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**EXTRACT OF MINUTES OF MEETING OF THE  
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 3<sup>rd</sup> day of June 2020, at 5:30 p.m.

The following Members were present: Members Kruzel, Pribyl, and Chair Sparby; and none was absent.

Variance Board Member Kruzel introduced the following resolution and moved its adoption:

**VARIANCE BOARD RESOLUTION NO. 145**

**A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1011.03.A.3.e.ii, PERTAINING TO MULTI-FAMILY TREE INSTALLATION REQUIREMENTS AND §1011.03.A.3.e.v PERTAINING TO SHRUB INSTALLATION FOR THE OASIS AT TWIN LAKES STATION (PF20-008)**

WHEREAS, the subject property is legally described as:

Lot 1, Block 1, Twin Lakes 3<sup>rd</sup> Addition

WHEREAS, City Code §1011.03.A.3.e.ii requires multi-family residential projects to install one canopy or evergreen tree per residential dwelling unit; and

WHEREAS, City Code §1011.03.A.3.e.v requires the greater of the following:

- 6 shrubs per 1000 square feet of gross building floor area; or
- 6 shrubs per 50 lineal feet of site perimeter.

WHEREAS, the site, based upon all landscaping requirements would be required to install 228 trees and 2,783 shrubs; and

WHEREAS, Roseville Leased Housing Associates I, LLP a subsidiary of Dominion, Incorporated, has hired a landscape architect (BKV Group) to design the landscape plan for The Oasis, which is capable of supporting 132 trees and 1,360 shrubs and perennials when basing tree location and spacing on generally-accepted industry standards to ensure healthy, long-term growth and maturity of all planted trees and shrubs; and

WHEREAS, Roseville Leased Housing Associates I, LLP, owner of The Oasis, requests a variance to §1011.03.A.3.e.ii and §1011.03.A.3.e.ii to allow planting of 132 trees and 1,360 shrubs and perennials when 228 trees and 2,783 shrubs and perennials would normally be required, the reduction requested to ensure long-term health and sustainable landscaping practices on the site without compromising tree and shrub growth potential and ensuring mature-sized trees develop in the long-term; 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 zoning;" and

WHEREAS, the Variance Board has made the following findings:

- a. *The proposal is consistent with the Comprehensive Plan.* The Variance Board finds the proposed development is consistent with the 2040 Comprehensive Plan's Goals and Strategies as The Oasis achieves compliance with the following Plan Strategies:
1. Create flexible development standards for new residential developments that allow innovative development patterns and more efficient densities that protect and enhance the character, stability, and vitality of residential neighborhoods.
  2. Develop zoning regulations and policies to provide for a variety of housing types and densities to support a wide range of housing alternatives for current and future residents. This includes housing types that are sensitive to the cultural diversity of the city.
  3. Establish public-private partnerships to ensure life-cycle housing throughout that city to attract and retain a diverse mix of people, family types, economic statuses, ages, etc.
  4. Encourage improvements to the connectivity and walkability between and within the community's neighborhoods, gathering places, and commercial areas through new development, redevelopment, and infrastructure projects.
  5. Promote and support the redevelopment of physically and economically obsolete or underutilized property.
  6. Revise the commercial zoning districts to reflect the mixed-use development priorities expressed in this Plan.
- b. *The proposal is in harmony with the purposes and intent of the zoning ordinances.* The Variance Board has determined the proposed landscape plan for The Oasis is in harmony with the purpose and intent of the zoning ordinance. The zoning ordinance requires each new development to provide landscaping of trees and shrubs. The Oasis landscape plan puts forth a reasonable amount of landscaping for the subject lot. Specifically, the landscape plan maximizes the required green space with installation of 132 trees that can properly grow to maturity and 1,360 shrubs and perennials that have been designed to take advantage of their location and compliment aspects of the development site. The proposed landscape plan was based upon generally-accepted industry standards for landscaping and utilized all available green space. And, in regards to trees, the Code standard is predicated on providing trees based on the number of residential dwelling units only, with this standard being impractical and unrelated to available green space after factoring in all other zoning requirements. For these reasons, the Variance Board finds this multifamily proposal is reasonable and compliance with the requirement of one tree per dwelling unit would pose a practical difficulty for the applicant based upon compliance with all other zoning ordinance requirements.
- c. *The proposal puts the subject property to use in a reasonable manner.* The Variance Board has determined a landscape plan maximizing required green space with 132 trees and 1,360 shrubs and perennials, allows the trees and shrubbery/perennials to properly grow without compromising each other as growth gets closer to mature-sized trees constitutes reasonable use of the property.

- d. *There are unique circumstances to the property which were not created by the landowner.* The proposed lot for The Oasis is not necessarily unique, but it does contain a limitation with the adjacent drainage ditch and its related easement area. Assuming the ditch stays open (not put into a pipe), the easement area will be used to maintain the drainage ditch and would be minimally landscaped. If the Rice Creek Watershed determines replacing the open ditch with a culvert is more appropriate, then it may be possible to plant additional trees and shrubs, but that will be a future. To that point, the applicant has agreed to financially contribute to construction of a trail and landscaping (to include trees and shrubs), should the Watershed proceed with the culvert improvement. The Variance Board would contend the Code requirement of §1011.03.A.3.e.ii is the unique circumstance driving the variance, coupled with the drainage ditch and its related easement area limiting opportunities for installation of landscaping. Also, a commercial/office development on a larger lot just south of the subject development would be required to install a maximum of 55 trees and 325 shrubs per the Code stipulations. The requirements in §1011.03.A.3.e.ii and §1011.03.A.3.e.v result in a much greater standard for tree and shrub installation, due to the residential use, that does not appear to take into account limiting factors of a site development or redevelopment such as easements, available green space, and tree planting standards, all of which impact the amount of trees and shrubs a lot can sustain.
- e. *The variance, if granted, will not alter the essential character of the locality.* The Variance Board has determined, although this variance seeks a deviation from §1011.03.A.3.e.ii of 96 trees and from §1011.03.A.3.e.v of 1,423 shrubs, the proposed landscape plan provides the maximum number of trees at maturity and the maximum number of shrubs and perennials based on spacing standards, yet exceeds its counterpart commercial/office development on a larger lot to the south by 77 trees and 135 shrubs and perennials. The proposed landscape plan accounts for other Code requirements intending to enhance or beautify the site development. Based on these items, the Planning Division staff has determined the variance, if granted, will not alter or significantly change the character of the property or the adjacent neighborhood, which is primarily commercial and/or industrial in nature.
- f. Section 1009.04 (Variances) of the City Code also explains that 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 zoning."* The proposal appears to compare favorably with all of the above requirements essential for approving this variance. Specifically, upon achieving proper tree spacing requirements, only 132 trees can be planted before crowding each other and potentially damaging the remaining required landscaping over time, and only 1,360 shrubs and perennials can be planted to ensure their proper spacing and growth. The number of trees, shrubs, and perennials a site can support directly relates to the land area remaining after meeting Design Standards and Regulating Plan requirements of the Commercial and Mixed-Use District. Further, the Code requirement for multifamily seems excessive when compared to what is required for commercial/office development on a similarly sized lot or even compared to what is required for single family development.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variance to §1011.03.A.3.e.ii, multi-family tree requirements and §1011.03.A.3.e.v shrub installation requirements of the Roseville Zoning Code to allow the installation of 132 trees when 228 trees would normally be required, or a variance of 73 trees, and to allow installation of 1,360 shrubs/perennials when 2,783 would normally be required, or a variance of 1,423 shrubs/perennials, based on the proposed plans, the testimony offered at the public hearing, the above findings, and subject to the following condition:

- a. The final landscape plan shall include a minimum of 132 trees, 1,360 shrubs/perennials, and be substantially similar to the plan attached to the RVBA dated June 3, 2020.

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member Pribyl and upon vote being taken thereon, the following voted in favor: Members Kruzel, Pribyl, and Chair Sparby; and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

