



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, January 9, 2019 – 6:30 p.m.**

1. Call to Order

Chair Murphy called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Murphy, City Planner Thomas Paschke called the Roll.

Members Present: Chair Robert Murphy; Vice Chair James Bull; and Commissioners, James Daire, Chuck Gitzen, Julie Kimble, and Peter Sparby

Members Absent: None

Staff Present: City Planner Thomas Paschke, Senior Planner Bryan Lloyd

3. Approve Agenda

MOTION

Member Daire moved, seconded by Member Bull, to approve the agenda as presented.

Ayes: 6

Nays: 0

Motion carried.

4. Review of Minutes

a. December 5, 2018 Planning Commission Regular Meeting

Member Bull stated line 175 should reflect that he visited Roseville Lutheran. Line 177 “purchase” should be “purpose”.

Member Daire stated line 506 should read “Samaritan’s ~~First~~ Purse who ~~are~~ is collecting.” Line 518, “...because the City is a guardians of the public good.” Line 522, “...what is next?”. Line 633, “~~Commission~~ staff...”. Line 653, “as places of assembly and nothing ~~behind~~ beyond that.” Line 660, “Chair Murphy thanked ~~for~~ the Commission...”. Line 663, “that the City and Commission staff should support Institutions...”.

Member Sparby asked for changes be made to lines 643-644 there are redundant sentences. He proposed striking the second sentence “He thought there needed to be a better grasp as to why the church is going through the Interim Use process” and

changing the sentence above to read: “He thought the Commission needed to do a better job as to why the church is going through the Interim Use Process.”

MOTION

Member Daire moved, seconded by Member Sparby, to approve the December 5, 2018 meeting minutes as amended.

Ayes: 6

Nays: 0

Motion carried.

5. Communications and Recognitions:

- a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

Member Bull requested that larger fonts be used in their packet for some of the information because he found it hard to read.

City Planner Lloyd updated the Commission on the 2040 Comprehensive Plan Update. He noted the plan has been submitted to the Metropolitan Council and the Metropolitan Council have requested a Resolution from the City Council that authorizes staff to submit the plan rather than just a City Council motion that authorizes staff to submit the plan.

Member Sparby asked once the Metropolitan Council reviews the plan is there 1 process for the Metropolitan Council to make revisions and does the City have to accept or reject those revisions or does the City need to accept any revisions made.

Mr. Lloyd stated the only thing the City would need to change based on Metropolitan Council’s feedback is whether some element of the plan were to fail to meet the Metropolitan Council’s goals or criteria, but he would be surprised that anything would come up. If there are any issues those would be technical in nature.

6. Public Hearing

- a. Consider A Request By Pinecone-Fairview, LLC And 2720 Fairview DCE, LLC For An Interim Use In Support Of Outdoor Semi-Trailer Storage At 2720 Fairview Avenue (PF18-028)**

Chair Murphy opened the public hearing for PF18-028 at approximately 6:45 p.m. and reported on the purpose and process of a public hearing.

City Planner Paschke summarized the request as detailed in the staff report dated January 9, 2019.

Member Kimble asked if the Interim Use permit run with the sale of the property or does it terminate when the property is sold.

Mr. Paschke stated if the property is sold for redevelopment, the Interim Use Permit would terminate. It is not something that is recorded against the property, it is only for the time it is being used for that particular use. If the use goes away, the Interim Use will go away.

Member Kimble stated on page three in the packet there is note of the Fire Chief's concerns about configuration, and she wondered if the revised configuration address those concerns.

Mr. Paschke thought some of it had to do with the previous issues related to trailer parking in general and how close the trailers are parked to one another and those things. Because of how trailers move on any site and are parked, it is not always easy for the truck drivers to get the trailers to separate at the distances the City likes. He thought the Fire Chief's concern had to do with that for fire purposes as well as for the product that is in it. He thought it was a matter of the City monitoring a site and having discussion with the property owner over the course of the Interim Use to understand what is coming and going, what might be in the trailers and regulating it that way on an administrative level. He stated there are some things the City still needs to work out with the proposed plan to make sure that if an issue occurs that a fire truck can get in and turn around in the turn area.

Member Kimble stated in regard to staff recommendation, should condition three remain because it seems it was a condition that was prior and should have been fixed.

Mr. Paschke stated conditions A and B could be eliminated and three could be modified to make sure the applicant is doing proper maintenance on the cross-dock facility.

Chair Murphy stated on line 166, 3B, this was on the original Interim Use on line 58 and when he drove by it looked like the south side of the building, the cross-dock trailer covers still looked as terrible as it looked three years ago. The doors looked fine on the west and north side. He wondered how the requirement to repair or removed could not have been accomplished in the last three years and yet the applicant is asking for the same conditions this time.

Mr. Paschke indicated the City is requiring the conditions. He indicated he was not aware that those items were not repaired, and his understanding was those items were repaired.

Chair Murphy noted the south side of the building is hard to see when driving by, but he thought that side of the building was not repaired and was a concern of his because that was part of the original condition and were not met.

Mr. Paschke stated he was not certain those conditions were not met because his recollection was within the first year the City did go out and inspect and it did achieve the compliance with making things up to maintenance requirements. He stated until there is a complaint, staff typically does not go out to re-inspect. He noted the City does not go out on an annual basis to make sure all of the items were up to Code standards and compliant. He stated some things can change over time and it is possible that changes occur. He thanked Chair Murphy for noting that and will make sure it is reviewed.

Member Sparby asked based on the aerial photograph, whether the first seventy feet of the lot run from Fairview to the structure.

Mr. Paschke stated it did. He reviewed the photo with the Commission of the layout of trailers on the lot. He noted based on the aerial the applicant was not compliant to the setback requirement.

Member Sparby asked if it would be a violation of the Interim Use.

Mr. Paschke indicated it would. He stated the applicant would get a call to move the trailers to another place on the site.

Member Sparby asked if it is violated, what happens to the Interim Use.

Mr. Paschke stated nothing happens unless the applicant does not do anything, and the City wants to take action on it.

Member Sparby asked if the Interim Use Permit could be revoked.

Mr. Paschke stated it could theoretically. If there are continued issues with the applicant not achieving compliance with any of those conditions the Interim Use could be revoked if necessary. He noted a lot of the conditions were put in place to address fire safety issues.

Member Gitzen asked if part of the condition could be to mark the seventy-foot no parking zone.

Mr. Paschke stated he was not opposed to the Commission adding that as a condition. Identification on the site the seventy-foot setback no parking area.

Member Bull stated on lines 59-60, the information shows the previous Interim Use Permit expiring on September 30th and at which time trailers would be removed. He wondered if the trailers were removed.

Mr. Paschke stated the trailers were not removed.

Member Bull asked if there was a reason why the renewal was delayed. It states the open house was in November, two months after expiration of the Interim Use Permit.

Mr. Paschke stated there were a couple of reasons, one has to do with interpretation by staff that was slightly incorrect on the manner in which you can do a ninety-day extension to the Interim Use, which would have bought a little time as it relates to going through the formal process. With that interpretation by staff being incorrect, it did not allow for the appropriate time for the applicant to go through and do the open house and get to the Planning Commission. At that time, staff, through previous Community Development Director Collins had determined to allow the Interim Use to expire and to support the applicant going through, at the most expedient timeline, to conduct the open house and get to the Planning Commission for the Interim Use extension.

Applicant Representative

- **Mark Rancone, Roseville Properties Management Company**

Mr. Rancone stated his company is managing the property for Pinecone and TPC. He noted Roseville Properties has been doing business in Roseville for forty years and have tried to keep the properties that the company manages in shape and compliant. He stated this particular parcel, the picture that is prompting questions by the Commission is an older picture. There is a new tenant on the property that is much better organized and a better trailer parker than the previous tenant. He stated the new tenant is much better at meeting the guidelines of the lease and Interim Use Permit. He thought the City should have a better comfort level going forward with the new tenant.

Mr. Rancone stated he will take a look at the shelters on the south side of the building. He noted the entire building is an eyesore and to pull off one piece of it is not going to change the public image of it. He stated the building is on the market with an active purchase agreement ready for it. He stated the whole site was waiting for the highest and best use going forward was contingent on the continuation of Twin Lake Parkway across Fairview, it was the McGaugh site being redeveloped and the biggest piece that influences the marketability of this space is the Regan land behind it to the east where if the redevelopment of that property is done. He stated the applicant is trying to buy some time until some of those items come into play because it will affect the marketability of the site.

Mr. Rancone stated if the purchase agreement of the site moves forward with proposed market rate apartments and office buildings, which fits in with the Comprehensive Plan and the land use requirements for the site, it would be an upgrade to Fairview but the fact of the matter is, in today's development world, it will take a year or two to get through all of the processes to get that done. He indicated this is the reason the applicant is requesting a three-year time frame.

Member Bull asked how the City can be assured that the Interim Use conditions will be upheld with the new leasee.

Mr. Rancone stated it would depend on what the changes are. He indicated his company has discussed with the new tenant what the conditions are and that the tenant will need to comply with any new changes to the Interim Use conditions. He noted there is a sixty-day cancellation on the lease at any time so if the tenant cannot comply with the Interim Use conditions then the tenant will need to leave.

Member Bull asked if Mr. Rancone had any other Interim Uses within the City.

Mr. Rancone indicated he did not.

Member Sparby stated he was curious about the type of business the trailer storage was.

Mr. Rancone stated he did not know. He stated the tenant (Brockman Trucking) is a fairly long-standing local trucking company in the Twin Cities. He thought the trailers stay on the property longer than the previous tenant. He indicated the trailers need to be compliant in terms of no hazardous waste, etc. which is a requirement in the lease. He indicated the tenant has been very responsible.

Member Sparby stated the Commission had two concerns which were the leaking of hazardous materials and the fire concerns related to the trailer storage. He stated the aerial photo displayed the Fire Code concerns may have been complied with at one time or another but there was still no answer regarding the hazardous or flammable materials being stored in the trailers.

Mr. Rancone thought it would be beneficial to have a new aerial photo for the City to see how the new tenant is parking the trailers. He noted as a landowner, there is not any interest in having hazardous waste on the property. The landowner is trying to make sure the land is clean to sell so there is a lot of incentive to make sure the land is not contaminated.

Mr. Paschke stated the information he has on the new tenant storage, seventy-percent of the trailers are for goodwill product which could come or go, stay on-site for a while. The other trailers or either empty or with other product in them. He thought to the point of staff being concerned with both separation and layout for Fire purposes, as well as contents, staff would still have those same concern. He indicated unless the City goes out and checks every trailer there is a trust factor when an Interim Use is approved that the tenant is storing product that has been approved to store that is not hazardous or ultra-flammable or whatever the condition is and that is how the City will continue to move forward with Brockman Trucking as well. He thought this was more if issues and concerns arise that the City would get involved to try to work through the issue and work with the tenant to remedy the situation or problem before revoking the Interim Use.

Member Sparby asked if there was any type of checkups with Interim Uses in terms of an annual checkup.

Mr. Paschke stated the City has not implemented an annual checkup where the City is out on-site inspecting things. Staff might periodically go out to the site and inspect. What has been the typical case, once approved unless there are complaints, staff is not actively inspecting all of the sites. The City does not have the staff resources to be going out and inspecting unless there is a complaint.

Mr. Rancone stated there is no one else at the Planning Commission meeting, no abutting property owners and there have not been any complaints about anything over the previous three years and his office is four blocks away, so he drives by the site almost every day. He stated his company is a long-standing corporate citizen of Roseville and sometime there has to be a little bit of trust that the people involved are going to uphold the conditions. He noted there has not been any history of people complaining about the site and the fact that the new owner seems to be a lot more diligent about what is being done on that site says a lot. He understood the concerns, but he thought the Commission was being a little overly cautious.

Mr. Paschke thought having the Interim Use in place with specific conditions on it, the point he would make, at any given time the City can go in and inspect the property and if in violation the City would have the owner do something to correct it. The hope is that the City is not continually going out to the site to monitor unless a complaint is received.

Public Comment

No one came forward to speak for or against this request.

Commission Deliberation

MOTION

Member Gitzen moved, seconded by Member Kimble, to recommend to the City Council approval of a 3-year Interim Use for Pinecone-Fairview, LLC and 2720 Fairview DCE, LLC for an Interim Use in support of outdoor semi-trailer storage at 2720 Fairview Avenue, based on the information contained in this report, community and neighborhood comments, and Planning Commission input. Subject to the conditions on lines 141-166 with the modification of the Condition on line 143, 1A “No parking of trailers in the first seventy-feet of the lot with a seventy-foot no parking area properly marked on the site. (PF18-028)

Member Bull stated his concern is the non-compliance that the Commission heard different violations and non-compliance of conditions that were set for the last three-year Interim Use and things that could affect the flammability or Fire Code and the timing of the Interim Use Permit renewal feels like renewing this for another three years, would the City be setting themselves up for non-compliance and that continuing. He wondered if the Commission should look at a shorter term in order to

see that the new tenant is complying with the conditions set forward, which is public safety. He indicated there have been no issues but if there was a large fire out there with trailers there where no access is gained, it could be a disaster. He thought the Commission needed to do their best to make sure the recommendation is in the best interest of the entire community, trying to support the businesses but yet protecting the residents and other businesses which is why the conditions are there.

Member Bull stated he was in support of an Interim Use but was not sure he was comfortable for approving it for three years.

Member Kimble asked if there is the same condition at numerous sites of trailers parked with things in them across Roseville.

Mr. Paschke indicated it is on numerous sites and has been implemented with at least one Conditional Use Permit for a trucking facility, but it is not with most of the others. This is something that has just come about recently. He noted there a number of trucking companies that are not achieving these types of standards in Roseville.

Member Kimble stated she respected Member Bull's observations but the issue of concern about flammability is on lots of sites and she did not know why the City would treat this property owner differently than the others. She would be supportive of a three-year Interim Use with the changes made in the motion.

Member Gitzen thought Roseville Properties is a good company in the City. He thought the company's best interest is to have a safe site. The City, with the conditions added also has an opportunity to look it over so he was confident the Commission is doing its due diligence and the three years to him makes sense because he did not think anything goes as quickly as thought on the sale of properties. He thought three years is appropriate and he still supports the motion.

Member Sparby stated the bigger issue he sees is the aerial photograph of non-compliance. One of the things the Commission is supposed to look at to evaluate Interim Use the previous time and this time is what the site looks like and is the site in compliance and the record shows it was not. He appreciated the explanation of there being a new tenant on site and doing a better job. He wondered if the Commission wanted to add a condition stating, "with annual review of the Interim Use compliance conducted by the City", because this current motion is indicating the City is going to wait until a complaint to go out and take a look at the property, which is fine, but he did not know if the City should wait for a citizen to complain. He thought the City had legitimate public safety concerns regarding the property which is why an Interim Use Permit is needed. He stated based on the record, he would like to see some kind of annual review.

Chair Murphy stated he was going to speak in favor of the motion as written. He did have a concern of the sightlines of the area, but he thought that could be easily fixed. He indicated he reviewed the 2015 minutes regarding this item and there was a lengthy discussion between the Commissioners regarding the number of conditions

on this property at the time, but it was a 3 to 2 vote by the Commission to move forward but the City Council vote was unanimous to approve this. In terms of trailer storage, he does drive by there every day and sees very few trailers coming and going compared to FedEx or anything like that. The condition of this park in terms of alignment and spacing of vehicles is excellent compared to some of the other trucking businesses. He thought three years is appropriate. In regard to Member Sparby's comment of an inspection every year, his first thought was this would be more of a City Council action if it were done because of staffing concerns because there might be other things that the City needs to go out and do on a yearly basis that is not being done now for every business and he did not think the conditions before them warrant a yearly follow up and singling this out for that action is more of a City Council rigorous enforcement of the other Interim Uses. He was not disagreeing in principal with the idea, but he would feel more comfortable if it came from the City Council.

Member Gitzen stated in regard to the yearly inspection, just like the aerial photo which was out of compliance at that moment, it could be out of compliance the day before, the day of the inspection and unless every trailer is opened up to see what is in there, he did not think it was practical and did not give the City any more protection. He stated he would be against the one-year inspection.

Chair Murphy asked if the City owned a drone.

Mr. Paschke indicated the City did own a drone.

Chair Murphy asked how much additional work it would be to use a drone to take photos of the site rather than getting a Google photo of the site.

Member Gitzen stated there are legalities involved with drones and flying them over private property.

Mr. Paschke indicated he was not sure what kind of undertaking that would involve and even snapshots from Google are a snapshot in time. He understood the concerns about the out of compliance and even the yearly inspection but like with any site, unless there are enough staff resources to go out and inspecting numerous different Code items on a daily basis, a lot of sites will be out of compliance from time to time. In this case the City has a fairly good track record with this site even though there were some things that had to be worked through as well as a snapshot that shows some noncompliance. He stated the City does it's best and felt the conditions of the Interim Use does its job.

Member Daire noted staff recommendation 1D, line 148, states that the trailers must be set back a minimum of ten feet from the property line and he wondered if that was practically possible with still parking the trailer. He could not imagine how in the world a truck driver would be able to wedge a trailer into the spot even if it is right up to the property line.

Mr. Paschke thought it was possible to give them the proper distance between the building and the trailers at the proper setback. He indicated the new tenant is angling the trailers which is giving them more room to meet the setback requirement and have the property drive lane because of the degree of the angle. He indicated the proposed plan works better than the current plan that has been in place for three previous years.

Ayes: 5

Nays: 1 (Member Sparby)

Motion carried.

7. Adjourn

MOTION

Member Gitzen, seconded by Member Kimble, to adjourn the meeting at 7:36 p.m.

Ayes: 6

Nays: 0

Motion carried.