

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: April 25, 2016
Item No.: 14.c

Department Approval

City Manager Approval



Item Description: Receive Zoning Notification Task Force Report

1 **BACKGROUND**

2 One of the Community Engagement Commission’s (CEC) priorities in 2015 was to review the City’s
3 zoning notification process. After City Council approval, the CEC joined with the Planning
4 Commission to create a joint task with members of each commission. Working with Community
5 Development staff, the task force reviewed existing notification procedures and explored additional
6 methods to provide effective communications to the public regarding land use issues.

7 The task force met a total of six times to gather information and decide on recommendations for
8 notifying the public on zoning and land use items. The final recommendations of the task force are
9 contained in the “Joint Report on Zoning Notification Procedures and Policies” and included with the
10 RCA as Attachment A. The CEC reviewed and approved this report at its February 11, 2016. The
11 Planning Commission also reviewed and approved the report at its April 6, 2016 meeting.

12 Members of the task force will be in attendance at the April 25 City Council meeting and present their
13 recommendations in greater detail.

14 **POLICY OBJECTIVE**

15 The City of Roseville values community engagement and transparency of its operations and decisions.
16 The recommendations of the task force will further this commitment to keeping the public informed of
17 issues within the City and provide for additional community engagement for Roseville residents and
18 businesses.

19 **FINANCIAL IMPACTS**

20 The costs for the additional notification recommended in the task force report will be analyzed by City
21 staff and incorporated in the City fee schedule moving forward.

22 **STAFF RECOMMENDATION**

23 The City Council should receive the task force report and subject to City Council review, direct staff to
24 implement the specific recommendations accordingly.

25 **REQUESTED COUNCIL ACTION**

26 Receive the Joint Report on Zoning Notification Procedures and Policies and subject to City Council
27 review, direct staff to implement the specific recommendations accordingly.

28

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021

Attachments: A: Joint Report on Zoning Notification Procedures and Policies

COMMUNITY ENGAGEMENT COMMISSION MEETING 02-11-2016: ZONING NOTIFICATION TASKFORCE
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Date: February 4, 2016

To: Community Engagement Commission

From: Gary Grefenberg & Michelle Manke
Commission Representatives on the Joint Task Force on Zoning Notification

Re: **Final Joint Task Force Report to the Community Engagement & Planning Commissions**

The attached Joint Task Force Report on Zoning Notification is our recommendation for your review and approval at our next Commission meeting on February 11th. Please feel free to call either of us if you have any question or concerns.

We would encourage you to review this document ahead of the meeting since our agenda is especially crowded and we need to move through it expeditiously.

The attached report was approved unanimously at its last Task Force meeting this past month.

At our February 11th meeting Paul Bilotta, Director of the Community Development Department, and Thomas Paschke, City Planner, will be present to answer any of your questions.

Recommendation: Our recommendation is for the Commission to adopt this report as presented. If we can do so at this next Thursday, the Planning Commission will consider adopting the same report at its March 2nd meeting.

Our rationale for this recommendation is that if adopted this report this report will go a long way towards fulfilling the Commission's objectives and strategies adopted in November 2014. Through a collaborative process working with the Planning Commission and Community Development staff over the past eight months, we have developed a pragmatic and comprehensive approach towards making it easier for Roseville residents and businesses to become involved in land-use and zoning decisions as is their prerogative as Roseville citizens.

If approved this Report will also go a long way in fulfilling the Policies and Strategies the Commission approved in November of 2014., as well as the commitments we made to the Council in our joint meeting the following month. That December we presented to the Council our priorities for 2015, one of which included the Joint Task Force on Zoning Notification. If adopted by our Commission and the City, we will have fulfilled some of the commitments we made to Roseville residents and the Council, and have assisted in achieving the City's goals of being transparent and open to community involvement.

The first attachment is a reprint of the goals and strategies we approved in November 2014. (The **check marks** indicate which objectives and strategies have now been met, in large part through this joint effort with the Planning Commission.)

The second attachment is the Joint Task Force Report the approval of which we are recommending to the Commission.

Respectfully submitted,

Commissioner Gary Grefenberg

Commissioner Michelle Manke

615/645-6161

612/418-4565

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Attachment # 1

Section 9 of the Commission’s Adopted and Recommended Policies & Strategies

Adopted by the Community Engagement Commission unanimously on November 13, 2014

9) Improve the Notification Process

9.1Policy: The city should expand the notification area and methods for informing residents and businesses, including leased businesses, of developments that have greater impact and/or involve issues of probable concern to the broader community.

We recommend the City:

✓ 9.1.a: The Council should form a joint task force of Community Engagement and Planning Commissioners, plus at-large members, to assess these notification recommendations and prepare a joint plan for both Commissions and for Council approval. Staff assistance shall be provided by the Planning Department.

The specific Task Force Strategic Recommendations under 9.1 are suggested for consideration by this joint task force as a starting point in their deliberations. For purposes of reference only these Task Force Recommendations are included in Attachment A.

✓ 9.1.b: Require notification for zoning proposals be provided to any established neighborhood organization any part of which falls within 500 feet of the proposal and to all residents and businesses operating within 1500 feet of the proposal and solicit their input. Note that businesses operating includes not only the property owner but the business leasing said property. Highway and freeway rights of way shall not be included in the measured radius and the city will liberally interpret this notice criteria.

- a) Co-host (with the proper) informal public communications meetings in the community to display renderings, drawings and maps of the proposal and set aside time to respond to residents’ questions and concerns. These should include site plans, landscaping plans, lighting plans with off-site impacts shown, and in the case of buildings higher than 35 feet, site cross-section drawings showing the relationship of the proposed buildings to existing adjacent buildings.
- b) Provide administrative and communications supports for the above mentioned information meetings, such as maintaining an attendance list and taking notes; providing information on the proposed schedule, future public meetings, and review and decision processes; and informing the public on how to access staff reports and other information regarding the proposal.

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9.2 Policy: The City should reassess the notification language and format so as to maximize understandability and convey their importance as official local governmental notices with potential impact upon the recipient’s property and neighborhood. **Work Now in Progress**

Rationale: To assure that recipients understand what they are being notified of and the impact of any zoning change, variance, change in the zoning code, or related proposal, terms such as interim use permit, conditional use, variance, should not be relied upon to convey the intent of the notice, and every effort should be made to use language which is easily understood by a high school graduate.

✓ The City should engage renters, businesses both leased and owned, and non-single-family family homeowners as it does homeowners, in its notification procedures.

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Attachment # 2

Joint Report on Zoning Notification Procedures & Policies

February 4, 2016

Task Force on Zoning Notification

A joint Task Force of the Roseville Community Engagement and Planning Commissions

Prepared for the Community Engagement Commission's review and approval at its February 11, 2016,
meeting

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Intent: The Reason for Formation of the Task Force on Zoning Notification

96 The City of Roseville staff, City Council and Boards & Commissions continuously seek to ensure that
97 best practices are followed in all aspects of city government and administration. Inclusion, fairness and
98 transparency are important tenets of this philosophy. From time to time, specific components of city
99 procedures and policies may be reviewed to make certain that these tenets are being followed to the
100 best ability of those accountable. Such reviews may result from the normal ongoing practice of self-
101 examination; or they may result from requests, suggestions or other feedback from citizens,
102 businesses, City commissions, or other parties who have an interest in city affairs.

103 **Background:** In 2014 the newly-established Community Engagement Commission included in its
104 2015 priorities a review of the City's zoning notification process, including the effectiveness of its
105 communications with the general public. Later that year It asked the Planning Commission to join in
106 this review, since that Commission plays a critical role in monitoring the City's zoning ordinance and
107 making recommendations to the Council on zoning notification changes. Without presupposing that
108 the existing zoning notification policies and procedures were in any way deficient, both Commissions
109 felt that such a joint review would be reasonable and productive. In order to accomplish this, in
110 October 2014 the Community Engagement Commission and the Planning Commission agreed to form a
111 joint Task Force to review the City's zoning notification process.

112 In December 2014 the Roseville City Council approved the Community Engagement Commission's work
113 plan which included authorization to form a joint task force with the Planning Commission on zoning
114 notification. The purpose of this task force was to review the City's current zoning notification process
115 and format so as to enable all those who may be affected by zoning and land use decisions, or who
116 have legitimate interest in the effects of zoning and land use decisions, to be alerted that a change was
117 being considered, and furthermore to have the opportunity for input into zoning deliberations and the
118 decision process.

119 During the Task Force's deliberations staff clarified that the definition of notifications needed to
120 include the Community Development Department's formal notification process for land use changes,

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122 Comprehensive Plan Map changes, Zoning Map changes, Interim Use, Conditional Use, Three Parcel
123 Minor Subdivision, Variance, and projects that require specified types of environmental review.

124 Several aspects of current notification practices, in particular the absence of notification to renters,
125 had come under question as to their fulfillment of the aforementioned goals of inclusion, fairness and
126 transparency. It was intended that a review would address any areas for improvement generally, and
127 in these particular areas specifically:

- 128 • Notification recipients – should notification be expanded beyond property owners to include
129 renters or other occupants of properties likely to be affected by zoning changes?
- 130 • Notification geography – should there be any project types that justify a notification of a
131 greater radius, or differently determined geography, than in the current process?
- 132 • Notification method(s) – are there other means by which notification can occur, either in
133 addition to and/or instead of current practices?

134 **Task Force Charge:** The Community Engagement Commission and the Planning Commission in October,
135 2014, jointly agreed to form a joint task force to review the City's zoning notification process. The task
136 force will make recommendations for improving the effectiveness in communicating with Roseville
137 businesses and residents impacted by zoning decisions. The Task Force recommendations will be
138 transmitted to both Commissions.

139

140 **Joint Task Force Members:** from the Community Engagement Commission: Gary Grefenberg and Michelle
141 Manke; from the Roseville Planning Commission: Michael Boguszewski and James Daire.

142

143 **City Staff Resources:** Paul Bilotta, Community Development Director; and Thomas Paschke, City
144 Planner.

145

146 **Joint Task Force Process:** The Task Force met six times from May of 2015 to January 2016. It
147 worked as an officially-noticed committee, under the authority of the two sponsoring Commissions,
148 open to public attendance and input.

149 The following is its report on its findings and recommendations for consideration by its respective
150 Commissions.

151

152 **Policy & Strategic Recommendations:**

153 **1) Policy: Renters,** both individual and businesses who lease their premises, **will be included** in
154 the notification process in so far as feasible.

155

156 **Recommended Strategies:**

157 **A.** Now that Code Enforcement staff has created a data base of apartments units in Roseville
158 as part of the rental licensing program, a notification can be mailed via US Post to each
159 tenant's unit.

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162 **B.** Staff has now created a database of all registered 1-4 unit rental properties in the City, so the
163 City can address a mailing to the tenant's door for rental houses, duplexes, condominiums, etc.
164 Rental properties that are not registered will not be able to be notified since they have not made
165 themselves known to the City.
166

167 **C.** Work in Progress: Housing and Economic Development staff is in the process of creating a
168 database for all commercial/industrial spaces. An intern has been hired and is compiling
169 a database of this commercial/industrial contact information.

170 Once staff has a reasonably reliable database upon this as well, it will be able to add in
171 commercial/industrial tenants into the notification process.

172
173 **D.** Fees: The Task Force has been informed that Planning staff will analyze the impact of
174 these larger mailings and adjust application fees accordingly so that the increased
175 notification is generally cost neutral to the City.
176

177 **2) Policy: Zoning Notification**

178 The Task Force discussed the types of zoning issues which could require extraordinary notification,
179 that is, notification beyond Roseville's standard area of within 500 feet of the property proposed
180 for zoning changes, which already exceeds the State requirement of 350 feet. It should be noted,
181 however, that state law requires that cities notify property owners within 350 feet of proposed
182 changes to the Comprehensive Plan or Zoning Notice. Thus currently the City of Roseville exceeds
183 the state-mandated area for notification.

184 The Task Force concurred that some zoning changes would impact residences and businesses
185 beyond a radius of 500 feet and as such would therefore require a larger radius for notification.
186 The Task Force determined to designate this extended notification as Extraordinary Notification.
187 These zoning changes are listed below

188 The Task Force reviewed a number of situations that may justify some sort of Extraordinary
189 Notification as listed below:

- 190 **1)** significant environmental impact which could be defined as any project or public
191 improvement requiring an Environmental Assessment Worksheet (EAW);
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193 **2)** project's extraordinary size, volume, and mass;
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195 **3)** project's large draw and/or community-wide impact
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197 **4)** project's adjacency to school or park;
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199 **5)** projects adjacency to public places of assembly;
200 **6)** significant traffic impact beyond the project's zoning notice area of within 500 feet;
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202 **7)** nuisance-level projects such as loud and persistent noise, and

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204 **8)** negative image on the community caused by the project.

205 After further discussion by Task Force and staff, it was decided that three of the possible zoning
206 changes listed above (# 5, #7, and #8) should be deleted since they were already covered by another
207 proposed change (such as the installation of on-premises notification signage) or they were already
208 covered by another category. In the end, it was decided that Extraordinary Notification should be
209 utilized for proposals that would require an Environmental Assessment Worksheet (EAW) or
210 Environmental Impact Statement (EIS). The Task Force recommended—and Staff agreed-- to also
211 utilize some or all of the Extraordinary Notification processes on a case by case basis for issues that
212 might have significant widespread community interest, such as a large update of the Comprehensive
213 Plan.

214
215 Other proposed projects may also require extraordinary notification as determined by the Planning
216 Commission or City Council.

217 Thus the Task Force unanimously agreed that the following zoning changes would require
218 extraordinary notification beyond the current standard of 500 feet.

219
220 **Recommended Strategies:**

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222 **A. The following types of changes would require Extraordinary Notification of**
223 **properties beyond 500 feet:**

- 224 **1)** significant environmental impact which could be defined as any project or public
225 improvement requiring an Environmental Assessment Worksheet (EAW);
- 226 a. project's extraordinary size, volume, and mass; and
227
228 b. project's large draw and/or wide impact beyond the standard notification area;
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- 230 **2)** project's adjacency to school or park; and
231
- 232 **3)** significant traffic and parking impact beyond the project's current notification area of
233 within 500 feet.

234
235 **B. Notification procedures for EAW/EIS projects will be as follows:**

- 236 **1)** Project would require a developer open house, even if the approval doesn't fall into the
237 typical categories for a developer open house in the zoning/subdivision ordinance.
- 238 **2)** Neighborhood Association leaders will be notified for the neighborhood the project is
239 contained in (or multiple neighborhood associations if there is more than one in close
240 proximity).
- 241 **3)** If the use is on two or more streets, require a sign be posted on every street frontage

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- 243 4) Post the public hearing notice into the Nextdoor neighborhood the project is located in
- 244 and any Nextdoor neighborhood that is adjacent to the one it is in
- 245
- 246 5) In addition to the public hearing notice in the paper, take out a small advertisement in
- 247 the official City newspaper in order to be more noticeable for the casual reader
- 248 6) Create a project web page to make it easier to track for the public
- 249 7) Leave the notification radius the same, but make sure to use the enhanced databases so
- 250 that renters and commercial tenants can be notified
- 251 8) Post on City’s social media outlets (Twitter, Facebook, SpeakUp, etc.)
- 252

253 **3) Process**

254 **A. It was noted that the cumulative impact of such changes could also be**

255 **considered, as it is subject to consideration in the EAW process.**

256 **B. As to which zoning proposal should receive Extraordinary Notification, there**

257 **was consensus that it could be decided on a project by project basis.**

258

259 **C. Staff should continue to use transparent and accessible language in drafting**

260 **public hearing and Neighborhood Open House notices. Staff should also**

261 **take on the additional responsibility of ensuring transparent and accessible**

262 **language is used in drafting the notices for Neighborhood Open Houses**

263 **which are now produced by the applicant.**

- 264 ▪ If necessary notices should include explanations of terms used, and what these terms
- 265 mean.
- 266 ▪ For example, a recent Neighborhood Open House Notice stated “A portion of the site is
- 267 proposed to be rezoned from LDR-1 Low Density Residential to LDR-2 Low Density
- 268 Residential.” In situations such as this an explanation should be offered explaining the
- 269 significance of the word change in designation. (See attached example of a recent
- 270 Open House Notice.)
- 271

272 **D. Signage will also be used for the purposes of notifying residents, including**

273 **renters, of proposed zoning and subdivision changes. Signage will be**

274 **substantial in size (approximately 4’ x 8’) and placed so that it will draw**

275 **attention and can be read from the public right of way.**

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277 Attachment: December 17, 2015 Open House Notice by Golden Valley Land Company

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279 TP:MB/GG: 02-04-2016

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Attachment
to Joint Zoning Notification Report

NEIGHBORHOOD OPEN HOUSE
Thursday; December 17, 2015 6:00 - 8:00 pm
Council Chambers, Roseville City Hall
2660 Civic Center Drive
Roseville, MN 55113

Golden Valley Land Company is proposing a residential land development project for the 5.82 ac. vacant land site that is located at Wheaton Ave. and Dale St. N. (in the NW quadrant of County Road C and Dale St. N.).

The proposed project would be for 18 single family homes. A portion of the site is proposed to be rezoned from I-DR-1 Low Density Residential to LDR-2 Low Density Residential. The proposed project would extend the existing Wheaton Ave. east to Dale St. N.

This open house meeting is an important source of feedback from nearby property owners, and is a required step in the process of seeking City approval for the proposed zoning map change. A summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal application.

If you cannot attend this open house meeting, and have questions about this project, please call or email the developer per the contact information below.

Golden Valley Land Company
6001 Glenwood Ave.
Golden Valley, MN 55422
(763-213-3944; Matt Pavек)
(mattpavek@gmail.com)