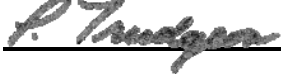


ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 5/21/2012
ITEM NO: 12.b

Department Approval



City Manager Approval

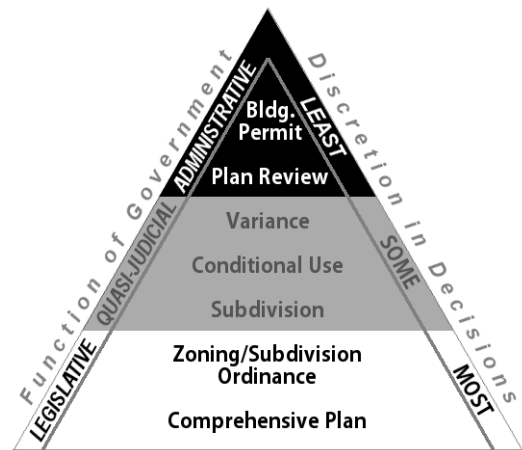


Item Description: Request by Wal-Mart Stores, Inc. for approval of a **preliminary plat, final plat, and development agreement** of the land area bounded by County Road C, Cleveland Avenue, Twin Lakes Parkway, and Prior Avenue (PF12-001).

Application Review Details

- Public hearing: February 1, 2012
- RCA prepared: May 10, 2012
- City Council action: March 26, 2012
- Action deadline (extended by applicant): June 4, 2012

Action taken on a plat proposal is **quasi-judicial**; the City's role is to determine the facts associated with the request, and apply those facts to the legal standards contained in State Statute and City Code.



1.0 REQUESTED ACTION

Wal-Mart Stores, Inc., in conjunction with Roseville Properties and University Financial Corporation, current owners of the subject properties, seeks approval of **preliminary plat, final plat, and development agreement** for the portion of Twin Lakes sub-area 1 bounded by County Road C, Cleveland Avenue, Twin Lakes Parkway, and Prior Avenue.

2.0 SUMMARY OF RECOMMENDATION

2.1 The Planning Division concurs with the Planning Commission, which voted (5-1) to recommend approval of the proposed PRELIMINARY PLAT; see Section 8 of this report for the detailed recommendation.

2.2 Planning Division staff, Public Works Department staff, and the City Attorney recommend approval of the FINAL PLAT and the associated DEVELOPMENT AGREEMENT; see Section 8 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

Adopt a resolution approving the proposed PRELIMINARY AND FINAL TWIN LAKES 2ND ADDITION PLAT, pursuant to Title 11 (Subdivisions) of the City Code and the proposed DEVELOPMENT AGREEMENT, pursuant to Chapter 1022 (Twin Lakes Overlay District) of the City Code; see Section 9 of this report for the detailed action.

4.0 BACKGROUND

4.1 The subject property has a Comprehensive Plan designation of Community Mixed Use (CMU) and a corresponding zoning classification of Community Mixed Use (CMU) District. The PLAT proposal has been prompted by plans to develop an approximately 160,000-square-foot Walmart store in the eastern portion of the site and two smaller future developments on the western side of the property, along Cleveland Avenue. When exercising the so-called “quasi-judicial” authority when acting on a plat request, the role of the City is to determine the facts associated with a particular request and apply those facts to the legal standards contained in the ordinance and relevant state law. In general, if the facts indicate the applicant meets the relevant legal standard, then they are likely entitled to the plat approval, although the City is able to add conditions of approval to ensure that the likely impacts to roads, storm sewers, and other public infrastructure on and around the subject property are adequately addressed.

4.2 While the City Council is only responsible for reviewing and acting on the proposal to rearrange the parcel boundaries of the subject property rather than approving or denying the overall development or the use itself, a rendering of the overall development concept has been submitted to assist Public Works Department staff with understanding what will be required for adequate storm water management; the concept rendering is included with this report as Attachment C.

5.0 PLAT ANALYSIS

5.1 Plat proposals are reviewed primarily for the purpose of ensuring that all proposed lots meet the minimum size requirements of the zoning code, that adequate streets and other public infrastructure are in place or identified and constructed, and that storm water is addressed to prevent problems either on nearby property or within the storm water system. As a plat of a commercial property, the proposal leaves no zoning issues to be addressed since the Zoning Code does not establish minimum lot dimensions or area. The proposed FINAL PLAT is included with this report as Attachment D.

5.2 Roseville’s Development Review Committee (DRC), a body comprising staff from various City departments, met on January 12 and January 19, 2012 to discuss the application. The DRC did not have any major concerns about the proposed PLAT, but representatives of the Public Works Department have been working with the applicant to address the typical public needs related to rights-of-way on adjacent roadways as well as the overall site grading and storm water management.

5.3 Roseville’s Parks and Recreation Commission reviewed the proposed PLAT against the park dedication requirements of §1103.07 of the City Code, beginning on December 6, 2011 and continuing the discussion on January 3, 2012; the minutes of the Commission’s discussions are included with this report as Attachment E.

6.0 PUBLIC COMMENT

6.1 The duly-noticed public hearing for the PRELIMINARY PLAT application was held by the Planning Commission on February 1, 2012; the approved minutes are included with this report as Attachment F. After taking public testimony, the Planning Commission discussed the application and voted 5-1 to recommend its approval.

6.2 Email communications about the proposal received by the time this report was prepared are included as Attachment G; no phone calls or other verbal or written communications

have thus far been received. Because many of the comments express opposition that is primarily grounded in concern about Wal-Mart's corporate practices or preference for a higher quality retailer or some other development type, it seems worth noting that cities do not have the ability to discriminate between retailers or development types—whether the reasons to discriminate are superficial or significant—in zoning districts where a proposal represents a permitted type of land use.

7.0 DEVELOPMENT AGREEMENT

The bulk of the development agreement specifies the roles and obligations of the City and the developer in the process of developing the subject property to ensure that public improvements are properly constructed, that environmental remediation is carried out in compliance with the Twin Lakes AUAR, that City and the developer are expeditious in the performance of their respective duties, and so on.

The following are the salient points of the agreement:

- The Developer will be responsible for roadway infrastructure construction costs associated with the required left/right turn lane improvements along County Road C between Cleveland Avenue and Prior Avenue and related to a site access point.
- The Developer is responsible for roadway infrastructure construction costs associated with a right turn lane along Twin Lakes Parkway between Cleveland Avenue and the round-about at Mount Ridge Road.
- The Developer is responsible for a \$400,000 contribution regarding future roadway infrastructure construction costs associated with the interchange with Cleveland Avenue and I35W.
- The Developer is responsible for environmental investigation and remediation and must prepare a Response Action Plan under the direction of the Minnesota Pollution Control Agency.
- The Developer is responsible for a payment in lieu of park land dedication in the amount of \$411,115.
- Upon final calculation of all public roadway infrastructure costs, the Developer will be responsible for submitting a cash deposit of 125% the final cost for said improvements.
- The City will construct all roadway infrastructure improvements.

8.0 RECOMMENDATION:

- a. Based on the comments and findings outlined in Sections 4-7 of this report, Planning Division staff concurs with the recommendation of the Planning Commission to approve the proposed PRELIMINARY PLAT, pursuant to Title 11 of the Roseville City Code.
- b. Planning Division staff, Public Works Department staff, and the City Attorney recommend approval of the FINAL PLAT and the associated DEVELOPMENT AGREEMENT.

9.0 SUGGESTED ACTION

Adopt a resolution approving the proposed TWIN LAKES 2ND ADDITION PRELIMINARY

103 **AND FINAL PLAT, pursuant to Title 11 of the City Code, and the related**
104 **DEVELOPMENT AGREEMENT, pursuant to Chapter 1022 of the City Code,** for the
105 redevelopment area bounded by County Road C, Cleveland Avenue, Twin Lakes
106 Parkway, and Prior Avenue, and including the 4,643-square-foot rectangle of land that is
107 the subject of the disposal request, based on the comments and findings of Sections 4-7
108 and the recommendation of Section 8 of this report.

Prepared by: Associate Planner Bryan Lloyd

Attachments:	A: Area map	F: Parks and Recreation Commission minutes
	B: Aerial photo	G: Minutes from 2/1/2012 public hearing
	C: Concept rendering	H: Public comments
	D: Preliminary and final plat documents	I: Traffic Study material
	E: Memo from City Attorney	J: Draft Development Agreement
		K: Resolution