



Doc No **A04882878**

Certified, filed and/or recorded on
May 11, 2021 8:46 AM

Office of the County Recorder
Ramsey County, Minnesota
Todd J. Uecker, County Recorder
Heather L. Bestler, County Auditor and Treasurer

Deputy 315

Pkg ID 1446541M

Document Recording Fee Abstract	\$46.00
<i>Document Total</i>	\$46.00

**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 3rd day of June 2020, at 5:30 p.m.

The following Members were present Member Michelle Kruzel, Member Michelle Pribyl, and Chair Peter Sparby;
and none was absent

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

VARIANCE BOARD RESOLUTION NO. 148

**A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1011.03.A.3.e.ii,
PERTAINING TO MULTI-FAMILY TREE INSTALLATION REQUIREMENTS
AT 2740 FAIRVIEW AVENUE (PF20-012)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 04-29-23-43-0016, and is legally described as:

Lot 1, Block 1, Fairview Avenue 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, the site, based upon all landscaping requirements would be required to install 136 trees; and

WHEREAS, Reuter-Walton has hired a landscape architect to design the landscape plan for the Isaac, which is capable of supporting 63 trees and 810 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

WHEREAS, Reuter-Walton, owner of the Isaac and the property at 2740 Fairview Avenue, requests a variance to §1011.03.A.3.e.ii to allow planting of 63 trees rather than 136 trees, ensuring long-term health and sustainable landscaping practices on the site without compromising tree 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 Isaac 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. 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.
 4. Promote and support the redevelopment of physically and economically obsolete or underutilized property.
 5. 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 Isaac 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 Isaac landscape plan puts forth a reasonable amount of landscaping for the subject lot. Specifically, the landscape plan maximizes the required green space and includes installation of 63 trees that can properly grow without compromising each other as growth get closer to mature-sized trees. 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 63 trees, coupled with other planting materials, and allows the trees 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 property at 2740 Fairview Avenue is not unique, however the Variance Board would contend the Code requirement of §1011.03.A.3.e.ii is the unique circumstance driving the variance. Specifically, a commercial/office development on a similarly sized lot just south of the subject development was required to install only 41 trees per its Code stipulation. Further, 63 single family lots could be developed meeting the same threshold of 63 trees, yet covering far greater land area. The requirement in §1011.03.A.3.e.ii is a much greater standard for tree installation that does not appear to take into account limiting factors of a site development or redevelopment such as maximum density allowances, easements, available green space, and tree planting standards, all of which factor into the amount of trees a lot can reasonably 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 73 trees, the plan provides the maximum number of trees at maturity and exceeds its counterpart commercial/office development on a similarly sized lot to the immediate south by 23 trees. The proposed overall landscape plan accounts for all other Code requirements put in place to enhance or beautify the site development with landscaping. Based on these items, the Variance Board 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 63 trees can be planted before crowding each other and potentially damaging the remaining required landscaping over time. The number of trees 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 multi-family 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 variances to §1011.03.A.3.e.ii of the City Code; based on the proposed plans, the testimony offered at the public hearing, the above findings, subject to the following condition:

- a. The final landscape plan shall include a minimum of 63 trees and be substantially similar to the landscape plan attached to RVBA dated June 3, 2020.

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

WHEREUPON said resolution was declared duly passed and adopted.

Variance Board Resolution No. 148 – 2740 Fairview Avenue (PF20-012)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said Roseville Variance Board held on the 3rd day of June 2020.

WITNESS MY HAND officially as such Manager this 3rd day of June 2020.





Patrick Trudgeon, City Manager