



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, September 1, 2021 – 6:30 p.m.**

1. Call to Order

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

Members Present: Chair Kimble, and Commissioners Michelle Kruzel, Tammy McGehee, Erik Bjorum and Emily Leutgeb.

Members Absent: Vice Chair Michelle Pribyl, and Commissioner Karen Schaffhausen

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

3. Approve Agenda

The agenda, as presented, was approved by unanimous consent.

4. Review of Minutes

a. August 4, 2021 Planning Commission Regular Meeting

Chair Kimble noted Commissioner McGehee provided some changes to the meeting minutes which were for clarification and would be updated in the minutes.

Chair Kimble indicated she had a brief conversation with Ms. Gundlach that it seems the recorder is summarizing a little too much and there are some things that are omitted from the minutes and the way in which the conclusions are being reached are lacking some details.

Chair Kimble noted on line 290 the sentence should be “~~Member McGehee~~ Ms. Gundlach recapped the reason for the Shoreland Ordinance.”

Chair Kimble explained on line 662, “Chair Kimble explained she was a part of ~~this~~ the Comprehensive Plan process for the entire time...”

MOTION

Member McGehee moved, seconded by Member Kruzel, to approve the August 4, 2021 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.*

Chair Kimble reminded the Commission to complete the Commissioner Demographic Survey.

6. Other Business

- a. Preliminary Discussion Regarding Section Two Zoning Code Updates**

Community Development Director Gundlach explained the Commission is asked to being discussion regarding Section Two Zoning Code updates. She indicated staff recommends five priority topics, Sustainability, Racial equity and inclusion, Chapter 1017, Conditional Uses, and general housekeeping items. She reviewed the topics with the Commission and indicated this will go forward to the City Council on September 13th for discussion and she was not sure when it would come back to the Commission for further discussion.

Chair Kimble suggested the Commission start with the list in the packet and talk about them as organized with adding in comments as the Commission moves forward.

Member Kruzel indicated she sat on the Partners for Energy Project, and she thought that went to the City Council, or at least part of it did but was not sure how far that was moving along. She wondered if that would fit into this section of sustainability. She indicated there will be programs available.

Ms. Gundlach explained the City Council has adopted their energy action plan and there are lots of items in that plan that the City will be launching, sort of separate, from the Zoning Code update process. There may be opportunities as the City decides what to do on sustainability to reference some of the programs or initiatives that are included in the Energy Action Plan. Sustainability is in the City Council's City Policy Priority Plan and that document was adopted in June. There are some references to other things that will be amended as a part of the City documents related to the energy action plan. She noted this topic is going to be tricky because there are

some things that they can do in the Zoning Code but there are many things that they cannot, but it does not mean that the City is not already doing sustainability on a bunch of different other topics. There might be opportunities to build incentives into the Zoning Code.

Chair Kimble thought that was helpful. She thought it might be great to understand generally, if the Commission is in agreement, if the Commission would order the big topics the same as a starting point.

Member Kruzel thought that would be a great idea.

Member Bjorum asked if items three and four should be switched around. He thought conditional uses are always something that comes up with Zoning Code and issues with larger developments and seems to be a rather touchy topic.

Member Kruzel agreed that item four should go before item three.

Member McGehee indicated she would put item three with item one. She thought shoreland was a part of sustainability. She thought it was a part of the Commission's purview and she also thought that it is part of sustainability and that Public Works would like the Commission to address the issue.

Chair Kimble thought that was fair.

Member Leutgeb concurred that shoreline ordinance falls neatly, conceptually under the umbrella of sustainability, while acknowledging that it is a standalone chapter with the limitation of budget, that it is something to consider, not know the full scope of the budget.

Member McGehee indicated it is a part of zoning.

Chair Kimble directed that it made sense that shoreland is part of sustainability and would lump it up there.

Ms. Gundlach noted that consultant help on Chapter 1017 would be extremely important and valuable so if the Commission uses budget to do that she thought that their resources to update that would be really beneficial. The Conditional Uses might be something staff is much more able to tackle without the expertise of a consultant.

Mr. Paschke concurred and thought staff could take direction from the Planning Commission to search out different things at it relates to what amendments or additions might be needed within the CU category.

Chair Kimble asked Mr. Paschke if staff would look at other cities as a part of the research and contrast and compare with cities with similar development.

Mr. Paschke indicated the research would be more for what the conditional use is for, what it is related to and then search out other municipalities in the area with similar conditional uses and what does that municipality do. He thought staff would be looking to come up with specific conditions for certain things versus the general because the general are just standardized and there are many conditional uses that go through that process. They would be looking for things to try to gain some idea as to how different municipalities regulations might apply to their situation or what they are thinking about and then bring them forward for consideration and inclusion in City Code.

Ms. Gundlach thought sometimes it is helpful to just learn by getting some of those Conditional Uses and having to act on them. She thought a lot of the Conditional Uses the City has, the Code has been tweaked multiple times over the years as they review more Conditional Uses and find gaps or holes that they are trying to fix, learning from past mistakes.

1. Sustainability – Zoning requirements and/or incentives for zero-net energy buildings, electric charging stations, etc., landscaping requirements (prioritize use of natives) and tree preservation and/or diversity, screening regulations for solar arrays, revise minimum tree requirements for multi-family housing (current = 1/unit).

Chair Kimble reviewed with the Commission comments from Member Pribyl which includes landscaping and screening, multi-family would be worth discussing reducing the minimum number of trees per unit as long as there still is a sufficient number of trees provided. Solar Arrays make some sense to her. Arrays are on grade. Screening of rooftop arrays could cast shadows on the array on rooftop space as office is often limited. It might be a viable requirement for large industrial buildings, but she does not want to discourage small building owners from adding solar.

Ms. Gundlach indicated the screening for solar arrays, that came from a Council list and was specific to at grade arrays, not rooftop arrays.

Chair Kimble continued explained Member Pribyl had a list of things that could be done for EV charging stations, EV ready, PV/PV array, all electric buildings and incentives for buildings that are zero net energy.

Ms. Gundlach indicated a lot of the comments made by Member Pribyl, she notes sustainability measures that could be incentivized or required. One thing they will need to be aware of is State Statute prohibits the City from adopting any regulation that is more restrictive than the Building Code. They will need to be careful as the process moves along that they are not doing that and that is why staff likes to use the word incentive.

Member McGehee noted that the topic of screening originally came up on a specific site. It was up against a residential area, and they put a bunch of arrays up with chain link fence around it so she thought there should be some sort of attractive shield for that. She noticed Council was talking about covering parking areas and she wondered

about it. She has seen several small or multi-family units where they have covered parking, carport style, and the top is actually solar panels. She did not know if that would fit the requirement, but she knows the City cannot make anyone do this type of structure, but wondered if it could be something the City could ask of a project developer.

Ms. Gundlach indicated her understanding is the City cannot just outright require it but if the project did it there could be an incentive. Maybe an incentive that would help cover some of the increased costs. She indicated what she is envisioning is a type of sustainability worksheet because there are many things that people could do. She wanted to be careful that the City does not create incentives that devalues the property in some other way. If the Commission is interested in the sustainability topic than they could work with the consultant on what that worksheet might be and what the incentives might be in the Code in order to do it.

Member Bjorum thought it was geared toward the actual development of a project but there is something called Green Communities that St. Louis Park uses, and he thought that would be one thing they should definitely look at as a precedent to establish these things because it basically provides that checklist and a scoring chart to put them within a certain threshold.

Ms. Gundlach thought she was thinking the same thing and there is actually a green building code that the State has not adopted but she knew that could be a mechanism they City could use as well.

Chair Kimble indicated she really liked the idea of incentives, and she was sure there were a lot of examples. She thought if the Commission really wanted to advance sustainability and they want to have this incentive worksheet that would make a meaningful difference, she also would not hesitate to, once there is a draft, to get some input from developers because often times what the City thinks is an incentive is not always. She thought that would be a way to catch things that sometimes really are not as incentivizing as people might think.

Ms. Gundlach thought staff working with the consultant can definitely set up a couple of meetings with some developers to get ideas before staff brings something to the Commission.

The Commission liked the incentives and worksheet.

Member Leutgeb thought it was important that the City prioritizes the use of the consultant's expertise while they have it and to that point they knew this was an area of expertise from the consultant so she would retain this as a top priority to tackle with the consultants and in partnership with them.

Member McGehee explained she was struck while reading through the City Code the difference between green space for multi-family and requirements for nursing homes. The City is requiring 150 square feet for each resident and a significant amount of

parking and parking space per person or per unit/bedroom. It seems to her to make more sense to provide green space as going with each unit or bedroom, particularly when considering multi-family housing.

Chair Kimble asked if Member McGehee's point was that in senior housing there might not be as much parking required.

Member McGehee explained she was not talking about density. The Commission was talking about sustainability and more green space around multi-family, and she was pointing out that it was not specified in City Code, but it is specified for nursing homes.

Chair Kimble wondered if there could be different tiers such as multi-unit homes from 0-20 requiring one tree, etc. because they do not want to have the ratio such that it works for really large complexes but does not work for a smaller development.

Mr. Paschke suggested not having a tree per unit or that type of method that the City currently has. He thought it was no different than commercial. If the perimeter of the site is taken or square footage of a building and try to manage it that way, it should work out very well where it maximizes the ability to plant trees and get quite a few shrubs on most of those development sites.

Member Bjorum thought when the Commission starts to look at this more in depth, having precedence to look at that shows the extremes on both sides and one that is balanced will be really helpful to understand in how it is figured out.

Ms. Gundlach explained this is work that the consultant will be able to help them with because they have experience in a lot of different communities and can not only show them what other communities are doing but can give them the real live, how it actually has gone implementing and then they can take a Roseville site and show them what the City Code would require, show what possible other options are for Commission consideration that would require to help for visualization.

Chair Kimble thought that would be great because Roseville has had an abundance of senior housing, which is multi-family, but it has only been recently where the City has had a lot of new market rate that is coming on. She thought it would be interesting to see those cities that have had the past couple of years a little more market rate.

Member McGehee indicated while going through the information, the City's fee schedule for violations of the Code on trees is insufficient. There is nothing there where it states if staff goes out and marks trees for preservation and the developer violates what is in the Code, there is no significant financial punishment. She also thought staff should require more than a five-hundred-dollar escrow to reimburse the expense of overseeing the Code regulations.

Ms. Gundlach noted the City Council did look at the Tree Preservation Ordinance and the cash payments that are required with that ordinance were adjusted because they had single family home lots where they were requiring tree preservation payment of \$15,000 because once setbacks are applied there is only one place the house can go and that is where a couple giant trees are. If the City actually said the trees had to be kept than the lot is not buildable and that constitutes a taking so staff did look at what the monetary fees were, and the Council made an adjustment on single family lots. The Tree Preservation Ordinance is all based on total inches and then what can not be replaced a fee of \$500 per tree is imposed to not plant a tree but the Ordinance has a cap of ten percent of the value of the land. She noted the City has received tree preservation payments in excess of \$100,000 and that is unlike anything she has ever seen in any other community.

Member McGehee thought the City had a pretty good code in terms of protection of those trees and marking of trees which a homeowner or developer has agreed to preserve but something inadvertently goes wrong, and the tree is cut down. She did not think the solution is to charge the person \$100,000 or to plant eight-five trees. She thought there should be some punishment when staff has made the effort to mark trees and do the count, there has to be a penalty that makes the developer pay attention to those marked trees.

Chair Kimble asked if there was any way to monitor that process.

Mr. Paschke indicated staff monitors projects all the way through but that is not to say that somebody is not going to accidentally cut down a tree from time to time on a site but that goes into their formula and from time to time a formula has to be redone. He explained there is not any type of fee setup as a penalty for cutting down trees that were intended to preserve.

Ms. Gundlach explained staff would require the developer to redo their tree preservation plan to reflect the tree they said they were going to save that they did not save and that redoes their calculations.

Mr. Paschke clarified that the tree preservation plan is setup for development, predevelopment until things are done but post development, a homeowner can cut down a tree they do not like without penalties.

Member McGehee indicated she was not talking about trees in general, she was talking about heritage trees of which the City does not have many. Losing a heritage tree by whatever means ought to require something more than planting ordinary trees as substitutes.

Chair Kimble thought there was consensus around looking at how the multi-family tree preservation is calculated. It sounded like there was consensus around some screening for solar arrays and it seems to her to be a no brainer on electric charging stations. The Commission agreed that it would be great to have some kind of incentive worksheet. There is also the whole issue of shoreland, wetland and storm

water management, which she thought everyone agreed it needed to be looked at and that it is best looked at by the Consultants along with staff.

Member McGehee thought native plantings, particularly with the drought is one thing that has come up.

Ms. Gundlach explained that was one item that came out in one of their engagement sessions as a member of the community really wanted to push natives and the City's landscaping code does not specifically say natives but landscape architects who submit plans generally do not propose plans that are not suitable for this area. Staff thinks there might be opportunities in the City landscaping ordinances to be more specific about what they are asking for as it relates to natives.

Ms. Paschke agreed and was not sure what Member McGehee was referring to or what anybody refers to when native is said. He asked if that meant the wildflowers in the grasses that grew in the prairies that were here before the City developed as an urban community or would it be specific types of trees because over the years trees have been grown by various entities to be tolerant in this type of environment. He asked what would be native to them or other who have spoken about native.

Member McGehee thought some of "natives" are prairie materials that according to climate change are going to be moving into this area. When thinking about landscaping, to reduce the use of sprinklers and watering. A number of those products are available through Prairie Restoration as well as many other nurseries that carry "native" plants. In terms of trees, she did not know if she would use the word native there particularly, more she would use diversity, which she thought is what they are already talking about, so they do not have whole neighborhoods clear cut when they get the next tree plague.

Mr. Paschke thought the Code does speak to plantings that require less water and things, so it supports that. He noted the City is promoting native and prairie plantings in the landscaping plans for less watering.

2. Racial Equity and Inclusion – Definition of family/household/housekeeping unit, lot area, lot width, housing types, Subdivision Code barriers, expand LMDR (formerly LDR-2) areas.

Ms. Gundlach indicated if the Commission had any input on this topic that they felt was important to bring up then to do that, but she explained that some of the changes that are in Section One really speak to this topic and those are fairly significant items that may or may not get approved. The Commission might not want to spend a lot of time right now on this topic until the Section One updates are done.

Member Leutgeb wondered about some things around the definitions and really reviewing the Code or coded language, whether that lies within staff expertise as well or would that be an additional expertise that would be more beneficial for the consultants to review.

Ms. Gundlach indicated staff and the consultants debated a lot about whether or not the housing type changes that are in Section One should be talked about as Section One or Section Two. Staff ultimately decided to propose it to the Commission in Section One because staff felt it aligned with a lot of the general requirements about density and use knowing it could come out. She thought the point about protecting property values, that is certainly a concern for people, and it shows up in the City's Conditional Use criteria as well and a lot of that is very ambiguous and a lot of times that is used for reasons to oppose things without any sort of valid science behind it. She was not sure that they need to consultant to tackle some of that if what is in Section One actually passes.

Chair Kimble thought that was another reason for this topic to be shelved for the time being because the Commission will have a chance to discuss this in the future.

Member McGehee explained she wanted to talk about equity and whether they bring it forward or not because she did not see that affordable housing addresses equity at all, and the City has built a lot of affordable housing that certainly provides a lot of equity for the developer, but it does not provide any equity for the people that are using it and equity is what a lot of people are looking for. She noted when a property is foreclosed on the City has the opportunity to purchase that property and she thought the City should consider whether they use one of the outside operations, like Rondo Land Trust, to a kind of a land trust so that the City does not let those houses slip away from them and allow people to come in and build equity. She preferred the Land Trust Model to the Habitat for Humanity model because it brings a person in, gives them an opportunity to live there and then when they get on their feet they get the equity that has accrued during the time that they have lived there plus if they have approved improvements made to the home the person gets that as well so the person leaves with a little cushion to buy their own home and then the original home returns to another family that would like to do the same thing.

Chair Kimble asked if that was a Planning Commission issue or a City Council issue.

Ms. Gundlach explained she did not disagree with anything Member McGehee stated. All of those things are really important. She did not see the role in Zoning for those items but there is a role with the EDA, and they are talking about those issues right now. She indicated on September 20th the EDA is going to receive information on inclusionary housing and mixed income housing policies which basically require a certain amount of affordable housing with all housing development, and they are going to receive information about a Land Trust program. Staff thinks that is very important. The City's Policy Priority Plan on housing speaks specifically to doing Land Trust deals. Homeownership affordable deals moving forward. She was not sure that there was a role for the Planning Commission, but the Council has already set this as a priority and staff already agrees this is priority and the wheels are already in motion on these things.

Mr. Lloyd explained that while equity in a home certainly is a racial equity issue, it sounded like there was a little bit of conflation of those two ideas. The racial equity that the Zoning Code can help to advance, with eliminating the sort of subtle or in some cases accidental or coded ways that people of color have been kept out of communities, like Roseville, historically, and even though they appear to be race neutral provisions, their affects over time and their intentions early on, in particular have not been race neutral and addressing things like that which are in the Zoning Code is quite a bit wider than equity in housing stock but these are the kinds of things that the Zoning Code can start to address.

3. Chapter 1017 – Shoreland, wetland, and storm water management regulations.

Chair Kimble explained Member Pribyl thought it would be good to understand what the differences are between the City and watershed requirements, what is the impact of an alignment, could there be incentives that might go beyond minimum watershed and thought it would be good to look at the Shoreland Ordinance relative to the Minnesota DNR Model Ordinance.

4. Conditional Uses – Create criteria for newly established CUs for density, building height, ensure general CU criteria are still valid/appropriate.

Chair Kimble asked about the idea of parking standards and having the minimum number of covered parking for multi-family and if that was something staff thought was important and should added.

Ms. Gundlach indicated staff could add that because covered parking for multi-family is required in many communities, not in Roseville but could be added for review.

5. General Housekeeping Items – Revise definitions of fence, bed, and breakfast, lodging assisted living and/or memory care, address institutional housing types (convent, rectory, housing affiliated with religious institutions).

Chair Kimble thought this was a really good discussion and there was consensus of the Commission.

7. Adjourn

MOTION

Member Kruzel, seconded by Member McGehee, to adjourn the meeting at 7:51 p.m.

Ayes: 5

Nays: 0

Motion carried.