

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, State of Minnesota, was held on the 11th day of August 2014 at 6:00 p.m.

The following Members were present: Willmus, Laliberte, Etten, McGehee, and Roe and none were absent.

Council Member McGehee introduced the following resolution and moved its adoption:

RESOLUTION NO. 11168

**A RESOLUTION APPROVING A MINOR SUBDIVISION AND A VARIANCE TO
§1004.08C (IMPROVEMENT AREA) OF THE ROSEVILLE CITY CODE AT
990 COUNTY ROAD B (PF14-017)**

WHEREAS, John Ellering, owner of the property at 990 County Road B, which is legally described as;

PID: 14-29-23-22-0002

Tract B, Registered Land Survey No. 56, Ramsey County, Minnesota

And WHEREAS, Mr. Ellering has applied for approval of a minor subdivision of said Tract B into two parcels; and

WHEREAS, the Roseville City Council held the duly-noticed public hearing for the proposed minor subdivision on August 11, 2014 and, after receiving and reviewing the proposal, staff analysis, and public testimony, found that the minor subdivision would meet all applicable requirements of the subdivision code and would not compromise the public health, safety and general welfare; and

WHEREAS, Roseville City Code §1004.08C limits impervious surfaces to 30% of the area of the subject property; and

WHEREAS, the existing impervious surfaces on the property, when situated on Parcel A of the proposed subdivision, would equal approximately 35% of the area of Parcel A; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a VARIANCE is “to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the [code];” and

WHEREAS, the Roseville City Council held the duly-noticed public hearing for the requested variance on August 11, 2014 and, after receiving and reviewing the proposal, staff analysis, and public testimony, the City Council has made the following findings:

- a. The practical difficulty stems from the fact that zoning and subdivision codes are not intended to preclude the subdivision of the subject property even though the subdivision cannot be approved without a variance to at least one applicable development standard in the zoning and/or subdivision codes;
- b. The proposal is generally consistent with the Comprehensive Plan in that the proposed parcels fall within the density range established in the LR land use category and a future new home represents the sort of continued investment promoted by the Comprehensive Plan’s goals and policies for residential areas;
- c. The proposal is consistent with the intent of the zoning ordinances because the impervious coverage limits are intended to prevent adverse impacts from excessive amounts of storm water runoff, and runoff from the excess impervious surface on Parcel A can be addressed by mitigating the storm water within Parcel A’s boundaries;
- d. The proposal makes reasonable use of the subject property because the subdivision would create conforming parcels for one-family, detached dwellings which would be consistent with the surrounding properties;
- e. The property possesses the kind of unique characteristics that justify approval of the requested variance in that the existing lot was created in 1954 as one of four tracts in Registered Land Survey (RLS) 56 which, given the size of the lot, the double frontage on Burke Avenue and County Road B, and the subdivisions of the three other tracts of RLS 56, seems to have been configured for subdivision in the future, and the rights-of-way standards were not established until 1956 and, further, while the house was built in 1957 the impervious coverage limits were not established until 2001; and
- f. The proposed subdivision and the existing improvements which would exceed 30% of the area of the new Parcel A appear to be very similar to the existing improvements and parcel configurations of the subject property’s neighbors, so approval of the requested variance would not alter the character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Roseville, Minnesota, that the minor subdivision of the subject property into two conforming parcels and the variance to the impervious coverage limit on Parcel A are hereby approved with the following conditions:

- a. Parcel A shall dedicate 10 feet of right-of-way for County Road B, Parcel B shall dedicate 30 feet of right-of-way for Burke Avenue, and drainage and utility easements shall be dedicated in conformance with the standards of City Code §1103.04;
- b. Both parcels shall conform to the minimum parcel size standards of City Code §1103.06;
- c. The applicant shall complete the Residential Storm Water Permit process to install and maintain a storm water BMP to mitigate the excess impervious surface coverage of the existing improvements on Parcel A, including the existing sheds or an equivalent replacement, if desired, within 30 days of filing the subdivision with the Ramsey County Recorder; and
- d. If the existing sheds are to be kept with the other existing improvements on Parcel A, they shall be relocated within the new parcel boundaries to comply with applicable setback and easement requirements. Otherwise, the unused shed(s) shall be removed from the property within 30 days of filing the subdivision with the Ramsey County Recorder.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Etten and upon a vote being taken thereon, the following voted in favor: Willmus, Laliberte, Etten, McGehee, and Roe; and none voted against.

WHEREUPON said resolution was declared duly passed and adopted.

Res
11168



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Certified, filed and/or recorded on
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Existing Certs

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