



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, July 5, 2023 – 6:30 p.m.**

1. Call to Order

Chair Pribyl called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Pribyl, City Planner Thomas Paschke called the Roll.

Members Present: Chair Michelle Pribyl, Vice-Chair Karen Schaffhausen, and Commissioners Michelle Kruzel, Tammy McGehee, Pamela Aspnes, Matthew Bauer and Erik Bjorum.

Members Absent: None

Staff Present: City Planner Thomas Paschke, and Community Development Director Janice Gundlach

3. Approve Agenda

MOTION

Member Schaffhausen moved, seconded by Member Kruzel, to approve the agenda as presented.

Ayes: 7

Nays: 0

Motion carried.

4. Review of Minutes

a. June 7, 2023 Planning Commission Regular Meeting

Chair Pribyl indicated some comments were emailed by Commissioner McGehee to staff. She noted she had a correction on line 120 on the first public hearing.

MOTION

Member Aspnes moved, seconded by Member McGehee, to approve the June 7, 2023 meeting minutes.

Ayes: 7

Nays: 0

Motion carried.

5. **Communications and Recognitions:**

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

None.

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

None.

6. **Public Hearing**

- a. **Request by Prince of Peace Lutheran Church for an Interim Use to Temporarily Regulate Two Existing Mobile Residential Micro-Unit Dwellings on the Property at 2555 Victoria Street (PF23-004)**

Chair Pribyl opened the public hearing for PF23-004 at approximately 6:33 p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on July 24, 2023.

City Planner Paschke summarized the request as detailed in the staff report dated June 7, 2023.

Mr. Michael Stezler, President of the Congregation of Prince of Peace, addressed the Commission.

Member McGehee asked what the church's extent of liability insurance is.

Mr. Stezler explained there is an umbrella policy containing hazard and liability through Church Mutual and there are specific clauses in it that cover this activity. The Church has assurances from the insurance company that their liability is covered. The Church does require its residents to have their own renter's insurance and therefore are covered by risk and liability to the extent of what their renter's policy provides.

Member McGehee asked if the Church has documentation of liability for the buildings but not for the people.

Mr. Stezler introduced Ms. Anne Krisnik who helped put together the permitting process.

Ms. Krisnik, Settled, explained she had a copy of the insurance policy if the Commission wanted to see it. The policy not only provides liability cover but also

has replacement cost for the individual micro units as well as the common areas of the Church if anything is needed to be replaced due to some kind of damage.

Member McGehee noted from the packet that was sent that the liability covered the structure. Her concern was about the people.

Ms. Krisnik indicated she would be happy to go over the policy after the meeting if needed.

Member McGehee indicated she had another question about the building code and the certification. She explained the certification the applicant provided states there is a governing statute in the State of Minnesota and there are NOAH certification and also ANSI 119.5 and 119.5+ and the certification says that these structures are certified per those requirements and organizations, and she wondered if there is any documentation that says that any of these units vary from the requirements for certification for either of those.

Ms. Krisnik explained the structures do meet that criterion with one exception, which is what prompted the Interim Use in the first place and that is each Municipality gets to create its own Code and in Roseville's case, the Code the City created deals with plumbing in a way that these units are not in compliance.

Member McGehee explained she was not talking about plumbing; she was talking about insulation.

Ms. Krisnik explained the insulation is actually well above the residential grade required by both NOAH and ANSI standards.

Member McGehee indicated the Noah certification only certifies R13 and R19 values and is the only type of NOAH certifies so she wanted to know how the City is supposed to be assured that the insulation actually exceeds that per State Law.

Chair Pribyl thought the Commission could look at this after the meeting.

Member McGehee continued her argument regarding what she understood to be the standards of the State.

Ms. Krisnik showed the certification of inspection from NOAH.

Public Comment

No one came forward to speak for or against this request. With no one coming forward to speak, Chair Pribyl closed the public hearing.

MOTION

Member Schaffhausen moved, seconded by Member Aspnes, to recommend to the City Council approval of an Interim Use to Temporarily Regulate Two

Existing Mobile Residential Micro-Unit Dwellings on the Property at 2555 Victoria Street (PF23-004).

Member Schaffhausen thought this is a step in the right direction and something that is really needed and valuable for this community and she is grateful that this organization is stepping forward to do this.

Member McGehee indicated that she was going to take the other side and argued that it could be a good thing, but as currently structured, it is not. She did not think there are proper safeguards in place, and she did not think that the City should allow this to go forward without challenge, but that would be a decision at the City Council level. She asked if it would be possible, she would like to add a fourth condition, that the City Council consider taking steps to get this particular Legislation brought into line so that municipal building codes, safety, etc. can be enforced by the City, not by an arbitrary third party.

Chair Pribyl indicated she was not sure that is within the City's jurisdiction, because this is a State item.

Member McGehee indicated this was a motion just to the City Council to review during the next six months and is a way to bring this legislation more in line with other structures within the City so that the City has more assurance of safety and habitable conditions for the residents of these micro units.

Member Schaffhausen appreciated that and respected where Member McGehee was coming from because what she hears is Member McGehee's deep concern for the residents that are in this space and making sure that those residents are well cared for and in addition that that, she thought the Interim, what she has seen and read through it is that the Church is following the State requirements for that and those Laws will take effect in six months and that no amount of action on the City's part will, the only thing the City will do is slow things down and that the Church will still have a chance to step in and implement these dwellings as it is defined by the State on January 1, 2024.

Member McGehee indicated she understood that.

Member Schaffhausen explained for the City to get in the way of and try to impede State Law and try and wrestle with it, what the City is saying is it respects and represent that the State is coming in this direction and the City is going to meet it and make sure that these kinds of structures the City will be ready for, and that the City is not slowing down the process. She indicated, for her personally, she is not interested in standing in the way of State Legislature and trying to over legislate in front of that to slow something down that is already on the way. She indicated she did not want to recommend an additional condition because of the State Legislature and the City is not in the position to go and legislate the State.

Member Aspnes asked staff if she read correctly that the City cannot legally put requirements that are more stringent than the State Statute.

Mr. Paschke indicated that is correct. He indicated the Planning Commission can recommend to the Council, but the Council cannot adopt conditions that are more enforceable than what the State Legislation currently lays out.

Ayes: 6
Nays: 1 (McGehee)
Motion carried.

7. Other Business Heading Information

City Council Request for Commissions

Chair Pribyl indicated this item is to be discussion amongst the Commission over the next month or two about what the Commission feels the Commission's roles and responsibilities should be moving forward whether the roles and responsibilities as laid out in the City Ordinances are as appropriate or whether there are some things the Commission wants to suggest to the Council be changed or tweaked. She indicated staff has provided a summary of the background on the item.

Chair Pribyl indicated the Planning Commission already has a fairly well-defined scope of work based on State Statute but there are sections within the City's Code that further lay out what the Planning Commission's role is within the City of Roseville. She noted there are comments from Commissioner McGehee that were sent with the packet and a desk handout has Commissioner Bauer's comments and thoughts within the chapter of the Planning Commission in City Code.

Chair Pribyl thought one way the Commission could organize discussion at this meeting is to take a look at the comments, but she wondered if there was anything else anyone wanted to add or other topics of discussion that warrant addressing.

Chair Pribyl thought the one item on the list which is not a part of the discussion for tonight, because there should be discussion on the Planning Commission role to start, is specific items that might come up at potential Zoning Code changes. She thought the Commission should focus tonight on the Planning Commission's role.

Member Bauer asked if the Zoning Code changes discussion could be moved to next month's discussion.

Chair Pribyl indicated that is correct.

Member McGehee indicated through the Zoning Code, what she was referring to was before she was on the Planning Commission there was discussion that came up again and again regarding items such as the Tree Ordinance and when the

Commission sees something like that come up over and over then the Commission needs to have a way to tell, the Commission is basically the public hearing section, and the Commission needs to get information that they gather as Commissioners to the Council and many times that would take the form of saying The Commission thinks there should possibly be considered a Zoning Code change or something. It is not changing the Zoning Code because that has to come the other way, down from the top, but the Commission has to get it up to the City Council who can authorize the Commission to then look at the potential of changing something that they, as a group, see might be a problem. That is what she was asking about in her letter, not that the Commission starts writing Zoning Code here, but that the Commission picks the information that comes here and get it up to the City Council.

Chair Pribyl indicated that made sense. She thought that Commissioner McGehee was proposing to discuss recommendations for specific changes to the Zoning Code, but she was only giving an example of how the Planning Commission should approach when issues come up that are repeated heard at the Commission level.

Member Schaffhausen wondered if there is a staff report that starts to aggregate some of this information, as far as how the Commission actually starts to propose Code changes up to the City Council, so the Council is aware of it.

Ms. Gundlach reviewed the process and clarified the feedback loop with the Planning Commission.

Member Schaffhausen asked if there are other mechanisms of communication of information from the Planning Commission that gets surfaced up to the City Council, other than the yearly joint meeting.

Ms. Gundlach explained the City Council gets all of the Planning Commission minutes and routinely review those minutes to see what is going on. On really big topics, it would not be really unusual for staff to share that information with the City Manager who then disseminates it to the individual City Council members.

Member McGehee explained that having sat on the other side of this for eight years that feedback is not effective for the kind of things she was discussing. She has not seen those issues come forward from the Planning Commission. She explained the Commission does not have any way on the agenda to even discuss issues amongst themselves, if a Commissioner thinks something should be discussed.

Member Schaffhausen indicated one of the reasons why she asked how things get shuffled up to the City Council is because if thought about, how does the Commission actually decide, as a group, decide what the Commission thinks is important and one of the reasons what she was curious about is does staff keep a log and record of the types of things, almost an excel file, because otherwise the

role of documentation for all the stuff that comes through the Commission falls on one of the Commissioners to keep track of and then find a way to manage what is most important. She thought that is creating an additional burden for a feedback loop when really for the Commission, as a listening body, the Commissioners can bring those individual opinions to that feedback loop session but at the end of the day, the people that drive the conversation, in her opinion, are the community members. She indicated her opinion matters less than a community member that comes to the City Council and says something is really important to them. The Commission might see some themes that come up and this is where Ms. Gundlach will bring it to the City Manager and what the Commission might say is that the Commission needs another feedback loop and that would be something for the Commission to have as a discussion, what is that feedback loop and what is really required. She asked if the Commissioners felt there is not enough of a feedback loop.

Member Bauer wondered if Section 2.207, more than the Commission as a listening body. He reviewed the wording in the Code with the Commission and indicated there is a process listed in the Code which the Planning Commission can bring forth Zoning changes through the course of a public hearing and then brought forth to the City Council. He explained reading that section of the Code it seemed like the Planning Commission is more than just a listening body in that the Commission is actually tasked with bringing forward stuff to the City Council.

Member Schaffhausen thought that was a good point and she thought about the number of times the Commission walked through stuff and the conversation is how does it align with the Comprehensive Plan because when she thinks about the volume of effort and energy that goes into the Comprehensive Plan, the Zoning Code, that in her opinion, is the opportunity and the time to go and have those conversations to do exactly what Commissioner McGehee is talking about and once that comes into place then that is where the City has systems and processes in place so it is not a random issue and that is the reason for the Code and the reason for the Comprehensive Plan is that the City is kind of tracking along that and finding deviations and then the more deviations that pop up, then it is something that the Commission identifies as potential need but one deviation does not mean a Zoning Code change or need.

Chair Pribyl indicated she was thinking the same thing. The City went through a pretty extensive process of community engagement, updating the Comprehensive Plan and getting that approved through the Met Council and then making all of the Zoning Code changes that followed that through, with an outside consultant to staff assisting throughout that entire process. Her personal concern with starting to cherry pick would be that there would be unintended consequences of starting to make a change that may then affect something that was approved in the Comprehensive Plan, and it creates an entire cycle.

Member Bauer asked what the process would be if a mistake is made by the City. Would the City tell the residents that nothing could be done until the next Comprehensive Plan is started.

Mr. Paschke explained he was not sure how the Commission would know a mistake was made unless something came before the Commission a number of times because one person may not like something or an outcome of something does not mean it is a mistake. To determine what the mistake is would take research an understanding how many times, whatever that item is, has been a problem or problematic and then the Commission or staff would have to discuss it with the City Council and determine whether or not the Council felt that there was an error that required some form of a change in order to be less impactful but the Planning Commission, as a body, is not going to perhaps know whether or not something is a mistake for a long time. Things take years to determine whether or not the way that it was originally set up is going to be problematic. He indicated this needs to play out a long time. Regarding the point about the Commission, as a body, being the body that does, for example, Zoning Code text amendments with public hearings and it runs through a process. Generally speaking, that is correct, however, that the whole process is either derived from staff working with things or it comes from the Council. The current City Code does not state that the Planning Commission is the body that initiates it, meaning that the Planning Commission picks something and agree a change should be made, there are other things that go into determining what really needs to be modified as it relates to Comprehensive Plan and Zoning Code.

Member McGehee indicated the Comprehensive Plan can be changed. There is a Comprehensive Plan change process and she agreed that it is not up to the Planning Commission to pick these things but her only point was to try to get more than a once a year check in because she did not think it was sufficient and that was her point. The meeting does not have to be an in person meeting but if there were a number of the Commission members wanting the Council to be aware of something that the Commission was hearing, as a group, without having it violate open meeting law or anything else. We need a way to have a discussion amongst ourselves of some of things that have happened and whether the Council acts on it, whether the staff acts on it, that is up to the Council and staff but it is the Planning Commission's responsibility to forward what the Commission hears and thinks to the Council. The Commission serves as volunteers and all she was asking for is some sort of mechanism where if there were a number of Commissioners that wanted the Council to just think about something, there would be a mechanism to arrive at such a conclusion and pass it onto staff to pass to the Council.

Member Aspnes thanked Commissioner's McGehee and Bauer for their thoughts on this. Commissioner McGehee has much more experience in Roseville City Government and on the Commission than she does and what she appreciated, particularly, were Commissioner McGehee's thoughts about a few of the meetings the Commission has had recently where a lot or a small number of lots

have come up available and a developer is building something new and it is not a single lot, it is multiple lots and the builder has a meeting, an open house, with the residents and the residents have given him their feedback, it comes before the Planning Commission, the current residents of the neighborhood have attended the meeting and given their feelings generally, not positive of wanting to move forward with the project, and in the end the Planning Commission ends up approving it and it goes to the City Council and she felt the residents were disappointed in the process, by the looks on their faces. To Commissioner McGehee's thoughts on this, is there a way in addition to the minutes that go to the City Council, for the Commission to then add a Planning Commission memorandum, indicating thoughts of the Planning Commission regarding this issue.

Member Kruzel assumed some of the City Council members watched the Planning Commission meeting.

Chair Pribyl indicated in the minutes the Council can see how many people have spoken at the public hearing.

Member Bjorum understands the importance of listening to residents' concerns, but it is the responsibility of the commission to make sure the presented project meets the requirements set forth in the comprehensive Plan and Zoning code and other legal requirements. It's unfortunate that is not well understood by the public, and the process isn't well understood. Residents can attend Planning Commission meetings and voice their concerns, but ultimately the commission is responsible for the review and intent to meeting documents already created by the city. Neighbors have to take their concerns to the body that governs the approval of the project, such as the city council, where their voice can be better represented.

Member McGehee indicated she got that, but she did not think it is reasonable to expect residents, particularly without a newspaper, and no communication as the City had in the past, to get together and come to the governing body with a request for something specific. The residents each see their own neighborhood and they see what happened there and yes, the resident cannot effect that because they come to the Commission and it is already written in stone that this is the way it has to be and then the next neighborhood comes to the Commission and they have essentially the same issue with the same issues in the Code.

Member Kruzel thought it would go back then to what is written in the Code because that is what the Planning Commission is governed by. Many times, the Commissioners have been at the meeting thinking sometimes with their heart and then another Commission explains the project is meeting all the checks and balances and the criteria, so the Commission really does not have a choice. The Commission's role is to look at the facts.

Member McGehee agreed with what Commissioner Kruzel was stating but she thought that when the Commission sees those things the Commission should be

able to take that over arching problem or not a problem with the Code, to the Council and ask them to think about it based on the examples that the Commission has seen.

Member Schaffhausen indicated one of things she is struggling with as she listens to this is what it assumes is that what the Commission is seeing is not instead a response or reaction to change that people struggle with change in general, what the Commission is assuming is that there is something wrong with what is coming in front of them and therefore the Commission needs to document it and move it in different direction versus there is a process in place and staff has done their job going through the checks and balances and there have been times that staff has found an issue once presented to the Planning Commission and puts a pause on the item to fix the issue and then the project either comes back again or goes away but what she is concerned about is that the Commission is putting their personal weight on the frequency of some of these things and to Commissioner McGehee's point, because they are individual, what the Commission is assuming is that they see three things of the same thing and people do not like the fact that a duplex gets to go next to them and there is a reason that in the Comprehensive Plan the densities are increased to provide opportunities for increased housing in the City of Roseville. She actually thought the duplex was good and the fact that three groups of people do not like the duplex, she gets it, but it is what it is.

Member McGehee did not think it conforms with what they say in the outset of the Comprehensive Plan.

Member Schaffhausen explained that was Commissioner McGehee's personal opinion.

Member McGehee agreed it was her personal opinion.

Chair Pribyl stopped the conversation and thought the conversation was going off point and wanted to reign the discussion back in.

Member Bjorum thought the real issue to bring to the Council is there needs to be a way to notify the public how the process works. The Planning Commission reviews for the intent to meet documents created by the city. The City Council will review our recommendations and listen to residents' concerns. The disconnect is that neighbors have a misunderstanding of how the process plays out and who they can address their personal concerns to.

Member Schaffhausen thought one of the simple spots for that is actually in how the Planning Commission announces the meeting, technically, and could be a wording change that would be needed.

Member Bjorum noted that most of the comments tonight were based on personal opinion and the Planning Commission isn't governed by opinion. The Planning Commission is governed by legal documents. He agrees with a lot of what has

been said but disagrees with some as well. The Commission is going to go down a black hole if the Commission's comments are all based on individual opinions and not based on the context of the Commission's role in the process. If a member wants to share their personal opinion on a project, then it should be presented through the proper channels and not as part of the Planning Commission process.

Member McGehee indicated she does do that, and it is fine with her because she does not have a “dog” in the fight.

Chair Pribyl indicated that it seems like there are a couple of issues that were talked about. One, is making sure that the public understands the Planning Commission's role and maybe the Commission can discuss any additions that could be made to the public meeting rules that explains that and then the other is if there are items that come up in discussion, like the tree density the Commission talked about at several meetings, to be brought forward as a point of discussion at the joint meeting with the City Council.

Member Kruzel believed that most of this information about the Commission's role is on the website and the rules as well.

Member Schaffhausen asked if the Commission could make some sort of an amendment or change to how the Chair opens the meeting, as far as the residents opportunity for voicing an impact, today this is what it means, tomorrow, this is where it mean elsewhere and that is where it states when it will go to the Council and then she also wondered if they could start to have something on where to go with more concerns or how can a resident make sure that their voice is heard. She wondered if the Commission can be proactive by using something like a QR Code.

Chair Pribyl indicated the Commission does offer the resident the opportunity to speak at the City Council meeting.

Member Aspnes agreed with Commissioner Bjorum's comment on what the Commission's role is and she did understand the role. Her concern is that the neighbors in these neighborhoods where the new building is taking place, the residents does not seem to understand and she wondered how the City can make that better, the resident does not understand the Commission's role, the resident does not understand their responsibilities for sharing their voice with the appropriate bodies at the appropriate time. By the time the resident comes to the meeting it is too late, the Comprehensive Plan is done, the Zoning Code is done, the Building Codes are done, and the Planning Commission has a responsibility to act within all of that and she thought the Commission was doing that, but she thought the process of having the residents' voices be heard is not there, or at least the resident's do not feel it is there. She wondered how the City could get the information out to the residents in the right way to voice their concerns.

Member Bjorum thought that was the Commission's job and their obligation to tell the residents the process.

Member McGehee reviewed the previous Comprehensive Plan process that occurred. She indicated the vision for the plan was very poor, it was almost non-existent compared to other plans the City has had in terms of outreach and the community engagement. She indicated that the combination of the poor outreach and the low turnout from the community for whatever reasons, the information about the lot changes and zoning items were not known or vetted in the community. The residents do not know what those changes were, and the changes are extremely significant. She noted that is the underlying problem and she does not know how to get that out and she agreed that the City needs to get that information out to the community so residents know. She believes that has been the basis of the subdivision problems we have seen.

Member Bjorum did not know how that reflects on the Planning Commission. He thought it seemed more like the City Council's problem.

Member McGehee indicated the zoning changes do not reflect on the Planning Commission except the Commission sees the results. The only thing she can think to say as an individual to the Council is that people do not know about the changes. She opined that she does not know how the City can get a newspaper, but without one the information is not out there and that causes problems. However, she does like some of the things in Commissioner Bauer's handout.

Chair Pribyl explained the other thing she wrote down from the comments from Commissioner's McGehee and Bauer is the Commission's role has been to look at how a project meets the letter of the Zoning Code. What she is seeing in both comments is an interest in having some kind of a role in design review. An impact on the outcome beyond a thumbs up/thumbs down vote, so is there room to wiggle.

Member Bauer explained he was open to hearing from the Design Review Committee and looking at some of the prior meetings without adding any increased time to the developer or the property owner, a way of getting the application in front of the Planning Commission twice instead of just once and allowing for possible changes to be done to the project.

Chair Pribyl reviewed with the Commission what the City of Minneapolis does for project applications and review.

Member McGehee did not see the reason why the City of Roseville could not do the same thing that the City of Minneapolis does with its project applications. She thought the Commission could hold the open house in order to see what possible issues could be and if corrections could be made and possibly include other input and possible changes.

Ms. Gundlach reviewed the items the Commission discussed and possible items to discuss at the next Commission meeting. She noted on the City website there is a place where residents can send comments to the City Council. She also noted staff does have a specific project communication loop for the City Council to see and review. She indicated she would be hesitant to involve the Planning Commission in the Development Review Committee because the purpose of that is very technical in nature. She indicated community involvement is tough everywhere with every type of development and participation is down everywhere. The Comprehensive Plan and Zoning Code, those engagement opportunities are very big picture and people have a hard time understanding how that is going to affect them but when a project happens in their backyard the resident understands very acutely how that is going to affect them and that is when the resident comes to the City opposing the project. The Planning Commission is one of the only Statutorily required Commissions because the Commissioners deal with somebody's property rights. It is a very tough balance in dealing with the residents and trying to get them to understand how it affects them.

Member McGehee thought it would be nice to have a small opportunity to say something ahead of time before the project is set in stone. She thought it would also be a big deal for the community to feel that the Government did listen, and that the City was trying.

The Commission and staff discussed different communication methods.

8. Adjourn

MOTION

Member Aspnes, seconded by Member Bjorum, to adjourn the meeting at 7:54 p.m.

Ayes: 7

Nays: 0

Motion carried.