroach further.

**EXTRACT FROM MINUTES OF THE CITY COUNCIL MEETING RELATED TO TREE PRESERVATION, AUGUST 24, 2015**

**a. Consultant Check-Back Regarding Draft Tree Preservation Ordinance Amendments**

Tree consultants Ben Gozola from Sambatek, and Mark Rehder from S & S Tree Service were present for this update of a DRAFT Tree Preservation Ordinance dated August 24, 2015.

Mr. Gozola summarized work done since last meeting with and direction provided by the City Council, resulting in this latest draft and seeking additional direction based on this update, clarifying that it remained a work-in-progress.

Mr. Gozola went over each section as Councilmembers provided their feedback as applicable.

Section G. Tree Preservation Plan Set Requested - Matrix, (Page 5), Subd. D.i.1

At the request of Mayor Roe, Mr. Gozola confirmed that the difference in determining final diameter and caliper inches was addressed in definitions.

Section H. Tree Preservation Simplified Plan Set (Page 7)

Mayor Roe suggested that the simplified plan set show setbacks and landmarks to quantify where they were located, or include a simple drawing to the effect.

Mr. Gozola responded that specifications were intended as part of the policy to handout; and enforcement would include someone on staff verifying tree protection fencing was in the proper location.

Mayor Roe suggested as part of the "trees in lieu of" portion, that it be addressed via policy rather than in the ordinance to determine that direction.

Mr. Gozola noted some things yet to be addressed included, but were not limited to, rate replacement numbers allowed, removals allowed, and equivalencies.

For the benefit of staff and his Council colleagues, Councilmember Willmus requested review of the triggers or development of a special set of regulations pertaining to minor lot subdivisions in an attempt to avoid larger lot splits for smaller lots to minimize impacts. Councilmember Willmus noted that, while it may be initially expensive to put together, he had seen it done successfully in other communities.

Mayor Roe suggested that may be part of minor subdivision platting discussions.

City Planner Paschke advised that it was actually part of the Building Permit process, allowing property owners to split a lot for a minor subdivision of up to three lots at a time, at which time the Building Permit required the builder to provide that survey and tree protection documentation.

Councilmember Willmus opined that his concern was that a developer or property owner could impact the valuation of a lot by going that route.

As it now stated in existing policy and as proposed, Mr. Paschke advised that the builder was required one way or another to provide a tree restoration or preservation plan.

Councilmember Willmus referenced current minor lot subdivision requirements in low density residential (LDR) Districts.

Mayor Roe clarified that they were not required if exempted in minor subdivisions, but required by the Building Permit for at least 50% of the structure which should address any new construction; but not an issue created by the subdivision itself.

Councilmember Willmus reiterated that he still wanted to look at it.

To that point, Councilmember Etten referenced situations where people may divide properties and remove trees before actually proposing a development to skirt the tree preservation issue.

Since the current tree preservation ordinance was enacted, Mr. Paschke advised that he was not aware of any such situations with trees cut down or complaints to that effect. Mr. Paschke opined that most people are conscious of regulations and any property owner doing minor code provisions similar to those being proposed and seemed amenable to them, mostly affecting smaller developers building on vacant lots of split lots.

Under the proposed ordinance, Mayor Roe sought comment from Mr. Gozola on how to avoid the potential concern raised by Councilmember Etten about someone taking out trees in anticipation of a replatting application.

Mr. Gozola responded that one of the main ways cities addressed that concern was in requiring permits to cut down trees, but recognized that the City of Roseville wished to avoid that and therefore had not proposed such a provision.

Councilmember Etten stated that he was fine in exempting minor lot splits as he didn't consider that to be a potential major issue; but his concern was in demolition for new construction and heavy impacts with clear cutting on adjacent properties.

Councilmember McGehee expressed her concern in looking more closely at impact zones around roots, questioning whether that should be exempt related to minor subdivisions.

Councilmember Etten noted the proposed provision for a tree inventory of trees along property lines that may be impacted but not on the subject property.

Councilmember McGehee suggested she discuss her additional concerns offline as she had numerous issues that she didn't see addressed in this draft, some of which included habitat, clustering, techniques for boulevard trees. However, Councilmember McGehee expressed appreciation for providing that decisions would be made by registered foresters or certified arborists as addressed in the beginning of the document, but preferred consistency in qualifications throughout the ordinance for those specifications.

Mr. Gozola advised that the language had been drafted to provide for potential vacationing or unavailability of the forester, at which time someone else can be assigned that role provide they had the same qualifications.

Councilmember McGehee questioned the difference in protecting roots through a drip line versus measuring the diameter at breast height of a tree, suggesting a simple calculation for residents was preferred. Councilmember McGehee clarified that she wasn't so much concerned in cost savings for developers, but for residents without access to or understanding

a CADD system, the ordinance needed to provide an easy-to-use system that worked for all trees.

Mr. Gozola provided rationale for choosing the "root protection zone" language as it was actually easier to measure in the CADD system without having to assess each and every tree for the drip line based on a particular species. Mr. Gozola advised that this provided for an average methodology and provided overall cost savings for applicants-whether residents or developers, since they would both need to hire a survey done to locate trees.

Councilmember McGehee further addressed her appreciation of including pruning based on timing if not allowing for wound dressing.

Councilmember McGehee opined that it appeared that this draft exempted a lot of areas for ponding, rights-of-ways, and other areas that may need included; and asked if Mr. Gozola was aware of any other communities that may have addressed that concern. Councilmember McGehee noted problems in potential cutting of trees during the height of nesting that may be in the way, but endangering individual wildlife habitats.

With few exceptions, Mr. Gozola opined that most cities would consider such a requirement to be onerous for residents in general.

Sambatek Memorandum, Section I. Allowable Tree Removal, (page 4)

Councilmember Etten expressed concern in tree removal process versus results, suggesting it may be just the opposite of what he intended. Councilmember Etten clarified that he was addressing developments clear cutting parcels with little tree return, dramatically affecting neighborhoods and ecosystems; and represented his reaction to several developments where this had happened within the last few years, where significant growth trees were gone and sticks planted. Councilmember Etten noted this was a very important purpose aspect for him in the ordinance.

General Observations

Councilmember Etten expressed appreciation for a number of the pieces included in this draft, including the numbering systems to determine a clear way forward.

Section G. Tree Preservation Plan Set Requested - Matrix, (Page 5), Subd. D.i.4

Councilmember Etten noted the actual size for deciduous trees and coniferous trees and their respective diameter breast heights (DBH), which varied with each of those types. While the draft ordinance provided a window on page 3 for coniferous trees, Councilmember Etten questioned why the target had been established in that range and how to make the conversion for coniferous and deciduous trees.

Mr. Gozola noted that the numbers are a best guess starting point at this time, and the different ranges shown on page 3 were subjective at best.

Mr. Rehder agreed, noting that future tweaking of the matrix would address those numbers.

Councilmember Etten stated his interest in considering a range of deciduous and lower DBH numbers due to tree growth as referenced in the summary table on page 6, essentially preserving more trees and counting more types of trees as part of those considerations that he'd find important; while addressing rights-of-way that may include more trees.

Councilmember Etten opined that the example provided was interesting, but in his review of previous developments, it would seem that requiring no trees where the existing ordinance may have required more plantings seemed more appropriate, while this again seemed to move in the opposite direction. Councilmember Etten reiterated his overall concern that this draft may actually preserve fewer trees, and he didn't want to create something moving in the opposite direction.

Mr. Rehder opined that wasn't the situation, with the proposed numbers supporting more trees. Mr. Rehder opined that the point of looking at a property and working backward, addressing the value of existing trees and fitting them into a matrix to arrive at a suitable number was a more realistic approach, and in the case of the cash in lieu of option, not as much of a burden.

Councilmember Etten thanked Mr. Gozola and Mr. Rehder for the good information provided that showed how the new calculations would have affected past developments.

Section J. Replacement Tree specifications, Item 2 (page 8)

Councilmember Etten asked if a tree preservation plan was presented, after which a totally different development with grading plan, was developed that impacted trees differently, how this section would apply unless the same plan came back with the same type of qualifier.

Mr. Gozola agreed that clarifying language was needed in that section.

Councilmember Etten stated that he was comfortable with the process to use 1.25" per DBH for clarity and providing an electronic process for a certified person to accomplish.

General Comments

Overall, Councilmember Etten thanked Mr. Gozola and Mr. Rehder for their work to-date on this draft.

Mayor Roe suggested setting minimum radii of a circle and referencing the drip line as well to provide more flexibility.

Mr. Rehder agreed that there should be a minimum referenced.

Councilmember McGehee stated she was not much in favor about cutting down all trees on a parcel and planting them elsewhere in the community, and questioned if that was becoming a common practice. Councilmember McGehee expressed her preference that some of the new tools for development providing for grouping of clumping plantings on a site would be of more help. Councilmember McGehee stated that she envisioned such an option creating a sea of asphalt, and a developer deciding there was no good place to plant trees, so they'd choose to do so off-site. While the concept of distributing trees around the City is a nice idea, and understanding difficulties in some commercial areas, Councilmember McGehee opined that if adjustments were made to accommodate planting on site, she found it difficult to believe that reasonable accommodations could not be made on site.

Mayor Roe clarified that the intent was not to state categorically that all planting on site may be inconvenient, but instead allowing that if one or two trees couldn't be accommodated on site, their relocation off-site may be allowed. Mayor Roe further noted that clumping trees is permissible - either currently or proposed.

Councilmember McGehee opined that her rationale in discussing some of her ongoing concerns was to avoid giving someone an option not to comply, but providing that an outside forester making the observation and stating what can or cannot be done.

Mayor Roe clarified that there were no differing opinions on that concern, and there were three options provided in the draft ordinance addressing it.

Mayor Roe thanked Mr. Gozola and Mr. Rehder for their work to-date, opining with some additional tweaking, it was a very good document.

# Memorandum

DATE: 10-06-15

TO: Roseville Planning Commission

FROM: Ben Gozola, AICP

**SUBJECT: Tree Preservation Ordinance Final Draft**

## Overview

Utilizing direction from the Planning Commission and City Council in July, Sambatek and S&S Tree have completed work on an updated tree preservation ordinance for commission consideration. The language before you, at the request of City Council, was pre-reviewed by Council in September, and their feedback and direction has been addressed in this final draft. To review, the general goals we were asked to achieve with this new language included:

- *Needing to identify a solid purpose for the regulations.*
- *Categorize by tree type in some manner (i.e. High Quality Trees, Common Trees, Less Desirable Trees, Remove/Prohibited), but be more generalized in what we're protecting (recognizing the public wants a 24" Cottonwood protected just as much as a 24" Oak).*
- *Provide incentives to preserving trees.*
- *Require an easy-to-read and understand "tree loss" plan with development applications (i.e. the tree inventory + grading plan impacts = tree preservation plan).*
- *Consider limiting allowed removals (i.e. don't allow all trees in planned ROW to be removed outright).*
- *Require tree protection fencing during development*
- *Don't make individual property owners jump through permitting hoops to remove trees*
- *Ensure proper City review both before and after development.*
- *Consider implementing a cash-in-lieu of trees program that could fund trees for public grounds, open space, boulevards, or even a subsidized program for private plantings.*

## Proposed Ordinance

The new ordinance language is organized as follows

**(A) Intent and Purpose** – The intent and purpose section draws from both the existing ordinance and the City’s past Arbor Day resolutions to explain why these regulations are necessary.

**(B) Applicability** – Rather than tie these new regulations to a term like “land alteration,” we’ve elected to identify already existing permit applications that would trigger tree preservation requirements:

- a. Platting, re-platting, or any lot division;
- b. Any building permit for a new principal structure, or any building permit that would expand the footprint of an existing principal structure by more than 50%;
- c. Demolition permits that would remove 50% or more of a principal structure;
- d. A grading permit that triggers erosion control permit requirements.

Each of the above application types would need to provide a tree preservation plan set prior to the application being deemed “complete” City staff. Note that subdivision (B)(2) adds protection against a landowner preemptively removing trees in an attempt to circumvent tree preservation requirements. Subdivision (B)(3) clarifies that if greater tree preservation requirements apply due to other code provisions, the more restrictive standard will apply.

**(C) Exemptions** – to ensure clarity on things that are not covered by this ordinance, we list upfront that tree removal for city public improvement projects or repairs AND emergency removal of trees to protect public health are outright allowed and are not subject to tree preservation or replacement standards.

**(D) Trees Required to be Inventoried** – In recognition that the general public values green vegetation and isn’t necessarily fixated on the quality of trees, we have deviated from inventorying only specific tree types in favor of inventorying ALL trees that meet a minimum size regardless of their health or quality.

**(E) Tree Classifications** – Whereas subsection “D” identifies everything that must be inventoried, this section recognizes that not all inventoried trees will carry the same level of importance. Getting back to the fact that “a tree is a tree” in the eyes of the public, large trees (regardless of species) are given higher classifications than smaller trees. Note that small trees that are either rare or of exceptional quality can be assigned a higher classification if deemed exceptional by a forester, or if approved by the City Forester to be a focal point of a development.

Per the proposed language, the following trees would be exempt from the inventory:

- a. Invasive Species that must be removed anyway;
- b. A tree suffering from a major insect infestation or pathological problem that cannot be resolved;
- c. A tree experiencing extensive decay or hollow;
- d. A tree that has suffered damage or is in poor condition such that its life expectancy is less than ten (10) years.

**(F) Incentive Multipliers** – “Incentive Multipliers” are essentially replacement rates for each classification type, but we are also using them to provide bonuses when trees are preserved over and above what is required. We demonstrate how they function within subsection (G).

**(G) Tree Preservation Plan Set Required** – This section details what plans sets must be provided with the triggering application. Things to note about this section include:

- a. We are suggesting the City no longer allow a surveyor to prepare the plans as such inventories often times include misidentified trees, and expertise is needed to identify “exempt” trees.
- b. Two years would be the validity period for a tree inventory.
- c. The four components of the required plan will bring clarity to the tree preservation process. At its core, this process will identify what exists *before* activities occur, what areas will be impacted by the proposed activity, and what the site will look like following activity. A required matrix (example below) will provide staff with an easy-to-reference summary of what is required on any given site.

	Number of Trees	Number of Caliper Inches	Allowed Removal %	Allowed Removal in Inches	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final
<i>Heritage</i>	3	120	15%	18	0	18	2	36
<i>Specimen</i>	5	60	35%	21	-30	-9	1	-9
<i>Common</i>	8	48	35%	17	-48	-31	0.5	-16
<i>Exempt</i>	12	64	100%	64	-64	0	0	0
<b>Total:</b>	<b>28</b>	<b>292</b>		<b>120</b>	<b>-142</b>	<b>-22</b>		<b>11</b>

**(H) Tree Preservation Simplified Plan Set** – Mimicking current code, a simplified plan set will still be permissible in certain circumstances. For this section, we have elected to get more specific on what information must be provided, and have created a graphic to illustrate the City’s intent and make understanding this subsection simple and straightforward. We have also included language that will allow these plan sets when minimal tree loss will clearly be within the allowed removal thresholds to save residents money when issues are very straightforward.

**(I) Allowable Tree Removal** – The success of this updated ordinance will be derived from the process and incentives built into the new system. We did not see the need to change the current tree removal thresholds as they appeared to be reasonable (right of way & utility easement trees can still be removed, 15% of Heritage trees may be removed, and 35% of all other trees may come out all without penalty). Note that while 35% of both “significant” and “common” trees may be removed, the incentive multipliers (1.0 and 0.5 respectively) will encourage developers to preserve larger trees over smaller trees. We also clarify in this section that valid tree preservation plans only authorize activities that were analyzed by the approved plan set. Desired improvements that have not been authorized will require an updated tree preservation plan.

**(J) Replacement Tree Specifications** – Replacement tree requirements largely mimic existing standards. Improvements built into this section include putting the City in charge of determining replacement trees when heritage trees are removed (thereby providing another disincentive to heritage tree removals), and allowing the applicant to suggest all other replacement types subject to review and approval by the City.

Other things accomplished in this section include:

- a. As requested, replacement trees will now count towards required landscaping.
- b. Subsection (7) spells out *where* replacement trees must be planted. Importantly, we are currently requiring all plants to be placed on-site unless a certain condition exists (impractical, inappropriate, or counterproductive). In those cases, trees may be planted on boulevards or other public lands as directed by the City, or the applicant may provide cash-in-lieu of replacement inches per the City's fee schedule.

By policy, we would recommend all such funds be placed in a special City Tree Fund used specifically to fund the planting of trees where needed throughout the community (public lands, boulevards, etc). A second idea that's been discussed is the establishment of a "City Beautiful" grant program that would subsidize a portion of tree costs for private residents. Such a policy should require trees to be planted in front yards or areas highly visible to the public on a given property.

**(K) Tree Protection Required** – Tree protection fencing requirements established in this section are largely similar to existing requirements with the following exceptions:

- a. We are proposing new pruning standards for oak and elm trees which include flexibility should pruning need to be done during prohibited time frames.
- b. We dis-incentivize after-the-fact/unplanned loss of trees by upping replacement rates by ½ inch for every inch removed for each category of tree.
- c. If an unplanned tree is lost due to development, we are requiring the applicant to provide a planting plan showing how they will conform to the replacement penalty.

**(L) Certification of Compliance with Approved Landscape Plan** – this is unchanged existing language.

**(M) Warranty Requirement** – this is unchanged existing language.

**(N) Entry on Private Property and Interference with Inspection** – this is unchanged existing language.

## Public Hearing

The planning commission is asked to review the proposed ordinance and hold a public hearing to obtain feedback on the regulations. Following the hearing, the Commission has the following options:

1. RECOMMEND THAT COUNCIL APPROVE THE ORDINANCE LANGUAGE AS PRESENTED OR WITH SPECIFIC EDITS;
2. RECOMMEND THAT COUNCIL DOES NOT ADOPT ANY CODE CHANGES; or
3. TABLE THE ITEM and request additional information or changes to the proposed language.

## Attachments

Following this memo, staff has provided two documents to (hopefully) make understanding and reviewing this ordinance easy.

- **Attachment A:** This is a clean copy of the proposed language to allow for easy reading of the ordinance. This copy also includes comments from this memo to explain specific provisions being proposed.
- **Attachment B:** This is the official ordinance document you are asked to take action on tonight.

# Memorandum

DATE: 10-06-15

TO: Roseville Planning Commission

FROM: Ben Gozola, AICP

SUBJECT: **Tree Preservation Ordinance Final Draft**

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## Attachments

Following this memo, staff has provided two documents to (hopefully) make understanding and reviewing this ordinance easy.

- **Attachment A:** This is a clean copy of the proposed language to allow for easy reading of the ordinance. This copy also includes comments from this memo to explain specific provisions being proposed.
- **Attachment B:** This is the official ordinance document you are asked to take action on tonight.

**Attachment A**

**City of Roseville**

**DRAFT Tree Preservation  
Ordinance Clean Copy**

**Planning Commission Review  
& Public Hearing**

**10-6-15**

**Definitions being added or amended:**

**Caliper Inch Measurement** – The standard of tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inch caliper.

**Coniferous/Evergreen Tree** – A woody plant having foliage on the outermost portions of the branches year-round which at maturity is at least twelve (12) feet or more in height. Tamaracks and Larch are included as coniferous tree species.

**Deciduous Tree** – A woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

**Diameter Breast Height (DBH)** – The diameter of trees at breast height, measured 4 ½ feet (54 inches) above the ground. **Multi-stem trees** shall be considered as one tree with the measurement of the largest stem at Diameter Breast Height constituting the size of the tree.

**Dripline** – A vertical line extending from the outer surface of a tree’s branch tips down to the ground.

**Invasive.** Any tree species that is not native to Minnesota or its regional ecosystem that can spread or be spread into any non-cultivated soil site and establish itself, expanding the plant species’ population by its own volition and generally harm, destroy or prevent native plants. Invasive tree species include Norway Maple, Black Locust, Amur Maple, Siberian Elm, and Buckthorn.

**Tree Protection Zone** – An area around a tree defined by either the tree’s unique dripline, or the tree’s typical root protection zone.

**Typical Root Protection Zone** – A circle radius around a tree in feet equal to 1.25 times the tree’s diameter breast height for both deciduous and coniferous trees.

**Commented [BGA1]:** We now address what should be done in the event that a multi-stemmed tree is encountered.

**Commented [BGA2]:** A definition for “dripline” has now been added as we allow applicants, at their discretion, to require a greater protection zone via dripline if they so choose to do so.

**Commented [BGA3]:** By creating a “typical” root protection zone, we establish a system where MOST trees will be fully protected. Individual trees and species types may have root zones that protrude further than this standard, but completing individual assessments on a per tree basis can place a large financial burden on an applicant. As this ordinance will impact individual property owners and not just deep pocket developers, instituting a reasonable approach was our goal. Note that many communities use a 1:1 ratio, and some use a 1: 1.5; we have chosen this intermediate ratio, but would also support an increase to 1.5 to be more conservative. S&S believes either will work (with 1.5 obviously providing additional protection). Should an applicant wish to be MORE protective, this ordinance would allow them to utilize driplines to define protection boundaries, but in no instance would a protection zone be any less than the defined Typical Root Protection Zone.

1011.04 Tree Preservation and Restoration in All Districts

A. Intent and Purpose

The City of Roseville recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods).

The purpose of this section is to protect and promote this important resource by:

1. Ensuring trees are protected when they are most vulnerable: during times of development;
2. Establishing reasonable requirements for replacement of significant trees lost due to development;
3. Incentivizing the protection and planting of trees at all times for the benefits they provide;
4. Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
5. Providing for fair, effective, and consistent enforcement of the regulations contained herein.

**Commented [BGA4]:** The intent and purpose section draws from the existing ordinance and the City's Arbor Day resolutions to explain why these regulations are necessary.

B. Applicability

1. The regulations in this section shall apply to any individual, business or entity that applies for one of the below permits or approvals.
  - a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or
  - b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50%; or
  - c. A demolition permit seeking to remove more than 50% of a principal structure in anticipation of immediate or future redevelopment; or
  - d. A grading permit seeking to add, remove, or relocate more than 5000 square feet of dirt, or disturb more than 5000 square feet of ground cover.
2. If the Community Development Department determines that pre-application tree removal occurred in order to circumvent the regulations in this section, the Department may require equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Pre-application tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the Board of Adjustment and Appeals under Section 1009.08 of this Title.

**Commented [BGA5]:** Rather than tie these regulations to a term like "land alteration," we've elected to identify already existing permit applications that would trigger tree preservation requirements. Application for any of these permits would now need the tree preservation plan sets required herein before the application would be considered complete.

**Commented [BGA6]:** At the request of Council, we have exempted Minor Lot Subdivisions knowing that a future building permit application will trigger the tree inventory and preservation plan. While we are fine with this change, the City should understand the downside to this approach: rather than a surveyor visiting the property once in preparation for subdivision, there will likely be two surveys: one by the developer, and one by the buyer who will need to inventory trees. The buyer will be paying for the survey either way (either directly or through the price of the property); this approach may raise that cost.

**Commented [BGA7]:** These thresholds were set by City staff based on erosion control permit requirements.

3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and Storm Water Management, may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.

**Commented [BGA8]:** Here we have notification that preservation requirements may be more restrictive if portions of a property are subject to provisions in Chapter 1017, Shoreland, Wetland, and Stormwater Management. In such cases, the more restrictive requirement will apply.

**C. Exemptions**

The following activities are exempt from the requirements of this Section:

- 1. Tree removal related to city public improvement projects or repairs;
- 2. Emergency removal of a tree or trees to protect public health.

**Commented [BGA9]:** This section protects the City from tree preservation when installing improvements for the public good, and allows for tree removal at any time for public safety.

**D. Trees Required to be Inventoried**

All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be identified on the tree preservation plan sets required by this section.

**Commented [BGA10]:** One new shift with this ordinance is completely getting away from tree lists for the inventory; if a tree meets a minimum size, it must be inventoried regardless of its health or quality.

**E. Tree Classifications**

All trees required to be inventoried shall be assigned a classification as follows:

**1. Heritage Trees:**

- a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches at DBH, and all coniferous trees measuring equal to or greater than fifty (50) feet in height.
- b. A smaller tree can be considered a heritage tree if:
  - i. A registered forester or certified arborist determines it is a rare or unusual species or of exceptional quality, or
  - ii. If it is specifically used by a developer as a focal point in a development project, and the Community Development Department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.

**Commented [BGA11]:** Whereas subsection "D" identifies everything that must be inventoried, this section recognizes that not all inventoried trees will carry the same level of importance. Getting back to the fact that "a tree is a tree" in the eyes of the public, large trees (regardless of species) are given higher classifications than smaller trees. Note that small trees that are either rare or of exceptional quality can be assigned a higher classification than they otherwise would based on size. Incentive multipliers within the next section provide (as you might have guessed) incentive to do so.

**2. Significant Trees:**

- a. All deciduous trees with DBH measurements of twelve (12) inches or greater, but less than twenty-seven (27) inches.
- b. All coniferous trees that are twenty-five (25) feet tall or greater, but less than fifty (50) feet in height.

1 **3. Common Trees:**

- 2 a. All deciduous trees with DBH measurements of six (6) inches or greater, but less than
- 3 twelve (12) inches.
- 4 b. All coniferous trees that are twelve (12) feet tall or greater, but less than twenty-five
- 5 (25) feet in height.

6 **4. Exempt:**

7 In lieu of one of the above classifications, an inventoried tree may be classified as  
8 "Exempt" if a registered forester or certified arborist certifies that one or more of the  
9 following conditions are met:

- 10 a. The tree is identified as an Invasive Species and must be removed.
- 11 b. The tree suffers from a major insect or pathological problem that cannot be resolved;
- 12 c. The tree is experiencing extensive decay or hollow; or
- 13
- 14 d. The tree has suffered damage or is in poor condition such that it has a life expectancy
- 15 of less than ten (10) years.

16 **F. Incentive Multipliers**

17 To incentivize the protection and preservation of the most important trees within the  
18 community, the following incentive multipliers are to be used against the net preservation or  
19 loss shown on a tree preservation plan as required in Section 1011.04(G):

- 20 1. Heritage Trees: 2.0
- 21 2. Significant Trees: 1.0
- 22 3. Common Trees: 0.5

**Commented [BGA12]:** "Incentive Multipliers" are essentially replacement rates for each classification type, but we are also using them to provide bonuses when trees are preserved over and above what is required. You will see how they function within the required matrix outlined in subsection (G).

23 **G. Tree Preservation Plan Set Required**

24 At the time of application for preliminary plat, grading permit, demolition permit or building  
25 permit which includes the demolition of a principal structure; a tree preservation plan meeting  
26 the following requirements, or a simplified plan set as outlined in 1011.04(H), shall be  
27 submitted by the applicant (failure to provide a complete tree preservation plan set shall be  
28 grounds to deem an application incomplete):

- 29 1. The tree preservation plans shall be prepared and signed by a registered forester or  
30 certified arborist.
- 31 2. The preparation date of all tree preservation plan components shall not precede the date of  
32 application by more than two (2) years.

**Commented [BGA13]:** This section details what plans sets must be provided with the triggering application.

**Commented [BGA14]:** All references to review now require sign off by the City forester or other registered forester or certified arborist as assigned by the Community Development Department.

**Commented [BGA15]:** Two years will be the validity period for a tree inventory.

- 1       **3.** The tree preservation plan set shall consist of **four (4) components**.
- 2       **a.** An **overall tree inventory** including the following information:
- 3           i. Location, diameter, unique identifier, and species of all trees on the site;
- 4           ii. Location, diameter, unique identifier, and species of all adjacent significant trees
- 5                 on adjacent property whose typical root protection zone extends on to the subject
- 6                 property.
- 7           iii. Trees on the subject property shall be tagged and numbered with the unique
- 8                 identifier assigned to the tree as part of the overall tree inventory.
- 9       **b.** A **disturbance plan** showing the overall tree inventory in relation to the following
- 10           and including:
- 11           i. Identification of which significant trees are:
- 12                 1. Protected, preserved, or undisturbed;
- 13                 2. Removed or disturbed (the typical root protection zone will be impacted); and
- 14                 3. Exempt [per Section 1011.04(E)(4)].
- 15           ii. Proposed grading contours of the site.
- 16           iii. Proposed location of building pads and other impervious surfaces being installed.
- 17           iv. Proposed disturbance zones (due to construction, grading, utility installations and
- 18                 other development activities) as identified by cross-hatching or gray-colored
- 19                 shading on the plan.
- 20           v. **Identification of tree protection zones:**
- 21                 1. At a minimum, plans must identify the typical root protection zone for all
- 22                 inventoried trees except those proposed for removal.
- 23                 2. At the discretion of the applicant, greater protection may be provided to
- 24                 individual trees by identifying a tree’s unique dripline as the protection zone;
- 25                 in no instance shall a dripline provide less protection than a typical root
- 26                 protection zone.
- 27           vi. Proposed locations and details of tree protection fencing to be installed for all trees
- 28                 to be preserved.
- 29       **c.** A **final planting plan** showing:
- 30           i. The final inventory of existing trees to remain on-site following completion of all
- 31                 development activities.
- 32           ii. Location, diameter, and species of all proposed replacement trees in conformance
- 33                 with Section 1011.04(J).

**Commented [BGA16]:** The four components of the required plan should bring clarity to the tree preservation process. At its core, this process will identify what exists before activities occur, what areas will be impacted by the proposed activity, and what the site will look like following activity. The required matrix will provide staff with an easy-to-reference summary of what is required on a site.

**Commented [BGA17]:** This subsection requires that tree protection zones be identified on the disturbance plan set, and grants the applicant the authority to be more restrictive in using a dripline to set protection areas if desired.

1           iii. Location, diameter, and species of all required landscaping as required by Section  
2           1011.03.

3           d. A **matrix of inventoried trees** that meets the following specifications:

4           i. Data for each tree shall include:

- 5           1. A unique identification number assigned to each tree that identifies the tree on  
6           the preservation plan sets;
- 7           2. The tree’s classification as defined in Section 1011.04(E);
- 8           3. The tree’s species or common name;
- 9           4. The actual size of deciduous trees at diameter breast height; and for coniferous  
10           trees, the following diameter breast heights based on their classification:
  - 11           a. Heritage Coniferous Tree: 18 inches
  - 12           b. Significant Coniferous Tree: 12 inches
  - 13           c. Common Coniferous Tree: 6 inches
- 14           5. An indication as to whether the tree is intended for removal, intended to be  
15           preserved, or is exempt due to the condition of the tree or the location of the  
16           tree in an allowed removal area.

17           ii. A summary table shall be provided which includes the following:

- 18           1. The total number of inventoried trees on the site broken down by Heritage  
19           Trees, Significant Trees, Common Trees, and Exempt Trees;
- 20           2. The total number of diameter breast height inches on the site broken down into  
21           Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
- 22           3. The total number of allowed diameter breast height inches that can be removed  
23           without replacement per Section 1011.04(I);
- 24           4. The total number of diameter breast height inches planned for removal broken  
25           down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
- 26           5. The net diameter breast height inches being preserved or removed in relation to  
27           allowed removal for each tree type;
- 28           6. A denotation of the incentive multiplier for each tree type: Heritage Trees (x2),  
29           Significant Trees (x1), Common Trees (x0.5), and Exempt Trees (x0).
- 30           7. The final product of diameter breast height inches being preserved or removed  
31           multiplied by the incentive multiplier;
- 32           8. The final sum of removals and credits following consideration of the incentive  
33           multiplier. Final numbers reflect caliper inches.

**Example Summary Table:**

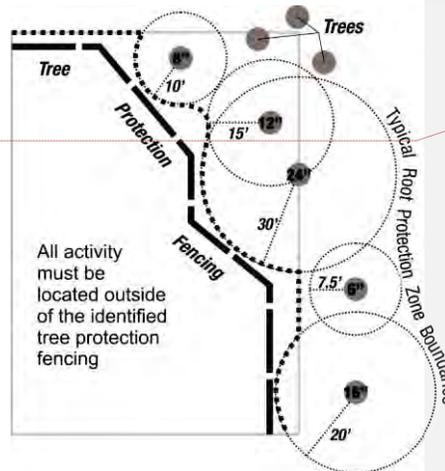
	Number of Trees	Number of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
Heritage	3	120	15%	18	0	18	2	36
Specimen	5	60	35%	21	-30	-9	1	-9
Common	8	48	35%	17	-48	-31	0.5	-16
Exempt	12	64	100%	64	-64	0	0	0
<b>Total:</b>	<b>28</b>	<b>292</b>		<b>120</b>	<b>-142</b>	<b>-22</b>		<b>11</b>

**H. Tree Preservation Simplified Plan Set**

1. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:

a. Location of trees (both on and adjacent to the property) showing required protection zones.

- i. At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity
- ii. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.



**Commented [BGA18]:** Mimicking current code, a simplified plan set will still be permissible in certain circumstances. For this section, we have elected to get more specific on what information must be provided, and have created a graphic to illustrate the City's intent and make understanding this subsection simple and straightforward.

**Commented [BGA19]:** At a minimum, typical root protection zones must be shown, but driplines may also be used at the discretion of the applicant.

- b. Proposed grading contours of the site (if applicable);
- c. Proposed location of building pads and other impervious surfaces being installed;
- d. Proposed locations and details of tree protection fencing to be installed for all tree areas to be protected.

- 2. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may also be submitted when a significant majority of trees will be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.
- 3. An escrow as required by 1011.04(M) shall still be required for any activity which can be permitted with a simplified Tree Preservation plan set.

**I. Allowable Tree Removal**

In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.

- a. Inventoried trees within right-of-way(s) or easement(s) that are being used for the installation of public streets, utilities, or storm water ponding areas may be removed without required replacement.
  - b. Of all remaining inventoried trees not exempt per Section 1011.04(I)(1)(a) above, up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F);
  - c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.
2. Properties that are subject to the Tree Preservation requirements of Section 1011.04 due to a requested building, demolition, or grading permit shall determine allowable removal based on the following:
- a. If a tree preservation plan set was previously approved for the site within two (2) years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the Community Development Department, then the approved plan set shall dictate allowed removals on the lot.
  - b. If the subject lot is not party to a previously approved tree preservation plan set or the proposed activity is not in substantial conformance with an approved plan, then up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F).

**Commented [BGA20]:** The success of this updated ordinance will be derived from the process and incentives built into the new system. We did not see the need to change the current tree removal thresholds as they appeared to be reasonable (right of way & utility easement trees can still be removed, 15% of Heritage trees may be removed, and 35% of all other trees may come out all without penalty).

Note that while 35% of both "significant" and "common" trees may be removed, the incentive multipliers (1.0 and 0.5 respectively) will encourage developers to preserve larger trees over smaller trees. We also clarify in this section that valid tree preservation plans only authorize activities that were analyzed by the approved plan set; desired improvements that have not been authorized will require an updated tree preservation plan.

**J. Replacement Tree Specifications**

1. The minimum size for Deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
2. The minimum height for Coniferous replacement trees shall be six (6) feet with credits for each replacement tree being based on the following
  - a. Six (6) DBH replacement inches shall be credited for each coniferous replacement tree planted that is eight (8) feet or less in height;
  - b. One (1) additional DBH replacement inch shall be credited for every four (4) foot increment in height increase over eight (8) feet as illustrated in the following table:

Height Range	Credit against Required DBH Replacement Inches
> 8 feet	6 inches
8 feet > 12 feet	7 inches
12 feet > 16 feet	8 inches
16 feet > 20 feet	9 inches
20 feet > 24 feet	10 inches
24 feet > 28 feet	11 inches

3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by MN Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th in any year, and the planting is inspected by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department.
4. Replacement trees shall be covered by a minimum 2-year guarantee.
5. When heritage trees are removed, replacement tree options shall be as determined by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department.
6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
7. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.

**Commented [BGA21]:** Replacement tree requirements largely mimic existing standards.

**Commented [BGA22]:** Another disincentive to removing heritage trees is this provision which gives the City the right to provide replacement tree options when heritage trees are removed.

**Commented [BGA23]:** As requested, replacement trees will now count towards required landscaping.

- 1 **8. Replacement Tree Locations.** Required replacement trees shall be planted on the site  
 2 being developed unless doing so is deemed to be impractical (i.e. due to lack of space),  
 3 inappropriate (available planting areas are not ideal for new plantings or would do little to  
 4 enhance the site), or counterproductive to a property’s intent (i.e. would entail too much  
 5 screening for a retail business) as determined by the City Forester or other registered  
 6 forester or certified arborist as assigned by the Community Development Department.  
 7 When such a determination is made, the applicant shall comply with replacement  
 8 requirements in one of two ways:
- 9 a. As directed by the City, required replacement trees may be located on public  
 10 boulevards or other public lands throughout the City if such lands are deemed to be  
 11 available; or
  - 12 b. The city may accept a cash in lieu payment in accordance with the required fee listed  
 13 in the City Fee Schedule. In no instance shall cash in lieu of payment exceed 10% of  
 14 the Fair Market Value of the development site.

**Commented [BGA24]:** This subsection spells out where replacement trees must be planted. Importantly, we are currently requiring all plants to be placed on-site unless a certain condition exists (impractical, inappropriate, or counterproductive). In those cases, trees may be planted on boulevards or other public lands as directed by the City, or the applicant may provide cash-in-lieu of replacement inches.

**Commented [BGA25]:** City staff is proposing to have the City’s arborist/forester determine an appropriate fee on a yearly basis. The fee would be a new line item in the annual fee schedule, and it would be based on the average cost of a 6 foot evergreen/ 3 caliper inch canopy tree. The 10% market value cap acknowledges that trees account for approximately 10% of a property’s value, and that cash-in-lieu replacement costs can never exceed that value.

By policy, we would recommend all such funds be placed in a special City Tree Fund used specifically to fund the planting of trees where needed throughout the community (public lands, boulevards, etc). A second idea floated that we encourage is to set up a “City Beautiful” grant program that would subsidize a portion of tree costs for private residents. Such a policy should require trees to be planted in front yards or areas highly visible to the public on a given property.

**Commented [BGA26]:** Tree protection fencing requirements are largely similar to existing requirements.

15 **K. Tree Protection Required**

16 All trees which are to be retained on a site shall be marked and physically protected from  
 17 harm or destruction caused by soil compaction, equipment and material storage within a tree’s  
 18 identified protection zone, bark abrasions, changes in soil chemistry, out-of-season pruning,  
 19 and root damage during construction.

- 20 **1.** Before any construction or grading of any development project occurs, a “safety fence”  
 21 per the approved tree preservation plan shall be erected meeting the following  
 22 requirements:

  - 23 a. Must be at least 4 feet in height and staked with posts no less than every 5 feet.
  - 24 b. Shall be placed around the identified protection zone(s) of trees to be preserved per the  
 25 approved tree preservation plan.
  - 26 c. Signs shall be placed along the fence line identifying the area as a tree protection area,  
 27 and prohibiting development activities beyond the fence line.

- 28 **2.** The tree protection fencing shall remain in place until all grading and construction activity  
 29 is terminated; failure to maintain tree protection fencing shall be grounds for issuance of a  
 30 stop work order.
- 31 **3.** No equipment, construction materials, or soil may be stored within the identified  
 32 protection zone of any inventoried tree to be preserved.
- 33 **4.** Care must be taken to prevent a change in soil chemistry due to concrete washout and  
 34 leakage or spillage of toxic materials such as fuels or paints.
- 35 **5.** Drainage patterns on the site shall not change considerably causing drastic environmental  
 36 changes in the soil moisture content where trees are intended to be preserved.

6. Pruning of oak trees and elm trees shall be subject to the following requirements:

- a. Pruning of Oak trees shall not occur from March 15<sup>th</sup> through July 1<sup>st</sup>.
- b. Pruning of Elm trees shall not occur from April 1<sup>st</sup> through August 31<sup>st</sup>.
- c. On a year to year basis, the City Council may alleviate or extend the above seasonal restrictions by resolution if, in its opinion, the same is necessary for the betterment of city wide oak and elm tree populations.
- d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the city shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department.

**Commented [BGA27]:** This concept would likely require a permit to cover city costs to document the activity and complete inspections of the work.

7. Unplanned Loss of Trees.

- a. Any tree, not previously identified for removal, that is determined by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:

**Commented [BGA28]:** Replacement rates go up by 1/2 inch for all trees classifications for trees identified for preservation, but are lost due to development.

Catagory	Replacement Rate
Heritage Trees	2.5
Significant Trees	1.5
Common Trees	1.0

- b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by Section 1011.04(G)(3)(c). Replacement plantings shall only occur once authorized by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department.

**Commented [BGA29]:** If an unplanned tree is lost due to development, this language will require the applicant to provide a planting plan showing how they will conform to the replacement penalty.

L. Certification of Compliance with Approved Landscape Plan

Upon completion of construction activity and/or required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that additional work is still required, or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

**Commented [BGA30]:** Existing language

**M. Warranty Requirement**

Commented [BGA31]: Existing language

1. New Development Sites: the Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration
  - a. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer’s estimated cost is not approved.
  - b. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the Developer’s obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.
2. Development or Redevelopment of Existing Lots: The developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon certification of compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied Developer’s obligations to indemnify the City for any expenses in enforcing this requirement.
3. The City may retain from the security required above as reimbursement an amount expended by the City to enforce the provisions of this Section.

**N. Entry on Private Property and Interference with Inspection**

Commented [BGA32]: Existing language

The Community Development Department may enter upon private premises at any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department while engaged in the enforcement of this Section.

City of Roseville

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE 10 ZONING ORDINANCE  
OF THE ROSEVILLE CITY CODE RELATING TO TREE PRESERVATION

THE CITY OF ROSEVILLE ORDAINS:

**Section 1. The City Council of the City of Roseville hereby amends City Code, Title 10, Chapter 1001 Introduction, Section 1001.10 Definitions as follows:**

All existing definitions in Section 1001.10 are restated and incorporated herein unchanged with the following definitions to be removed:

~~CALIPER INCH: A unit of measurement describing the diameter of a tree measured one foot above the finished grade.~~

~~TREE, DECIDUOUS: A plant with foliage that is shed annually.~~

~~TREE, EVERGREEN: A plant with foliage that persists and remains green year round.~~

**Section 2. The City Council of the City of Roseville hereby amends City Code, Title 10, Chapter 1001 Introduction, Section 1001.10 Definitions as follows:**

All existing definitions in Section 1001.10 are restated and incorporated herein unchanged with the following definitions to be added in alphabetical order with existing definitions:

CALIPER INCH: The standard of tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inch caliper.

DIAMETER BREAST HEIGHT (DBH): The diameter of trees at breast height, measured 4 ½ feet (54 inches) above the ground. Multi-stem trees shall be considered as one tree with the measurement of the largest stem at Diameter Breast Height constituting the size of the tree.

DRIPLINE: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

34 TREE, INVASIVE: Any tree species that is not native to Minnesota or its regional  
35 ecosystem that can spread or be spread into any non-cultivated soil site and establish itself,  
36 expanding the plant species' population by its own volition and generally harm, destroy or  
37 prevent native plants. Invasive tree species include Norway Maple, Black Locust, Amur  
38 Maple, Siberian Elm, and Buckthorn.

39  
40 TREE: A self-supporting woody perennial having one or several self-supporting stems or  
41 trunks and numerous branches which normally attains an overall height of 15 feet at  
42 maturity. Trees may be classified as deciduous or coniferous.

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44 TREE, CONIFEROUS/EVERGREEN: A woody plant having foliage on the outermost  
45 portions of the branches year-round which at maturity is at least twelve (12) feet or more in  
46 height. Tamaracks and Larch are included as coniferous tree species.

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48 TREE, DECIDUOUS: A woody plant, which sheds leaves annually, having a defined  
49 crown and at maturity is at least fifteen (15) feet or more in height.

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51 TREE PROTECTION ZONE: An area around a tree defined by either the tree's unique  
52 dripline, or the tree's typical root protection zone.

53  
54 TYPICAL ROOT PROTECTION ZONE: A circle radius around a tree in feet equal to  
55 1.25 times the tree's diameter breast height for both deciduous and coniferous trees.

56 **Section 3. The City Council of the City of Roseville hereby repeals in its entirety City Code, Title**  
57 **10, Chapter 1011 Property Performance Standards, Section 1011.04 Tree**  
58 **Preservation and Restoration in All Districts.**

59 **Section 4. The City Council of the City of Roseville hereby adopts a new City Code, Title 10,**  
60 **Chapter 1011 Property Performance Standards, Section 1011.04 Tree Preservation**  
61 **and Restoration in All Districts, as follows (formatting to match existing code**  
62 **standards):**

63 **A. Intent and Purpose**

64 The City of Roseville recognizes that trees are a significant element of the community  
65 given their beauty (adding color and interest to the urban landscape, and being a source  
66 of joy and spiritual renewal for many), their importance to the environment (purifying  
67 air and water, helping to conserve soil and energy, reduction of noise and energy  
68 consumption, and providing valuable habitat for all kinds of wildlife), and their positive  
69 impact on property values (by providing buffering, protection of privacy, and a unique  
70 sense of place within neighborhoods).

71 The purpose of this section is to protect and promote this important resource by:

- 72 1. Ensuring trees are protected when they are most vulnerable: during times of  
73 development;
- 74 2. Establishing reasonable requirements for replacement of significant trees lost due to  
75 development;
- 76 3. Incentivizing the protection and planting of trees at all times for the benefits they  
77 provide;
- 78 4. Instituting plan requirements to ensure tree losses can be identified prior to  
79 development, and that adequate replacement plantings will occur following land  
80 disturbances;
- 81 5. Providing for fair, effective, and consistent enforcement of the regulations  
82 contained herein.

83 **B. Applicability**

- 84 1. The regulations in this section shall apply to any individual, business or entity that  
85 applies for one of the below permits or approvals.
  - 86 a. An application for platting, re-platting, or any lot division application that does  
87 not qualify as a minor lot subdivision; or
  - 88 b. A building permit application to construct a new principal structure or seeking  
89 to expand the footprint of an existing principal structure by more than 50%; or
  - 90 c. A demolition permit seeking to remove more than 50% of a principal structure  
91 in anticipation of immediate or future redevelopment; or
  - 92 d. A grading permit seeking to add, remove, or relocate more than 5000 square  
93 feet of dirt, or disturb more than 5000 square feet of ground cover.
- 94 2. If the Community Development Department determines that pre-application tree  
95 removal occurred in order to circumvent the regulations in this section, the  
96 Department may require equivalent tree replacement as if a tree preservation plan  
97 had been submitted prior to removal. Pre-application tree removal shall be  
98 considered removed within two years of application. Any costs to estimate the  
99 removal may be charged to the applicant. Said determinations may be appealed to  
100 the Board of Adjustment and Appeals under Section 1009.08 of this Title.
- 101 3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and  
102 Storm Water Management, may require tree preservation beyond that which is  
103 required by this section. In all such instances, the more restrictive preservation  
104 standard shall apply.

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**C. Exemptions**

The following activities are exempt from the requirements of this Section:

1. Tree removal related to city public improvement projects or repairs;
2. Emergency removal of a tree or trees to protect public health.

**D. Trees Required to be Inventoried**

All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be identified on the tree preservation plan sets required by this section.

**E. Tree Classifications**

All trees required to be inventoried shall be assigned a classification as follows:

**1. Heritage Trees:**

- a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches at DBH, and all coniferous trees measuring equal to or greater than fifty (50) feet in height.
- b. A smaller tree can be considered a heritage tree if:
  - i. A registered forester or certified arborist determines it is a rare or unusual species or of exceptional quality, or
  - ii. If it is specifically used by a developer as a focal point in a development project, and the Community Development Department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.

**2. Significant Trees:**

- a. All deciduous trees with DBH measurements of twelve (12) inches or greater, but less than twenty-seven (27) inches.
- b. All coniferous trees that are twenty-five (25) feet tall or greater, but less than fifty (50) feet in height.

**3. Common Trees:**

- a. All deciduous trees with DBH measurements of six (6) inches or greater, but less than twelve (12) inches.
- b. All coniferous trees that are twelve (12) feet tall or greater, but less than twenty-five (25) feet in height.

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**4. Exempt:**

In lieu of one of the above classifications, an inventoried tree may be classified as “Exempt” if a registered forester or certified arborist certifies that one or more of the following conditions are met:

- a. The tree is identified as an Invasive Species and must be removed.
- b. The tree suffers from a major insect or pathological problem that cannot be resolved;
- c. The tree is experiencing extensive decay or hollow; or
- d. The tree has suffered damage or is in poor condition such that it has a life expectancy of less than ten (10) years.

**F. Incentive Multipliers**

To incentivize the protection and preservation of the most important trees within the community, the following incentive multipliers are to be used against the net preservation or loss shown on a tree preservation plan as required in Section 1011.04(G):

- 1. Heritage Trees: 2.0
- 2. Significant Trees: 1.0
- 3. Common Trees: 0.5

**G. Tree Preservation Plan Set Required**

At the time of application for preliminary plat, grading permit, demolition permit or building permit which includes the demolition of a principal structure; a tree preservation plan meeting the following requirements, or a simplified plan set as outlined in 1011.04(H), shall be submitted by the applicant (failure to provide a complete tree preservation plan set shall be grounds to deem an application incomplete):

- 1. The tree preservation plans shall be prepared and signed by a registered forester or certified arborist.
- 2. The preparation date of all tree preservation plan components shall not precede the date of application by more than two (2) years.
- 3. The tree preservation plan set shall consist of four (4) components.
  - a. An **overall tree inventory** including the following information:
    - i. Location, diameter, unique identifier, and species of all trees on the site;
    - ii. Location, diameter, unique identifier, and species of all adjacent significant trees on adjacent property whose typical root protection zone extends on to the subject property.

- 174                   iii. Trees on the subject property shall be tagged and numbered with the unique  
175                   identifier assigned to the tree as part of the overall tree inventory.
- 176           b. A **disturbance plan** showing the overall tree inventory in relation to the  
177           following and including:
- 178           i. Identification of which significant trees are:
- 179                   1. Protected, preserved, or undisturbed;
- 180                   2. Removed or disturbed (the typical root protection zone will be  
181                   impacted); and
- 182                   3. Exempt [per Section 1011.04(E)(4)].
- 183           ii. Proposed grading contours of the site.
- 184           iii. Proposed location of building pads and other impervious surfaces being  
185           installed.
- 186           iv. Proposed disturbance zones (due to construction, grading, utility  
187           installations and other development activities) as identified by cross-  
188           hatching or gray-colored shading on the plan.
- 189           v. Identification of tree protection zones:
- 190                   1. At a minimum, plans must identify the typical root protection zone for  
191                   all inventoried trees except those proposed for removal.
- 192                   2. At the discretion of the applicant, greater protection may be provided to  
193                   individual trees by identifying a tree's unique dripline as the protection  
194                   zone; in no instance shall a dripline provide less protection than a  
195                   typical root protection zone.
- 196           vi. Proposed locations and details of tree protection fencing to be installed for  
197           all trees to be preserved.
- 198           c. A **final planting plan** showing:
- 199                   i. The final inventory of existing trees to remain on-site following completion  
200                   of all development activities.
- 201                   ii. Location, diameter, and species of all proposed replacement trees in  
202                   conformance with Section 1011.04(J).
- 203                   iii. Location, diameter, and species of all required landscaping as required by  
204                   Section 1011.03.
- 205           d. A **matrix of inventoried trees** that meets the following specifications:
- 206                   i. Data for each tree shall include:
- 207                           1. A unique identification number assigned to each tree that identifies the  
208                           tree on the preservation plan sets;

- 209 2. The tree's classification as defined in Section 1011.04(E);
- 210 3. The tree's species or common name;
- 211 4. The actual size of deciduous trees at diameter breast height; and for
- 212 coniferous trees, the following diameter breast heights based on their
- 213 classification:
- 214 a. Heritage Coniferous Tree: 18 inches
- 215 b. Significant Coniferous Tree: 12 inches
- 216 c. Common Coniferous Tree: 6 inches
- 217 5. An indication as to whether the tree is intended for removal, intended to
- 218 be preserved, or is exempt due to the condition of the tree or the
- 219 location of the tree in an allowed removal area.
- 220 ii. A summary table shall be provided which includes the following:
- 221 1. The total number of inventoried trees on the site broken down by
- 222 Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
- 223 2. The total number of diameter breast height inches on the site broken
- 224 down into Heritage Trees, Significant Trees, Common Trees, and
- 225 Exempt Trees;
- 226 3. The total number of allowed diameter breast height inches that can be
- 227 removed without replacement per Section 1011.04(I);
- 228 4. The total number of diameter breast height inches planned for removal
- 229 broken down by Heritage Trees, Significant Trees, Common Trees, and
- 230 Exempt Trees;
- 231 5. The net diameter breast height inches being preserved or removed in
- 232 relation to allowed removal for each tree type;
- 233 6. A denotation of the incentive multiplier for each tree type: Heritage
- 234 Trees (x2), Significant Trees (x1), Common Trees (x0.5), and Exempt
- 235 Trees (x0).
- 236 7. The final product of diameter breast height inches being preserved or
- 237 removed multiplied by the incentive multiplier;
- 238 8. The final sum of removals and credits following consideration of the
- 239 incentive multiplier. Final numbers reflect caliper inches.

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Example Summary Table:

	Number of Trees	Number of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
<i>Heritage</i>	3	120	15%	18	0	18	2	36
<i>Specimen</i>	5	60	35%	21	-30	-9	1	-9
<i>Common</i>	8	48	35%	17	-48	-31	0.5	-16
<i>Exempt</i>	12	64	100%	64	-64	0	0	0
<b>Total:</b>	<b>28</b>	<b>292</b>		<b>120</b>	<b>-142</b>	<b>-22</b>		<b>11</b>

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**H. Tree Preservation Simplified Plan Set**

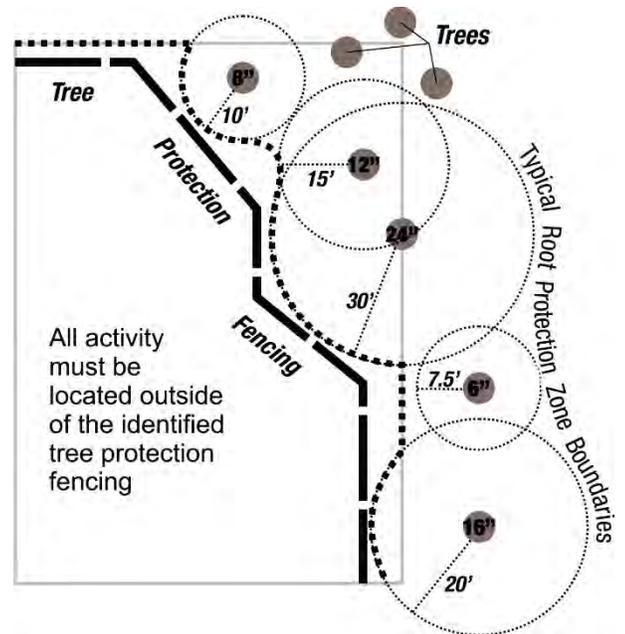
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1. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:

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- a. Location of trees (both on and adjacent to the property) showing required protection zones.
  - i. At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity
  - ii. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.

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- b. Proposed grading contours of the site (if applicable);
- c. Proposed location of building pads and other impervious surfaces being installed;
- d. Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.

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- 268 2. At the discretion of the Community Development Department, a simplified Tree  
269 Preservation Plan may also be submitted when a significant majority of trees will  
270 be preserved on a site, and the few trees to be impacted within the area of activity  
271 will clearly not exceed allowed removal thresholds.
- 272 3. An escrow as required by 1011.04(M) shall still be required for any activity which  
273 can be permitted with a simplified Tree Preservation plan set.

274 **I. Allowable Tree Removal**

- 275 1. In conjunction with platting, re-platting, or any lot division that requires a tree  
276 preservation plan, the approved plan shall dictate tree preservation requirements on  
277 all new lots until such time as the lots have been developed for their intended  
278 purpose.
- 279 a. Inventoried trees within right-of-way(s) or easement(s) that are being used for  
280 the installation of public streets, utilities, or storm water ponding areas may be  
281 removed without required replacement.
- 282 b. Of all remaining inventoried trees not exempt per Section 1011.04(D)(1)(a)  
283 above, up to 15% of the total DBH-inches of all Heritage trees, up to 35% of  
284 the total DBH-inches of all Significant trees, and up to 35% of the total DBH-  
285 inches of all Common trees may be removed without tree replacement or  
286 restitution subject to the incentive multipliers listed in Section 1011.04(F);
- 287 c. The required final planting plan shall identify the final allowed tree removal for  
288 each lot within the proposed development.
- 289 2. Properties that are subject to the Tree Preservation requirements of Section 1011.04  
290 due to a requested building, demolition, or grading permit shall determine  
291 allowable removal based on the following:
- 292 a. If a tree preservation plan set was previously approved for the site within two  
293 (2) years of the application date and the proposed activity is in substantial  
294 conformance with the approved plan as determined by the Community  
295 Development Department, then the approved plan set shall dictate allowed  
296 removals on the lot.
- 297 b. If the subject lot is not party to a previously approved tree preservation plan set  
298 or the proposed activity is not in substantial conformance with an approved  
299 plan, then up to 15% of the total DBH-inches of all Heritage trees, up to 35% of  
300 the total DBH-inches of all Significant trees, and up to 35% of the total DBH-  
301 inches of all Common trees may be removed without tree replacement or  
302 restitution subject to the incentive multipliers listed in Section 1011.04(F).

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**J. Replacement Tree Specifications**

1. The minimum size for Deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
2. The minimum height for Coniferous replacement trees shall be six (6) feet with credits for each replacement tree being based on the following:
  - a. Six (6) DBH replacement inches shall be credited for each coniferous replacement tree planted that is eight (8) feet or less in height;
  - b. One (1) additional DBH replacement inch shall be credited for every four (4) foot increment in height increase over eight (8) feet as illustrated in the following table:

Height Range	Credit against Required DBH Replacement Inches
> 8 feet	6 inches
8 feet > 12 feet	7 inches
12 feet > 16 feet	8 inches
16 feet > 20 feet	9 inches
20 feet > 24 feet	10 inches
24 feet > 28 feet	11 inches

3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by MN Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th in any year, and the planting is inspected by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department.
4. Replacement trees shall be covered by a minimum 2-year guarantee.
5. When heritage trees are removed, replacement tree options shall be as determined by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department.
6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other registered forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
7. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.

- 333           **8.** Replacement Tree Locations. Required replacement trees shall be planted on the  
334 site being developed unless doing so is deemed to be impractical (i.e. due to lack of  
335 space), inappropriate (available planting areas are not ideal for new plantings or  
336 would do little to enhance the site), or counterproductive to a property’s intent (i.e.  
337 would entail too much screening for a retail business) as determined by the City  
338 Forester or other registered forester or certified arborist as assigned by the  
339 Community Development Department. When such a determination is made, the  
340 applicant shall comply with replacement requirements in one of two ways:
- 341           a. As directed by the City, required replacement trees may be located on public  
342           boulevards or other public lands throughout the City if such lands are deemed  
343           to be available; or
  - 344           b. The city may accept a cash in lieu payment in accordance with the required fee  
345           listed in the City Fee Schedule.

346           **K. Tree Protection Required**

347           All trees which are to be retained on a site shall be marked and physically protected  
348 from harm or destruction caused by soil compaction, equipment and material storage  
349 within a tree’s identified protection zone, bark abrasions, changes in soil chemistry,  
350 out-of-season pruning, and root damage during construction.

- 351           **1.** Before any construction or grading of any development project occurs, a “safety  
352 fence” per the approved tree preservation plan shall be erected meeting the  
353 following requirements:
  - 354           a. Must be at least 4 feet in height and staked with posts no less than every 5 feet.
  - 355           b. Shall be placed around the identified protection zone(s) of trees to be preserved  
356           per the approved tree preservation plan.
  - 357           c. Signs shall be placed along the fence line identifying the area as a tree  
358           protection area, and prohibiting development activities beyond the fence line.
- 359           **2.** The tree protection fencing shall remain in place until all grading and construction  
360 activity is terminated; failure to maintain tree protection fencing shall be grounds  
361 for issuance of a stop work order.
- 362           **3.** No equipment, construction materials, or soil may be stored within the identified  
363 protection zone of any inventoried tree to be preserved.
- 364           **4.** Care must be taken to prevent a change in soil chemistry due to concrete washout  
365 and leakage or spillage of toxic materials such as fuels or paints.
- 366           **5.** Drainage patterns on the site shall not change considerably causing drastic  
367 environmental changes in the soil moisture content where trees are intended to be  
368 preserved.

- 369 6. Pruning of oak trees and elm trees shall be subject to the following requirements:  
370 a. Pruning of Oak trees shall not occur from March 15<sup>th</sup> through July 1<sup>st</sup>.  
371 b. Pruning of Elm trees shall not occur from April 1<sup>st</sup> through August 31<sup>st</sup>.  
372 c. On a year to year basis, the City Council may alleviate or extend the above  
373 seasonal restrictions by resolution if, in its opinion, the same is necessary for  
374 the betterment of city wide oak and elm tree populations.  
375 d. If pruning of either tree type is absolutely necessary during prohibited  
376 timeframes, the city shall be notified before work begins, and the landowner  
377 shall be required to seal all wounds with a proper wound sealing paint  
378 authorized by the City Forester or other registered forester or certified arborist  
379 as assigned by the Community Development Department.

380 7. Unplanned Loss of Trees.

- 381 a. Any tree, not previously identified for removal, that is determined by the City  
382 Forester or other registered forester or certified arborist as assigned by the  
383 Community Development Department to be destroyed or damaged as a result of  
384 development activity shall be replaced at the following rates:

Catagory	Replacement Rate
Heritage Trees	2.5
Significant Trees	1.5
Common Trees	1.0

- 385 b. Unauthorized tree removal which results in mandatory replacement shall  
386 require the applicant to prepare or update a final planting plan as required by  
387 Section 1011.04(G)(3)(c). Replacement plantings shall only occur once  
388 authorized by the City Forester or other registered forester or certified arborist  
389 as assigned by the Community Development Department.

390 **L. Certification of Compliance with Approved Landscape Plan**

391 Upon completion of construction activity and/or required landscaping, the Developer  
392 shall notify the City and request an inspection of the work. Following the inspection,  
393 the City shall notify the Developer that additional work is still required, or issue a letter  
394 finding that all plantings have been satisfactorily completed. The required warranty  
395 period for plantings shall begin on the date of the issued satisfactory completion letter.

396 **M. Warranty Requirement**

- 397 1. New Development Sites: the Developer shall provide a financial guarantee, in a  
398 form satisfactory to the City, prior to the approval or issuance of any permit for  
399 land alteration

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- 401 a. The amount of the guarantee shall be 125% of the estimated cost to furnish and  
402 plant replacement trees. The estimated cost shall be provided by the Developer  
403 subject to approval by the City. The estimated cost shall be at least as much as  
404 the reasonable amount charged by nurseries for the furnishing and planting of  
405 replacement trees. The City reserves the right in its sole discretion to determine  
406 the estimated cost in the event the Developer's estimated cost is not approved.
- 407 b. The security shall be maintained for at least 2 years after the date that the last  
408 replacement tree has been planted. Upon a showing by the Developer and such  
409 inspection as may be made by the City, that portion of the security may be  
410 released by the City equal to 125% of the estimated cost of the replacement  
411 trees which are alive and healthy at the end of such year. Any portion of the  
412 security not entitled to be released at the end of the year shall be maintained  
413 and shall secure the Developer's obligation to remove and replant replacement  
414 trees which are not alive or are unhealthy at the end of such year and to replant  
415 missing trees. Upon completion of the replanting of such trees the entire  
416 security may be released.
- 417 2. Development or Redevelopment of Existing Lots: The developer shall provide a  
418 cash escrow in the amount of \$500.00 to guarantee compliance with the  
419 requirements of this Ordinance. Said security shall be released upon certification of  
420 compliance by the developer to the satisfaction of the City. Notwithstanding the  
421 foregoing, no portion of the security shall be released while there are unsatisfied  
422 Developer's obligations to indemnify the City for any expenses in enforcing this  
423 requirement.
- 424 3. The City may retain from the security required above as reimbursement an amount  
425 expended by the City to enforce the provisions of this Section.

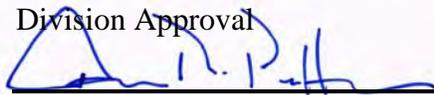
426 **N. Entry on Private Property and Interference with Inspection**

427 The Community Development Department may enter upon private premises at any  
428 reasonable time for the purposes of enforcing the regulations set forth in this Section.  
429 No person shall unreasonably hinder, prevent, delay, or interfere with the Community  
430 Development Department while engaged in the enforcement of this Section.

431 **Section 5. Effective Date. This ordinance amendment to the Roseville City Code shall take effect**  
432 **upon passage and publication.**

433 Passed this 17th day of June, 2013

Division Approval



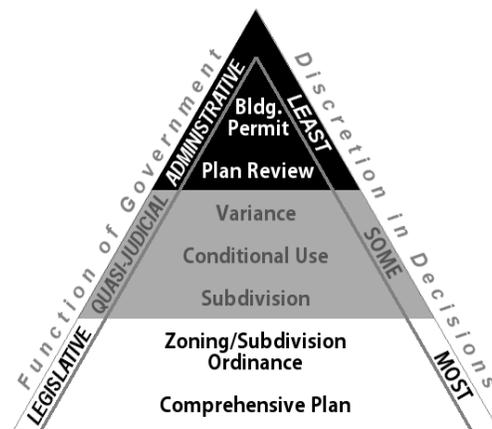
Agenda Section

**PUBLIC HEARINGS**

Item Description: Request by the Community Development Department for approval of a **Comprehensive Land Use Plan map change and Zoning map change** at 3253 and 3261 Old Highway 8 (**PROJ0036**).

**APPLICATION INFORMATION**

- Applicant: City of Roseville
- Location: 3253 and 3261 Old Highway 8
- Property Owner: John P Henz and Thomas Arthur Ranallo
- Open House Meeting: July 23, 2015
- Application Submission: Not Applicable
- City Action Deadline: Not Applicable



Action taken on proposed Comprehensive Plan and zoning amendments 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 comprehensive plan land use map and zoning map change are **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.

**REQUESTED ACTION**

The Community Development Department seeks approval of a **Comprehensive Land Use Plan map change and Zoning map change** for the two properties to improve consistency and facilitate more appropriate density in the area.

**SUMMARY OF RECOMMENDATION**

The Planning Division recommends approval of the proposed changes.

**SUMMARY OF SUGGESTED ACTION**

By motion, recommend approval of the proposed changes, pursuant to Title 2 (Commissions) and Title 10 (Zoning) of the City Code.

10 **BACKGROUND**

11 The 1979 Comprehensive Plan guided the subject properties as High Density Residential (HDR),  
12 and the Official Zoning Map classified them as Single Family Residential District (R-1). During the  
13 2008 update process of Roseville’s Comprehensive Plan, the two properties remained HDR, as the  
14 adjacent uses were generally high density residential and the subject properties lie adjacent to two  
15 busy intersections (Old Highway 8 and County Road C2). In 2010, as a component of the overall  
16 rezoning of the City to create consistency between land use designations and zoning classifications  
17 required under State Statutes, the City Council discussed changing the two subject properties to a  
18 lower density. The Council ultimately decided at that time that the guiding and zoning were  
19 appropriate and no change was considered. Subsequently the two properties were rezoned from R-1  
20 to the newly created High Density Residential-1 District (HDR-1).

21 Over the past few years, the Planning Division has had discussions with interested developers about  
22 possible multi-family residential projects on the 3253 property, however, none of these proposals  
23 have come forth to seek formal approval.

24 In June 2015, the Roseville City Council discussed the subject sites and their current land use  
25 designations and instructed the Planning staff to begin the process to change the guiding and zoning  
26 to medium density.

27 An applicant seeking approval of a COMPREHENSIVE LAND USE PLAN MAP CHANGE and/or ZONING  
28 MAP CHANGE is required to hold an open house meeting to inform the surrounding property owners  
29 and other interested individuals of the proposal, to answer questions, and to solicit feedback. The  
30 open house for this application was held on July 23, 2015; comment sheets completed by most all  
31 attendees and the emails received by the City Planner are included with this staff report as  
32 Attachment C. The owners of the two properties in question were notified about the open house and  
33 the City’s proposal.

34 **PROPOSED ANALYSIS**

35 COMPREHENSIVE LAND USE PLAN MAP CHANGE: City Code §201.07 (Comprehensive Plan  
36 Amendments) allows property owners to seek, and the Planning Commission to recommend,  
37 changes to the Comprehensive Plan. A recommendation by the Planning Commission to approve a  
38 change to the Comprehensive Plan must have the affirmative votes of at least 5/7ths of the Planning  
39 Commission’s total membership.

40 The Comprehensive Plan identifies the following:

41 **Land-Use Issues**

42 *This residential neighborhood is often perceived as being isolated as it is separated from the rest of*  
43 *Roseville’s neighborhoods by major highways, a railroad, and the large industrial area west of I-*  
44 *35W. Bordering the southeast side of the district is County Road 88, which produces traffic and*  
45 *noise that can negatively impact the neighborhood. Existing land uses on the east side of County*  
46 *Road 88 are primarily heavy and light industrial as part of Roseville’s large industrial area west of*  
47 *I-35W. The neighborhood would benefit from improved access to the rest of the Roseville, including*  
48 *on- or off-street routes for walking and biking that would better connect the neighborhood to the*  
49 *City’s parks and recreation system.*

50 *Planning District 1 contains one vacant site, which consists of two adjacent parcels totaling*  
51 *approximately nine acres located just south of County Road D between Old Highway 8 and County*  
52 *Road 88. Because potential soil and fill material problems on the site would challenge the economic*  
53 *feasibility of developing a multistory building, the site’s previous future land use designation was*

54 *Business. The desired development of more intensive uses will most likely require substantial soil*  
55 *corrections. If this land is developed for residential uses, the provision of public or private*  
56 *parks/open space should be considered as part of the development. This park land could be designed*  
57 *to improve the district's access to park space in the neighborhood as well as the community's park*  
58 *system.*

## 59 **Future Land Use**

60 The Comprehensive Plan does not mention the subject site in its future land use analysis.

61 Generally speaking from a planning perspective, busy intersections lend themselves to higher  
62 densities because higher density properties can be constructed to mitigate sound, but low density  
63 properties are designed to take advantage of outdoor areas, which can't be as easily protected from  
64 road noise. High density properties also limit the number of access points onto busy streets, which  
65 allows them to function better than if there are a large number of low-density driveway curb cuts. In  
66 the case of the subject area, there is a mix of medium- and high-density developments that appear to  
67 work and function well for the broader neighborhood. Since the Comprehensive Plan does not  
68 specifically discuss the subject properties or area and the future High Density, the Planning Division  
69 has concluded the proposed COMPREHENSIVE LAND USE PLAN MAP CHANGE wouldn't change the  
70 purpose and intent of the Comprehensive Plan. In fact, the Comprehensive Plan discusses the  
71 challenges of developing a multi-story building and the challenging soils at the site, which may  
72 provide further support for density reduction. Instead, the proposal would result in a slight  
73 adjustment in the future uses allowed by decreasing residential density and creating an area that  
74 supports a larger mix of residential that better suits the area.

75 ZONING MAP CHANGE: Assuming that the change to the Comprehensive Plan is supported and  
76 approved, the requested ZONING MAP CHANGE becomes a clerical step to ensure that the zoning map  
77 continues to be "consistent with the guidance and intent of the Comprehensive Plan" as required in  
78 City Code §1009.04 (Zoning Changes). In order for the actions by the City to be final and be  
79 published, Metropolitan Council review and approval of the Comprehensive Plan Land Use Map  
80 Change is required.

## 81 **PUBLIC COMMENT**

82 As indicated above, the Planning Division held the required open house for the item on July 23,  
83 2015, at which meeting 45+ citizens attended. The majority of comments discussed at the open  
84 house with the City Planner indicated support for the change to medium density.

85 Specifically, many area residents noted the existing traffic issues and the 5-way intersection. They  
86 also noted the area has many children and few sidewalks. Similarly, they noted support for  
87 developments similar to Woodsedge Townhomes and Roseville Commons Condos, which have a  
88 more acceptable density, in their view, than a multiple story, multi-family residential development  
89 with nearly twice the density.

90 The general feeling from the citizens who attended was that the high density designation was too  
91 much density for the corner and the area. Medium density offers a more consistent density with the  
92 area and would have fewer negative impacts in the areas of traffic, height, and massing of structures.

93 Mr. John Runquist, Trustee for the Henz Trust, 3253 Old Highway 8, submitted a letter of  
94 opposition to the changes at the July 23, 2015, open house. In his letter Mr. Runquist cites loss in  
95 value of a property guided since 1979 and a change that is counter to the existing and adjacent high  
96 density uses as his reasons to oppose the proposed change. His letter is the first in the grouping from

97 the July 23, 2015, open house in Attachment C. At the time of packet printing the Planning Division  
98 had not received any communication from the property owner of 3261 Old Highway 8.

99 **RECOMMENDATION**

100 Based on the information and analysis provided above, the Planning Division recommends approval  
101 of the proposed COMPREHENSIVE LAND USE PLAN MAP CHANGE AND ZONING MAP CHANGE pursuant  
102 to Title 2 (Commissions), Title 10 (Zoning), and Title 11 (Subdivisions) of the City Code, subject to  
103 the approval of the Comprehensive Plan Map Change by the Metropolitan Council.

104 **SUGGESTED ACTION**

105 By motion, recommend approval of the proposed **COMPREHENSIVE LAND USE PLAN AND OFFICIAL**  
106 **ZONING MAP CHANGES** from High Density Residential and HDR-1 to Medium Density Residential  
107 and Medium Density Residential District based on the information, analysis, and condition  
108 contained in this report.

109 As noted earlier, the Comprehensive Land Use Plan Map Change will require Metropolitan Council  
110 review and approval after the City Council acts on the request. This process could take up to 60  
111 days to complete.

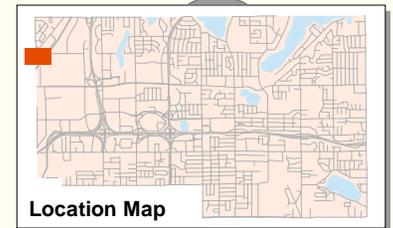
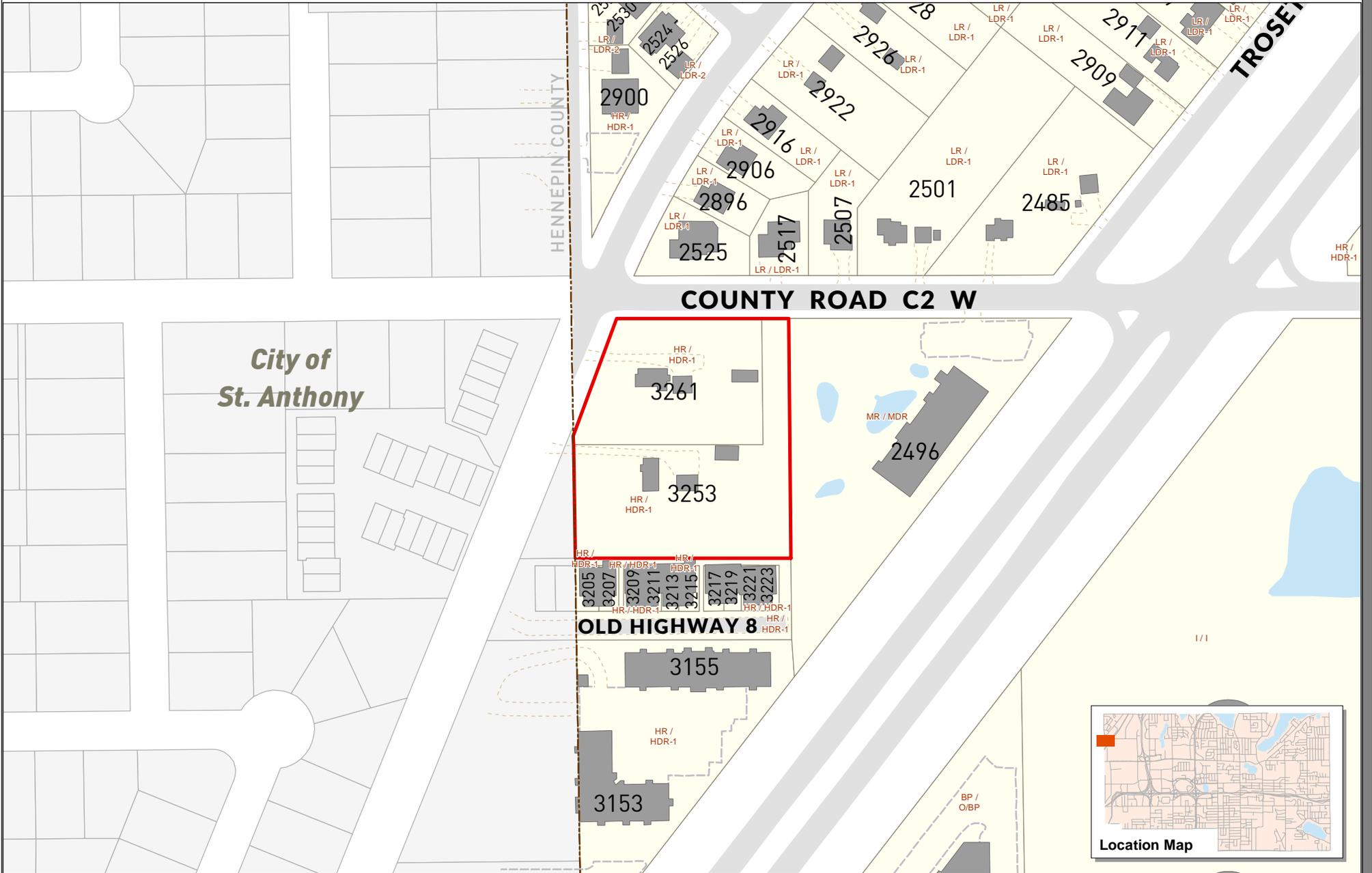
**Prepared by: City Planner Thomas Paschke 651-792-7074 | [thomas.paschke@cityofroseville.com](mailto:thomas.paschke@cityofroseville.com)**

Attachments: A: Area Map

C: Open House materials

B: Comp Plan & Rezoning Maps

# 3253 and 3261 Old Highway 8



Prepared by:  
 Community Development Department  
 Printed: August 25, 2015



**Site Location**

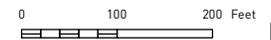
Comp Plan / Zoning  
 Designations  
 LR / LDR-1

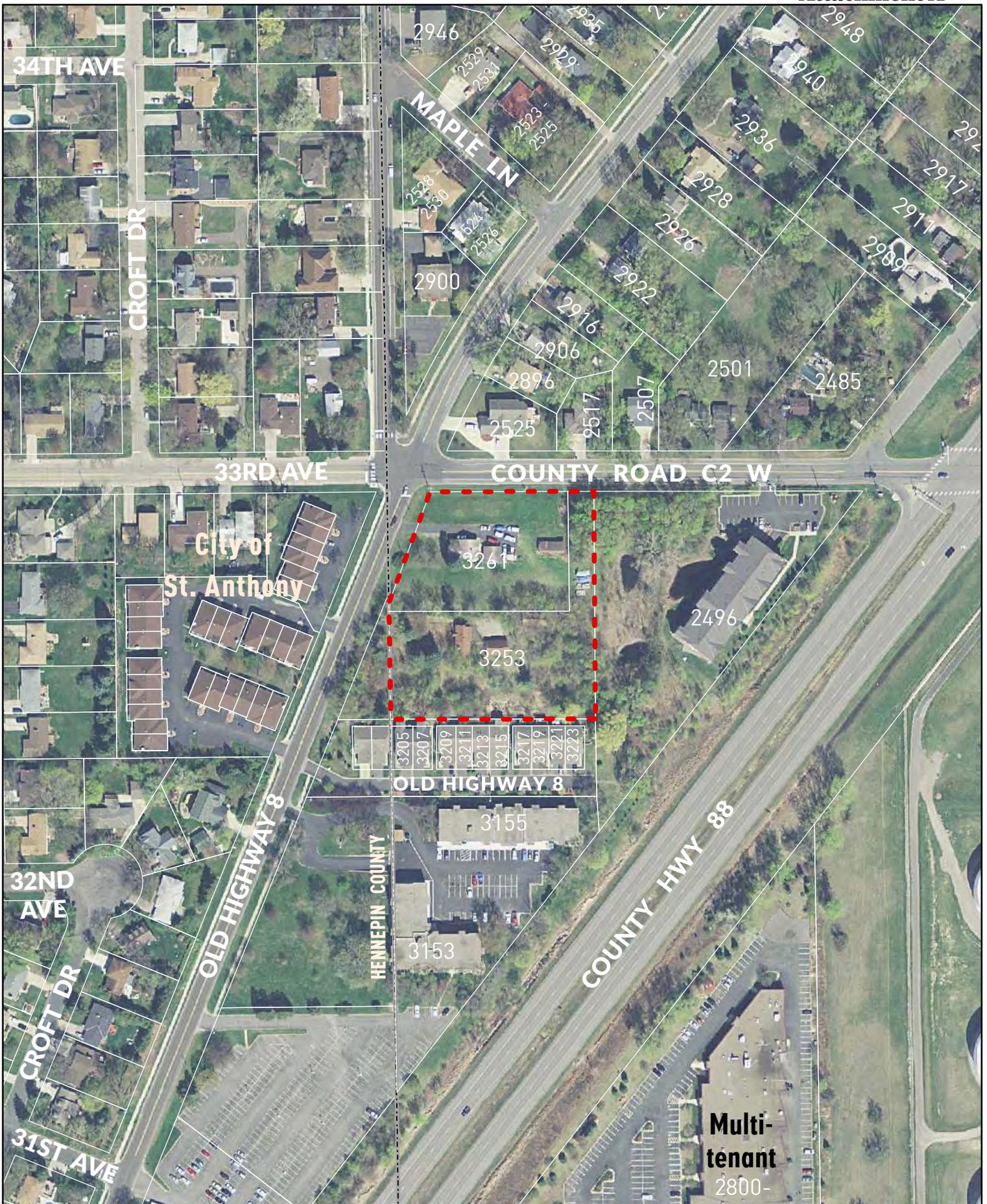
**Data Sources**

\* Ramsey County GIS Base Map (8/2/2015)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**Disclaimer**

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.





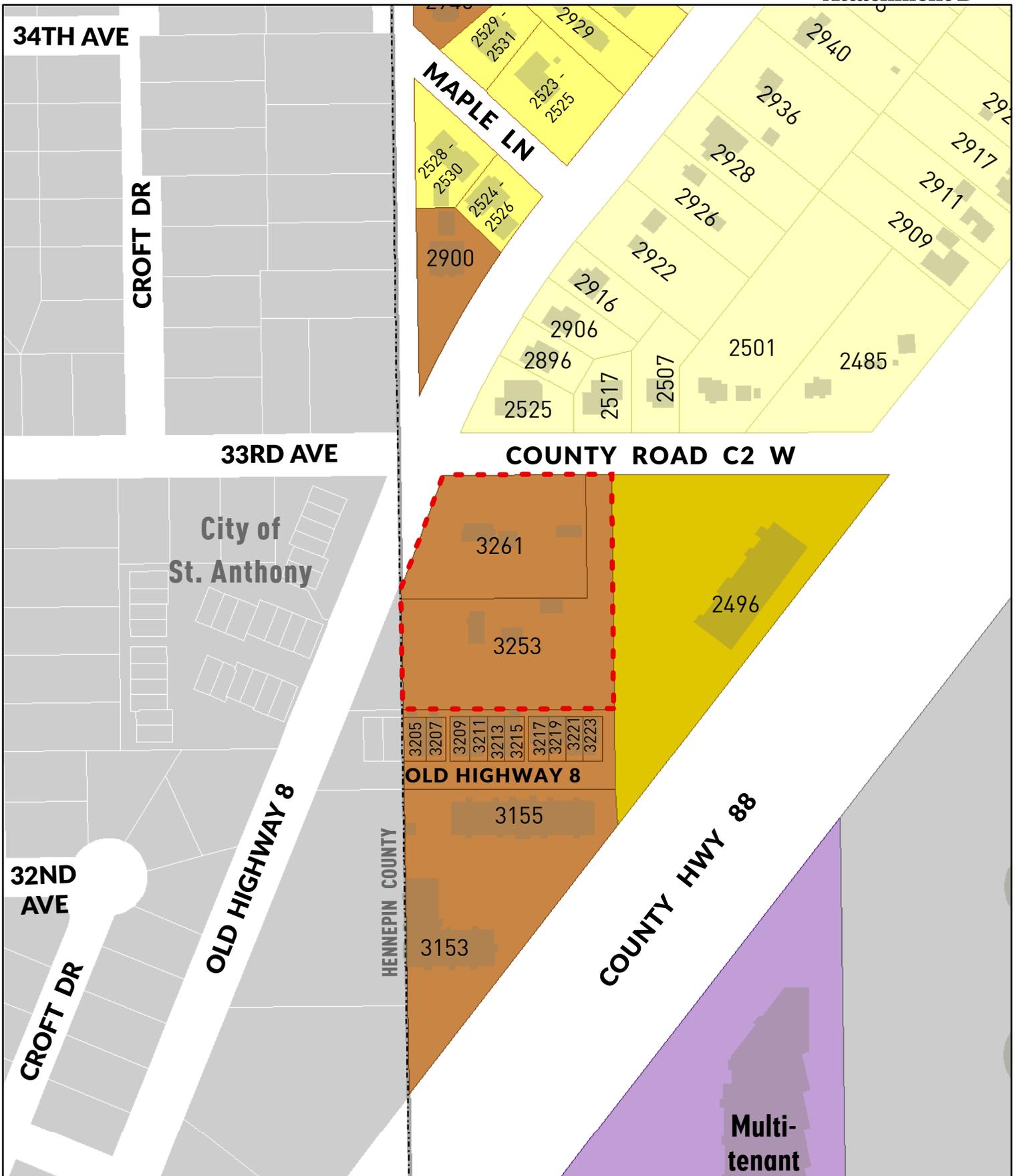
# 3253 and 3261 Old Highway 8



Proposal Site

0 50 100 150 Feet





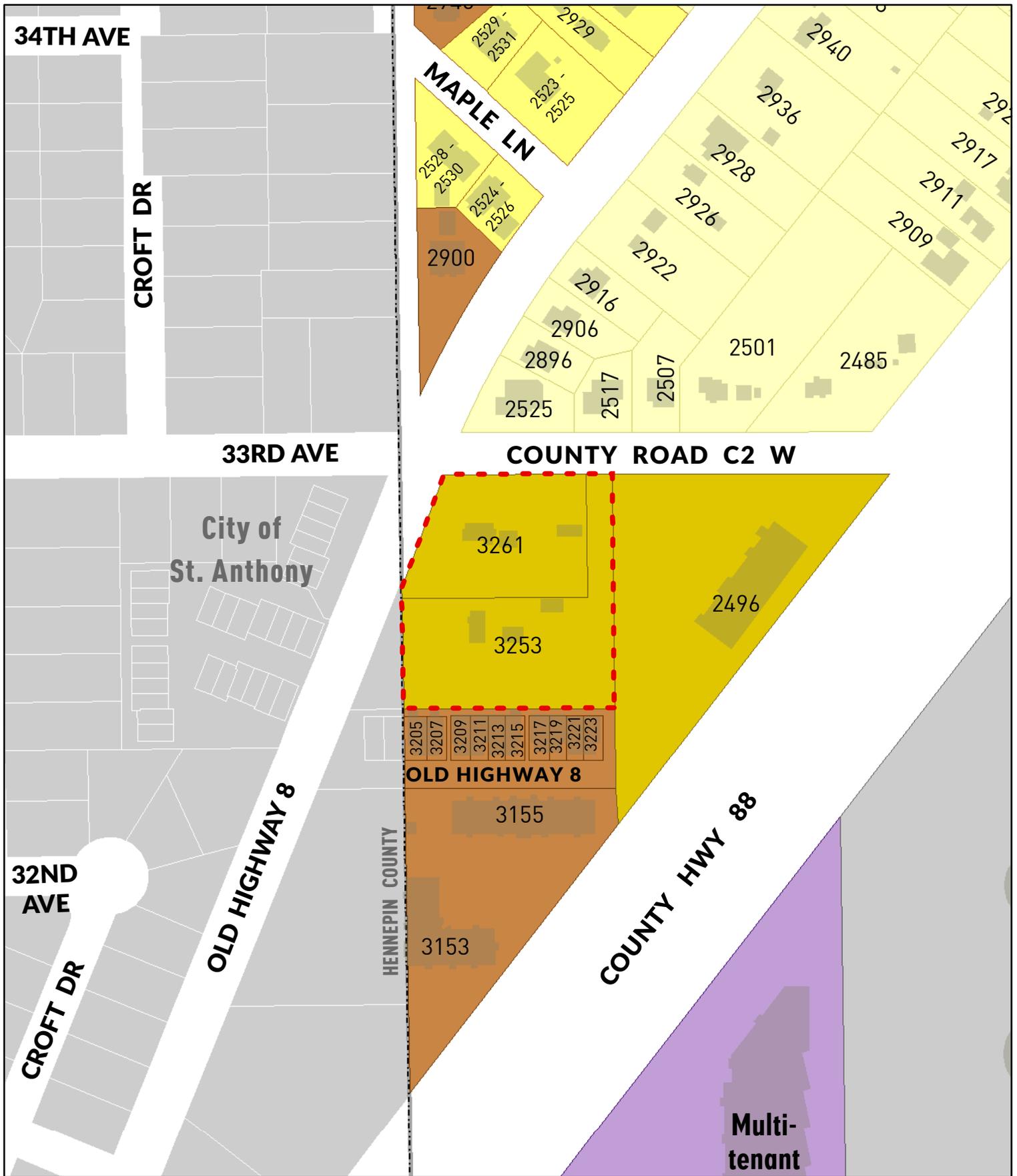
## Current Zoning

- LDR-1 - Low Density (One-Family) Residential-1
- LDR-2 - Low Density Residential-2
- MDR - Medium Density Residential
- HDR-1 - High Density Residential-1
- I - Industrial
- O/BP - Office/Business Park

Proposal Site

0 100 200 300 Feet





## Proposed Zoning

- |   |  |
|---|--|
|  LDR-1 - Low Density (One-Family) Residential-1 |  HDR-1 - High Density Residential-1 |
|  LDR-2 - Low Density Residential-2              |  I - Industrial                     |
|  MDR - Medium Density Residential               |  O/BP - Office/Business Park        |

 Proposal Site

0 100 200 300 Feet



# Existing

## 1004.11 High Density Residential Districts (HDR-1 and HDR-2)

**A. Statement of Purpose:** The HDR districts are designed to provide an environment of predominantly high-density housing types, including manufactured-home communities, large and small multi-family buildings, and single-family attached dwellings, at an overall density exceeding 12 units per acre, along with along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

### B. Dimensional Standards:

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum density	24 Units/net acre		None
Minimum density	12 Units/net acre		24 Units/net acre
Maximum building height	35 Feet	65 Feet	95 Feet
Maximum improvement area	75%	75%	85%
<b>Minimum front yard building setback</b>			
Street	30 Feet	30 Feet	10 Feet
Interior courtyard	10 Feet	10 Feet	15 Feet
<b>Minimum side yard building setback</b>			
Interior	8 Feet (end unit)	20 Feet, when adjacent to ldr-1 or ldr-2 10 Feet, all other uses	20% Height of the building <sup>a</sup>
Corner	15 Feet	20 Feet	20% Height of the building <sup>a</sup>
Minimum rear yard building setback	30 Feet	30 Feet	50% Height of the building <sup>a</sup>

a The City may require a greater or lesser setback based on surrounding land uses.  
(Ord. 1411, 6-13-2011); (Ord.1405, 2-28-2011)

### C. Building Arrangement: Buildings may be organized in several ways, including the examples in this section:

1. Arranged along the street without a common open space. Open space is provided on individual lots or on privately defined spaces to the rear of attached dwellings.
2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.  
(Ord. 1403, 12-13-2010)

# Proposed

## 1004.10 Medium Density Residential (MDR) District

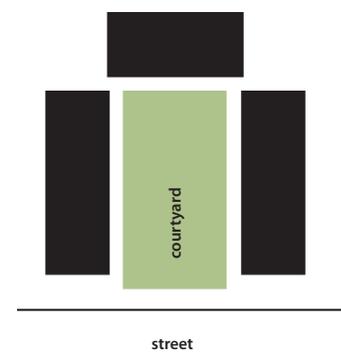
**A. Statement of Purpose:** The MDR District is designed to provide an environment of varied housing types at an overall density of 5 to 12 units an acre, including single-family attached dwellings, small multi-family buildings, two-family and small-lot, one-family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

### B. Dimensional Standards

Table 1004-5	One-Family	Two-Family	Attached	Multifamily
Maximum density	12 Units/net acre - averaged across development site			
Minimum density	5 Units/net acre - averaged across development site			
Minimum lot area per unit	4,800 Sq. Ft.	3,600 Sq. Ft.	3,600 Sq. Ft.	3,600 Sq. Ft.
Minimum lot width	40 Feet	30 Feet/unit	N/a	N/a
Maximum building height	30 Feet	30 Feet	35 Feet	40 Feet
Maximum improvement area	65%	65%	65%	65%
<b>Minimum front yard building setback</b>				
Street - local	30 Feet <sup>a</sup>	30 Feet <sup>a</sup>	30 Feet <sup>a</sup>	30 Feet
Street – non-local (A and B Minor Reliever and A Minor Augmentor)	NA	NA	zero Feet <sup>b</sup>	30 Feet
Interior courtyard – 40 foot or less courtyard width	15 Feet <sup>c</sup>	15 Feet <sup>c</sup>	15 Feet <sup>c</sup>	15 Feet
Interior courtyard – 41-45 foot courtyard width	10 Feet <sup>c</sup>	10 Feet <sup>c</sup>	10 Feet <sup>c</sup>	10 Feet
Interior courtyard – 45 foot or greater courtyard width	5 Feet <sup>d</sup>	5 Feet <sup>c</sup>	5 Feet <sup>c</sup>	5 Feet
<b>Minimum side yard building setback</b>				
Interior	5 Feet	5 Feet	5 Feet	10 Feet
Periphery	5 Feet	5 Feet	8 Feet	20 Feet
Corner/street	10 Feet	10 Feet	15 Feet	20 Feet
Reverse corner/street	Equal to existing front yard of adjacent lot, but not greater than 30 feet			
<b>Minimum rear yard building setback</b>				
Interior	0 Feet	0 Feet	0 Feet	0 Feet
Periphery	30 Feet	30 Feet	45 Feet	45 Feet
Minimum periphery alley setback	10 Feet <sup>e</sup>	10 Feet <sup>e</sup>	10 Feet <sup>e</sup>	10 Feet <sup>e</sup>
<sup>a</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line. <sup>b</sup> Zero feet setback for non-enclosed porch or 15 feet from A/B Minor Reliever or A Minor Augmentor, whichever is greater. <sup>c</sup> Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 4 feet to the front courtyard parcel boundary. <sup>d</sup> Where courtyards are equal to or exceed 45 feet, covered entries and porches sheltering (but not enclosing) front doors may extend to the front courtyard parcel boundary. <sup>e</sup> Requires landscaping and/or fencing approved by the Community Development Department. (Ord. 1464, 03-24-2014)				

**C. Building Arrangement:** Buildings may be organized in several ways, including the examples in this section:

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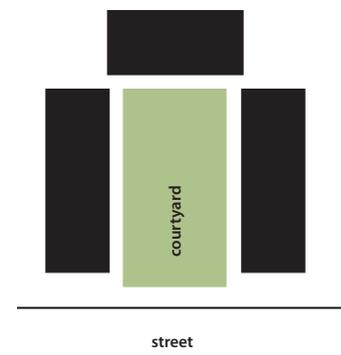
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As I sat down to write this summary, it was July 21, 2015. Interesting date, because that makes it 10 years and 1 day since John Henz' death July 20th in 2005.

John and I were acquainted since 1962 and good friends for most of the time since. I got him a lawyer to help set up his Trust and later when he threw out his son John as Trustee because of the latter's alcoholism, I became his Trustee. It has in many ways made it the worst troublesome ten years of my life. John had originally designated his son to get 75 % of his estate and therefore included a clause that the Trustee be unpaid (since his son was to receive such a generous share.) When he dropped John to 25% and I became Trustee unfortunately that clause remained. So for all my efforts, I have never been compensated.

I took charge of the task and had done almost everything needed to close the estate/trust within about 9 months. This included; having a survey made of the property and an appraisal completed, all insurance collected, all accounts closed and opened for the Trust, all bills paid, all addresses and phone numbers of scattered heirs collected, etc. I would have preferred to get the property listed for sale during that timeframe, however, one obstacle loomed very large - the issue of the South property line.

When the 12 townhomes were developed on the South side of the Henz property, Roseville approved development plans calling for 131' of space in a lot 125' wide. At the last meeting during which the Council voted 4-1 to rezone the Henz property to high density residential, I listed the measurements: boulevard, access road, driveway length, depth of townhouse, deck depth and required setback - 131'. This meant the buildings were built with their decks up to, and some, over the property line. Then of course, the owners of those townhomes had been draining not only their eaves but also their sumps - not just to, but also across the property line, thus creating a substantial wetland in an area where John and Helen had previously grown raspberries. When I was taking pictures to show the encroachments, the president of the Homeowners' Association yelled at me to get off her land - ironically she was standing on Henz property as she did so. She threatened to call the police and I invited her to do so, but I continued with taking photos and taking measurements.

That incident was to foreshadow how difficult she would be to deal with. At the beginning, with a survey in my possession, I tried to explain that in fact 3 of 12 units had been built over the lot line and needed to be removed or the problem addressed, she simply yelled and said they didn't need to do anything. And the illegal drainage continued.

I went to Roseville City Hall and tried to get help about the water problem. The gentleman that I met there said that he had met Mr. Henz when he came to complain about the drainage problem - Yes, he knew all about the problem. Now since John was in dire health straits and not ambulatory for over a year prior to his death, it becomes apparent they did not do anything to grant John Henz relief from the ongoing damage to his property. And guess what, I got the same lack of assistance. I was told that the

most physical change Roseville could require would be to force an "L" pipe to be attached at the lot line and the most enforcement would be a \$100 fine to be levied on the various offending property owners. In short nothing was done about the violation by anyone at Roseville City Hall.

Finally, to my relief, a gentleman owner of another townhome convinced Rita, the Association president or chairperson that they had to deal with me on the various issues. Soon, those two and the owner of the engineering firm which had done survey work on their development, and I sat down. We quickly agreed that if I sold a drainage easement for \$3,500, the engineering company would put in a French tile drainage system (some kind of a system was to have been done by Mendota Homes - the developer) . Oh yes, I also had to agree that the physical encroachments had to remain. There was a further stipulation that the wet area (now about 25' wide) needed to be drained by me before he would commence work. Thus, I wound up digging a trench about 180' long by a spade depth, with tributaries, in 95 degree heat. The water drained, the work got done, and I survived.

The fact that issues got settled once they were agreed to is testament to the difficulty in dealing with Rita. I deposited the check when the agreement was signed - finally, finally, I could list the property for sale. the deposit was made May 18, 2008. She would have nothing to do with me or the issues for nearly 2 1/2 years thus delaying the listing of the property for sale until 2 years and 10 months after John's death. You must surely remember what was happening to the economy and real estate values by that time!!!

The Appraisal of the Henz property had given a value for commercial development of \$465,000. I signed the first Purchase Agreement with Golden Gopher Properties for \$400,000, but after all their development preparation was for, I recall, 37 units that met various setback and other requirements, they defaulted by failing to close. I was told during various discussions they assigned a land cost value at about \$11,000 per unit which supports their offering price. They admitted default but still wanted an extra 60 days to close. They would not agree to additional \$10,000 earnest money and the negotiations ended. I had their rights severed legally and kept their \$10,000 for the Trust account.

Next, my broker negotiated with Mr Doug Simek and offers and counteroffers settled verbally at an agreement for \$400,000. However, he also wanted the Ranollo property as well, he finally became frustrated with dealing with Tom Ranollo and withdrew his offer for the Henz property.

Next, I signed a Purchase Agreement with MWF Properties for \$400,000, being twice bitten, I extracted on advice of counsel, a clause whereby they paid the real estate taxes during their due diligence period. I was told that they withdrew because they couldn't come to agreement with Roseville as to whether they would do "market value" development versus low cost housing. In a discussion with Roseville Senior Planner Bryan Lloyd at City Hall on July 20th, he assured me that was not the reason they withdrew, rather that they probably didn't get concessions they wanted from the City.

Oh well, I took their tax money, but you can see a fairly well defined pattern here. That various developers thought that for high density projects they proposed - they set the price at \$400,000. This was consistent across this time period - \$400,000.

Having changed Brokers twice since the title problems i.e. boundary and water issues, I am told several groups are showing interest. How strong that interest may be or how soon I might get an offer, I simply have no idea at this time. But it has been ten years, so long, that I am fairly certain one heir, John's sister Mrs Margaret Irwin has passed on while waiting for her fair share. She was elderly and in ill health and I never heard from her from about 2 years after John died.

During the period that the land has been on the market, Roseville undertook the legal process of making Comprehensive Plan and Zoning designation agree and we were caught up in that - myself representing the Trust and Mr Tom Ranollo for his home property. This was an arduous and exhausting process we overcame the arguments of all who wanted a change for these properties. Against the recommendation of the Planning Commission, by a 4-1 final vote the Roseville Council changed our property zoning to high density residential. That marked a singular victory for the Henz Heirs, but now the neighbors, apparently from the townhomes, have prevailed with the Council and asked to have this all overturned.

These people live in property that is high density residential as is the next property South of them. The townhomes across Hwy 8 are 29 units on a bit over 2 acres, looks pretty high density to me. They sit on land zoned R3 townhomes, and I couldn't get a density designation out of the St. Anthony City Planner - she tried but just couldn't give me a solid designation. There isn't much green space, mostly buildings and driveways. The apartments in the "V" shaped lot Northwest of the nearby intersection at 33rd and C2 are also zoned high density residential.

We fought this battle to get high density residential zoning. The Council voted 4-1 to make it so. The crux of the matter is still the same as it was. The effect of changing now to medium density will destroy the value of the Trust. With a maximum potential of probably no more than 15-16 units at a designated land cost for the developer per unit of \$11-12,000, offers will probably be well less than half of the recent \$400,000 that I still believe it is possible to receive.

I know that the City of Roseville has every right to ultimately determine the character and density of residential development and it is the responsibility of the Council to vote the critical decisions. I was led to understand in my discussion with Senior Planner Bryan Lloyd that no new issues were raised by the people who somehow convinced the Council to overturn their prior 4-1 decision. I believe that the Council could have invited opposing opinions and have deliberated at another meeting before its vote to have the Planning Department start this process over. With this having been a very contentious issue, I certainly would have appreciated the chance to give voice in a meeting such as we have now - prior to having the process all over again.

I fail to see if what transpired was merely the rehashing of previous arguments in favor of Medium density, how could there have been sufficient reason to overturn a 4-1 decision. That decision came after very extended arguments were examined, very many interested parties were heard over and over and the 5 members who then voted stated their votes loudly and clearly making it seem that they were very firm in their conviction that it was the appropriate outcome.

We appear to be headed down the road so recently traveled. When all the voices have again been heard, I hope and I pray that the zoning and comprehensive plan remain unchanged. There can be no fairness in ignoring the credibly demonstrated fair market value of the property if it were developed under current zoning. With fewer units to be developed under Medium Density the potential price offered will likely be less than half. The taxable value surely might be less as well.

The son and four grandchildren with families would realize much diminished inheritance. In ten years, they have suffered long delay partially caused by some of the very people who now want this process to be a do-over. I understand that for the Henz Trust you have no heirs residing in Roseville, but you have their economic interests residing in your hands. The impact of lowering the density will severely impact their lives. This very action having been initiated has effectively taken the property off the market pending its conclusion - yet, now is the season to have it actively marketed.

For any developer keeping track of what is going on, should we prevail, would these developers trust the Roseville City Council that you might not again take this up yet again. Word might get around that it is a tricky place in which to do business.

And finally, remember that the vocal few that have asked for this reconsideration - they don't as the saying goes, "have any skin in the game" - and they do have their own high density zoning that they wish to have stricken from others.

I have already asked that the Planning Commission NOT take this up in its September 2nd meeting as I will be unavailable on that date. I made this request via email to Mr. Bryan Lloyd on July 21st, 2015. I sincerely hope that at the very least, my request for delay will be honored. I am also unavailable for an August 5th. In both cases I will be out of country.

Thank you for your attention, John H.B. Runquist, Trustee of the John P Henz Trust

7-23-2015

To Thomas Paschke,

This letter is asking for your support. Our names are Lynn and Nancy Rood at 3240 Old Highway 8. We are across from the proposed properties in the Rezoning notification.

Our concern is increased traffic, the 5 stop light intersection and many local driveways.

We would like the area not to be high density and stay much the way it is.

Yours, *Lynn Rood*  
*Nancy Rood*





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Please share your comments below:

Handwritten comment: This area is for low occupancy dwellings - single family houses & small apartment buildings - a high occupancy structure would not fit prevailing standards so not want the extra traffic/congestion

Name: Gaby GRAND Address: 3112 CROFT AV. SAV

Phone: [redacted] Email: [redacted]



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Please share your comments below:

I Roseville (even though) my address is St Anthony  
 I pay taxes to "Roseville & Ramsey Co"  
 I don't want anymore traffic in the  
 area - we already have enough traffic  
 There is wildlife that would  
 loose their home - it is a wetland  
 you can ~~hardly~~ hardly get on Old 8  
 from the driveway - the intersection  
 at Old 8 & C-2 - no way  
 to bust - please Return land  
 to med to low density -

St Anthony 55418

Name: Nancy Wilson Address: 3155 Old Hwy #203

Phone: [redacted] Email: [redacted]





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Please share your comments below:

Many things concern me regarding high density residential but top are eco standards and traffic.  
 I am a resident at Roseville Commons and we have a large portion of our lot dedicated to ponds and greenery. We spend a lot of our budget to keep the ponds functioning as a natural habitat for wildlife and as a good part of our neighborhood. We are careful to ~~use~~ use only earth friendly materials in the upkeep of our property. These lots are small and it seems to be a difficult proposition to keep the surrounding areas from being overloaded by drainage, etc.  
 The thirty-third County Rd C2 is already very busy and so is Old Highway 8 as traffic cuts through to 37th and North.

Name:

Mary G Higgins

Address:

2496 County Rd C2 West #309

Phone:

Email:



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Please share your comments below:

Handwritten comment on lined paper: We enjoy the quiet community feel of our neighborhood and don't want new high density development. We want to live near other single family houses not large apartment buildings and think that there are plenty of apartment buildings in the neighborhood already and that adding more will deteriorate the residential, safe, quiet quality of our neighborhood. We support changing the zoning from high to medium.

Name: Nick Gronneberg-Schneess Address: 2969 Patton Rd.

Phone: [Redacted] Email: [Redacted]



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Please share your comments below:

Thank you for bringing neighbors together to discuss this critical issue. It has been a real eye-opener tonight to find out what has gone on through the years - unfortunately it does not speak well for the people voted in to look out for the best interests of the neighborhood residents. It is truly sad to see that greed (or at least that's what it sounds like to me) take precedence over doing what is good (and right) for Roseville residents. I would strongly support reducing the properties in question to minimum medium density. Packing more people into less space sounds like parts of the city of Mpls/St. Paul that I moved out of years ago. Roseville has already lost land to development - taking more and more wild life habitat. We have had turkeys who roost in our trees at night because they have no place to go. Start hearing the people. Change the properties to medium density - low density would be even better.

DIVANE SIPPPELL

Name: CAROLE ARNDT Address: 3066 Patton Road, Roseville MN

Phone: [REDACTED] Email: [REDACTED]



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Please share your comments below:

We live on 33<sup>rd</sup> Avenue and Croft Drive in St. Anthony, and we're worried that adding high-density housing to the Old Highway 8 parcels would add too much traffic to the 5-way intersection at C2 + Old Highway 8. There are a lot of young kids in the neighborhood, and both 33<sup>rd</sup> and Highcrest are major walking routes for kids going to Wilshire Park Elementary.

I think the City Council should change the zoning of these parcels to medium-density.

Name: Charles Walbridge Address: 3301 Croft Drive, St. Anthony

Phone: [REDACTED] Email: [REDACTED]



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Please share your comments below:

I am a strong advocate of medium density. This seems to balance the interests of neighborhood, property owners, & City as medium density would mitigate neighborhood concerns (see below) relative to HDR while still giving property owners an opportunity for value appreciation relative to the single family residential property/land value (where they originally invested & paid taxes). Furthermore, this compromise would support the city's desire to expand medium density housing stock, respond to public safety concerns, & support civic engagement.

Concerns: traffic & safety at S-way intersection (lots of cars in area)  
re HDR fit/height relative to area, drainage, noise, loss of green space

Please don't let the threat of legal action ~~prevent~~ prevent you from doing the right thing for the community as a whole.

Name: Brian Buck

Address: 3609 33rd Ave NE

Phone: [REDACTED]

Email: [REDACTED]



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Please share your comments below:

I am a resident who lives on 33<sup>rd</sup> Ave. NE, and I have some concerns about the lots being zoned high-density. The intersection of 33<sup>rd</sup>, Old Hwy 8, + Highercrest is a busy intersection today and the addition of a high-density apartment building would cause an increase in traffic flow. The neighborhood is growing with young families, and there is a big safety concern with increased traffic flow. Another concern I have is for the natural green space and habitat being preserved. We have a family of turkeys that wander the neighborhood and live in the woodlands. With new development we will no longer see the variety of wildlife we see today. Changing the zoning to medium-density would be a more appropriate zoning designation for these two properties!

Name: Paige Buck Address: 3609 33<sup>rd</sup> Ave. NE

Phone: \_\_\_\_\_ Email: \_\_\_\_\_



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Please share your comments below:

We love Roseville, due in large part to the safe, walkable neighborhoods with a relaxed feel so close to MSP and St. Paul!
Higher density devalues this significant asset, and reduces the charm of the city we've come to love. (notwithstanding the traffic safety and other issues!)
Medium density is a great compromise.

Name: Tony Richter Address: Roseville, MN

Phone: [REDACTED] Email: [REDACTED]



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Please share your comments below:

Decrease Density of Development for properties in discussion. Concerns are traffic, Disruption to our neighborhood, SAFETY, # of people, appearance of development buildings, height of buildings, & noise. Also makes it difficult for those living on Old Hwy 8 to back out of their driveways.

This area is residential, single family homes, more higher density would change the nature of our neighborhood.

Name: Pam & Peter Fischer

Address: 2965 Manson St 55113

Phone:

Email:

Roseville



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Please share your comments below:

Decreasing the density of development for future use of these properties is crucial for the protection of the natural wetland area that occupies the western half of our property. Our developer was required to take steps to preserve the wetland nature of this area through extensive drainage easements and construction of storm water retention ponds. Less dense development will also allow for proper set back from the Woods Edge Townhome development immediately south of these properties. Originally part of a PUD with our building, allowance was made to build these townhomes virtually on the north boundary of their property.

Name: David Tidball Address: 2496 Co Rd (2 W) #510 Phone: [redacted] Email: [redacted]



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Please share your comments below:

Handwritten comments on lined paper:
1.) That appropriately compares to the neighborhood
2.) The area/neighborhood is predominately of 2 unit
3.) HDH would be misplaced given the single family & ld/md housing currently in place.
4.) The density for HDH would limit open areas for park/open areas for young family.
5.) Traffic congestion with HDH would be very restrictive --- to an area that currently has numerous challenges.
6.)

Name: [Signature] Address: 3064 Patta Rd Roseville
Phone: [Redacted] Email: [Redacted]





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Please share your comments below:

Jean Lynch - 3246 Old Highway 8.  
 I face both 3253 and 3261 and notice the busy street and the difficulty of taking a left turn out of my driveway due to lots of traffic. I would like the zoning to be residential. This is already a busy and dangerous intersection for me, my son and my dog. We walk 3 X a day and would like woods and nature to remain!

Name: Jean Lynch Address: 3246 Old Highway 8

Phone: [REDACTED] Email: [REDACTED]



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*Please share your comments below:*

I am opposed to keeping ~~to~~ the zoning as high-density because I am concerned about the increase in traffic for the intersection at <sup>Old</sup> Hwy 8 + County Road C. The intersection is problematic as it is and I feel adding too many more residents/cars will only increase the problems. I live 2 blocks from the intersection and have 2 small children. It is hazardous to cross the intersection when walking and more cars will lead to long lines/backups at the stop signs.

Name: Stephanie Walbridge Address: 3301 Craft Dr. St. Anthony

Phone: \_\_\_\_\_

Email: \_\_\_\_\_



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Please share your comments below:

- I strongly support moving to medium density.
- Single family homes in St Anthony. resale - drop in price.
- At some time if the rental fee (starting at?) could not be felt - I am concerned a drop in rent - would affect resale of our homes.
- Timing of this proposal seems to coincide with the opening of the Mosque - I could be wrong. Please address.....
- Townhomes (higher end) are the desirable approach opposed to one unit, to keep
- ~~A resident for 28 yrs.~~ in line with the townhomes currently behind the 2 lots across the street.
- VERY OPPOSED to high density

Thank You Lori Schrempf

Name: LORI SCHREMPF Address: 3209 CROFT DR.

Phone: [REDACTED] Email: [REDACTED]



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Please share your comments below:

Handwritten comment on lined paper: I live @ 3112 Croft Dr. We have a nice neighborhood of single family homes. A building of this size and 24 units, will take our quiet neighborhood into a less desirable environment. Increased traffic and congestion; safety issues, environmental impact on our green space and overall congestion will impact the value of our property. I do wonder if the new Islamic Center has some bearing in this decision to create as many apartments as can be squeezed in.

Name: Sherrie Grunrud Address: 3112 Croft Dr.

Phone: [Redacted] Email: [Redacted]



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Please share your comments below:

Thank you for opening up the conversation regarding 3253 + 3261 Old Highway 8. I realize these properties have been contentious for years. Because of its history as a working urban farm, it is rich with mature trees and fruit bearing trees & bushes. It also has an adjoining wet land. Urban habitat/green space is in short supply in our area. We have a cleared park but very little undisturbed habitat. The property has become home to a variety of rare/<sup>near</sup>endangered birds including the WOOD THRUSH and the BROWN THRASHER. Unfortunately for all of us and for generations to come, once the habitat is lost, it cannot be reclaimed. I realize the pressure to "develop" is immense and that the pressure to do so comes from many varied sources. If preserving the lot(s) as an urban habitat is not feasible, then reducing the impact on the aesthetics, safety & quality of life of

Name: Christine Welch Address: 3265 Old Highway 8 → over

Phone: [REDACTED] Email: [REDACTED]

The neighborhood is the next best option. High density would make the corner even more chaotic with increased traffic, noise and light pollution. If preserving the properties as habitat is not feasible, I would like to know why. In my conversations with staff at the Nature Conservancy, the Land Trust and the Sierra Club, I know the area is small but rich. Every agency I have contacted has encouraged me to continue to advocate for conservation. Unfortunately, the lot is too small to qualify for funding. The Nature Conservancy has resources to manage & preserve an area such as this, if we can save it from development...

Medium density is the lesser of the evils but I hope the council and the planning commission will look to the future and work to preserve the little urban habitat this area of Roseville has left. Please don't hesitate to contact me if you have questions or want more details about my concerns.



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Please share your comments below:

We support changing this property to medium density for a few reasons. I have contacted both Roseville + St. Anthony Police departments in regards to the traffic on Highcrest, 33<sup>rd</sup> and old Hwy 8. There are hundreds of cars who already are using our neighborhood streets to cut through from ~~to~~ Co Rd D to 88 and it's dangerous around Rush hour. We moved into a family neighborhood, the kids use the sidewalk ~~area~~ walking to + from school. I frequently request extra patrols as the ~~sway~~ <sup>driveway</sup> is dangerous. I would also be concerned with the environmental impact as there is wetland/pond water adjacent.

We strongly support changing it to medium density.

Name: Katy Tharaldson Address: 3320 Highcrest Rd NE <sup>St Anthony</sup>

Phone: [REDACTED]

Email: [REDACTED]



## Open House – July 23, 2015

To gather public input related to the City Council's decision to initiate the process of **amending the comprehensive plan and zoning map regulations that apply to 3253 and 3261 Old Highway 8**. These properties are currently guided and zoned for high-density residential development and the proposal is to regulate them for medium-density development. This open house meeting is an important source of feedback from the community and is a required step in the process of seeking City approval for the proposed comprehensive plan and zoning map changes. A summary of the comments and questions raised at the open house meeting will become part of the formal application. (*Planning Project File 0036*)

Please share your comments below:

I have Three main concerns: 1) The increased traffic at the corner. Will the increased flow (of vehicles) be monitored? Is there a plan? If an increase in auto crashes is happening <sup>at corner</sup>? 2) Our family would NOT like it if people living there are frequently parking ~~on~~ ~~front~~ the street in front of our house for long stretches of time, so: on-street-parking issue.

3) - The height of the residential development. Will it be three stories?

We feel that high-density would be a very unwise plan. With high-density housing, the neighborhood would be ~~adversely affected~~,   
 → adversely affected

Name: Patrick J. McGuire Address: 2896 Old Highway 8, Roseville

Phone: [REDACTED] Email: [REDACTED]



Open House – July 23, 2015

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Please share your comments below:

Handwritten comment on lined paper: I would like to see medium density housing such as town homes in the area. The intersection of 33rd and Old hwy 8 is busy enough with the current traffic. It is difficult for pedestrians to cross the intersection, especially children. Many children cross this intersection as it is close to the schools. A high density housing would create more traffic in the area than it can handle.

Name: Stacey Stark Address: 3236 Old hwy 8  
Phone: [Redacted] Email: [Redacted]



Open House – July 23, 2015

To gather public input related to the City Council’s decision to initiate the process of amending the comprehensive plan and zoning map regulations that apply to 3253 and 3261 Old Highway 8. These properties are currently guided and zoned for high-density residential development and the proposal is to regulate them for medium-density development. This open house meeting is an important source of feedback from the community and is a required step in the process of seeking City approval for the proposed comprehensive plan and zoning map changes. A summary of the comments and questions raised at the open house meeting will become part of the formal application. (Planning Project File 0036)

Please share your comments below:

Handwritten comment: I WOULD LIKE TO SEE MEDIUM DENSITY, TOWNHOMES IN THE CORRIDOR, THE INTERSECTION CANT HANDLE ANY MORE THEN THAT ALREADY AS IS

Name: LUCAS BALLYEAT Address: 3236 OLD HWY 8 ST. ANTHONY, MN Phone: [Redacted] Email: [Redacted]







Open House – July 23, 2015

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Please share your comments below:

Handwritten comment: I support a change to medium-density development. The corner/intersection of Cty Rd 2W + Highest Old Highway 8 is already very busy - too busy. Additional housing units will make it more congested.

Name: Rita Moe Address: 3077 Lydia Ct. Rsvl 55113 Phone: [Redacted] Email: [Redacted]



## Open House – July 23, 2015

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Please share your comments below:

I have lived here for 25 years & have great concern for my own lovely neighborhood & those around it. Please consider what is best for these neighborhoods & the residents. High density development would increase traffic & impact safety, noise, & existing green space. It would change the nature of the area. Therefore, I am opposed to high-density residential development.

Name: Lisa Dalke Address: 3045 Patton Rd  
Roseville 95613

Phone: [REDACTED] Email: [REDACTED]



Open House – July 23, 2015

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Please share your comments below:

Handwritten comment: My family and I have lived in this neighborhood for 25 years. We value the low-density nature of the area. I am strongly in favor of the proposal to regulate 3253 and 3261 for medium-density development. My concerns are the increased traffic and noise and the decreased safety of the neighborhood with high-density zoning. Especially concerning are the impacts of increased traffic on Old 8 and on City CZ W. The intersection (5-way) of these roads is already congested and dangerous - especially for pedestrian traffic, and especially during rush hour in the morning when many school children move throughout the area.

Name: Kurt Roehmayer Address: 3045 Patton Rd, RSVL 55113

Phone: [redacted] Email: [redacted]



Open House – July 23, 2015

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Please share your comments below:

Medium Density development is what we would like  
We don't want more car traffic etc  
Con is already busy as is  
Less problems to home etc:

Name: Michael McCloskey  
Susan McCloskey Address: 2525 County Rd C 2 West  
Phone: [Redacted] Email:



## Open House – July 23, 2015

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Please share your comments below:

I am a resident who lives close to the proposed land re-zoning. I support the re-zoning of the property that applies to 3253 and 3261 Old Highway 8 to medium density. By re-zoning to medium density, there would be less traffic, cars and congestion in an already dangerous 5 road intersection. I am concerned with the environmental impact on ~~near-by~~ marsh and wet lands.

I believe and support a medium-density re-zoning would better fit into a community of individual low and medium density.

I am opposed to high density zoning of this area.

Name: Jacqueline Geisler Address: 2975 Manson Street

Phone: [REDACTED] Email: [REDACTED]



## Open House – July 23, 2015

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Please share your comments below:

Hello my name is Thomas Ranello and my address is 3261 Old Hwy B. Which is one of the properties currently high density, I would love to see it stay high density for these reasons. I believe that townhomes take up alot more green space and have way more asphalt drive way. Also Roseville has allowed high density across the street at 2900 Highcrest, also a 30 unit at 2496 City Road C-2 that connects to my back yard. Also address 3155 <sup>old Hwy B</sup> is also high density approx 50 unit, then across the street is 30 townhomes in St. Anthony. Please let it stay high density

Name: Thomas A. Ranello Address: 3261 Old Hwy B

Phone: [REDACTED] Email: [REDACTED]



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Please share your comments below:

Thank you for your consideration of medium density. I live directly across the street and a high density development would drastically lower my property value. I do not believe the streets can handle a high density building traffic wise.

I also think the water runoff would be a concern with high density. Medium density development would fit in and make a nice transition. ~~It's a good~~

We also have St Anthony school on 33rd and there is always kids walking to school. Please consider medium density for all of the nearby neighbors, the environment and the needs of the majority. Thank you!

Name: Nancy Tonnell Address: 3226 Old Hwy 8

Phone: [REDACTED] Email: [REDACTED]



Open House – July 23, 2015

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Please share your comments below:

Handwritten comment: Keeping this development as high density brings more traffic & a very busy stop sign at 33rd - Old Hwy 8 & Highway very dangerous.

Name: Sylvia Schmitz Address: 3228 Old Hwy 8 Ste Anthony, Mo 65418 Phone: [Redacted] Email: None



Open House – July 23, 2015

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Please share your comments below:

Handwritten comment: I agree with the plan to change this property to medium density or low density for several reasons. There are already drainage problems with the town houses next door because the water table is so high. There is a lot of traffic in the area at its present level and many children crossing at school busses. MDR. so low density would be better.

Name: Joseph Giannetti Address: 3209 Old Highway 8  
Phone: [redacted] Email: [redacted]



## Open House – July 23, 2015

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Please share your comments below:

<p>I agree that guiding for Medium Density Residential is better for our neighborhood. Drainage problems at our townhomes would be worsened by large impervious parking lots. Wetland areas and many mature trees would be displaced. Increased traffic at 5-way stop is hazardous to many elderly &amp; school children. Two cities and two school districts = twice as many school buses.</p>
<p>MDR would be much better for Roseville Planning Commission approved for PUD in 1997 (1/10) and approved MDR again in 2010.</p>

Name: Lita Mix Address: 3207 Old Highway 8  
 Phone: [REDACTED] Email: [REDACTED]



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Please share your comments below:

Whose we are living the area that would impact us is across from our house. Concern increase traffic and the increase of population - increase in accidents.

The area is 'green' now and with high density 'green' will go with that. There are many reasons not to change to low & medium, but major impact is safety for all involved if one is one foot or driving  
 ↑ traffic = ↑ accidents = \$

Name: Rebecca Johnson Address: 2517 Caty Rd C2  
 Phone: [Redacted] Email: [Redacted]



## Open House – July 23, 2015

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Please share your comments below:

I support amending the comprehensive plan - rezoning 3253 + 3261 Old Hwy 8 to MDH because containing traffic and noise is important to maintaining a livable neighborhood. I pass this area daily on my way to work. It is already congested and the 5way intersection congestion would only increase.

We have lived in the "triangle" for almost 25 years and have worked with our neighbors and local businesses to keep this area the great place it is to live.

Better yet - make it a park - preserve the garden - make it a wild life area.

Name: Cory Ptas Address: 3057 Parker Rd Ros 55113

Phone: [REDACTED] Email: [REDACTED]



## Open House – July 23, 2015

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Please share your comments below:

We reside in St. Anthony, and we have so much high density housing within a two mile radius of the proposed development area on 33rd Ave + Hwy 88, including in St. Anthony Village and Roseville including the newest high density apartment building completed just north of Walmart. The Wetlands next to the lot on 33rd Ave. would be destroyed only to be bought in some other county to satisfy the State law of relocating wetland credits. Esthetically speaking a medium density housing development would be much better across from the existing Village Townhouses instead of some huge building. In addition, with the school system being completely filled adding a large group building would overwhelm the our already school system. What is already an extremely busy traffic →

Name: Eileen Jaszeowski Address: 3325 Croft Dr.

Phone: [REDACTED] Email: [REDACTED]

pattern, adding high density housing would be made for an even more congested intersection.

We pride our community in having a small town feel and adding a high density property would change our community philosophy.



## Open House – July 23, 2015

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Please share your comments below:

I Am concerned that ST Anthony Village City streets would be greatly impacted with the increased traffic. Since two schools are anchored at Higuerest and 37th and 33rd and Rankin are already established this will be a risk to our children and students walking to school. Since Lake Road is already over-load with daily commuting traffic also which would just increase too. Single family home or townhouses would be ok. I worry about my property values going down in ST. Anthony  
OVER

Name: Thomas & JASZEWSKI Address: 3325 CROFT DR ST Anthony 55410  
 Phone: [REDACTED] Email: [REDACTED]

Also real estate goes up and down, right now there is so much over-building that if something was built it could take a long time to actually sell if another recession happens leaving vacant properties and that attracts ~~less than~~ crime. Sell properties for new homeowners, not high rise high density which can't be supported in this small village.



**Jane Reilly**

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**From:** Anderson, Eric H [REDACTED]  
**Sent:** Monday, July 20, 2015 3:08 PM  
**To:** Thomas Paschke  
**Subject:** Medium Density for Old Highway 8 and County Road C2

Thomas Paschke

I am a resident of St Anthony at 3305 Croft Dr – about two blocks from the proposed housing development at Old Highway 8 and County Road C2. **I ask that you please consider rezoning this development to Medium Density Residential.**

As a parent of two young children, I am concerned about traffic issues at the 5 way intersection and surrounding areas. High density housing will reduce the pedestrian friendly area.

Thanks for your consideration

Eric

**Eric H. Anderson | Director | Financial and Accounting Controls**

Travelers

385 Washington St | NB9H

St Paul, MN 55102-1396



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**Jane Reilly**

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**From:** john runquist [REDACTED]  
**Sent:** Monday, July 20, 2015 5:19 PM  
**To:** Bryan Lloyd  
**Cc:** Thomas Paschke  
**Subject:** Henz Property

Brian:

Let me again say thanks for your time today and the background you provided relative to the Henz property. I would like to formally request that as the process goes forward regarding a possible change of zoning, that the Planning Commission not take up this matter in their meeting in September but that they do so in October at the earliest. With what has transpired in the past at official meetings where votes were taken, I feel that it is important for me to be present during their deliberations. My wife gets shots on a fairly rigid schedule for her Macular Degeneration, we have to fit our other priority trips around her schedule. That having been said, we will be out of the country on September 2nd. Thus, I would be unavailable for a September meeting.

The financial consequences of a change to medium density residential from high density would be devastating to the value of the Henz Trust and its heirs. I can summarize in writing the points I would be revisiting, however, a piece of paper would surely not make the impact of a personal plea for no change. Several heirs and their families would be affected, to the probable tune of loss of one half or more of the inheritance they have waited enough years to receive - so long that an elderly sister Margaret Irwin has most assuredly passed on due to delays caused by the very owners now wishing to have this formal process restarted.

If someone can tell me with any confidence what impact on the process the arrival of a written offer would have - should that occur prior to Council vote to change the Comprehensive Plan and Zoning - I would really like to know as would prospective buyers now considering purchase. I really don't have any idea that anyone of various parties as to what their plans or interest amounts to. Someone there should have a notion as to what the effect would be, their answer should be somewhat straightforward and unbiased. I do recognize this is perhaps unique circumstance, but someone in Roseville should be able to answer.

I plan to be present, as often as needed, to protect the value and rights of the John P. Henz Trust, and sincerely hope my scheduling conflict for September will be accommodated.

As a footnote, I would add that the mailed notice included the wrong address for the Henz property. It would seem Roseville continues to make mistakes regarding this property.

Respectfully, John H.B. Runquist, Trustee of the John P. Henz Trust

**Thomas Paschke**

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**From:** Karla Gedell [REDACTED] >  
**Sent:** Monday, July 27, 2015 2:12 PM  
**To:** Thomas Paschke  
**Subject:** Proposed Rezoning of 3253/3261 Old Highway 8

Mr. Paschke,

I am sorry that I was unable to attend the Open House meeting related to the proposed rezoning of 3253/3261 Old Highway 8 held last Thursday, July 23. I am a homeowner at Woods Edge Townhomes bordering the 3253 property. **I am very much in favor of rezoning to medium density.** I think the two properties together would make an excellent site for additional townhomes, and would allow a builder to retain a border of trees between the current Woods Edge Townhomes and a new development. As a resident, I am concerned about privacy, parking for a new development, and the necessary lighting that would be involved. Trying to build a 3-story rental apartment unit with surface parking and lighting is, naturally, the last kind of development I would like to see. I recognize that there will be a closeness of buildings no matter what, but anything you can do to minimize the intrusion would be greatly appreciated. No one wants a new house or a new building five feet away from their existing home.

If you have additional opportunities for all surrounding residents to voice their opinion, I hope you will notify us as you did with the last meeting. We appreciate the chance to be heard on this important issue.

**Karla Gedell**  
3219 Old Highway 8  
Minneapolis, MN 55418-2558

[REDACTED]

**Thomas Paschke**

---

**From:** Paul Williamson <[REDACTED]>  
**Sent:** Friday, July 24, 2015 12:59 PM  
**To:** Thomas Paschke  
**Subject:** Rezoning of 2353 and 3261 of old highway 8

Hi Thomas,

My name is Paul Williamson, me and my brother live and own the house kiddie corner to the said properties. We think that the property in question should stay the same, as a medium to low density property. Not only will it bring down our property value, and increase our property taxes. It will also make it a very dangerous place to live.

I'm speaking as to the amount of traffic that it will bring to the area. I'm here all day and I see how bad the traffic is already. With the amount of people, and kids, that ride bikes and walk on the sidewalks, the extra amount of traffic these apartments would bring, would be dangerous for the public to be out using the street and sidewalks in this area. It would be smart to leave it the way it is, for the safety of the children, and public, that use these public areas.

Thanks for listening.  
Paul Williamson,  
Terrance Thiel  
3713 33rd Ave NE  
St. Anthony, MN 55418

**Jane Reilly**

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**From:** Joanne Arnold [REDACTED]  
**Sent:** Monday, July 20, 2015 11:21 PM  
**To:** Thomas Paschke  
**Subject:** expressing support for MDR (not HDR!) at Old Hwy 8/C2

Dear Mr. Paschke,

I will be out of town and unable to attend the open house discussion this Thursday at Sandcastle Park (6-8 pm), but still wanted to express my strong support for the Roseville City Council to consider changing the zoning on two parcels of land at the southeast corner of Old Hwy 8 and 33rd Ave/C2. I believe it is currently zoned as high density, and we wish for it to be zoned for medium density residential.

A high density development would not fit well in that area, given the two-story single family homes adjacent to it, and the heightened traffic it would bring to a very busy area where many families and children travel (particularly down the street from Wilshire Park Elementary School) on foot, bike, and scooter/roller blades. I am also concerned about the environmental impact that a HDR development would have (migratory bird space is there, I understand, and green space in general is a premium in this area).

Thank you for having the open house. We appreciate it and again, I am sorry that I will be unable to attend, but I did want you to consider my concerns.

Thank you,  
Joanne Griffin  
3044 Croft Drive, St. Anthony, 55418



# REQUEST FOR PLANNING COMMISSION DISCUSSION

DATE: 10/7/2015

ITEM NO: 5

Division Approval

Agenda Section  
**DISCUSSION ITEM**

Item Description: Review the contemplated acquisition of property containing the ballfields at County Road C and Victoria Street and the contemplated disposal of the high-density residential lot at 2668 Lexington Avenue by City of Roseville.

1 **BACKGROUND**

2 Minnesota Statute 462.356 establishes how a City is to effect or realize the goals of its  
3 Comprehensive Plan once adopted. This particular statute actually precedes the requirement to  
4 adopt a zoning code that reinforces the Comprehensive Plan, and it requires the City’s “planning  
5 agency” to review all proposals by the City (or a “special district or agency thereof”) to acquire  
6 or dispose of land and make findings as to the compliance of the acquisition or disposal with the  
7 Comprehensive Plan. For Roseville, the Planning Commission is the “planning agency”  
8 identified in the statute.

9 The City of Roseville has had a long term agreement with the Roseville Area Schools District  
10 623 to operate ballfields on District owned land at County Road C and Victoria. The School  
11 District made a decision that the former school property is now excess property and entered into  
12 an agreement with United Properties to develop a portion of the site as high density residential,  
13 which is as the property is guided. The City has been negotiating with United Properties to  
14 purchase the Owasso Ballfields site to preserve its historic use for Parks and Recreation  
15 purposes.

16 As part of the negotiation process, it has been proposed that the City-owned lot at 2668  
17 Lexington Avenue be sold to United Properties for inclusion in the proposed Cherrywood Pointe  
18 assisted living project that was before the Planning Commission recently.

19 **REVIEW OF COMPREHENSIVE PLAN**

20 The Owasso Ballfields are guided for Park/Open Space on the Comprehensive Plan, which is the  
21 purpose that the City is trying to maintain with this proposed purchase. If the City did not  
22 purchase this property for Park and Recreation purposes, it is assumed it would also be put on  
23 the market for development. If that were to occur, a developer would likely find it very difficult  
24 to identify a viable private development use that could comply with the Parks/Open Space land  
25 use designation.

26 The City-owned lot on Lexington is guided High Density Residential. The proposed Cherrywood  
27 Pointe project that this sale would facilitate is a High Density Residential use. The City-owned  
28 lot is too small (approximately 0.3 acres) to support a High Density Residential use on its own  
29 and therefore must be combined with adjacent lots in order to implement the guidance in the  
30 Comprehensive Plan.

31 **RECOMMENDATION**

32 Based on the comments outlined in this report, Planning Division staff believes that the proposed  
33 acquisition of the ballfields property to ensure continued operation of the recreational facility  
34 and disposal of the high-density residential parcel to allow its appropriate development is in  
35 compliance with the Comprehensive Plan.

36 **SUGGESTED ACTION**

37 **By motion, indicate the Commission’s determination that the proposed acquisition and**  
38 **disposal of the subject parcels is in compliance with the 2030 Comprehensive Plan,** based on  
39 the comments and recommendation of this report.

**Prepared by: Senior Planner Bryan Lloyd**  
**651-792-7073 | [bryan.lloyd@cityofroseville.com](mailto:bryan.lloyd@cityofroseville.com)**

Attachments: A: Area map

### District 4

Planning District 4 begins at Lexington Avenue on the west, ends at the shoreline of Lake Owasso on the east, and is bounded by County Road D on the north and County Road C on the south.

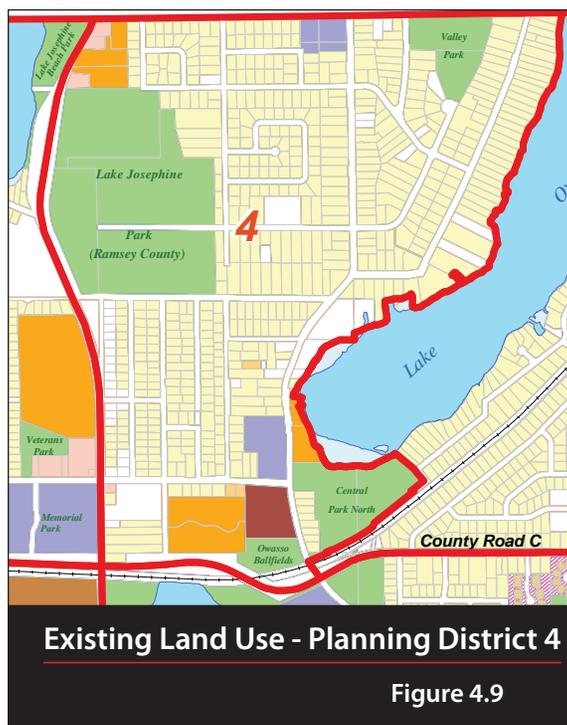
#### Land-Use Issues

The park and lakefront make District 4 a desirable residential setting. The Comprehensive Plan supports the existing land-use pattern.

#### Future Land Use

The majority of the district continues to be guided for low-density residential. Infill and redevelopment should be compatible with the surrounding neighborhood.

Medium- and high-density housing form edges along County Road C and Lexington Avenue.



City-Owned Property

Ballfield Property