

**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 March 2021, at 5:30 p.m.

The following Members were present: Members Pribyl, Kruzal and Schaffhausen; and none were absent.

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

VARIANCE BOARD RESOLUTION NO. 154

**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 TWIN LAKES SENIOR (PF21-002)**

WHEREAS, the subject property is legally described as:

Lot 2, Block 1, Twin Lakes 3rd 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 277 trees and 1,829 shrubs; and

WHEREAS, Roseville Leased Housing Associates II*, LLP a subsidiary of Dominion, Incorporated, has hired a landscape architect (BKV Group) to design the landscape plan for Twin Lakes Senior, which is capable of supporting 124 trees and 543 shrubs and perennials when basing tree and shrubbery 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 II, LLP, owner of Twin Lakes Senior, requests a variance to §1011.03.A.3.e.ii and §1011.03.A.3.e.v to allow planting of 124 trees and 543 shrubs and perennials when 277 trees and 1,840 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 Twin Lakes Senior 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 Twin Lakes Senior is in harmony with the purpose and intent of the zoning ordinance. Specifically, the landscape plan maximizes the sites green space with the installation of 124 trees that can properly grow to maturity based on national tree planting standards, and thus puts forth an equitable number of trees for the subject lot. Similarly, a minimum of 543 shrubs and perennials will be designed to take advantage of their location and compliment aspects of the development site. Staff would further note the proposed tree planting plan was developed based upon the remaining green space suitable for trees, whereas the Code standard is predicated on providing trees based upon the number of residential dwelling units only. Likewise, the Code only considers the building's overall square footage as a standard for requiring shrubs and perennials to be planted on the Twin Lakes Senior site, and does not consider more germane factors like remaining green space and planting standards. For these reasons, the Variance Board finds this proposal is consistent with the intent of the zoning ordinances and a variance is warranted as the applicant has demonstrated a practical difficulty from complying with the tree installation standard
- 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 a minimum of 124 trees and 543 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 lot on which Twin Lakes Senior will be constructed is not necessarily unique, however the Planning Division staff would contend the Code requirement of §1011.03.A.3.e.ii and §1011.03.A.3.e.v are the unique circumstance driving this variance. To this point, a commercial/office development on a larger lot directly 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 maximum deviation from §1011.03.A.3.e.ii of 103 trees and from §1011.03.A.3.e.v of 1,296 shrubs, the proposed landscape plan provides the maximum number of trees at maturity and will provide for 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 Variance Board has determined the variance, if granted, will not alter or significantly change the character of the property or the adjacent neighborhood.
- 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 Twin Lakes Senior proposal appears to compare favorably with all of the above requirements essential for approving this variance. Specifically, upon achieving proper tree spacing requirements, it appears only 124 trees and 543 shrubs can be planted before crowding each other and potentially damaging the remaining required landscaping over time. 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 124 trees when 277 trees would be required, or a variance of 153 trees, and to allow installation of 543 shrubs/perennials when 1,840 would be required, or a variance of 1,297 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 for Twin Lakes Senior shall include a minimum of 124 trees; a minimum of 543 shrubs; and be substantially similar to the preliminary landscape plan attached to the RPCA dated March 3, 2021.

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

WHEREUPON said resolution was declared duly passed and adopted.

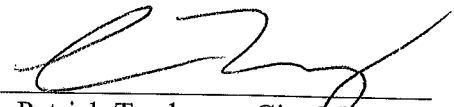
Variance Board Resolution No. 154 – Twin Lakes Senior (PF21-002)

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 March 2021.

WITNESS MY HAND officially as such Manager this 3rd day of March 2021.

SEAL



Patrick Trudgeon, City Manager