



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, September 13, 2021

1. Roll Call

Mayor Roe called the meeting to order at approximately 6:10 p.m. Voting and Seating Order: Groff, Willmus, Strahan, Etten, and Roe. City Manager Patrick Trudgeon and City Attorney Mark Gaughan were also present.

2. Pledge of Allegiance

3. Approve Agenda

Groff moved, Etten seconded, approval of the agenda as presented.

Roll Call

Ayes: Groff, Strahan, Etten, and Roe.

Nays: None.

4. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items. No one indicated a desire to speak.

5. Recognitions, Donations, and Communications

6. Items Removed from Consent Agenda

7. Business Items

a. Interview Commission Applicants

The Council interviewed candidates for the Finance Commission and Human Rights, Inclusion and Engagement Commission, approximately 6:12 p.m. to 7:07 p.m.

Councilmember Willmus arrived at 6:55 p.m.

b. Public Hearing and Consider Approval of Request for a Noise Variance for the County Road B2 Project

Assistant Public Works Director/City Engineer Jesse Freihammer briefly highlighted this item as detailed in the Request For Council Action and related attachments dated September 13, 2021.

Councilmember Strahan indicated she was most concerned about the east portion, as the homes that border this are pretty open and do not have much distance between them and the project. She thought that was important to not have ten days overnight

work in that area. She wondered if there was any way the boundary could shift to Snelling and those residents would then be impacted by whatever is happening later on and possibly would not affect them overnight.

Mr. Freihammer explained the border could move. The ten days is for the overall work project. There are four full travel lanes that need to be paved but if he had to guess, it would probably be one or two days of work east of Snelling, or east of the bridge, for the work to be going on. He noted it would not be a full ten days in that area, it would just be a day or two.

Councilmember Strahan indicated the rest of the area is not residential so it seems there would be limited impact overnight by the shopping center.

Councilmember Etten agreed that was a concern area for him as well but at the same time he wanted to respect that there may be a reason this was taken that far. He would trust staff to guide that process.

Councilmember Willmus thought the ramp interchange to the east of the north/south bound Snelling was significantly busy during the day and he imagined that is playing into this request to be able to do night work there in order to be able to get the project done a little bit quicker.

Councilmember Groff asked if staff has heard anything from the residents in that area regarding this.

Mr. Freihammer explained there were five or six houses within the five-hundred-foot radius of the project that did get notified and staff did not hear any comments from either residents or property owners.

Mayor Roe reviewed public hearing protocol and opened and closed the public hearing at approximately 7:14 p.m. for the purpose of receiving public input on the above-referenced Noise Variance; with no one appearing for or against.

Willmus moved, Etten seconded, adoption of Resolution No. 11829 entitled, "Resolution Requesting a Variance from City Code Section 405.03, Hourly Restriction on Certain Operations for the County Road B2 Project."

Roll Call

Ayes: Groff, Willmus, Strahan, Etten, and Roe.

Nays: None.

- c. **Consider an Ordinance approving Zoning Map and Zoning Code Text Amendments to align with the City's 2040 Comprehensive Plan**

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request For Council Action and related attachments dated September 13, 2021.

Ms. Gundlach introduced Mr. Jeff Miller and Ms. Rita Trapp from HKGi who made a presentation to the City Council.

Ms. Gundlach summarized the public hearing comments as well as the Planning Commission comments and motions from the Planning Commission meetings. She noted staff recommends the Council table this item for further review by staff.

Councilmember Willmus indicated in one of the slides, there was some conversation about what the City knows now as LDR-1 and what that looks like combined with medium density residential if this moved forward. There is also a lot of comment in this about how the City is leaving LDR-1 intact as is when really, in effect, that existing LDR-1 is becoming what is currently LDR-2. He would like some clarification on that.

Ms. Gundlach did not think it was accurate that the City is changing the LDR district, if referring to the eight units per acre.

Councilmember Willmus indicated he was talking about the City's existing LDR-1, which is four units per acre and now seem to be lumping into the City's current LDR-2, which is the eight units per acre.

Ms. Gundlach did not believe that to be true. She stated the LDR-1 district is being renamed to LDR. When looking at the Land Use table, with the lot requirement, the lot area is changing to 9,350 square feet where right now the minimum lot area is 11,000 square feet but if it is extrapolated out it does not necessarily equal eight units per acre. The LDR-2 district is being renamed to LMDR which is where the eight units, and sometimes even more, based on the housing type.

Mr. Miller explained when looking at the LDR-2, he was also kind of confused in looking at the Zoning District. The LDR-2 does not line up with the LDR land use in the Comp. Plan, it really lines up with MDR in the Comp. Plan. Even though it is called LDR-2 it has quite a few housing types that really line up with MDR. If that is accounted for then that leaves the only district that really aligns with the LDR land use category which is LDR-1. What HKGi is recommending is to align LDR-1 or LDR with the land use category, which is to allow eight units per acre and housing types that allow them to get there, which is the two family and courtyard cottages, which are single-family homes as well but are a different type of detached home.

Councilmember Willmus asked if the City's current LDR is, in essence, becoming what the LDR-2 is.

Ms. Gundlach indicated it depends on the housing type being implemented.

Councilmember Willmus explained the way staff is defining it, the minimum lot size standard and potential density is being changed and almost everything about it is being changed so he wondered how that is not a rezoning.

Ms. Gundlach explained it was her understanding that the Comp. Plan guidance currently allows up to eight units per acre in the LDR district. The Zoning District changes staff is proposing still align with that which is why staff does not believe it requires a rezoning of every parcel that is currently guided LDR.

Mr. Miller explained the MDR in the Comp. Plan allows up to twelve units per acre. He indicated they are recommending changes to the LDR, but they are not moving or transitioning the LDR to be LDR-2.

Councilmember Strahan asked for clarification on 1880 Lexington. She thought it appeared to be from the street a single-family home and from the information provided the owner purchased it under the understanding that it was a high-density residential and an endangered lot. She noted there are some medium-density residential homes next door so she was wondering why the designation was to go from high density to low density.

Ms. Gundlach explained she was not with the City during the Comp. Plan conversation where the decisions were made to go back from HDR to LDR. She knew those conversations were had during the larger engagement effort. She did know that the current owner bought that property in October 2019, which was well after the Comp. Plan engagement process, where the property owner would have been notified about conversations about changing the land use guidance. She bought it during the time where the previous owner was invited to participate in the Comp. Plan conversation to change the guidance but not before the actual process the City is in now, which is to implement that. She thought there is a single-family home on the parcel now and there are single-family homes to the south as well as single-family homes behind. She thought that the desire was to maintain the lower density characteristics that already exist to the south and east of the property.

Mayor Roe explained it was originally designated as high-density residential because the property immediately to the north is high density and this lot was the same size so it seemed conducive to likely being redeveloped as high density. When the Comp. Plan discussion came around it was noted this was a single-family home surrounded on two sides by single-family homes and he thought the Council's desire in that discussion was to let a potential redevelopment process determine what the appropriate rezoning, if any would be, leave it at single-family LDR as it currently exists and allow for a redevelopment process to bring forward a proposed rezoning and re-guiding at that point.

Public Comment

Mayor Roe offered an opportunity for public comment.

Ms. Patricia Kelly Hall, President Midland Grove Condominium Association

Ms. Hall explained the residents of Midland Grove Condominiums are upset particularly about this years' efforts. She summarized the community to the City Council. She noted since she has moved in MnDOT has clear cut trees and shrubs on the northeast corner and removed all of the trees on the southeast corner due to EAB and no trees have been replanted on that site. The only trees that have been replaced are the ones that the residents have paid for. It seemed to the owners that the government has taken from them and not given anything back. She indicated the residents are upset with the rezoning of the 2025 parcel because it would allow buildings up to forty-feet feet above ground in a neighborhood with nothing else that tall and that structure would be in the middle of what is now a grove. She explained the residents were also upset when members of the Planning Commission staff told her that the City did not notify them of the original proposed changes to Roseville zoning because then only commercial property owners were notified. She also explained the residents were also upset when another Commission staffer said in public that homeowners might not be notified when a plan for developing the 2020 parcel comes forward because it is too small. She noted this was one of the most concerning things, that the residents would not even be notified if a plan came forward for development. A follow up to that is that the residents were told the City could not guarantee that the missing gap housing is what would go in there. She concluded her comments with indicating the residents are not opposed to development in the area but were opposed to being ignored by the government when decisions are made that impact them more than anyone else.

Mr. Mark Germscheid, Board Member Midland Grove Condominium Association

Mr. Germscheid indicated he was representing the residents of the association. He summarized the history of the Associations participation in previous zoning plan change discussions. He noted this time the Association was not invited to participate in any zoning conversations this year until July. He showed on the overhead how the area looks to different agencies and traffic in the area. He stated the Associations recommendation is to pass an amendment tonight because the City Council has the opportunity to continue to show their support of the Roseville Residents by repairing this administrative oversight. They ask that the City Council adopt a Comp. Plan amendment to vacate the zoning change recommendation for 2050 County Road B West.

Ms. Joyce Theilen, Homeowner at Midland Grove Road

Ms. Theilen explained she has been a resident for over twenty-five years. She indicated the reason she came up to speak to the City Council is that this whole idea

of the traffic situation is really getting dire. There are some people who will no longer take a left onto County Road B, which leads them to shop and support the businesses in Roseville because it is too dangerous. There is also a tremendous water problem. She noted she has water in their garage and has been there since she has lived there. The last time this came up before the Board, Midland Grove spent over \$600,000 to redo everything for their drainage system, and they still have water coming into the garage. It has never abated. At that time, she went to the Minnesota Attorney General's office and spoke to them about this, and she was told Midland Grove should never have been allowed to be built there in the first place because that is considered a swamp area. She was pleading with the Council to not let new buildings come in there because of the traffic situation and because of what the Attorney General's office told her.

Mr. Thomas Tveit, 2230 Midland Grove

Mr. Tveit indicated he did not understand the logic with the City wanting to reconsider the zoning at 1880 Lexington and moving it back to low density from what has been recommended with this area and trying to make a low-density property into a medium density property. He thought it seemed inconsistent with the City's approach to the whole process.

Mr. Steve Enzler, 1995 County Road B West

Mr. Enzler stated they are a classic example of what can happen when the zoning and the Comp. Plan do not align. The learning here is the Council has another opportunity to not let what happened to his area happen to anyone else. If nothing else, no one should buy property without having to look at the zoning and Comp. Plan. Anything that the City can do to require disclosure for new, potential residents of the City would be of great assistance. He explained this is a tough situation for everyone and he believed there should be creative ways to increase density and he thought there was an opportunity with this parcel to do something wonderful but what he thought needs to happen is the property controls still need to be in place so that the builder can be creative and maximize the use of the land but also fit into the environment. The way to keep proper control, he believed, is to move it to LMDR, which allows up to forty units on the bigger parcel.

Mr. Blake Olson, 2609 and 2599 West Snelling Curve

Mr. Olson stated the entire west side of West Snelling Curve is undeveloped land. He explained he strongly opposed the change and looked to amend the Comp. Plan for this land because it does not fit for the best use of the land. He indicated this is three and a half acres and to have it get switched back to low density is not something he is in favor of. He asked the Council to amend the Comp. Plan in order to keep the zoning what it currently is, which is medium density.

Ms. Kelly Schwagerl, 1011 Roselawn Avenue

Mr. Schwagerl explained she was at the meeting to support Mr. Olson. She has been working with the owner to develop residential assisted living on that land.

She indicated this would be a diverse living area. She explained what residential assisted living entails. She indicated it was her dream to make a residential assisted living development a reality and it would squash her dream if the Council made this area a low-density residential area. She thought the development she would like to create would be a great use for the land and hoped this would stay at medium density.

Mr. Chris Schwagerl, 1011 Roselawn Avenue

Mr. Schwagerl explained their business partner, Mr. Olson, talked about keeping the West Snelling Curve lot zoned as MDR and his wife talked about the residential assisted living plan and why a residential assisted living provides greater care for seniors, which is a part of the 2040 Comp. Plan. He noted he was a mental health social worker and was a newly licensed assisted living director. He explained as a social worker, one of the problems that a lot of his client's face is how can they get a job that pays them some money and also gives them some dignity where they do not have to sit in fast food or do customer service. Most of his clients who are experiencing depression, anxiety, psychosis, things like that are looking for jobs that take care of people and do not have a lot of access to large facilities. What he and his wife are proposing with residential assisted living would be a way for people to work in a residence and work in a home to help seniors live in a home instead of a facility. He asked the Council to keep the West Snelling Curve lot zoned as MDR so they can provide great care and diverse jobs.

Mr. Jon Bauer, 2025 County Road B

Mr. Bauer explained he supported the recommendation of medium density.

Mayor Roe closed the public comment at 8:36 p.m.

Councilmember Strahan explained looking at the City Council meeting minutes from October 23, 2017, at that time, the 1880 property, indicated it was going to be low density residential, so it is confusing why it is still unclear four years later. At that time, 2355 West Snelling Curve, without objection the Council agreed to retain LDR designation and 2025 County Road B, the Council agreed to leave this as MDR. She indicated she wanted to clarify where these properties were at in 2017 and if anything has changed from then until now.

Mayor Roe explained the 1880 property, in the last Comp. Plan and Zoning, it was guided and zoned for high density. The discussion preceding the October 2017 meeting was all related to updating the Comp. Plan and the future guidance for that site and the Council and Planning Commission's decision was to reguide that back to low density as a part of the guidance in the Comp. Plan. The Comp. Plan currently designates that site as LDR, which is a change from the previous high-density residential. He indicated now the City is at the point of updating its zoning code to match the Comp. Plan designation on that property. He stated Snelling Curve has been LDR in the previous zoning and Comp. Plan but as a part of that Comp. Plan

process in 2017, there was discussion about updating it to medium density. He believed that ended up not going forward and the Council decision was to not do medium density and he recalled one of the primary reasons was a concern about access for a lot of units and only having the access out to the south. He noted 2025 had a lot of back and forth on the Council and Planning Commission and during the Comp. Plan process its existing guidance has been LDR and proposals have come forward with a lot of density and fairly large projects and the Council has voted against those because of the amount of density.

Ms. Gundlach concurred. She also reviewed the history of the three sites and the minutes of the Planning Commission and City Council in 2017.

Councilmember Willmus explained he was not opposed to taking a second look to address some of the issues that the residents have brought forward to the Council. One of the concerns he has is not wanting to do that in essence, not knowing what the ultimate design standards are going to look like for various classifications that they are going to be considering. He thought staff had asked the Council to table with specificity with respect to those design standards. He thought this was something the City should be doing if they are going to do that, knowing what those standards are.

Mayor Roe concurred and thought the idea being that the Council does not take an action, even on the site-specific proposals, but rather come back to those. He thought the bigger question is does the Council want to initiate that Comp. Plan change process. He was not sure if that question could even be answered until the Council knows what the standards ultimately will be coming forward for the various zoning designations.

Mayor Roe asked if the Council wanted to take a break before discussing text amendment changes. The Council agreed a break was needed.

Recess

Mayor Roe recessed the meeting at approximately 8:50 p.m., and reconvened at approximately 8:59 p.m.

Mayor Roe indicated the Council will be asking staff questions and discuss the text amendment changes and use list standards.

Residential Districts

Ms. Gundlach reviewed with the Council the issue with LMDR dimensional standards and the MDR dimensional standards tables in attachment E of the packet. She indicated it did not make sense that a greater lot width would be required in the MDR for the same housing type that is reflected in the LMDR at a lower lot width. Staff needs some time to go back and look at the lot width and make sure that as they go from LDR to LMDR to MDR to HDR, it is progressively getting more

intense with all of the standards. She noted the second issue deals more with HDR and the commercial districts.

Mayor Roe indicated there was extensive discussion about the height versus setback and he wondered if this should remain in both the mixed-use, high-density type uses and adjacencies or have it different between the two. He thought when reading this it should remain in both places.

Councilmember Willmus thought a lot of that conversation related setback and such began with the conversations that were going on at the Good Samaritan property. The Council had significant conversation about that and attempting to protect dissimilar uses in close proximity to what the intended use would be and he would concur and would like to retain that language. He thought it was a pretty stark change when all of sudden there is a multi-story building that is impacting solar access and other things, which is what the driver was on that, from his perspective. He indicated he would support retaining that language.

Councilmember Etten concurred and would rather retain that language and have significant discussion specific to what types it is next to, up to the MDR density level. He would support keeping that fifty percent to building height piece in the HDR Districts and then everything would be consistent later with the CMU district.

Ms. Gundlach indicated with Har Mar, the City is rezoning it to community mixed use, that step back standard was not made up, and is already in the CMU district. She explained what is interesting is the step back in the CMU district comes into play after the second story. How it is written in the HDR is the step back comes into play after the third story. She noted staff wants to look at that.

The Council discussed height standards in the different districts with staff and the Planning Commission recommendations.

Councilmember Willmus explained on the use chart, a number of years ago there was a deliberate attempt to retain significantly larger lots and with the change that will be in effect with LDR that could perhaps down the road lead to significant changes and changes in character in existing neighborhoods. He worried about it to some degree. One of his concerns is when the City is dealing with other issues that the Council struggles with when proposals come forward with perhaps nine to ten lots that are 10,000 to 12,000 square feet in size. The issue is with the loss of trees, runoff water, etc. Those things will become more apparent at having the infrastructure to deal with those, having the loss of canopy seen which is something he struggles with. There will need to be a balancing act and he thought the Council owed themselves a step back to take a little bit of time to work through. He was not sure this was something he was ready to say that they are able to go Citywide with because he did not know what ramifications it will have down the road.

Mayor Roe reviewed the proposed changes and did not think this would be changed. He clarified that Councilmember Willmus was not saying he was concerned about changing existing LDR-1 to LMDR, like rezoning properties across the City. What Councilmember Willmus was saying is that LDR-1 is creeping up in density as the city changes what LDR means because the City is allowing two-family and the Courtyard Cottage and the size of lots per unit and all that.

Councilmember Willmus agreed.

Councilmember Strahan thought there was also the concern of public safety because of all the added units and trying to keep up with the volumes as well as the schools not regularly having what they need. She thought when there were changes made, the City needs to factor in long term impacts.

Councilmember Etten recognized that this potential LDR would allow an open parcel that is an acre up to eight lots, other than that, he did not see the slightly smaller LDR single-family unit, they can still get 4.5 of those in so there is not going to be a big change there. The lot width stays the same unless there is a twin home and then it is actually wider than the current City standards so a lot of lots would not even work unless several were purchased in a row. He thought it would be a rare circumstance where the City would have more than a few lots changing over. He thought it would be difficult to make this a large expansion of density in the LDR neighborhood.

Mayor Roe suggested the Council needed to have another discussion like this on the commercial and employment districts at an upcoming meeting.

Councilmember Etten indicated that he preferred to continue with this item and move the legislative priorities to another meeting.

Councilmember Willmus indicated he would like to put this conversation on pause and bring it back to another meeting where they can start it at the beginning of the meeting. He thought these were some fairly complex issues that need more discussion than just another 20 minutes.

Councilmember Etten thought if the Council worked through the other two items, then staff could bring back revisions for the Council to discuss at a future meeting.

Mayor Roe suggested discussing the commercial Districts

Commercial Districts

Ms. Gundlach explained staff would like the Council to revisit the step back in the building height as it relates to setback in the MU2B and the MU4. She indicated this will be addressed in a future ordinance that staff will bring forward to the Council.

The Council asked staff to look at the Dwelling, multi-family (more than eight units per building) and also Dwelling, one-family attached (townhome, rowhouse) in table 1005-1 for corrections that should be made.

Councilmember Willmus indicated in the table under Brewpub, Brewery, Micro-Brewery, Distillery, when looking at brewery, it is listed as conditional in the MU-2A and MU2B, not permitted in MU3 but then conditional in RB-1 MU-4. He wondered why it would not be permitted in MU3.

Mayor Roe indicated that was one he cited as well and seemed like actually in both MU-2A and MU-2B, it might be appropriate to have it not permitted as well because he thought they talked about a brewery being a big establishment. He would like staff to double check that.

Councilmember Willmus concurred.

Councilmember Etten explained in the current CMU Code it is not permitted in the MU-2A but is a conditional use in the other CMU District. He would prefer to have the brewery not permitted in the new MU-2A. He noted another piece of this under MU-2B is Lodging, Motels, Hotels throughout. He explained that was only in the CMU4 before and now this puts it potentially next to Langton Lake and was a very intentional move by the Council to have that where it was in the CMU group, and he thought the current CMU-2 was intentional on leaving this out of that group.

Mayor Roe thought maybe this could be a conditional use in MU-2B.

Councilmember Etten noted in the proposed MU Districts, there is nothing he has found with retail large format, and he wondered if that was intentional.

Ms. Gundlach explained staff did not carry the retail large format over from the CMU into the same table. Retail is in there, but staff did not differentiate between large format and regular, which the threshold is 100,000 square feet. If the Council would want to leave it in then staff would need to add that back in.

Councilmember Etten indicated this made him pause because Council discussed these for a long time and he worried that the big box stores would be permitted in areas where they were intentionally left out previously.

The Council discussed where the community center, library, and municipal building should be permitted. Council consensus was this should be permitted in all districts.

Councilmember Willmus noted there are a few other instances like the community center line throughout the table and he asked staff to review and double check those as well.

Employment Districts

Mayor Roe thought this was pretty consistent with the previous code.

The Council discussed changes and wording in the employment district and impervious coverage ratios.

Etten asked if the impervious surface limits in residential districts were proposed to be changed and he was informed they were not.

d. Discuss Roseville's 2022 Legislative Priorities

This item was moved to a future meeting.

8. Approve Minutes

Comments and corrections to draft minutes had been submitted by the City Council prior to tonight's meeting and those revisions were incorporated into the draft presented in the Council packet.

a. Approve August 23, 2021 City Council Meeting Minutes

Willmus moved, Strahan seconded, approval of the August 23, 2021 City Council Meeting Minutes as presented.

Roll Call

Ayes: Groff, Willmus, Strahan, Etten, and Roe.

Nays: None.

9. Approve Consent Agenda

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated September 13, 2021 and related attachments.

Strahan moved, Willmus seconded, approval of the Consent Agenda including claims and payments as presented and detailed.

Roll Call

Ayes: Groff, Willmus, Strahan, Etten, and Roe.

Nays: None.

a. Approve Payments

| | |
|---------------|-----------------------|
| ACH Payments | \$1,289,807.81 |
| 100928-101140 | 3,168,858.64 |
| TOTAL | \$4,458,666.45 |

Regular City Council Meeting

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- b. **Approve Temporary Liquor License**
- c. **Approve issuance of a Short-Term Rental License for 1901 Shady Beach Avenue**

10. Future Agenda Review, Communications, Reports, and Announcements – Council and City Manager

Mr. Trudgeon updated the Council on the League of Woman Voters advisory commission demographics study and indicated it will be put on a future City Council agenda..

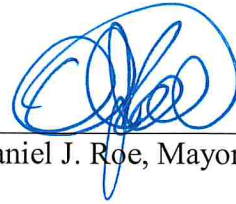
11. Adjourn

Willmus moved, Strahan seconded, adjournment of the meeting at approximately 10:00 p.m.

Roll Call

Ayes: Groff, Willmus, Strahan, Etten, and Roe.

Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager