



REQUEST FOR CITY COUNCIL ACTION

DATE: 09/26/2011
ITEM NO: 12.b

Department Approval

City Manager Approval

Item Description: Approval of an ordinance creating the Twin Lakes Overlay District (PROJ0003).

1 **1.0 BACKGROUND**

2 1.1 Over the past two months the Public Works/Engineering and Community Development
3 Departments have been working with the City Attorney on the creation of the Twin
4 Lakes Overlay District. The proposed ordinance would cover all of the Twin Lakes
5 Redevelopment Area (See Attachment A). The purpose of the ordinance is to assist the
6 City in implementing the Twin Lakes AUAR. The AUAR (Alternative Urban Area-
7 Wide Review) is an environmental review document provided for in Minnesota State
8 Statutes that studies the impact of development on numerous matters, including traffic,
9 pollution, water quality, soils, wildlife, and the natural eco-system. Currently, the City
10 does not have any effective mechanism to require a development within Twin Lakes to
11 adhere to the findings in the Twin Lakes AUAR.

12 1.2 The proposed Twin Lakes Overlay District (TLOD) will create a framework and a direct
13 link with the redevelopment in Twin Lakes. As stated in the intent and purpose clause of
14 the ordinance: “The City of Roseville has determined that it is necessary, for the purpose
15 of promoting the public health, safety, morals, and general welfare of the City to
16 redevelop the area within the City known as the Twin Lakes Redevelopment Area.”. The
17 statement continues: “While the City desires to promote the redevelopment of the Twin
18 Lakes Redevelopment, it does not have the financial resources necessary to construct the
19 infrastructure and perform the environmental remediation required under the AUAR. For
20 that reason the City has determined that development limitations need to be placed upon
21 property within Twin Lakes Overlay District...”.

22 1.3 In regards to the installation of infrastructure, the proposed ordinance (see Attachment B)
23 establishes development limitations based on the network trips generated from a
24 proposed use. The ordinance identifies a baseline number of network trips for each
25 property based on the land use in existence in 2006.

26 1.4 If a parcel of land exceeds the amount of network trips that is identified in Section
27 1022.03(E), the property will be limited in developing unless they enter into a voluntary
28 development agreement or find some other alternative method with the City regarding the
29 construction and payment of the infrastructure needs identified in the Twin Lakes AUAR.
30 Absent those solutions, the property owner will need to postpone development until all
31 of the roadway improvements have been completed and paid for.

32 1.5 The proposed ordinance also requires that the property owner adhere to other mitigation
33 efforts identified in the Twin Lakes AUAR as part of any other redevelopment within
34 Twin Lakes.

35 **2.0 PLANNING COMMISSION ACTION**

36 2.1 On August 3, 2011, the Roseville Planning Commission reviewed, discussed, and
37 ultimately continued action on the Twin Lakes Overlay District (TLOD) so that the City
38 Attorney and Staff could make specific changes/modifications to the proposal and
39 provide clarification on a few topics. Since the Planning Commission’s meeting, the City
40 Attorney and staff have met on several occasions and discussed the proposal to make
41 applicable and appropriate changes/corrections as suggested/recommended by the
42 Planning Commission.

43 2.2 On September 7, 2011, the Roseville Planning Commission continued their consideration
44 of the TLOD. The City Attorney and City Staff reviewed the modifications that have
45 been made to the ordinance based on the August 3rd meeting and Commissioner input,
46 and to answer any other questions from the Commission.

47 2.3 In reviewing the re-drafted TLOD ordinance, the Planning Commission thanked staff and
48 the City Attorney for their work and clarifications to the Ordinance. The Commission
49 sought a few more corrections/modifications prior to the document being forwarded to
50 the City Council for Action. They included:

- 51 a. Changed “parcel” to “block” in the ordinance to be consistent with the map and
52 allocation study.
- 53 b. Based on Commissioner Wozniak’s comments, modified the definition of
54 Network Trips.
- 55 c. Clarified Section 1022.04(B)(3) to state that property owners need to work with
56 the MPCA, EPA, and/or the City or Roseville to the extent these agencies have
57 jurisdiction.
- 58 d. Removed language from 1022.04(B)2 to make sentence read clearer.
- 59 e. Clarified that property owners need to work with the City of Roseville to
60 implement the applicable planning principles from the Twin Lakes Master Plan.

61
62 **3.0 SUGGESTED ACTION**

63 3.1 **ADOPT an ORDINANCE CREATING CHAPTER 1022, THE TWIN LAKES OVERLAY**
64 **DISTRICT**

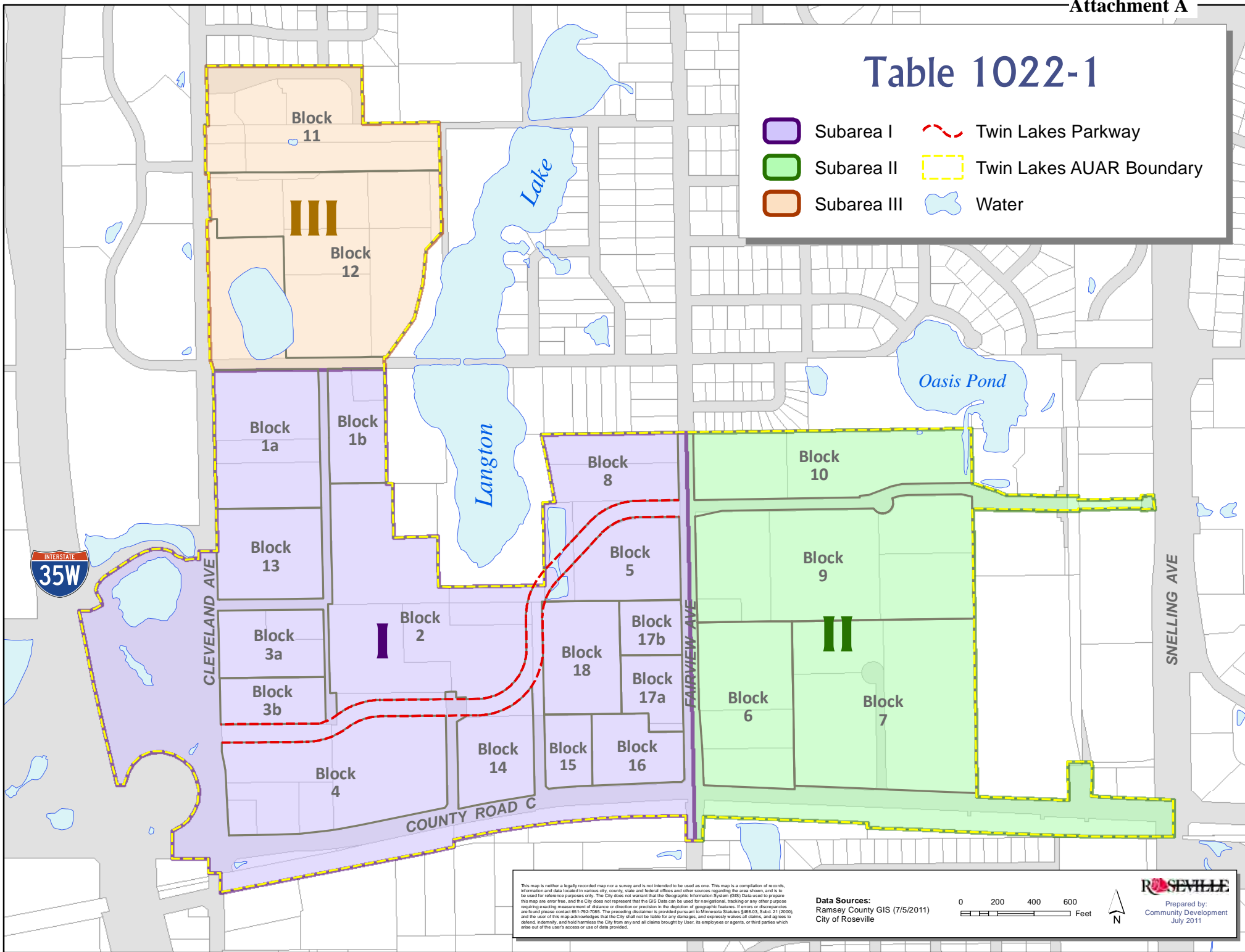
65 3.2 **Approve an ordinance summary for publication in the Roseville Review.**

66 **Prepared by: Thomas Paschke, City Planner (651) 792-7074**

- Attachments: A: Allocation Agreement Map
B: Draft Twin Lakes Overlay District
Zoning Ordinance
C: Summary Ordinance

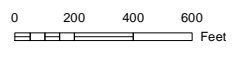
Table 1022-1

- Subarea I
- Subarea II
- Subarea III
- Twin Lakes Parkway
- Twin Lakes AUAR Boundary
- Water



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 a high degree of accuracy or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651.779.7265. The preceding disclaimer is provided pursuant to Minnesota Statutes §65C.01, 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.

Data Sources:
 Ramsey County GIS (7/5/2011)
 City of Roseville



City of Roseville
ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A ZONING OVERLAY DISTRICT FOR THE
TWIN LAKES REDEVELOPMENT AREA.

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Chapter 1022 is hereby added to the Roseville City Code:

1022.01: Intent and Purpose

1022.02: Definitions

1022.03: Infrastructure Requirements and Standards

1022.04: General Requirements and Standards

1022.05: Permits and Approvals

1022.06: Applicability of Other City Ordinances and Policies

1022.07: Consideration of Applications for Development Within the Twin Lakes Overlay District

1022.08: Severability

1022.01: INTENT AND PURPOSE

The City of Roseville has determined that it is necessary, for the purpose of promoting the public health, safety, and general welfare of the City to redevelop the area within the City known as the Twin Lakes Redevelopment Area. In order to carry out such redevelopment, the City has conducted an Alternative Urban Areawide Review (“AUAR”) for the Twin Lakes Redevelopment Area. The AUAR identifies various environmental, roadway and utility improvements which are necessary in the Twin Lakes Redevelopment Area in order for the area to be redeveloped. The AUAR contains a mitigation plan which requires, among other things, the construction of roadway and utility improvements and environmental mitigation within the Twin Lakes Redevelopment Area. While the City desires to promote the redevelopment of the Twin Lakes Redevelopment Area, it does not have the financial resources necessary to construct the infrastructure and perform the environmental remediation required under the AUAR. For this reason, the City has determined that development limitations need to be placed upon property within the Twin Lakes Redevelopment Area until adequate infrastructure can be constructed and environmental and other mitigation described in the AUAR performed. Therefore, to promote the redevelopment of the Twin Lakes Redevelopment Area, the Twin Lakes Overlay District is established and all property within the District is subject to the provisions of this Chapter.

1022.02: DEFINITIONS

The following terms shall have the following definitions when used in this Chapter:

- A. “AUAR” means the Twin Lakes Business Park Final AUAR Update Adopted October 15, 2007, as updated and amended from time to time.
- B. “Twin Lakes Redevelopment Area” means that area located within the City of Roseville shown in Table 1022-1.
- C. “Twin Lakes Overlay District” means the Twin Lakes Redevelopment Area.
- D. “Development” means any man-made change to improved or unimproved real estate including a change in use or the creation of a subdivision.

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- E. “Block” means each individual Block of land within the Twin Lakes Overlay District as depicted in Table 1022-1. “Blocks” means two or more Blocks of land within the Twin Lakes Overlay District.
- F. “TLIIR” means the Infrastructure Improvements for the Twin Lakes AUAR Area Final Report, dated February, 2008, as updated and amended from time to time.
- G. “Roadway Infrastructure Improvements” means the roadway improvements set forth in the TLIIR.
- H. “Utility Infrastructure Improvements” means the utility improvements set forth in the TLIIR.
- I. “Network Trip” means a vehicle trip that is generated by a Block within the Twin Lakes Overlay District that travels through a roadway infrastructure improvement identified in the TLIIR during the p.m. peak hour. The number of network trips is equal to the number of roadway infrastructure improvements traveled through.
- J. “Twin Lakes Roadway Improvement Cost Allocation Amount” means the total cost allocated to a Block under the TLIIR for the Roadway Infrastructure Improvements set forth in the TLIIR.
- K. “Twin Lakes Utility Improvement Cost Allocation Amount” means the total cost allocated to a Block under the TLIIR for the Sanitary Sewer, Storm Sewer and Water Main improvements set forth in the TLIIR.

1022.03: INFRASTRUCTURE REQUIREMENTS AND STANDARDS

In order to provide for the construction of adequate infrastructure to accommodate the redevelopment of the property within the Twin Lakes Redevelopment Area, all property within the Twin Lakes Overlay District is subject to the following development limitations and requirements:

- A. Traffic Study: A traffic study prepared by a registered traffic engineer approved by the City shall be required from the property owner(s) whenever development is proposed on a Block. The traffic study shall assess the potential traffic impacts on local and regional road systems and determine the amount of change in Network Trips which will result from the proposed development. The property owner(s) shall pay for the cost of the traffic study.
- B. Network Trips:
 - 1. Development limitations based on Network Trips are hereby established in Section E below for each Block within the Twin Lakes Overlay District. The development limitations have been established by determining the number of Network Trips attributable to each Block based upon the p.m. peak hour trips generated from such Block as determined by the Institute of Transportation Engineer’s (ITE) Trip Generation Handbook, Eighth Edition, in the manner described in the TLIIR.
 - 2. The Network Trips specified in Section E below are the maximum number of Network Trips that may be generated by each Block within the Twin Lakes Overlay District. Development that exceeds the allocated number of Network Trips generated on any Block may only be constructed if concurrent Road Infrastructure Improvements are provided and paid for by the property owner(s) in accordance with Section C below.

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3. Uses existing on the effective date of this ordinance that generate greater Network Trips than are allowed for such Block may continue to exist as a nonconforming use. No expansion of such nonconforming use shall be allowed without compliance with this ordinance.
 4. Allowable Network Trips are not a property right and may not be transferred to another Block.
- C. Restriction on development: The roadway infrastructure is not adequate for development within the Twin Lakes Overlay District in excess of the Network Trips allowed in Section E. Therefore, development which exceeds the Network Trips set forth in Section E is premature at this time. In order to provide adequate roadway infrastructure for development which will generate Network Trips in excess of what is allowed in Section E, it will be necessary to construct the Roadway Infrastructure Improvements described in the AUAR and TLIIR. Therefore, development on a Block that would exceed the number of Network Trips allocated to such Block by Section E below may only be constructed if the Roadway Infrastructure Improvements described in the AUAR and TLIIR to accommodate the redevelopment of the Twin Lakes Redevelopment Area are provided and/or paid for by the property owner(s) of such Block by one of the following methods:
1. The property owner(s) enter into a voluntary development agreement which includes the payment of the Twin Lakes Roadway Cost Allocation Amount allocated to the Block being developed in the manner set forth in Section D below. The decision of a property owner to enter into a development agreement shall be completely voluntary and optional on the part of property owner(s) of the Block to be developed. This option is not intended to require property owner(s) to enter into involuntary development agreements, but rather to give property owner(s) a method by which proposed development involving inadequate roadway infrastructure can be made adequate by way of voluntary development agreements.
 2. The property owner(s) make such other arrangements satisfactory to the City for the construction of, and payment for, the Roadway Infrastructure Improvements.
- In lieu of the foregoing options, the property owner(s) can postpone development on its Block until all of the Roadway Infrastructure Improvements have been completed and fully paid for.
- D. Twin Lakes Allocation Cost: In order to establish a method by which property owner(s) of property within the Twin Lakes Overlay District can develop a Block in a manner which will generate more Network Trips than has been allocated to such Block under Section E below, the City has prepared and adopted the TLIIR. The TLIIR identifies Roadway Infrastructure Improvements which are necessary to redevelop the Twin Lakes Redevelopment Area, provides cost estimates for the Roadway Infrastructure Improvements, and allocates the cost between the Blocks based on cost per Network Trip. If development on a Block will generate Network Trips in excess of the number allocated to that Block in Section E below, the property owner(s) of such Block may, as provided in Section C1 above, enter into a voluntary development agreement which includes the payment of the Twin Lakes Roadway Improvement Cost Allocation Amount allocated to such Block in the TLIIR, as adjusted for the development to be constructed on such Block using the methodology set forth in the TLIIR. In addition to adjustments made when individual development proposals are made, adjustments to the costs in the

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TLIIR shall be made annually based upon the actual cost of Roadway Infrastructure Improvements constructed during the preceding year and the change in the estimated cost of Roadway Infrastructure Improvements not yet constructed from the previous year. Once a development agreement which includes the payment of the Twin Lakes Roadway Improvement Cost Allocation Amount for development which will generate Network Trips in excess of the number set forth in Section E for such Block has been entered into, no further adjustments to the Twin Lakes Roadway Allocation Cost Amount shall be made with respect to the development described in the development agreement. Subsequent development on a Block beyond that described in the development agreement shall require payment of an additional Twin Lakes Roadway Improvement Cost Allocation Amount in an amount determined by the methodology set forth in the TLIIR.

- E. Allocation of Network Trips: Each Block within the Twin Lakes Overlay District is hereby assigned the following Network Trips:

Block No.	Network Trips
1a	98
1b	49
2	239
3a & 3b	66
4	452
5	145
6	179
7	380
8	319
9	681
10	142
12	595
13	691
14	246
15	82
16	422
17a	89
17b	84
18	169

If development on a Block will not generate Network Trips in excess of the number allocated to the Block in this Section E, the property owner(s) of such Block shall not be obligated to pay the Twin Lakes Roadway Improvement Cost Allocation Amount set forth in the TLIIR for such development.

- F. Appeal of Network Trips: In the event that the property owner(s) of a Block do not agree with the determination of the Network Trips allocated to their Block pursuant to Section E above, the property owner(s) of such Block may appeal the determination to the Roseville City Council. No appeal may be taken with respect to the Network Trips allocated in Section E above unless the affected property owner(s) file a written appeal with the City Manager within one hundred eighty (180) days after the adoption of this ordinance. The failure to file a timely appeal eliminates all right to challenge a Network Trip allocation designated in Section E above. The appeal must be accompanied by a

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report prepared by a registered traffic engineer which provides evidence indicating potential errors in the determination of the Network Trips and the reasons why the determination of Network Trips is not accurate. When an appeal is filed the matter shall be heard and considered by the Roseville City Council at a public meeting. The property owner(s) making the appeal shall be given the opportunity at the meeting to testify and present evidence with respect to the Network Trips allocated to their Block. Notice of the meeting shall be mailed to the appealing property owner(s) at the address where the tax statement for the Block which is subject to the appeal is mailed according to the records of the Ramsey County Property Tax Department. Following making its decision, the City Council shall serve a copy of its decision upon the property owner(s) of the Block which was the subject of the appeal by mail at the address where tax statements for such Block is mailed. No judicial action shall be taken regarding the determination of Network Trips allocated to a Block pursuant to Section E above unless and until the foregoing appeal is made to the City Council and the City Council has rendered and served its decision on the matter.

- G. Other Improvements: Nothing in the Section may be construed to eliminate property owner(s) responsibility for other improvements unrelated to the Roadway Infrastructure Improvements. If a traffic study finds that road system improvements unrelated to the Roadway Infrastructure Improvements are required as a result of the proposed development, the development may not be commenced until arrangements, including financing, for the completion of such other improvements are made and such arrangements are approved by the City.

1022.04: GENERAL REQUIREMENTS AND STANDARDS

Each Block within the Twin Lakes Overlay District shall be subject to the following general requirements at the time of development on such Block. The following requirements shall be in addition to and not in lieu of any other requirements in this ordinance.

- A. Whenever development occurs on a Block, the property owner(s) of such Block shall pay the Twin Lakes Utility Improvement Cost Allocation Amount allocated to such Block under the TLIIR for the Utility Infrastructure Improvements.
- B. Whenever environmental contamination or other environmental impacts on or within a Block: a) have been identified in the AUAR, b) have been identified by findings from a Phase I or Phase II Environmental Site Assessment or other environmental report, or c) formal environmental review (i.e. and Environmental Assessment Worksheet, Environmental Impact Statement, or an Alternate Urban Areawide Review) is required for development on such Block, the property owner(s) shall, as part of the development proposal, address environmental impacts by:
1. Preparing and implementing Response Action Plans and/or Development Response Action Plans for such Block where required by local, state and federal regulations, which Plans shall be subject to the approval of the City Staff.
 2. Managing and handling hazardous materials, petroleum products, and/or asbestos, on and within such Block, appropriately in accordance with MPCA guidelines.
 3. Working with the MPCA, the Environmental Protection Agency and/or the City to the extent they have jurisdiction, to implement the recommendations from the

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Supplemental Groundwater Evaluation Plan, dated August 2004, which has been adopted by the City, including but not limited to the following:

- a) The property owner(s) shall perform an environmental study to determine:
 - i) Whether trichloroethylene concentrations (TCE) exist on or within the Block which exceed the Health Risk Limit. If a source is found, additional subsurface investigation shall be performed to define the lateral extent of the TCE contamination. Site specific investigations should be conducted in a way that will identify potential sources, the magnitude and the extent of TCE on and/or within the Block and its effects on the glacial aquifer; and
 - ii) Whether Diesel Range Organics exist on or within the Block, and if so, perform environmental investigation regarding petroleum contamination on and within the Block and its effects on the glacial aquifer.
 4. The property owner(s) shall remediate, as appropriate, soil and groundwater contamination on and within the Block pursuant to Minnesota and federal law.
 5. The property owner(s) shall implement the requirements and policies set forth in the current Comprehensive Surface Water Management Plan of the City, ordinances, policies and best management practices related to stormwater runoff with respect to such Block.
- C. The property owner(s) of the Block to be developed shall comply with the park dedication requirements of the City with respect to the Block being developed.
- D. If development on a Block converts native land cover types to an altered cover type, the property owner(s) of such Block shall mitigate the conversion by restoring native cover types on the Block, and to the extent the native land cover types within any portion of Langton Lake Park are altered by such development, in Langton Lake Park.
- E. The property owner(s) of the Block to be developed shall work with the City to implement the applicable planning principles of the 2001 Twin Lakes Business Park Master Plan to mitigate cumulative impacts of development within the Twin Lakes Redevelopment Area with respect to development on their Block.
- F. The property owner(s) of the Block to be developed will work with the City to integrate travel demand management plans to reduce the number of vehicles on area roadways.
- G. The property owner(s) of the Block to be developed will incorporate into any development on such Block, sidewalks, trails, pedestrian amenities, parks and open space to provide greenway/wildlife corridors to encourage more pedestrian trips and fewer vehicle trips in the area.
- H. The property owner(s) of the Block to be developed will submit photographs and note the construction dates for any buildings over 50 years old on such Block, and submit them to the State Historical Preservation Office for initial assessments. The property owner(s) of any Block within the jurisdiction of Minnesota Statutes § 138.01 et. seq. shall comply with the requirements of the State Historical Preservation office.

1022.05: PERMITS AND APPROVALS

All necessary permits and other required approvals shall be obtained for any work or construction to be performed within the Twin Lakes Overlay District, including the permits, where applicable, set forth in the AUAR Mitigation Plan.

1022.06: APPLICABILITY OF OTHER CITY ORDINANCES AND POLICIES

All City ordinances and policies shall be followed in the review and approval of development projects within the Twin Lakes Overlay District. The provisions of this Chapter shall not preclude or replace the application and requirements of any other Title, Chapter or Section of the Roseville City Code or the provisions of any State Statute, including but not limited to land dedications authorized under Minnesota Statutes § 462.358. All such other Titles, Chapters and Sections shall apply in addition to, and not in lieu of, this Chapter.

1022.07: CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT WITHIN THE TWIN LAKES OVERLAY DISTRICT

The following shall apply to applications involving development within the Twin Lakes Overlay District:

A. Before submitting an application for development on a Block within the Twin Lakes Overlay District, the property owner(s) of the Block to be developed shall meet with the Director of Community Development and City Engineer (or their designees) to discuss the proposed development, the development review process and the documents required to be submitted.

B. The property owner(s) shall thereafter submit to the Director of Community Development and City Engineer such applications, studies, reports and other documents which are required by the City pertaining to the proposed development.

C. Following review of the documents submitted, the City Engineer shall make a determination of whether or not the proposed development will exceed the Network Trips allocated to the Block in Section 1022.03 E above.

D. If the proposed development will exceed the Network Trips allocated to the Block under Section E above and the property owner(s) elect to proceed with the proposed development pursuant to Section 1022.03C1 or 2 above, the property owner(s) shall, prior to the issuance of the building permit pertaining to the development, enter into a voluntary development agreement or make other arrangements satisfactory to the City which assure that the requirements of this ordinance shall be carried out.

E. Voluntary development agreements shall include provisions for the payment of the Twin Lakes Roadway Improvement Cost Allocation Amount and the Twin Lakes Utility Improvement Cost Allocation Amount, the means by which the property owner(s) will comply with the environmental and other requirements of this ordinance, and such other matters which are typically contained in Roseville Public Improvement Contracts. All development agreements shall be considered by, and subject to the approval of, the Roseville City Council.

1022.08: SEVERABILITY

If any term or provision of this Chapter, or the application thereof to any person or circumstance is, for any reason and to any extent, held to be invalid or unenforceable, then such term or provision will be ignored, and to the maximum extent possible, this Chapter will continue in full force and effect, but without giving effect to such invalid or enforceable term or provision.

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SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 26th day of September, 2011.

Ordinance Adding Chapter 1022 Establishing the Twin Lakes Redevelopment Area Zoning Overlay District.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

William J. Malinen, City Manager

City of Roseville

ORDINANCE SUMMARY NO. ____

AN ORDINANCE AMENDING TITLE 10 “ZONING ORDINANCE” ESTABLISHING SECTION 1022 TWIN LAKES OVERLAY DISTRICT, OF THE CITY CODE

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on September 26, 2011:

The Roseville City Code, Title 10, Zoning Ordinance, has been amended to establish Section 1022, Twin Lakes Overlay District (TLOD). The TLOD sets development limitations within the Twin Lakes Redevelopment Area subject to compliance with the mitigation efforts identified in the Twin Lakes Alternative Urban Area-Wide Review (AUAR).

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
William J. Malinen, City Manager