

Commissioners:

James Bull
Chuck Gitzen
Julie Kimble
Michelle Kruzel
Michelle Pribyl
Peter Sparby



**Planning Commission
Agenda**
Wednesday, July 10, 2019
6:30pm

Address:
2660 Civic Center Dr.
Roseville, MN 55113

Phone:
651-792-7080

Website:
www.cityofroseville.com/pc

1. Call To Order
2. Roll Call
3. Approval Of Agenda
4. Review Of Minutes

Documents:

[JUNE 5, 2019 MINUTES.PDF](#)

5. Communications And Recognitions
 - 5.A. From The Public:
Public comment pertaining to general land use issues not on this agenda.
 - 5.B. From The Commission Or Staff:
Information about assorted business not already on this agenda.
6. Public Hearing
 - 6.A. Public Hearing And Consideration Of A Proposed Amendment To Section 1009.02.D.12,
Drive Through Facilities (PROJ0017-Amdt 36)

Documents:

[6A REPORT AND ATTACHMENTS.PDF](#)

7. Other Business
 - 7.A. Consider Agenda For Upcoming Joint City Council Meeting

Documents:

[7A REPORT.PDF](#)

8. Adjourn



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, June 5, 2019 – 6:30 p.m.**

- 1 **1. Call to Order**
2 Chair Bull called to order the regular meeting of the Planning Commission meeting at
3 approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.
4
- 5 **2. Roll Call**
6 At the request of Chair Bull, City Planner Thomas Paschke called the Roll.
7
- 8 **Members Present:** Chair James Bull; Vice Chair Chuck Gitzen, and Commissioners,
9 James Daire, Julie Kimble, Michelle Kruzel, Michelle Pribyl, and
10 Peter Sparby
11
- 12 **Members Absent:** None
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- 14 **Staff Present:** Senior Planner Bryan Lloyd
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- 16 **3. Approve Agenda**
17
- 18 **MOTION**
19 **Member Daire moved, seconded by Member Sparby, to approve the agenda as**
20 **presented.**
21
- 22 **Ayes: 7**
23 **Nays: 0**
24 **Motion carried.**
25
- 26 **4. Review of Minutes**
27
- 28 **a. May 1, 2019 Planning Commission Regular Meeting**
29 Member Daire stated he wanted to commend the secretary for the phenomenal work.
30 He stated on page 29, line 1327, Testimony of Mr. Craig Klausing, the word at the
31 very end of the sentence is “subjectively” and should be “objectively”.
32
- 33 Member Kimble stated on line 844, a minor change. She indicated it should read
34 “any less density could be achieved ~~her~~ here...”. Line 1680 Member Pribyl had
35 recused herself and should be Member Kruzel. She also believed on line 1684 it was
36 Cecil Bedor that made the statement and not Ms. Stockstrom.
37
- 38 Member Pribyl stated on line 1372 the comment was also made by Member Kruzel
39 because she was gone. Line 209, she did not leave the meeting until between the
40 lines 589 and 590.
41

42 **MOTION**

43 **Member Kimble moved, seconded by Member Pribyl, to approve the May 1,**
44 **2019 meeting minutes.**

45
46 **Ayes: 7**

47 **Nays: 0**

48 **Motion carried.**
49

50 **5. Communications and Recognitions:**

- 51
52 **a. From the Public:** *Public comment pertaining to general land use issues not on this*
53 *agenda, including the 2040 Comprehensive Plan Update.*

54
55 None.

- 56
57 **b. From the Commission or Staff:** *Information about assorted business not already on*
58 *this agenda, including a brief update on the 2040 Comprehensive Plan Update*
59 *process.*

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61 Chair Bull reminded the Commission of the joint meeting with the Council on July
62 22, 2019.

63
64 Senior Planner Lloyd stated part of the intention would be to discuss at next months
65 meeting, July 10th, items for conversation at the joint Council meeting. Feel free to
66 bring suggestions for that meeting as well.
67

68 **6. Project File 0037: 2040 Comprehensive Plan Update**

- 69
70 **a. Review and Consider Proposed Edits To Draft 2040 Comprehensive Plan In**
71 **Response To Review Letter From Metropolitan Council**

72 Senior Planner Lloyd summarized the request as detailed in the staff report dated June
73 5, 2019.

74
75 Consultant, Ms. Erin Purdue was at the meeting and reviewed significant changes that
76 were made to the 2040 Comprehensive Plan.
77

78 Member Sparby stated in terms of process, since the Met Council has changes at this
79 point, since the City has gone through an extensive process of seeking public input
80 and other things, what is now the process for if the City makes a change.
81

82 Ms. Purdue stated the Met Council does not require another public hearing or another
83 resolution. Most of the changes are not substantive enough to warrant another public
84 engagement but the City could do another public hearing if it wanted to.
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86 Chair Bull thought the changes were more getting items in sync or there was an
87 adjustment to the job number that the Met Council was dictating that the City update.
88

89 Member Sparby asked if the City were to reject one of the suggestions of the Met
90 Council what then would be the process.

91
92 Ms. Purdue stated as part of the resubmittal process she would write up a letter back
93 to them explaining how the City responded to all of the comments so if the City
94 decided not to make one of the changes she would document the rationale for that and
95 make a case for that to the sector rep. and then ultimately the full Council. She
96 thought the big ones have already been covered.

97
98 Member Sparby stated he was curious about the discretion of the suggestions to the
99 City plan.

100
101 Ms. Purdue stated in the letter there were requirements and also advisory comments
102 and the advisory comments do not have to be addressed and some of those have been
103 disputed with other communities she has worked with.

104
105 Chair Bull stated it looked like each section from the Met Council letter also included
106 a contact name and phone number in case there were some questions that needed to
107 be discussed.

108
109 Ms. Purdue stated that was correct. She stated the City has had some discussions
110 with a few different people at the Met Council already.

111
112 Ms. Purdue reviewed the forecasts with the Commission.

113
114 Member Pribyl stated she is used to seeing floor area ratios expressed as a ratio and
115 she asked if the floor area ratio on the forecast expressed as a percentage.

116
117 Ms. Purdue indicated it was. The Met Council prefers it that way in order to do easy
118 multiplication. She stated the F.A.R.'s were given from a survey of existing
119 developments in the City and other cities in the Metro region just to get a feel for
120 what kind F.A.R. the City expects for these types of uses.

121
122 Member Gitzen asked when the term F.A.R. is used is it defined somewhere for
123 people who do not deal with this regularly.

124
125 Ms. Purdue did not think a definition was included in the plan but would be
126 something easy to include.

127
128 Member Gitzen thought it would be nice to define the acronyms as a part of the plan.

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130 Ms. Purdue stated it could be defined in the plan.

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132 Member Kimble asked what the formula was to get the actual employees because the
133 densities have changed so much, at least in office space.

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Regular Planning Commission Meeting

Minutes – Wednesday, June 5, 2019

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Ms. Purdue stated the number of acres was taken and multiplied by the yield percent so that percentage is the amount of the district that is expected to develop as non-residential so in the Mixed Use Districts the City had a ten percent residential minimum so it was assumed that ninety percent of it is non-residential and it is multiplied by whatever area is left by the F.A.R. to get the square footage of whatever the buildout might take place.

Member Kimble thought the chart showed really high densities for office. Those amounts have gone down to 160 on average, 180 on the high side.

Ms. Purdue stated she could check on the date of those and there is enough wiggle room in those where the office would be located at. She stated the rest of mixed-use categories are for retail.

Chair Bull asked if there was any allocations for remote workers now.

Member Kimble thought that is where the 160 to 180 comes into play with the reduction of office space needed. She stated this is open plan versus demised offices.

Member Daire asked if these numbers would give the City a high.

Member Kimble stated the numbers would actually give a lower employee count. She thought it was obvious for the office.

Ms. Purdue stated even if the numbers for everything was reduced except Community Mixed Use drastically, the Community Mixed Use category in itself produces enough employment to meet the forecast.

Member Kimble stated the area would increase because instead of each employee getting 400 square feet, those employees might get 180. She indicated she did not see the column on the chart originally.

Ms. Purdue reviewed the Land Use changes with the Commission.

Member Kimble asked if the change impacts any redevelopment in the low density.

Mr. Lloyd stated the overlay shown; the buffer area that is surrounding the BRT stations encompasses much more land than the minimum density requirement actually applies to. That would only apply to these areas marked with the blue hash tag (development or redevelopment area) coding. Those would be the HarMar property and some areas across the street. Not in that same buffer area is Twin Lakes and some other places. It would not affect any development on any properties that don't have that expectation to be redeveloped in the next twenty years or do not have additional developments expected in the next 20 years.

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Member Gitzen stated when looking at Chapter 13, Action and Strategies, one of the things listed is an implementation strategy. It looks like the area on the chart being shown has already been developed.

Ms. Purdue stated it would have to be implemented in a Zoning Ordinance so that is what that implementation strategy is referring to. She stated it was created on the Comp. Plan future land use map but when the Zoning Ordinance is redone it will have to be in there also.

Member Gitzen asked if that was a potential BRT Overlay area.

Ms. Purdue indicated that was correct.

Mr. Lloyd stated it is the expression of a policy to create one and then the actual overlay would be in the Zoning Code.

Member Gitzen stated he assumed the WSB is coming off of the corner of this map.

Ms. Purdue stated it could be taken off.

Ms. Purdue stated in the process of updating the map it was discussed with staff and there were a few development or redevelopment areas that were removed from the map. The previous version had scattered single family residential sites within there and were based on vacant lots and there was no basis to say whether those were going to redevelop or not so those were removed. That helped the density calculations quite a bit to remove the low-density stuff. Also, neighborhood mixed use sites were removed as well because it is not expected to redevelop.

Member Kimble asked if that answered the comment that stated Neighborhood Mixed Use allows for mix, the plan needs to provide defined share of individual land uses within the category. She asked how many of those were taken out.

Ms. Purdue stated the only one that was removed from the redevelopment sites was neighborhood mixed use. The category is still there on the map but there are not any development or redevelopment expectations in the neighborhood mixed use. The District is still there, and changes were made to talk about the expected percentages between residential and non-residential but there was not anymore detail then that. That is reflected in the use tables.

Member Gitzen asked if the maps will be updated as part of the 2040 Comp. Plan.

Mr. Lloyd stated the maps could be updated but once the plan is adopted staff will not update it because it will become out of date increasingly as time goes on, but staff could make sure the latest land use facts are represented on the map.

Ms. Purdue reviewed the changes to the Land Use table with the Commission.

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Member Kimble asked if any of Roseville single family homes to Low Density count towards affordable if under a certain price or value.

Ms. Purdue stated it does not. The Met Council is looking at new affordable housing and not the existing homes.

Ms. Purdue stated the major change in the housing edits was the addition of some language related to Manufactured Housing preservation. She stated the City had a pretty robust housing implementation matrix in the plan and the description of all of the tools the City would be willing to use and one of them that the Met Council pointed out that needed to be added was some description of whether or not it was a priority for the City to preserve Manufactured Housing because it was a source of naturally occurring affordable housing. In talking with staff some language was developed but would like to discuss it.

Chair Bull stated in regard to the Land Use there were several items that had the asterisk and he wanted to confirm that Ms. Purdue received what she needed.

Ms. Purdue stated the Neighborhood Mixed Use category; the revised tables and the BRT overlay were the major things she wanted to go over. She indicated she received everything she needed.

Mr. Lloyd stated one more thing he remembers before moving on, there is a artifact of timing as much as changing regulation but there is a couple of large undeveloped lots between Snelling Avenue and Snelling Curve and the current 2030 plan shows that as Medium Density Residential and the Zoning Code has it as Medium Density Residential but the Comprehensive Plan update process over the last couple of years had that slated to change to Low Density and in the meantime there have been some people working on a redevelopment in the Medium Density development on the northern half or two thirds of that site. Until the zoning changes from Medium Density to Low Density that is a permitted project going forward.

Mr. Lloyd stated the version shown of the Land Use map reverts the area to a Medium Density because there is an ongoing development project that there has been an application process going on. In light of the fact that it is an ongoing project and would either become a legal non-conforming development as soon as the Comprehensive Plan and Zoning change and that permitted project is in the ground or the City would have to come back and sort of reguied it and rezone it for Medium Density so it is not a legal non-conforming development after it has changed. He stated staff is suggesting that it is maybe best at this point to leave it as a Medium Density site, again in recognition of a development that is working its way forward as opposed to changing it to Low Density.

Member Pribyl asked because that is partially in the Overlay District, given the fact that the development is slightly in process, does that mean that the higher density would not apply to them if this was later adopted.

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Mr. Lloyd indicated that was correct. He stated up until the time the City has a Zoning Code amendment that creates the BRT overlay with that higher minimum density the standard density is in control.

Member Gitzen asked what the area is zoned now.

Mr. Lloyd stated it is zoned Medium Density now.

Member Gitzen thought that was what the Planning Commission was suggesting but the City Council was thinking residential.

Mr. Lloyd indicated he did not remember the order of events, but he did remember the series of open house meeting that were held a year and a half ago about various places that were changing a land use designation and that was one of them.

Member Kimble asked how the red line was drawn because is there anything that says lots should not be divided or parcels, that it should follow lot lines.

Ms. Purdue thought when the City gets to the Zoning stage the City would evaluate that and not have split zoning on a parcel. The red line on the map is simple a half mile buffer around the BRT stations. She thought the one site Mr. Lloyd was talking about is the only redevelopment site that is cut by that line or at least that one and one other but those refinements can be made on the Zoning map.

Member Kimble asked if the language that describes the buffer in the Comp. Plan define that it is generally at this point one half mile radius or whatever so it will be recognized that some tightening will be occurring.

Mr. Lloyd stated it is a fair observation that these are half mile radius' around a given point which does not really describe exactly where the stop and start is.

Member Daire stated it was his understanding that the half mile radius around the BRT stations is to encourage higher density development where it incurs in order to support the BRT concept. He wondered if that was correct.

Ms. Purdue indicated it was correct.

Member Daire stated it is not a buffer between single family residential and the BRT zone.

Mr. Lloyd stated the was correct, it was not intended to be a land use gradient buffer as much as it is to make sure the City is taking advantage of the transit services that are there.

Member Daire asked if Snelling Avenue considered a potential corridor for light rail development and the BRT is going in there as an alternative to light rail or a precursor to light rail if the ridership built up.

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Mr. Lloyd stated he was not aware of that.

Ms. Purdue stated she had not heard that.

Ms. Purdue reviewed the Housing Section with the Commission and indicated Roseville’s housing section did much better than others in terms of being specific about what kinds of tools the City is going to use to help support affordable housing. The only major thing other than correction to tables was the inclusion of Manufactured Housing Communities and how the City wanted to handle the existing communities.

Ms. Purdue stated she and staff had some conversations about this and developed some language that is included in this draft before the Commission that basically recognizes that manufactured housing is an important source of existing affordable housing and that the City may use any of the other tools that are mentioned in the chapter to preserve that housing type. She stated it did not get much more specific than that. She stated it can get more specific but wanted to bring that to the Commission for some discussion.

Member Kimble asked if the only manufactured housing the City has across the street from City Hall.

Mr. Lloyd indicated it was.

Member Kimble asked if this common language.

Ms. Purdue stated the City is not required to preserve the manufactured housing if the City chose not to. Every community has a different view on that. She stated she would say this is not out of the ordinary but completely up to the City. She stated the Met Council is not saying the City needed to establish policies that will preserve manufactured housing the Met Council wants the document to indicate what the City is going to do with it.

Member Kimble asked if in the City Zoning Code manufactured housing considered low density.

Mr. Lloyd stated it is actually considered high density. It is all about units per acre and not so much about building type.

Member Kimble asked if someone wanted to come in and do a new manufactured housing development it would have to be in a high-density zoning.

Mr. Lloyd stated that was correct. He believed the Zoning Code has it as a Conditional Use in a High-Density District. If there was a High-Density Zoned site to create one that would be something the City would take a positive action on whether to approve it or not.

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Member Kimble asked if someone came into Roseville and did an economic analysis and found it was feasible to do high density multi-family across the street considering there are a bunch of multi-family senior, a park, would this kind of language guide them or get in the way of that happening because the City has now stated it wants to preserve Manufactured Housing.

Mr. Lloyd stated it only says that the City would consider it and may use tools to support the preservation of the housing in contrast to the alternative that the City will use those tools or will not.

Member Sparby asked how Manufactured Housing is defined.

Ms. Purdue stated it is not defined in the plan document, it would probably revert to how it is defined in the Zoning Code to be consistent.

Mr. Lloyd stated he did not know that definition off hand but was sure there is distinction between the kinds of structures that are in the community across the street versus pre-fabrication of more conventional looking single-family homes. Whatever definition the City would be working with is tight enough to specify the things that he thinks the City would be talking about and not getting in the way of other ways of building homes.

Member Sparby asked what it means when stating “vulnerable source of naturally occurring affordable housing.”.

Ms. Purdue stated that statement was referring to the fact that manufactured housing communities are turning over and going away, in general and the City may be losing existing affordable housing if that happens in Roseville so does the City want to preserve it or let it go into something else. That is why staff tried to be somewhat vague in using “may” rather than “will” in that statement about using preservation tools. If the Commission wants to take a more specific stance one way or the other it is up to the Commission.

Member Sparby wondered if “but” would work better then “and” before vulnerable in the sentence.

Member Kimble thought “and” worked.

Member Sparby stated “and” works but thought it read a little odd.

Member Daire stated to be clear, is Manufactured Housing Communities a euphemism for trailer parks.

Mr. Lloyd stated it is an updated term because many are not trailers but more permanently anchored to those sites.

415 Member Daire asked if either the City Council or Planning Commission established a
416 policy relative to mobile home parks and if not, then ought the Commission suggest
417 the City do develop policy regarding that or is this one of those topics that people do
418 not want to touch.

419
420 Ms. Purdue stated whatever language is included in the chapter would be the start of a
421 discussion about a policy if the City chose to get more specific about it or if there is a
422 statement made in the Comprehensive Plan that the City is not going to use any
423 specific tools to preserve the manufactured housing, if the City let nature take its
424 course or the market forces work on it then it would not require any further
425 discussion. It is up to how the City decides to handle it.

426
427 Chair Bull thought the City has some power to look at it on an individual basis since
428 it is a Conditional Use within the High-Density Zone. Then if a proposal came
429 forward the City can take a look at it which would then go through the Planning and
430 City Council.

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432 Member Daire asked if the mobile home park that is across the street was pre-existing
433 any City Comprehensive Plans, so it is non-conforming.

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435 Mr. Lloyd stated the was not correct. It is a High-Density Zoned site and it is an
436 allowed use in that zone. He thought the only reason it might be non-conforming is
437 that it does not specifically have a conditional use permit approving it but there is the
438 substantially equivalent approval. He was sure it has a PUD that governed its
439 establishment and development.

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441 Member Daire asked for a point of information, how many manufactured housing
442 communities exist in Roseville.

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444 Mr. Lloyd stated it was just the one across the street from City Hall.

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446 Member Gitzen stated he liked the language being used.

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448 Member Pribyl stated if the language is left, in the housing tools matrix there is not
449 anything that is specific to manufactured housing communities and the one tool she is
450 aware of that has been used recently as a preservation tool is the resident owned coop.
451 for manufactured home communities. She wondered if that was a statement that
452 should be included as a tool to list.

453
454 Ms. Purdue thought it was a good point. This statement says that the City may use
455 any of the tools that are in the matrix but if the Commission wants to specifically
456 mention a resident owned coop. she was not sure that is a strategy that the City would
457 have to implement, maybe support it if it were to convert to that. Staff could maybe
458 include that in this section.

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460 Ms. Lloyd stated Ms. Gundlach told him there is State authorization for those coops.
461 so, it is definitely a State level regulation as opposed to a City level.

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Member Kimble stated she was good with the language as well.

Ms. Purdue stated there were a couple of things in the implementation chapter that were not worthy. She stated the Met Council wanted to make sure the City fully described all of the programs and fiscal devices that were going to be used to implement the plan. She stated there was a lot of detail on that in the big implementation matrix that makes up the bulk of that chapter. She stated it was pointed out in the memo the Commission has and will go in the response letter as well. She stated staff did include the Zoning map and a description of all of the Districts that have been summarized. She thought the point of having that in there from the Met Council point of view is to be able to view what changes are going to be needed to be made roughly after the Comp. Plan is adopted.

Ms. Purdue stated staff also included the CIP for the Comprehensive Plan which will be attached as an appendix to that chapter.

Member Gitzen asked if the notes in Chapter 13, page 41-42 will also be included.

Ms. Purdue stated those would be included. She stated there is also a list of some of the major changes that would need to happen with zoning as well.

Member Daire stated on page 7 of Chapter 13, there is an insertion “create a BRT overlay district to increase housing density within a half mile of BRT stations”. That harkens back to the proposed Land Use Map with the circles around it. He noticed that in talking about implementation the responsible parties would be the Community Development Staff to create this Zone, if that is the way he is reading it correctly and that is something staff will do in the near future and how will this BRT Overlay District be funded and the answer is City Funds. He asked Mr. Lloyd to explain that. He wondered how much that will cost and where is the money going to come from within the City.

Mr. Lloyd stated that is going to be a part of the Zoning Code update that is necessary after the Comprehensive Plan update is completed. He did not expect there to be any extra costs to incorporate this BRT Overlay District.

Member Daire stated he is not to read this if he is going from the goal, which is to employ flexible zoning and property redevelopment. It merely consists of a map change backed up by the Planning Commission and City Council affirmation and that would be the extent of the City funds. Staff is not intending that the City designate an area, purchase the land, make it available. Staff is talking only about the paperwork costs.

Mr. Lloyd indicated that was correct.

Ms. Purdue stated she could tighten up the language a little bit to make sure it is clear. She stated one item to note, in the transportation section, which was not reviewed

509 because the changes are rather minor, the Met Council requested the City include a
510 reference to Route 84 in the City and staff received a note from a resident that the
511 Route does not go through the City anymore. She stated it was added and now it will
512 be removed.

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514 Member Gitzen stated he had a question on Map 8.4, Regional Park System, there is
515 talk about the Regional Trail Search Corridors and he was curious about the legend
516 and wondered if it should be cleaned up and take the things off that do not pertain to
517 the map.

518
519 Ms. Purdue stated staff did remove the map shown previously, which was one LHB
520 had created in the Parks Master Plan and replaced it with one that is directly from the
521 Met Council. This is the Met Council's map and not the City's map. She thought
522 staff could visually manipulate it and remove the categories that do not show up on
523 the map.

524
525 Member Gitzen stated staff could reference where the map came from because he did
526 not want to take credit for this map.

527
528 Ms. Purdue stated staff could do that.

529
530 Member Gitzen stated when he looks at the definition, the Regional Trail Search
531 Corridor, these are not regional trails yet, but are potential trails that the Met Council
532 has pointed out as a good spot for a regional trail.

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534 Ms. Purdue stated the Met Council is designating that this is an area where the Met
535 Council for an appropriate alignment for a regional trail.

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537 Member Gitzen asked if the City implements that or would it be Ramsey County.

538
539 Ms. Purdue stated it would be the County or a larger parks district.

540
541 Chair Bull stated in Table 7-5 where it talks about the TAZ District, is there any
542 definition of where those are or any map.

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544 Ms. Purdue stated there is a map in the transportation plan that all of those refer to.

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546 Member Daire stated on page 3, Chapter 7, it is a table that compares the 2010
547 Census with the estimate of 2020 population household and employment, projection
548 to 2030 and 2040 and as he was going through this, he was wondering in TAZ 1875 it
549 is showing a one thousand employee increase and he wondered what was happening
550 there, what is forecast in 2030.

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552 Ms. Purdue stated that number was adjusted based on the Met Council's bumping up
553 of the employment forecast and nothing specifically is programmed for that area other
554 than the transportation team basically generates this based on the Land Use Map to
555 allocate all of those numbers and when the Met Council increased the number for that

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decade staff needed to throw in an extra thousand jobs so that was one of the areas where staff looked at the map and thought it was plausible, there is not a whole lot of additional calculation that goes into it, it is a best guess but the Met Council looks at this when looking at roadway capacities and where there might be problems.

Ms. Purdue stated staff will make those changes and this will be taken to the City Council as well and verify all these changes and then submit back to the Met Council.

7. Adjourn

MOTION

Member Gitzen, seconded by Member Kruzel, to adjourn the meeting at 7:45 p.m.

Ayes: 7

Nays: 0

Motion carried.



REQUEST FOR PLANNING COMMISSION ACTION

Agenda Date: 07/10/19

Agenda Item: 6a

Prepared By

Agenda Section
Public Hearings

Department Approval

Item Description: Public Hearing and Consideration of a Proposed Amendment to §1009.02.D.12 Drive-Through Facilities

1 **BACKGROUND**

2 On August 27, 2018, the City Council adopted an interim ordinance (moratorium) in order to
3 review drive-through conditions for properties in the Neighborhood Business District. The
4 purpose of the interim ordinance was to conduct research and determine if the City’s existing
5 conditions are appropriate when applied to a drive-through adjacent to a residentially-used or
6 zoned property. Council was interested in whether a conditional use for a drive-through is
7 appropriate within the NB, Neighborhood Business zoning district.

8 On May 13, 2019, the Planning Division presented its research from 11 metro area cities zoning
9 regulations to the City Council and sought direction regarding changes to the existing conditional
10 use criteria found in §1009.02.D.12 of the City Code. As a part of the report, the Planning staff
11 included a recommended change to condition “c” that provides heightened design around the
12 queuing lane. The Council agreed with the proposed changes, but also requested additional
13 language making the criteria a formal condition of approval.

14 Per direction of the City Council, the Planning Division has revised condition “c”. Below for
15 Planning Commission consideration is the proposed amendment to §1009.02.D.12.c:

16 12. Drive-through Facilities:

- 17 c. The applicant shall submit a circulation plan that demonstrates that the use will not
- 18 interfere with or reduce the safety of pedestrian and bicyclist movements. Site design
- 19 shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate
- 20 **Queuing lane space shall be provided, sufficient to accommodate demand, without**
- 21 **interfering with primary driving, entrance, exit, pedestrian walkways, or parking**
- 22 **facilities on site.** ~~on-site parking/circulation.~~ **Such circulation plan meeting the intent**
- 23 **of this section shall be made a condition of approval and shall survive any and all**
- 24 **users of the drive-through and may need to be amended from time to time to ensure**
- 25 **continued compliance with this condition. Said amendments to the circulation plan**
- 26 **will require an amendment to the conditional use.**

27 **PLANNING COMMISSION RECOMMENDATION**

28 Hold a public hearing. By motion recommend approval of the proposed text change to
29 §1009.02.D.12.c of the Roseville City Code.

Report prepared by: Thomas Paschke, City Planner, 651-792-7074 | thomas.paschke@cityofroseville.com

- Attachments:
- A. Adopted Interim Ordinance
 - B. Council meeting minutes from 8/27/2018
 - C. Council meeting minutes 05/13/2019

**City of Roseville
ORDINANCE NO. 1565**

AN INTERIM ORDINANCE TEMPORARILY PROHIBITING DRIVE-THROUGHS AS CONDITIONAL USES IN THE NEIGHBORHOOD BUSINESS DISTRICT OF THE CITY OF ROSEVILLE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Purpose and Intent

The City of Roseville ("City") recognizes the public interest and concern over drive-throughs and their potential impacts to adjacent residential uses.

The City desires to regulate requests for drive-throughs as conditional uses in a manner that is consistent with the purpose and intent of the Comprehensive Plan and Zoning Ordinance. Based upon the existing criteria contained in §1009.02.D.12.a-g of the City Code, the City recognizes that certain protections for the Neighborhood Business District may not be in place to appropriately mitigate potential impacts to adjacent residential uses.

Minnesota Statutes Section 462.355 allows the City to adopt a temporary interim ordinance for a period of up to twelve (12) months from the date it is effective, to allow for such study and adoption of comprehensive plan, zoning and/or other official land use controls in order to protect the public health, safety and general welfare. The same statute allows for the limited extension of the period under particular circumstances.

The City has concluded that additional study and analysis is required to determine whether the existing specific drive-through criteria in the Zoning Code requires modification or additional criteria to further protect adjacent residentially zoned properties from drive-through uses in the Neighborhood Business District.

There is a need for an interim ordinance to be adopted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of the City until such a study has been completed.

SECTION 2: Prohibition

Pursuant to State Statutes 462.355, the City hereby adopts and approves this interim ordinance temporarily prohibiting requests for a drive-through as a conditional use in the Neighborhood Business District across the entire City. During the effective period of this interim ordinance, the City will not accept any application for drive-throughs in the Neighborhood Business District.

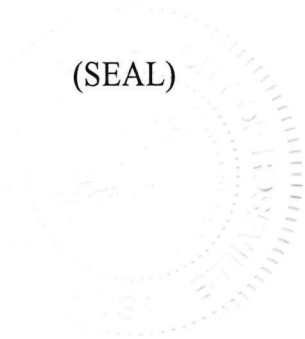
SECTION 3: Effective Date and Duration

This ordinance shall take effect after its passage and publication, and shall remain in effect for up to 365 days (one year), after which occurrence this ordinance shall lapse, unless properly extended pursuant to state law.

Passed by the City Council of the City of Roseville this 10TH day of September, 2018.

AN INTERIM ORDINANCE TEMPORARILY PROHIBITING DRIVE-THROUGHS IN NB ZONING DISTRICTS

(SEAL)

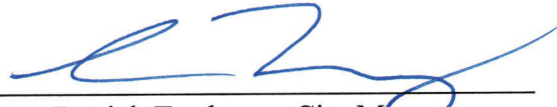


CITY OF ROSEVILLE

BY: _____


Daniel J. Roe, Mayor

ATTEST:



Patrick Trudgeon, City Manager

1 **EXTRACT OF THE AUGUST 27, 2018, ROSEVILLE CITY COUNCIL MEETING MINUTES**

2 **a. Request for approval of a Zoning Text Amendment to allow drive-through facilities in**
3 **the Neighborhood Business District as conditional uses and approval of a drive-through**
4 **facility at 2154 Lexington Avenue as a Conditional Use (PF18-010)**

5 Senior Planner Lloyd briefly highlighted this item as detailed in the RCA and related
6 attachments dated August 27, 2018.

7 Councilmember Willmus asked if the applicant was currently under an interim use approval.

8 Mr. Lloyd stated yes, they were. The interim use was approved in 2014 and expires at the end
9 of October 2018.

10 Councilmember Willmus acknowledged if they move forward and changed this from “Not
11 Permitted” in a Neighborhood Business zoning district, this will potentially have some impact
12 City wide.

13 Mr. Lloyd stated it will open the City to applications for drive-through uses in other
14 neighborhood business districts where today they are not permitted.

15 Councilmember Willmus indicated he did not have any issues with Mudslingers and thought
16 they have been a great asset to the community. He wondered if there was anything they could
17 do short of this text amendment.

18 Mr. Lloyd indicated that some options that are alternatives include amending the interim use
19 portion of the zoning code to allow interim use approvals to last more than five years or to
20 conceivably develop a new zoning district to apply to certain properties that will allow drive-
21 through facilities as permitted uses.

22 Councilmember Etten specified in Exhibit F of the suggested ordinance, it discusses moving
23 drive-through facilities to conditional uses in Neighborhood Business districts and then goes
24 on to discuss specific design criteria for drive-through facilities. The ordinance amendment
25 talks about the speaker box and not being a nuisance to abutting residential zoned properties
26 and it talks about the one hundred feet from existing residentially zoned properties. He stated
27 that back in the RCA, pages 3-4, there is a much longer list of standards for a conditional use
28 for a drive-through facility that is used in other zones. He wondered if there was a reason why
29 they would not have the entire list as part of this updated or change ordinance.

30 Mr. Lloyd stated there was not and the proposal would not be to eliminate those other
31 parameters. The ordinance is abridged to show only the parts being amended.

32 Councilmember Etten wanted to be sure the full text of conditions a-f would be included in the
33 ordinance.

34 Mayor Roe stated to be correct, those items are in the Code right now and the standards apply
35 to drive-throughs in all zones and then adding them as conditional uses in the neighborhood
36 district.

37 Mr. Lloyd indicated that was correct.

38 Councilmember McGehee explained the Neighborhood Business zoning district covers
39 fourteen different areas throughout the City and they are all in residential areas. Although she
40 supports Mudslingers and the drive-through in that particular location, it does not mean she

41 would support a drive-through elsewhere in the city. Therefore, she did not feel prepared to act
42 on something that spreads across all fourteen of these Neighborhood Business areas. She noted
43 the neighborhood where Mudslingers is located is a perfect spot because it is on and off the
44 freeway and is a busy intersection anyway. She supports a drive-through there.
45 Councilmember McGehee indicated she looked at the MN Statutes, which govern them, and
46 also in the League of Minnesota Cities and there is no particular time limit established for
47 interim use permits so the City has arbitrarily come up with a three- and a five-year limit. She
48 wondered if it is not better practice to handle this particular case, which is unique and the City
49 has done their due diligence by doing an interim that works. She stated because Mudslingers
50 was looking for a ten-year lease, she would be inclined to approve a guarantee of a renewal,
51 absent any complaints in the next five years or a ten-year interim use barring they decide to
52 come up with a different idea or something else happens. Then we do not have a drive-through
53 there going forward for a completely different use that we may not want there. Also, then this
54 drive through use would not be approved across all of the City.

55 Councilmember McGehee commented if the Council does decide to do the text amendment,
56 then she thought they needed to look carefully where all of these nodes are and at the list of
57 permitted uses because there are permitted uses that seem a bit peculiar for neighborhood
58 business and some that could have drive-throughs that she did not think would be particularly
59 appropriate.

60 Mr. Lloyd stated it was within the Council’s purview to initiate a process to amend the zoning
61 code to change their interim use procedures and how they are reviewed, renewed, and how
62 long they might last for. By making the amendment as proposed in the Zoning Code, the City
63 is not opening up anything without the opportunity to review each individual request for a new
64 drive-through. And, if it is not an appropriate place, the City Council has every opportunity to
65 deny those requests.

66 Councilmember McGehee indicated from her understanding, a conditional use runs with the
67 land so the City would not be able to close down that drive-through aspect of a conditional use
68 that was granted. She stated if Mudslingers, in the future, decides to sell and another business
69 comes in, the City would not have a way to eliminate the drive-through of the new business if
70 they did not want one there.

71 Mr. Lloyd stated assuming the user or operator of a drive-through is abiding by existing code
72 requirements, that would be the case.

73 Mr. Gaughan advised the concern would be crafting Council action around a particular user.
74 If the conditions in place protect the public’s interest it should not matter who is running that
75 drive-through. If those conditions are being abided by, then it should not be a concern for
76 Council about whether it is Mudslingers or some other outfit. If there are concerns about City
77 wide applications of drive-throughs, he would submit the appropriate thing to do would be to
78 look at conditions attached to the Condition Use. If there are more specific conditions the
79 Council feels are appropriate to protect the public welfare, then they should go down that road,
80 particularly as opposed to an interim use process that is not really interim.

81 Mr. Gaughan acknowledged if the Council likes a particular corner and user to extend out
82 indefinitely their ability to do so, it would not be an interim use and it would potentially cast
83 this Council’s actions as preferring one particular user as opposed to another.

84 Mayor Roe stated he remembered seeing something in the Planning Commission minutes
85 regarding whether there was a reconfiguration of the lots and ownership in that area, a new
86 proposal came forward with a bigger plan that would be another approval of a conditional use,
87 then the original approval would not necessarily carry forward.

88 Mr. Lloyd maintained that if there is not a condition related to the existing site layout then any
89 reconfiguration of this site that conforms to parameters a-f for drive-throughs as conditional
90 uses would continue to conform to that part of the code and be allowed without further review.

91 Mr. Gaughan referenced current Condition C on page 4 of the RCA, “The applicant shall
92 submit a circulation plan that demonstrates that the use will not interfere with or reduce the
93 safety pedestrian and bicyclist movements. Site design shall accommodate a logical and safe
94 vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided
95 without interfering with onsite parking/circulation.” By way of example, he would encourage
96 the Council, if there are particular concerns about drive-throughs and this kind of use,
97 conditional as it is, then explore that. In regard to additional concerns and how can they place
98 additional conditions to alleviate those concerns, he would submit Condition C as a starting
99 point for those kinds of concerns.

100 Mr. Gaughan stated as opposed to an indefinite interim use, he would encourage the Council
101 to look at what are their specific concerns about this sort of use and what sort of conditions
102 would best alleviate those concerns. If Council is not in a position to arrive at a conclusion
103 there, then maybe they don’t amend the Code.

104 Mayor Roe specified if a change to the layout of the site was pursued by someone down the
105 road, either the current ownership or subsequent ownership, was Mr. Gaughan suggesting that
106 alone could trigger a review or a new approval requirement for a conditional use?

107 Mr. Gaughan advised that condition could include additional language such as “The applicant
108 shall submit and adhere to a circulation plan”, so if there is any deviation from the original
109 circulation plan, it would trigger review by the City. Whereas if the new circulation does
110 interfere with or reduce safety of pedestrian and bicyclist movements, then the City would have
111 a basis to say the conditions upon which this use is granted are not being satisfied and the
112 conditional use could be revoked.

113 Mayor Roe asked if the council could be reminded of the specific conditions associated with
114 the interim use approval.

115 Mr. Lloyd explained he did not attach the original interim use approval, but he did indicate in
116 the beginning of the staff report three conditions that were applied to that interim use approval.
117 He noted the site used to have four entrances and exits, two from Lexington and two from
118 County Road B. The two nearest the intersection, one on each street, required to be closed.
119 The parking on the property was going to be limited to employees and not to customers and
120 there was also an expiration clause.

121
122 Councilmember McGehee acknowledged she was going to disagree with the attorney. She did
123 not see anywhere in any of the Statutes that regulate interim use policy anything that there is
124 any problem with an indefinite, in the extent that they could grant a ten-year interim use. The
125 other thing is, her main objection to this idea of doing it across the City is it does, by definition,
126 invite more traffic into residential neighborhoods that might not go there. This was a

127 neighborhood business and was supposed to be for the neighbors and not necessarily for
128 everyone. She stated if they look at all the letters from Mudslingers, there are a number of
129 people who are on their way here and there and do not live by there, but they use it. The fact
130 is that this particular corner is a very popular route, both North and South and East and West,
131 which is not true of some of the other corners.

132 Councilmember Willmus stated one of the things they could look at doing that they have done
133 in other designations throughout the City and other zoning designations, is to create a
134 Neighborhood Business 2. One of the parameters for that may be geographical proximity to
135 single-family or medium-density residential or lack of proximity. Maybe, also look along
136 certain corridors or larger roadways and allow this either as a permitted use within a
137 Neighborhood Business 2 designation, of which he thinks Mudslingers current property would
138 fall, or as a conditional use. He indicated he did share concerns of looking at and changing
139 this to a conditional use City wide. He did recognize the value of this business and how well
140 it has worked within this site and thought what makes it work is some of the features that are
141 existing on the site and a handful of other sites throughout the community but not all of the
142 neighborhood zone.

143 Councilmember Laliberte asked if the Council is not ready to work on the zoning text
144 amendment part of this item, does that preclude them from taking up the conditional permit
145 request on the second part of this.

146 Mayor Roe did not think they could take action on the second part if it is not allowed and
147 would stay as not permitted until such time as the council change that. He thought the
148 appropriate action, if they do not do the text amendment, would be to deny because it has been
149 applied for in order to keep it clean.

150 Mr. Gaughan explained this is a request related to zoning, so they would have to provide
151 written notice of the denial to the applicant with the basis for that action.

152 Councilmember Laliberte asked if there is an ability to change any of the conditions that were
153 in the original interim use.

154 Mr. Gaughan indicated only if there were some sort of amendment or extension of the interim
155 use could the existing conditions be changed.

156 Mayor Roe noted the conditions of the interim use expire at the end of October so if they were
157 to extend, they could add whatever conditions they might want to through an extension.

158 Councilmember Etten stated the City Attorney talked about the potential for changing the
159 criteria which would allow greater control over potentially drive-throughs in any zone. He
160 suggested the following language “The applicant shall submit and adhere to an approved
161 circulation pattern. If that pattern creates hazards to safety for pedestrians, bicyclists or
162 automobiles, the use may be terminated.” He stated then if the site changed, it would have to
163 come back for review and the second one allows that if it is created and creates a problem, then
164 they could close the drive-through. This would allow control over certain circumstances.

165 Mr. Gaughan confirmed he did not know if the use could be terminated as it is a conditional
166 use and if they submit and adhere to a circulation plan, and do not interfere with or reduce
167 safety. But, if the plan is changed and it does impact or demonstrate that the use will interfere
168 with or reduce safety, then they would be in violation of the conditions of their conditional use.

169 Mayor Roe stated simply changing the circulation, absent an analysis of whether or not it
170 impacts, does not automatically trigger anything other than a review by staff, unless there is
171 different language in their conditions.

172 Mr. Gaughan indicated that was correct.

173 Councilmember Laliberte stated a circulation plan could be submitted and the applicant could
174 state they are adhering to that plan submitted but what if conditions change where then the
175 safety or traffic patterns or something else is then negatively affected later on. She stated there
176 is no ending it because they submitted a plan and are adhering to it. Whereas, if the language
177 Councilmember Etten was suggesting was a condition and situation changes, regardless if the
178 plan is being lived up to, it is a matter of a safety issue or a traffic issue.

179 Mr. Gaughan thought they might submit annually the condition of a circulation plan.

180 Councilmember Etten advised that would create a headache for someone.

181 Mayor Roe stated the council has the ability on any conditional use they approve to look at, if
182 there are specific conditions in the Code, and add any conditions as a City that they might want
183 as part of approving a conditional use. But then those conditions carry forward with that
184 approval, with the property. They would need to be very careful in constructing those
185 conditions if the Council wants to use that approach.

186 Councilmember McGehee explained the council has been sitting in the meeting crafting this
187 and are now being told one more time this is the end of the sixty days, so they have to turn this
188 down.

189 Mayor Roe indicated they could extend this with the applicant's approval.

190 Councilmember McGehee noted this is something they have talked about frequently and is
191 problematic.

192 Councilmember Willmus asked staff how long the process would take if they were to look at
193 creating a Neighborhood Business 2 Zoning designation.

194 Mr. Lloyd explained the first step in the process would be for staff to hold an open house
195 meeting with property owners and surrounding neighborhood businesses, as they have done
196 with the potential changes in the Comprehensive Plan designations over the last year. Then
197 there would be a public hearing at the Planning Commission and City Council action. That
198 would probably be a three-month endeavor if the direction was given today to work through
199 that process.

200 Ms. Collins thought some of the concerns revolve around what happens to the site should the
201 use intensify. Whether that be an intensification or a change to the queue lane, or
202 intensification to the structure; however, they could build in a condition as a part of a
203 conditional use process or approval that says any sort of intensification to the use shall trigger
204 a review by staff or a new conditional use application process.

205 Mr. Gaughan explained the Council can, as long as there is a rational basis for it, include
206 whatever conditions they would like. It is best to have the conditions spelled out in Code so
207 that could be a part of the amendment to this portion of the Code, language to that effect.

208 Mayor Roe stated there are a couple of paths the Council could go down to amend the interim
209 use approval standards process that would allow for an extended time of interim use approval.

210 He personally thought there were some potential pitfalls to that which he is a little concerned
211 about. Or they could take a pause in the process of looking at this conditional use and add
212 further condition language that the Council may suggest and come back with language that
213 would involve some extension of the sixty-day period. Potentially, the process is still running
214 up against the end of October deadline for interim use. The other possibility is to look at the
215 Neighborhood Business 2 district creation, which he was not one hundred percent sure is the
216 cleanest and best approach, because then they get into the process of deciding which ones are
217 or are not and there are small little clusters of properties around the City already that he did
218 not have a clear understanding of how that might work. He stated it might be better to get
219 stringent with the conditions if they wanted to go that way. The third option is to leave it not
220 permitted.

221 Mayor Roe asked if there was a desire by the Council to look at something that was a little
222 more permanent and also put in the necessary safeguards, which they want to put into any
223 District, and especially if it is in a neighborhood. He thought they should try to find something
224 that works well in all of the drive-through situations because they have such a mix of types of
225 zoning districts that are adjacent to single family.

226 Councilmember McGehee declared she was not a fan of drive-throughs in the first place but
227 happens to support this one in this particular location. She stated one thing the Council could
228 do is simply follow their own rules, do a five-year interim now, and then it is very clear in all
229 of the interim use language that if a problem is solved during that time then it goes in. That
230 gives them at least some guarantee of going forward and gives the City adequate time to have
231 the meetings, if they want to, with all of the neighborhood businesses and get a much better
232 grasp of what goes on in these other neighborhood business districts. That is another proposal
233 she would like to see them do as it gives them time to do a fair and reasonable job.

234 Mayor Roe indicated the council cannot approve an interim use tonight because there was not
235 one applied for. The only thing that was applied for is a conditional use approval, so
236 Mudslingers would have to submit an application for an interim use, go through the hearing
237 process, and bring it back.

238 Councilmember Etten affirmed he did not dismiss that thought because it is something that
239 could work for them, but it is a lot of extra steps. He stated he was going to agree to what
240 Mayor Roe suggested. One of the reasons he struggles with this is there is going to be
241 maximum control by the City for any property. In Community Business Districts, they already
242 have drive-throughs abutting single family and residentially zoned properties. This is not a
243 new thing and does not change the issues they might have in any one of the Community
244 Business District properties. He did not think this was such a revolutionary idea and he would
245 be happy to ask for sixty days more to work through a suggestion such as offered by Ms.
246 Collins. He did not think there was concern about this throughout the City. He thought the
247 impacts on the neighborhood are the same as in other districts and he felt the conditions they
248 have in place address that. The council could add another condition regarding changes to
249 intensification and safety. He did not believe this was a huge change to what is going on now.

250 Councilmember Willmus did not think the residents who live next to Har Mar and the residents
251 that live in proximity to Mudslingers are going to feel the same about businesses next to
252 residential. There is a difference between the two and if there isn't, then why do they have the
253 designation and separation in the first place. He stated one of the things he wants to come

254 away with is to make sure they are not impeding Mudslingers and that they can continue their
255 operations as they have been. He would like to keep things relatively clean, which is why he
256 was going to continue to advocate for looking at a Neighborhood Business 2 zoning district
257 designation with some very clear parameters spelled out for those areas.

258 Councilmember Etten understood Councilmember Willmus' point and reviewed some
259 different areas in the City with different zoning that could have neighborhood business
260 included. He stated there are a number of neighborhood standards that are different, and this
261 is one that they could control based on the conditions included.

262 Councilmember McGehee thought the entire discussion makes it clear that the council needs
263 some time to think about the entire issue. She seconded the idea that they want to come up
264 with something that allows Mudslingers to go forward without any interruption as they are
265 currently operating but the problem the City has now is not one they created. They adhered to
266 their Interim Use Permit, they have done very well there, and now the City has to do their job.
267 She was trying to find a way that doesn't put them in limbo for the next sixty days while the
268 City decides what to do. She stated she would like to have enough time to really examine all
269 of the issues brought up.

270 Mr. Lloyd stated the interim use approval expires at the end of October. He believed he heard
271 there might be a possibility of adopting an extension to that interim use approval in the next
272 couple of months but he did not think that was a practical solution because much like the
273 process of rezoning, the interim use approval process begins with the applicant holding an open
274 house meeting prior to applying for the interim use approval to go to the Planning Commission
275 public hearing and then the City Council for final action. He did not believe there was time
276 between now and the end of October for those steps to be taken.

277 Mayor Roe offered an opportunity for public comment.

278 **Public Comment**

279 Written comments via e-mail/mailed were received prior to the meeting are included in the
280 agenda packet.

281 **Mr. Van Harvieux, owner of Mudslingers**

282 Mr. Harvieux asked if the Council had any questions for him.

283 Mayor Roe asked if Mr. Harvieux interpreted any differently some of the information that has
284 been provided by City staff as to timing and process.

285 Mr. Harvieux explained when they started the process of interim use it took him eight months
286 to get the land opened up by the City to use as a drive-through. He stated they have now gone
287 through the Planning Commission and ended up in the same spot. He stated his lease is coming
288 up in a couple of months and he has a lot of debt if this all goes down, and if they do another
289 interim use he cannot lock the land up in a long-term lease which means someone can buy the
290 land up right under him. He stated this is terrifying and really disappointing.

291 Councilmember McGehee thought what was needed was either a conditional use or something
292 that guarantees the owner the use of his operation for ten years.

293 Mr. Harvieux stated he has been holding off on signing a ten-year lease until this gets resolved.
294 He stated his landlord is a very nice person, but he is also a businessman and if there is an

295 opportunity that comes along between now and when he signs, he will be out of business. He
296 indicated he needs to have the ten years in order to operate.

297 Councilmember Willmus asked if the council were to go forward and approve this text
298 amendment and approve this Conditional Use , can they put in place a moratorium, so they
299 have time to look at this issue going forward without the threat of other potential applications
300 coming in for other sites.

301 Mr. Lloyd indicated it should be the standard process, but he was not entirely sure on the
302 process.

303 Mr. Gaughan advised they could put together an Interim Ordinance subject to approval by the
304 Council and then they could have up to a year to study the issue. This would be an appropriate
305 place, topic, and subject matter for a moratorium for the Council to sincerely study and
306 consider the issue at hand.

307 Councilmember McGehee asked how that impacts the owner who wants to sign a ten-year
308 lease.

309 Mayor Roe thought it would grant him what he needs going forward.

310 Councilmember McGehee stated they need to be sure that they can still craft within the
311 moratorium.

312 Mayor Roe acknowledged that whatever they would be crafting would be applicable to future
313 applications after the moratorium lifts.

314 Councilmember Laliberte assumed there was not notification to all the Neighborhood Business
315 district property owners indicating this was on the agenda.

316 Mr. Lloyd stated that was correct. Per their standards for notification regarding zoning text
317 amendments, that does not trigger notification to property owners or others surrounding those
318 properties. There was notification for the conditional use application surrounding this location.

319 Mayor Roe commented if the council does an Interim Ordinance and look at this more broadly
320 they could certainly look at that kind of notice. If they are looking Citywide at all their zoning
321 districts, that starts to be a lot of people to notice because whatever was proposed tonight was
322 to apply to all of the Zoning Districts for approval of conditional use for drive-throughs. None
323 of the Districts allow drive-throughs as permitted, they are only conditional or not permitted
324 at this time.

325 Councilmember Etten stated this is the same thing they talked about at Fairview and County
326 Road D and they are looking at a new process moving forward.

327 Ms. Collins noted for a point of clarity, the concern with the Fairview and County Road D was
328 that site was not notified within the 'X' radius of that particular site because they were looking
329 at a text amendment. In this particular case, they had that conversation and knew they needed
330 to notify at least the radius around Mudslingers and that was performed for the conditional use.
331 It should be noted that for the other neighborhood districts, that would be costly. If they set a
332 precedent going forward because Neighborhood Business Districts are speckled throughout
333 the community, should they make a change to Community Business District or even their
334 residential, then they are notifying the entire community which is very costly. But then also
335 they need to make sure their message is very clear to say the property next to the residential is

336 not changing; however, it could change down the road. This is a very hard message for the
337 community.

338 Mayor Roe thought the item needed to be directed to what was being proposed in this item.
339 He indicated there was a suggestion from Councilmember Willmus that starts to have some
340 sense to it, which is to potentially approve what is being proposed at the meeting but then direct
341 staff to come back with an Interim Ordinance as soon as possible that meets all statutory notice
342 requirements.

343 Etten moved, Willmus seconded, enactment of Ordinance No. 1563 (Attachment F), entitled,
344 “An Ordinance Amending Title 10, Zoning, of the City Code to Allow Drive-Through
345 Facilities as Conditional Uses in the Neighborhood Business Zoning District,” based on the
346 content of this RCA, the public record, and City Council deliberation.

347 **Council Discussion**

348 Councilmember Etten stated this item has gotten a lot of public input and the support of
349 Mudslingers is tremendous around the City and beyond. He also appreciated reading the
350 discussion the Planning Commission had and seeing they were wrestling with the same issues
351 the Council is having. He hoped what will change is that in the future they will have more
352 time to make decisions rather than coming up against a deadline. He noted this area is different
353 from the County Road D situation in that there are standards they have been using successfully
354 in the City and the other situation they did not have standards set. This also allows a check in
355 with each property because it is a conditional use and not a straight permitted use. This has
356 been successful and has worked for four years in this location as an interim use so for those
357 reasons, he would support this motion.

358 Councilmember Willmus acknowledged he was very supportive of Mudslingers. He thought
359 they have been a great asset to the community and he did not want to see them put in jeopardy
360 because they are having difficulty getting their stuff put together and he understood their plight.
361 He will also be putting forward a motion to bring forward an Interim Ordinance to look at this
362 issue of neighborhood business and drive-throughs going forward as soon as possible.

363 Councilmember McGehee stated she too was very supportive of Mudslingers and was
364 disappointed in the City that the owners have been put in this position and was also
365 disappointed that the Planning Commission was also put in this position. She did not
366 appreciate it and thought it was unfortunate it happened. She stated she would be supporting
367 the moratorium because she thought it was an important issue across the City. She also, for
368 the record, stated this is just like Fairview/D request for a tap room to the extent that the text
369 amendment coming forward is tied to a particular entity asking for something that is not
370 permitted in the code. She suggested that when text amendments are required/requested it
371 would be much better if that issue were handled first so the Council did not have this kind of
372 discussion.

373 Councilmember Laliberte indicated she would be supporting this. She agreed it is very
374 unfortunate that they get to this point at the ‘midnight hour’ and it is not the first time it has
375 happened and that is on them. But, it is unfortunate that the business owners get caught up in
376 that in the meantime. She stated she has heard for years in a variety of descriptive reasons
377 depending on the project that Roseville is interpreted to be difficult to do business with and
378 this kind of situation does not help change that. She stated she has been supportive of that

379 particular use at that particular site but also for Council to look at the issue citywide with a
380 moratorium so the entire community has a chance to weigh in on this because not everybody
381 is necessarily paying attention to this property, this particular issue and this particular request.

382 Mayor Roe stated he was supportive of this motion, was closer to this point as they came into
383 this, and appreciated Councilmember Willmus getting them to this point. He stated he
384 understands the process has put these business owners in a difficult situation, but the Council
385 is complaining about their own process they set up so there is only one entity to blame, the
386 people sitting at the dais. It is not staff, not the applicants, not the businesses, it is the City
387 Council. He stated it is up to the Council to make it work differently and if they are serious
388 about separating the text amendments from actions on specific properties, he did see some
389 challenges that could make it very difficult to do business in Roseville. One issue is that they
390 are slowing down the process which will make it more difficult to do business in Roseville.
391 So while they are trying to accomplish one thing, they need to be cognizant of the unintended
392 consequences. He stated he would support this motion to adopt the Ordinance Attachment F.

393 **Roll Call**

394 **Ayes:** Willmus, Laliberte, Etten, McGehee and Roe.

395 **Nays:** None.

396 Etten moved, Laliberte seconded, adoption of Resolution No. 11531 (Attachment G) entitled,
397 “Resolution Approving a Drive-Through Facility as a Conditional Use at 2154 Lexington
398 Avenue Pursuant to 1009.02.C and 1009.02.D.30 of the City Code (PF18-010),” based on the
399 content of this RCA, the public record, and City Council deliberation.

400 **Council Discussion**

401 Mayor Roe recommended to staff, related to conditional use approval resolutions where they
402 list the rationale for meeting the various conditions that are set out in Code, he thought it made
403 sense to follow the lead of their request for Council language, which is to describe the condition
404 and then have their text that addresses the condition all as part of the resolution. His concern
405 is when the criteria or condition is not part of the resolution as it is harder for people in the
406 future looking through this documentation to make those connections.

407 **Roll Call**

408 **Ayes:** Willmus, Laliberte, Etten, McGehee and Roe.

409 **Nays:** None.

410 Willmus moved, McGehee seconded, directing staff to bring forward an Interim Ordinance
411 looking and focused upon Neighborhood Business zoned properties and drive-throughs as
412 conditional uses.

413 **Council Discussion**

414 Ms. Collins asked for clarification as far as what they are studying. Are they looking at
415 suitability of drive-throughs on Neighborhood Business District properties or what other
416 aspect.

417 Mayor Roe thought it was specific to adopting or developing appropriate conditions now that
418 they have it as a conditional use in the use chart, and what conditions do they need to add or
419 amend specific to the neighborhood business.

420 Councilmember McGehee stated if in the process they find conditions they would like to add
421 to the general conditions of drive-throughs that might apply to Community Business that
422 would be fine as well.

423 Mayor Roe thought right now they apply to all business districts.

424 **Roll Call**

425 **Ayes:** Willmus, Laliberte, Etten, McGehee and Roe.

426 **Nays:** None.

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ago to eliminate onsite parking and expand their operation. He thought this is past its tipping point and Roseville needs to be more proactive about it.

Mayor Roe agreed with the notion that the City needs to be doing more and step forward with a little more creative answer. He did not expect an answer tonight but thought staff should get some feedback of things to look at and bring back for review.

Mr. Culver reported the City has a hundred days before the 2019 State Fair and if the City is trying to implement something before the start of the next fair, the opt in idea is something the City could look at. But a question is how many mailings should the City get out and getting a response from the residents within that timeframe and going back and forth. Certainly, City staff knows some areas where it is really dense parking. He suggested staff could make a more conscious effort to try to record the extent of on-street parking during the next State Fair.

Mayor Roe suggested in the interim to address some of the hot spot issues in order to think about more substantial steps the City could take.

Mr. Trudgeon stated staff could look at limiting parking to one side, the non-mailbox side, a certain radius, along with hotspots and safety issues this coming year, to monitor it and see what works.

Mr. Jim Otto, Greenhouse Village

Mr. Otto stated he has lived close to the fair all his life. He suggested getting hold of Jerry Hammer and Steve Grands regarding the parking issues.

Mr. Culver indicated he did speak with Steve Grans this morning and exchanged voice messages and so Mr. Grans is aware the Council is discussing this item.

Recess

Mayor Roe recessed the meeting at approximately 8:51 p.m., and reconvened at approximately 8:58 p.m.

c. Discuss Possible Amendments to the City Code for Drive-Throughs Adjacent to Residentially Zoned or Used Properties

City Planner Thomas Paschke briefly highlighted this item as detailed in the RCA and related attachments dated May 13, 2019.

Councilmember Willmus asked how New Brighton's permitting process differ from a Conditional Use Permit or an Interim Use Permit.

Mr. Paschke stated he was not sure but thought special use was not much different than a conditional use. The two are referred to similarly.

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Councilmember Willmus stated the reason he was curious about it is does it run with the land. How it is recorded against the property.

Ms. Gundlach replied a special use permit is the same as a conditional use permit and is recorded against the property, runs with the land, not with the user.

Councilmember Willmus asked from staff's perspective, is there a tool that could be brought forward and implement that is specific to the particular use that sought the drive through window. He wondered how this could be tied to a specific use that sought the permit.

Mr. Paschke replied there are very few uses that are actually that similar that perhaps may be able to follow along with the conditions that are there. He used Mudslingers as an example of a small, special use. Each one is unique and if someone else came in because the business closed and that person wanted to start a different business, it would need to be reviewed prior to supporting the new business whether or not that business was able to achieve compliance with the conditions that were placed on that project. The City would require them to go through their separate and own distinct conditional use if those compliances cannot be achieved because it is not the same.

Ms. Gundlach stated her recommendation would be with each one that comes before the Council, try to identify what the Council concern is and what the negative impact is and specifically write a condition to address that, regardless of who the user is.

Mr. Paschke thought the goal throughout this is to try to analyze this accordingly and set the conditions to be set up as best as the future can be foreseen.

Councilmember Etten wondered if a way to get at some of that is to look at somewhere along the lines of the following: "If the approved pattern is changed, there is an intensification of use or conditions on the property change in a way that impacts pedestrian, bicycle or auto traffic movements, a new sight plan or traffic pattern must be approved." Essentially if there is additional or new stuff happening, then City staff would look at this again. He wondered if this was too restrictive whether it be a new applicant or someone continuing the current use.

Ms. Gundlach stated in her experience the City might want to get in the habit with every Conditional Use (CU) for a drive through to place a condition of approval that the business has to have an approved circulation plan to get at those things talked about. That could be made a specific condition of approval, get the plan, attach it to the resolution, and if the business does not comply with that plan, regardless of who the user is, then the business is not complying with the condition and the business has to come back and ask for an amendment to the CU. She noted this does not necessarily need to be written into the Ordinance. The City

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could, as a condition of approval, but could as a habit of making that a condition on every drive through CUP the Council looks at.

Mr. Paschke stated the intensification aspect might be a little more difficult to monitor and measure.

Councilmember Etten stated to him, any of this would apply to anywhere in the City. He asked if staff wanted to create a separate condition.

Mr. Paschke stated currently it would.

Mayor Roe asked whether staff would actually make that circulation plan a part of the specific approved Conditional Use for that site.

Ms. Gundlach confirmed that was correct and included attaching a specific site plan to that use. She stated the City already has the regular condition in the CU language.

Councilmember Willmus stated when the site plan changes the conditional use comes back.

Mr. Paschke stated or if the site plan changes too dramatically it would come back.

Councilmember Etten supported that.

Ms. Gundlach reported staff did add the language in the one condition, "sufficient to accommodate demands".

Mayor Roe questioned if it made sense in the Ordinance to state "The circulation plan that demonstrates all that, which shall be made a part of the CU permit," more specific language that states the plan actually becomes a part of the Conditional Use approval so future councils and future Staff know that a plan just does not need to be submitted but rather the plan is part of the approval and it goes with the approval.

Mr. Paschke stated that could be added and there will be other conditions that typically become part of those approvals as well that are not really discussed either.

Ms. Gundlach stated the nice thing about adding it to the Ordinance as well is that the users that are looking at the Ordinance before contacting staff are already put on notice that this is an expectation.

Mayor Roe did not think there were any other questions or comments from the Council.

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Mr. Paschke stated staff will work on adding what was discussed and will go forward to the Planning Commission and then the City Council.

d. Discuss the City's Facility and Space Needs

City Manager Patrick Trudgeon briefly highlighted this item as detailed in the RCA and related attachments dated May 13, 2019.

Mayor Roe thought a couple of things that might be helpful to know before discussion is the period of payback for the parks and fire station bonds and when that ends.

Mr. Trudgeon indicated that will end in 2029.

Mayor Roe stated in terms of the Public Works study, he did have a question that came up in the initial presentation which he has not had a chance to ask. He referred to the Public Works Facility Study report, page 8, under the building additions with projected needs chart, the chart continues to grow based on the past growth of that facility and he has to believe, as a built out community, at some point the City is going to maximize the things that need to be maintained and the amount of equipment needed to maintain it. He wondered if that is projected ongoing continuous growth really what the facility study was based on or is there some reasonable size that Staff can settle on.

Mr. Culver agreed and said he had a similar thought that should have been modified. If looking at the trend, even though the City has been a relatively built out City for the past twenty to thirty years, there has still been a continuing need for growth and part of that could probably indicate the City was undersized for a long period of time and steps are being made to try to catch up to where we should be. He actually looks at it more along the lines of some of the other analysis in the report and gets the City to the one hundred to one hundred twenty thousand square foot number based on it is not just a matter of adding vehicles or adding employees or things like that it is looking to the future to see what can save time and money such as purchasing a salt brine machine rather than buying salt brine from the County. This will save money but will also create a need for more space. Those are some of the things in looking at new initiatives. Some of the things are required, some are unfunded mandates that come from the State or different agencies requiring new equipment sometimes and that is what Public Works Staff is looking at. He stated hopefully the City is able to phase out some of the older equipment that is not being used. Based on past experience Staff does not want to say there is a never-ending growth, but he did think the City will hit that sweet spot of one hundred to one hundred twenty thousand square feet and will serve the City will for a long period of time.



REQUEST FOR PLANNING COMMISSION ACTION

Date: 07/10/2019
Item No.: 7a

Department Approval

Agenda Section

Janice Gundlach

Other Business

Item Description: Consider Agenda for Upcoming Joint City Council Meeting

1 **BACKGROUND**

2 Each year, the Planning Commission meets with the City Council to review activities and
3 accomplishments from the prior year and to discuss the upcoming year’s work plan. With the Planning
4 Commission fulfilling a statutorily required role to enforce the City’s Zoning Code, many of the
5 matters that appear before the Commission are a function of the City’s adopted Zoning Code and are
6 not necessarily dictated by the Commission itself. If applicable, other issues that may require further
7 discussion/consideration by the Planning Commission would be discussed during this joint meeting.

8
9 This year’s joint Planning Commission and City Council meeting is scheduled for July 22, 2019. In
10 preparation for that meeting, staff has compiled the below list of activities/accomplishments from 2018
11 and other potential topics for discussion:

12 **ACTIVITIES & ACCOMPLISHMENTS**

13 The Planning Commission held 14 meetings in 2018. Those meetings resulted in the following major
14 activities/accomplishments:

- 15 • Recommended a final draft of 2040 Comprehensive Plan to be submitted to the Metropolitan
- 16 Council
- 17 • Zoning Code text amendments regarding the following topics:
 - 18 ○ Design and dimensional standards to support multi-family housing in the Regional
 - 19 Business district
 - 20 ○ Text amendments (mainly definitions) related to revisions to the use table within the
 - 21 Centre Pointe PUD
 - 22 ○ Text amendment regarding taprooms, breweries, and brewpubs
- 23 • Plat review at Rosedale Center
- 24 • Two Conditional Use requests for drive-through facilities (Portillos & Chick-fil-a)
- 25 • Conditional Use for 1900 County Road C (contractor yard)
- 26 • Centre Pointe PUD Amendment for 4th hotel
- 27 • Conditional Use for increased building height at 2650 Lexington Avenue (The Pointe)
- 28 • Interim Ordinance regarding drive-through facilities in NB, Neighborhood Business districts
- 29 • Two residential in-fill plat requests
- 30 • Rezoning, Comprehensive Plan Amendment, and Plat requests regarding Hand-in-Hand
- 31 Christian Montessori School at 211 N McCarrons Boulevard

- Comprehensive Plan, Rezoning, and PUD cancellation for 1700 Hamline Avenue
- Interim Use for two temporary overnight homeless shelters

TENATIVE WORK PLAN FOR UPCOMING YEAR

As stated previously, the Planning Commission’s primary role is to fulfill its statutory requirement to review and enforce Roseville’s Zoning Code. As such, many of the items the Commission will work on in the upcoming year are not dictated by the Commission itself, but are reactionary. Beyond this, in the coming year staff anticipates the Commission may work on the following City-initiated items and/or known land use requests currently in process:

- Zoning Code updates to reflect the City’s 2040 Comprehensive Plan (following Metropolitan Council acceptance)
- Other various Zoning Code text amendments that may be necessary to address conflicts and/or problems with existing language (such as tree preservation)
- Land use requests, including plats and conditional uses, in support of several Twin Lakes redevelopment projects
- A Centre Pointe PUD Amendment request for the remaining vacant lot in Centre Pointe

OTHER DISCUSSION ITEMS

Staff has not identified any other topics at this time. Staff would request the Commission discuss if there are other topics to bring to the City Council’s attention that are not otherwise included herein.

STAFF RECOMMENDATION

Staff recommends the Commission discuss the content herein and provide feedback to staff in preparation for the joint Planning Commission/City Council meeting agenda.

Prepared by: Janice Gundlach, Community Development Director