



**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, August 7, 2019 – 6:30 p.m.**

**1. Call to Order**

Chair Gitzen 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 Gitzen, City Planner Thomas Paschke called the Roll.

**Members Present:** Chair Chuck Gitzen; Vice Chair Peter Sparby, and Commissioners Julie Kimble, Michelle Kruzel, and Michelle Pribyl.

**Members Absent:** None

**Staff Present:** City Planner Thomas Paschke, Community Development Director Janice Gundlach, Senior Planner Bryan Lloyd

**3. Approve Agenda**

**MOTION**

**Member Sparby moved, seconded by Member Kruzel, to approve the agenda as presented.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes**

**a. July 10, 2019 Planning Commission Regular Meeting**

**MOTION**

**Member Kimble moved, seconded by Member Sparby, to approve the July 10, 2019 meeting minutes.**

**Ayes: 5**

**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.*

None.

## 6. Public Hearing

- a. **Consider A Preliminary Plat (To Be Known As Rosedale Center Seventh Addition) For Macy's Retail Holdings, Inc. Creating Two Additional Development Lots At 1815 Highway 36 (PF19-014)**

Chair Gitzen opened the public hearing for PF19-014 at approximately 6:33 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 August 7, 2019. He reported the city has not received any communications from the public.

Member Kimble asked if the Portillo's Restaurant was platted separately when it was done.

Mr. Paschke indicated it was.

Member Pribyl asked in regard to the storm sewer easements on the corner if it was an existing storm sewer.

Mr. Paschke stated it was.

Member Pribyl asked if there would be any additional easements needed to meet the requirements.

Mr. Paschke thought each lot will be required to provide their necessary easements around the lot as indicated in the report. Any pre-existing easements will have to remain. The applicant is not looking to vacate any of the public easements for storm sewer or other.

Member Sparby asked if there was any insight into what was commented on by MNDot or the County.

Mr. Paschke indicated he did not know off hand. He did not think it was anything major. He thought the County and MNDot was wondering if there was enough right-of-way and those types of things versus whether or not to support a plat that creates a lot that have future development on it. From the city's perspective, the traffic study was required that provided the information related to those potential impacts. Ramsey County is going to want to know that as well moving forward with respect to

Fairview Avenue, but he did not know if there were any concerns or issues raised by either of those two entities.

Member Sparby asked if there was a cap on the land dedication fee.

Mr. Paschke indicated there was no cap per say on the dedication fee. It is based on a percentage of the fair market value, he believed at ten percent currently. If it is for residential the fee is \$4,000 per unit.

Member Kruzel asked how much the traffic volume would change during the peak Christmas season.

Mr. Paschke thought it would change dramatically but was not sure that was something that was looked upon as it relates to a traffic study because it is seasonal and not easy to gauge. Unless specific counts are done during that period or there is some historical information there is not way to know those potential impacts.

Chair Gitzen asked if the existing sidewalk along the west property line will stay in place.

Mr. Paschke believed currently staff will review as it relates to the projects coming forward how any of the existing sidewalk or other infrastructure within the mall of other might change in order to provide better access to pedestrians so those things will be taken into consideration when projects for the sites are reviewed.

Chair Gitzen noted in the traffic study it talked about changing the loop road to a two-way and he wondered if the entire loop road would change into a two-way road.

Mr. Paschke explained most of the road that is an interior to Rosedale would change to a two-way. There is one section in this general vicinity that would remain a one way. He indicated that is something the applicant is moving forward on and staff is working on it with the applicant.

Mr. Andy Berg, Civil Engineer for Kimley-Horn indicated the applicant J.L.L. is also at the meeting and under contract with Macy's to carve out the land. He indicated he was at the meeting to answer any questions the Planning Commission might have.

Member Sparby asked if there was any development slated for the two lots that will be created.

Mr. Berg explained the applicant is evaluating different options, but nothing is certain yet.

### **Public Comment**

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

**MOTION**

**Member Kimble moved, seconded by Member Pribyl, to recommend to the city Council approval of the Preliminary Plat for Rosedale Center Seventh Addition, based on the comments and findings stated in this report and the preliminary plat documents contained herein(PF19-014).**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

Chair Gitzen advised this item will be before the city Council on August 26, 2019.

**b. Request For Approval Of A Preliminary Plat To Subdivide The Subject Property Into Two Lots For Development Of A Medical Office Building And An Apartment Facility. And For Approval Of The Proposed Multifamily Structure As A Conditional Use (PF19-016)**

Chair Gitzen opened the public hearing for PF19-016 at approximately 6:45 p.m. and reported on the purpose and process of a public hearing.

Senior Planner Bryan Lloyd summarized the request as detailed in the staff report dated August 7, 2019. He indicated staff has not received any public comment for this item.

Member Pribyl asked if the traffic study took into account the proposed redevelopment of the land immediately east of this.

Mr. Lloyd did not believe so but did not look at the details of that traffic report and has relied on the assessment of it from the City Engineer.

Member Pribyl wondered what the user group is for the pathway and what is the destination or destinations of the private pathway that is being proposed as a condition.

Mr. Lloyd indicated it relates a little bit to the proposals on the property to the east which includes some apartments as well as retail, other commercial uses. He noted there is an open ditch that drains from further up north by Oasis Pond and this has been on the Watershed District's long range plans and because of imminent developments being accelerated a bit to put that entire ditch into a culvert and staff is working with the developer to turn the culverted drainage area into a public pedestrian path, making connections from north to south. The anticipation for the pathway mentioned as a condition of the apartment development would be that it is a pedestrian corridor that can catch residents early on and get them across to the pathway in order to take advantage of some of the commercial uses. He noted it is not intended to be a public connection through the property.

Member Kimble asked what both properties were parked at, she assumed there would be underground parking, and was there any consideration for shared parking between the two buildings.

Mr. Lloyd explained he did not know the total parking numbers and has not been a part of any conversations that have been directly about shared parking between them. From the site development plan, it looks like the parking might be more self-contained.

Member Kimble asked if the parking would get reviewed as this moved through the process.

Mr. Lloyd indicated it would.

Member Kimble asked as it relates to the Conditional Use Permit, are there any restrictions on height and what is the height of the multi-family.

Mr. Lloyd explained there are not any height restrictions in the Community Mixed Use Districts or among the considerations for Conditional Use review. He noted this is a five-story building and approximately 56 feet in height.

Mr. Paschke believed the regulating plan has a maximizing height of 65 feet so there is a cap in there that is reviewed, and the application is well under that currently.

Member Kimble asked if there were any requirements around affordable units or is this all market rate in this project.

Mr. Lloyd believed in this project it is fully market rate because the affordability requirements are not in effect at this time based on the 2030 Comprehensive Plan.

Member Kruzal indicated she was concerned with access to Langton Park because there did not seem to be a lot of open space in the development for children.

Mr. Lloyd explained there is intended to be some recreational area including play structures for younger children. More broadly there is today a connection north of the project at Terrace Drive and whether something else is introduced as another connection more mid-block as the other properties redevelop, staff does not know yet.

Member Sparby asked if there was a cap on the \$4,000 per unit for park dedication.

Mr. Lloyd thought that was the cap. The city can choose between \$4,000 per residential unit or park land up to ten percent in a residential context. That is the standard rate and a per unit fee. There is not a cap beyond that.

Member Sparby thought the park dedication fee the city charges are high and wondered what other communities charge.

Mr. Lloyd indicated he was not positive about that. It is the Parks and Recreation Commission that recommends periodic adjustments of the dedication amounts.

Member Sparby asked if the park dedication fee could be brought to the city Council to review the determination because he felt that fee will affect any project that comes to Roseville.

Mr. Lloyd thought as with similar recommendations by the Planning Commission, any recommendations by the Park and Recreation Commission is reviewed by the city Council and can change the recommendation if the city Council chooses.

Member Sparby how the condition that was proposed to provide a private, non-motorized pathway connection through this development, to cross the path constructed on the culvert, going to account for future development in the area. He wondered if it is all going to be born by this property to do that and then later redevelopment will it be incorporated in. He was trying to figure out why that condition was being proposed.

Mr. Lloyd supposed the biggest question mark at this point is what is the timing and ultimate be of the culverting project. The goal so far is to get a non-motorized pedestrian cycling path on there and if all of that happens the residents would be served well by a connection to it and that is the idea. The condition is intended to be written in such a way that it is dependent on the construction of that path and if that never occurs the developer would not be held to creating a pathway to the ditch or the grassy patch where there is a culvert underneath.

Member Sparby wondered who will own and maintain the pathway down the road.

Chair Gitzen indicated the north/south pedestrian path is a condition or the approval for the preliminary plat and would be the public easement.

Mr. Lloyd indicated that was correct. He showed on the map the proposed public pathway that is a part of the condition along with the private pathway within the development.

Member Pribyl noted the proposed pathway along Fairview looks like it will be close to traffic within the narrow corridor and she wondered if there were any plans on making Fairview three lane rather than four lanes in the future so the boulevard could be widened.

Mr. Lloyd indicated he did not know what the plans are and there is not additional right-of-way being proposed with this platting application.

Mr. Kyle Brassler, Reuter Walton Development, noted he was at the meeting the answer any questions. He noted for clarity, the connectivity to parks and greenspace, the development will have a tot lot, playground structure, sport court and a large pet and dog area in addition to a pool. He explained the park dedication fee is large. His

company did recently do a project in St. Paul that was a 93-unit project in downtown and the park dedication fee was approximately \$30,000.

Member Kimble asked if any affordable housing component was considered.

Mr. Brassler stated it was talked about early on, but it was decided to go one hundred percent market rate because it is actually a city priority to provide high end, high amenity market rate housing. There has not been any built in the city for twenty-five years and is the direction his company has taken. It has turned out that it is good in many ways because there is a complimentary like use by this one that is going to provide a lot of affordable housing and will be a nice mix of affordability within this area.

Member Kimble asked if this development will be market rate, luxury or something else.

Mr. Brassler indicated it is market rate with a high amenity level.

Member Kimble asked in regard to the office building if there will be an anchor tenant along with more office space to be leased.

Mr. Brassler indicated that was correct. He reviewed the anchor tenant with the Commission and noted this will not have shared parking because medical users have a very high parking ratio required, especially for short term visits. He reviewed the parking spaces for the residential and commercial with the Commission.

Member Sparby asked if the applicant was comfortable with the condition on the motion for the conditional use.

Mr. Brassler indicated his company was comfortable with it as it is understood by them and have spoken with city Staff regarding it.

Chair Gitzen asked if the culvert would start at Fairview and go all the way up.

Mr. Lloyd thought it might be from the north side southward and would all happen at the same time.

### **Public Comment**

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

### **MOTION**

**Member Sparby moved, seconded by Member Kimble, to recommend to the city Council approval of the Proposed Preliminary Tareen 1<sup>st</sup> Addition Plat of the property at 2720 Fairview Avenue, based on the content of this RPCA, public input, and Planning Commission deliberation, with the following conditions:**

- a. The applicant shall dedicate 10-foot drainage and utility easements at the margins of the proposed parcels pursuant to §1103.03 of the Subdivision Code.
- b. The applicant shall amend the existing easement for the drainage ditch to account for the culverting of the ditch and the construction of a pedestrian/cycling corridor on top of the culvert.
- c. The applicant shall dedicate pathway easement(s), where necessary, to accommodate the required 8-foot pathway along Fairview Avenue.
- d. The applicant shall pay a dedication of cash *in lieu* of park land equal to \$4,000 per dwelling unit before the approved plat will be released for recording at Ramsey County.

### **Commission Deliberation**

Member Kimble commented on the park dedication fee noting the company is working on new developments and working in a major suburb and park dedication fee is considerably less than this but there are offsetting factors of other requirements that add to the costs and the other communities do not have an award winning park system like the City of Roseville either. She noted it costs money to have the system that the City of Roseville has. Those fees are considerably more than some of the other suburbs but sometimes the fees have to be looked at as a whole rather than just as one fee.

Member Sparby worried about any redevelopment happening when there is well over half a million dollars required by the city and it is a committee making those decisions and the Planning Commission does not know how the Parks and Recreation Department got to that number. He noted that could definitely hold up development.

Commissioner Pribyl wondered if Condition D needed to be included in the motion.

Mr. Lloyd explained park dedication is a requirement of the subdivision code and staff does not necessarily list all of the Code requirements that apply to something. The difference in a preliminary plat is that this is the time to make sure the city has everything specified that the plat will need to have or do moving forward. He thought this was a prudent, if not a necessary step.

Member Sparby explained as maker of the motion he did not want to hold up this recommendation knowing that the fee is the amount recommended by the city but he thought the city Council should take a look at it if the city is \$470,000 over the City of St. Paul for a similar development.

Chair Gitzen indicated he would support this development.

**Ayes: 5**

**Nays: 0**

**Motion carried.**

**MOTION**

**Member Pribyl moved, seconded by Member Kruzel, to recommend to the city Council approval of the Proposed Apartment Complex as a Conditional Use at 2720 Fairview Avenue, based on the content of this RPCA, public input and Planning Commission deliberation, with the following condition:**

- a. The applicant shall incorporate a private, non-motorized pathway connection through this development, to cross the path constructed on the culvert.**

**Commission Deliberation**

Member Pribyl thought the private pathway requires further discussion as far as whether the north/south pathway is going to happen but if it does, she thought it would be a great addition to the neighborhood being created in this area and would support the idea of that.

Member Sparby indicated his one concern with that is how it is going to age and if it will actually come to fruition. He did not know if it made sense to add in something like “if applicable, the applicant shall incorporate a private pathway” because there are so many unknowns at this point and then at least there would be some direction.

Chair Gitzen thought the other path needed to go in before this east/west path because it is not connecting to anything. There is a condition built in somewhat, he thought.

Mr. Lloyd indicated the intention is that it does not take effect unless there is that path to connect to on the culvert. He wondered if “future” should be added to the condition before “path”.

Member Sparby thought “if applicable” could be added to the condition.

Member Pribyl thought the wording “if the public path is constructed on the culvert” could be added to the beginning of the condition.

Member Pribyl amended the motion to revise condition a.

**Member Pribyl moved, seconded by Member Sparby, to amend the condition to read:**

- a. If the public path is constructed on the culvert, the applicant shall incorporate a private, non-motorized pathway connection through this development, to cross the path constructed on the culvert.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

Chair Gitzen asked for a vote on the previous motion.

**Ayes: 5**

**Nays: 0**

**Motion carried.**

Chair Gitzen advised this item will be before the city Council August 26, 2019.

**c. Request By City of Roseville To Approve Amendments To City Code Title 10 (Zoning) To Regulate Temporary Overnight Shelters (PROJ-017, Amdt 37)**

Chair Gitzen opened the public hearing for PF19-014 at approximately ? p.m. and reported on the purpose and process of a public hearing.

Senior Planner Lloyd summarized the request as detailed in the staff report dated August 7, 2019.

Member Kimble asked for clarification on the table of uses, 1005-5, where the place of assembly is conditional, the overnight shelter would only be applicable where there is an already approved place of worship.

Mr. Lloyd indicated that was correct.

Member Kimble asked in regard to the open-endedness of the definition relative to a limited period of time and seemed so subjective. She wondered how the city will manage expectations around that definition.

Mr. Lloyd explained that in itself is an open-ended time frame but the licensing requirements that are referred to specify up to four weeks in any calendar year. There is a much more definitive time frame involved and he thought instead of specifying that here, as a fair heads up in the Zoning Code staff is leaving it to those licensing requirements that if it changes at some point in the future staff does not have to remember to also change it in this amendment.

Member Pribyl assumed that most of the requirements being in the license, by changing to a permitted use in the Zoning Code, it really takes out any process related to zoning and permitting in that respect.

Mr. Lloyd explained there are certainly inspections that involve community development staff but the only reason that those overnight shelters came to the Planning Commission in the first place was the Zoning Code did not speak to that use at all and there is the interim use process that is sort of the wild card that can approve almost anything and that was the only tool available at the time. This intends to replace that whole process. The only time the Planning Commission would be involved in anything about a place of assembly would be in this CMU-1 District where the city would have to consider a place of assembly as a Conditional Use. Otherwise it is permitted by right and the overnight sheltering would be permitted with that license.

Commissioner Sparby asked if the Planning Commission was looking at the wording in the Ordinance.

Mr. Lloyd explained the wording is provided as a reference to see what the licensing is shaping up to be. He believed what he recalled from city Council discussions, there is not much control or intend to make many amendments to them because it is coming directly from the State Fire Marshal who has been making, perhaps, some exceptions to standard requirements in this process to start with. To further deviate from that is not something the city Council is interested in looking at now. There could be errors to what is written and presented those corrections could be made.

Chair Gitzen thought it was open for comment, but the Planning Commission is only looking at the agenda item of zoning.

Member Sparby asked if there is any charge for a license in the Ordinance.

Mr. Paschke indicated there would be, but he did not know if that has been established yet. That would be done by the city Council once the business license is created.

Member Sparby asked what the duration of the license would be.

Mr. Paschke believed it would be done annually but the city Council could create a three-year license as well.

Member Sparby asked how four weeks came about for the duration.

Mr. Paschke explained that was directed by the State Fire Marshal. All of that language has come from the State Fire Marshal. It might have been modified slightly to include a few bullet points related to some of the paragraphs provided to staff but under the direction of the city Fire Chief, staff cannot deviate from what the Fire Marshal has supported or will support as it relates to those uses.

Member Sparby found it a little odd in this process that the place of worship is meeting all of the requirements but can only do it for four weeks. He indicated he was trying to understand this because it seems like an odd situation to him.

Chair Gitzen directed the Commission to review pages 24 and 25 of Attachment A where Fire Chief O'Neill address those items.

Member Kimble found that interesting because she thought that it was for a four-week duration, but this is for four weeks a year total. She thought if there were not any limitations then the actual use of the facility could be changed from a place of worship to a housing use. It seemed there should be some sort of limitation or the building use is literally being changed.

Mr. Paschke thought that in and of itself is a concern of the city Building Official as well. This is a temporary use.

Community Development Director Gundlach explained what the Commission does not have in front of them is Sections 301.01 to 301.09, that is the administrative section of the business license and activities chapter. That section talks about when the fee is paid and is an annual license with what processes are involved. This license that is being created would follow those existing administrative processes, however the Council was interested in having an avenue to not having to review it every year. Staff did tweak the one condition into the license that states based on the performance of the license in prior years, the Council could make the decision to grant a three year license and then the administrative requirements of this chapter talk about the fee and then that fee would be added to the fee schedule and the intention is to cover the staff costs for processing the license and for the Fire Marshal and the Building Official to do the inspections associated with the conditions that the Fire Marshal placed on it.

Member Sparby explained one of the issues that came up is that is presupposes this whole ordeal that one of the uses of a place of assembly is not to bring in homeless people and give them a place to stay when it is below zero. He wondered if that was a part of the Zoning Code because that is a historic use that place of assembly have been used for.

Member Kimble did not think that a place of assembly was used for that on a permanent basis.

Chair Gitzen thought it was not a residential type or occupancy-based facility.

Member Sparby thought it made more sense to indicate if it is either allowed or not allowed. He thought what the city was trying to do would make this to difficult for a place of assembly to do.

Ms. Gundlach explained the city is viewing this as an activity and not a permanent use and staff did not think there needed to be a zoning rule other than allowing it as an accessory to a permitted use. These conditions that the State Fire Marshal imposed does not necessarily meet all of the requirements. These do not meet the requirements of the Fire Code and the State Fire Marshal stated in recognition of the public need of these uses he is willing to allow them, without meeting all of the Fire Code Standards subject to the conditions. She thought the idea was to regulate an activity and are not regulating a permanent use which why it is being limited to a few weeks a year and requiring inspections for the public health and safety aspect of it. The intention is not to create permanency.

Mr. Lloyd thought if a church did want to find some more permanent means of housing people, that could be explored and build appropriate dwelling kinds of units with all of the Building Code and fire safety incorporated into it.

Member Pribyl indicated some churches in St. Paul offer shelter and she wondered if St. Paul used a similar approach.

Ms. Gundlach noted staff did the research on what other communities were doing and she thought one community did do an interim use process and the rest either did not know it was occurring in their city or chose not to regulate them. She indicated she did not have her file in front of her so was not sure what St. Paul was doing.

Mr. Paschke noted one had a Conditional Use process the facility had to go through as well.

Chair Gitzen thought this came a long way since the Interim Use and felt the city was trying to streamline it so the churches understand exactly what is needed. He wondered if there would be any advantage to adding a limited number of occupants to the definition right after limited time.

Mr. Lloyd thought language could be crafted such as “improvised, limited residential housing”.

Chair Gitzen thought that would help so the church knew ahead of time that there is a limited amount of time and occupancy.

Ms. Gundlach indicated staff wanted to make sure to include the license section in the definition because the zoning requirements are in a completely separate chapter than the business requirements and staff wanted to make sure that it is referring to both. The conditions from the Fire Marshal limit it to 24 persons.

### **Public Comment**

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

### **MOTION**

**Member Kimble moved, seconded by Member Kruzel, to recommend to the City Council approval the proposed Zoning Code Amendment, based on the comments and findings of this report and the input offered at the public hearing.**

### **Commission Deliberation**

Member Kimble thought this is a good step forward and made sense.

Member Kruzel agreed and thought it was very worthwhile and easier on the churches to obtain what is needed and have more clarity.

Member Sparby indicated he did not feel comfortable with the proposal. All of the requirements put on the churches and not thoroughly analyzing whether that use is able to be looked at under the place of assembly in the Zoning Code. Also, the city

will be imposing a licensure fee on the churches and did not feel comfortable recommending this.

Member Pribyl indicated she did not have any comments other than knowing the extensive process this has already been through, she feels confident that staff and the city Council and churches have already had quite a bit of discussion on this and she would support the motion.

Chair Gitzen indicated he would support the motion. He thought staff did a great job putting this together.

**Ayes: 4**

**Nays: 1 (Sparby)**

**Motion carried.**

**7. Adjourn**

**MOTION**

**Member Sparby, seconded by Member Kruzel, to adjourn the meeting at 8:02 p.m.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**