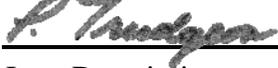


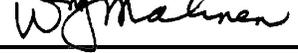
ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 8/27/2012
ITEM NO: 12.e

Department Approval



City Manager Approval

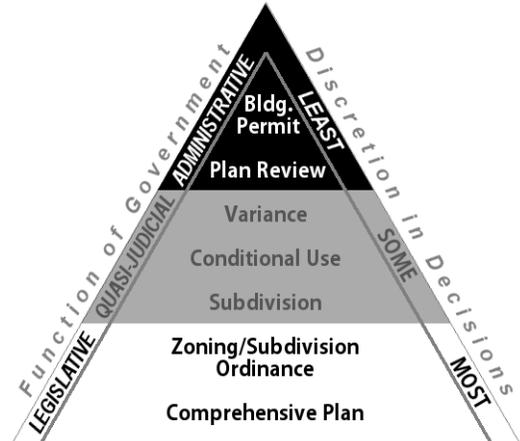


Item Description: Request by Brown-Wilbert, Inc. for approval of a RECOMBINATION MINOR SUBDIVISION at 2280 Hamline Ave. and 2253 Dellwood St. (PF12-009)

Application Review Details

- RCA prepared: August 22, 2012
- City Council action: August 27, 2012
- Action deadline: August 27, 2012 extended by applicant

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



- 1 **1.0 REQUESTED ACTION**
- 2 The applicant requests approval of the proposed RECOMBINATION MINOR SUBDIVISION,
- 3 adjusting the shared property boundary for two existing, conforming parcels.
- 4 **2.0 SUMMARY OF RECOMMENDATION**
- 5 The Planning Division recommends approval of the proposed RECOMBINATION MINOR
- 6 SUBDIVISION; see Section 7 of this report for the detailed recommendation.
- 7 **3.0 SUGGESTED ACTION**
- 8 By motion, approve the proposed RECOMBINATION MINOR SUBDIVISION, pursuant to
- 9 §1104.04 (Minor Subdivisions) of the City Code; see Section 8 of this report for the
- 10 detailed action.

11 **4.0 BACKGROUND**

12 4.1 The properties, located in Planning District 14, have Comprehensive Plan designations of
13 Office (O) and Low-Density Residential (LR), and zoning classifications of
14 Office/Business Park (O/BP) and Low-Density Residential 1 (LDR-1) Districts.

15 4.2 Brown-Wilbert, Inc. has been blowing the snow from its parking area onto the large rear
16 yard of 2253 Dellwood Street with the consent of the former property owner. Since this
17 residential property was offered for sale early in 2012, the applicant purchased the
18 property to incorporate the large rear yard into its own site for the sole purpose of
19 continuing the snow storage without relying on permission from future owners of the
20 residence; they intend to resell the remaining residential property upon the approval of
21 the proposed RECOMBINATION MINOR SUBDIVISION.

22 4.3 A MINOR SUBDIVISION application has been submitted in lieu of the preliminary plat/final
23 plat process because §1104.04E (Minor Subdivision) of the City Code establishes the
24 recombination process to simplify those subdivisions which seek “to divide one recorded
25 lot or parcel in order to permit the adding of a parcel of land to an abutting lot...[in such a
26 way that will] not cause any portion of the existing lots or parcels to be in violation of
27 this regulation or the zoning code.” The current proposal meets these criteria.

28 4.4 This application was first heard by the City Council on July 23, 2012. After concluding
29 the public comment portion of the discussion, the item was tabled and City and Planning
30 Division staff was directed to meet with neighboring homeowners to seek additional
31 feedback from nearby property owners about the reconfigured parcel boundaries prior to
32 taking action to approve or deny the proposed parcel recombination at the upcoming
33 August 27th meeting. Minutes from the July 23rd City Council meeting are included with
34 this report as Attachment E.

35 **5.0 REVIEW OF PROPOSED MINOR SUBDIVISION**

36 5.1 City Code §1103.06 (Lot Standards) requires single-family residential parcels to be at
37 least 110 feet deep and comprise a minimum of 11,000 square feet of land area. The
38 proposed, reconfigured Parcel A (shown in the site plan included with this staff report as
39 Attachment C) would be 130 feet deep and would include about 14,840 square feet of
40 area. A conservative measurement of the existing impervious coverage at 2253 Dellwood
41 Street totals about 4,200 square feet, which would be about 28% coverage on the
42 proposed Parcel A. Since impervious coverage would be below 30%, the proposal would
43 not reach the threshold for storm water mitigation requirements of §1004.08C
44 (Improvement Area).

45 5.2 City Code §1004.02A (Residential Accessory Buildings) requires detached garages to be
46 setback a minimum of 5 feet from the rear property boundary. While the gray rectangle
47 representing the detached garage in Attachment C appears to cross the proposed property
48 boundary, that rectangle should not be taken as an accurate representation of the location
49 of the garage. In case the existing detached garage is, in fact, less than 5 feet from the
50 realigned rear property boundary, addressing this nonconformity should be made a
51 condition of an approval of the proposed RECOMBINATION MINOR SUBDIVISION; a
52 substandard setback could be addressed in one or more of the following ways:

- 53 a. The location of the proposed realigned property boundary could be adjusted to be 5
54 feet from the existing garage.
- 55 b. The existing garage could be removed or relocated to another location on Parcel A to
56 achieve the required setback.
- 57 c. The applicant could apply for approval of an ADMINISTRATIVE DEVIATION if the
58 existing garage is not less than 3 feet from the realigned rear property boundary.
- 59 d. The applicant could apply for approval of a VARIANCE. Setback variances have been
60 approved to allow garages to be as close as 1 foot from the property line.

61 5.3 In reviewing the application, comments from Roseville’s Development Review
62 Committee (DRC) were primarily from Public Works Department staff; their main
63 comments were as follows:

- 64 a. The general area surrounding the subject property has had long-standing storm water
65 problems—but these problems have not been caused by Brown-Wilbert’s snow
66 storage. Improvements to the storm sewer infrastructure in that area are presently in
67 process; to this end, easements (as shown in Attachment C) should be dedicated
68 allowing the City to cross over private property to be able to access the easement for
69 maintenance and construction.
- 70 b. Snow storage should not be allowed within the easements.
- 71 c. If a fence is installed along the property boundaries, a gate will be necessary to
72 provide access to the easements.
- 73 d. Snow storage should not interfere with existing drainage patterns, and the sand and
74 other material that remains in the area after the snow pile melts should be removed
75 each spring so that it will not block the natural drainage.

76 The first three of these comments can be made conditions of approval of the proposed
77 parcel recombination and further regulated and enforced by the easements, but the fourth
78 comment must remain more of a suggestion to Brown-Wilbert because land use is not a
79 consideration of subdivision approvals and because snow storage isn’t a use that’s
80 regulated, *per se*, by the City Code. While the City Code doesn’t regulate snow storage
81 (except to state that required stalls in parking lots cannot be rendered unusable by piles of
82 snow), the Code does prohibit activities which create storm water problems. Therefore, if
83 Brown-Wilbert isn’t careful about how they conduct the snow storage, it could lead to
84 enforcement actions down the road.

85 5.4 Aside from ensuring that the snow storage continues to be benign with respect to
86 drainage and improvements to the storm sewer system, the existing zoning of Brown-
87 Wilbert’s various parcels is the only complicated aspect of the RECOMBINATION MINOR
88 SUBDIVISION proposal; an illustration of the zoning of Brown-Wilbert’s properties is
89 included with this report as Attachment D. The main parcel at 2280 Hamline Avenue is
90 zoned O/BP and 2253 Dellwood Street has LDR-1 zoning, as noted above; the house at
91 2270 Hamline Avenue, however, is zoned Institutional (INST) District, consistent with
92 the neighboring library to the south. Because zoning designations apply to *specific land*
93 *area* rather than to *entire parcels*, the proposed realignment of the parcel boundaries
94 would cause the reconfigured main parcel to have two zoning designations: O/BP and, in

95 the southeastern corner, LDR-1. This may not be an ideal situation, but such dual zoning
96 is found elsewhere in Roseville (e.g., 165 South Owasso Boulevard and 2030 County
97 Road D) and there is nothing in State Statute or City Code that prohibits such a thing or
98 that allows Roseville to require the parcels to be rezoned with a single classification.

99 5.5 Despite its complexity, the existing patchwork of zoning designations within and across
100 the applicant's parcels can also be seen as something of a safeguard for surrounding
101 property owners. Brown-Wilbert, Inc. has no plans to expand their facility—in fact, their
102 burial vault business has been shrinking in recent years as cremation has become
103 increasingly prominent. If Brown-Wilbert does, however, want to expand at some time in
104 the future and utilize the LDR-1 and INST zoned areas of their property, such expansion
105 could not be allowed until the Comprehensive Plan and zoning designations of those
106 areas have been properly changed through the required public process.

107 5.6 According to the procedure established in §1104.04E, if a MINOR SUBDIVISION application
108 is approved, a survey of the approved parcels, the new legal descriptions, and any
109 necessary Quit Claim or Warranty deeds must be submitted within 30 days for
110 administrative review to verify consistency with the City Council's approval; then the
111 required easements must be prepared, and the easements and legal descriptions must be
112 filed by the applicant with the Ramsey County Recorder.

113 6.0 PUBLIC COMMENT

114 6.1 Prior to the July 23, 2012 City Council meeting Planning Division staff visited with the
115 owners of 2263 Dellwood Street, who were interested in the Public Works Department's
116 pending storm water mitigation project in that area and unconcerned by Brown-Wilbert's
117 proposal. Planning staff also talked with the two individuals who later spoke at the City
118 Council meeting; their concerns are contained in those meeting minutes.

119 6.2 Planning Division staff held a special meeting with surrounding property owners on
120 Wednesday, August 1; most of the concerns centered on existing drainage problems and
121 how those problems might be worsened by Brown-Wilbert's snow storage plans. A letter
122 identifying the issues raised at the meeting and attempting to respond to the concerns is
123 included with this report as Attachment F. Mitigating existing storm water problems in
124 the area is on the Public Works Department's 2013 work plan. In the meantime, Brown-
125 Wilbert's proposal should not exacerbate the existing drainage problems because no
126 additional snowmelt or other runoff would be generated, and because Brown-Wilbert's
127 snow storage will be prohibited within 10 feet of their eastern property boundary, which
128 will allow the existing storm drain to function better. A snow storage plan, included with
129 this report as Attachment G

130 7.0 RECOMMENDATION

131 Based on the comments and findings outlined in Sections 4 – 6 of this report, Planning
132 Division staff recommends approval of the proposed RECOMBINATION MINOR
133 SUBDIVISION, with the following conditions:

- 134 a. drainage and utility easements which allow access for construction and maintenance
135 shall be dedicated as illustrated on the site plan reviewed with this application;
- 136 b. snow shall not be stored within the easements;

- 137 c. if fencing is installed such that access to the easements is obstructed, one or more
138 gates shall be installed as may be necessary to provide adequate access to the
139 easements; and
- 140 d. approval of the parcel recombination shall not create a nonconforming accessory
141 structure setback at 2253 Dellwood Street. If the proposed realignment of the shared
142 parcel boundary is less than 5 feet from the existing detached garage, such
143 nonconforming condition shall be addressed prior to release of the documentation for
144 filing with the Ramsey County Recorder.

145 **8.0 SUGGESTED ACTION**

146 **By motion, approve the proposed RECOMBINATION MINOR SUBDIVISION at 2280**
147 **Hamline Avenue and 2253 Dellwood Street** based on the comments and findings of
148 Sections 4 – 6 and the recommendation and conditions of Section 7 of this report.

Prepared by: Associate Planner Bryan Lloyd
651-792-7073 | bryan.lloyd@ci.roseville.mn.us

Attachments: A: Area map D: Zoning illustration
B: Aerial photo E: Excerpt of July 23, 2012 meeting minutes
C: Site plan F: Neighborhood meeting follow-up letter
G: Snow removal/storage plan

Attachment B for Planning File 12-009



ST



Location Map



Prepared by:
Community Development Department
Printed: July 13, 2012

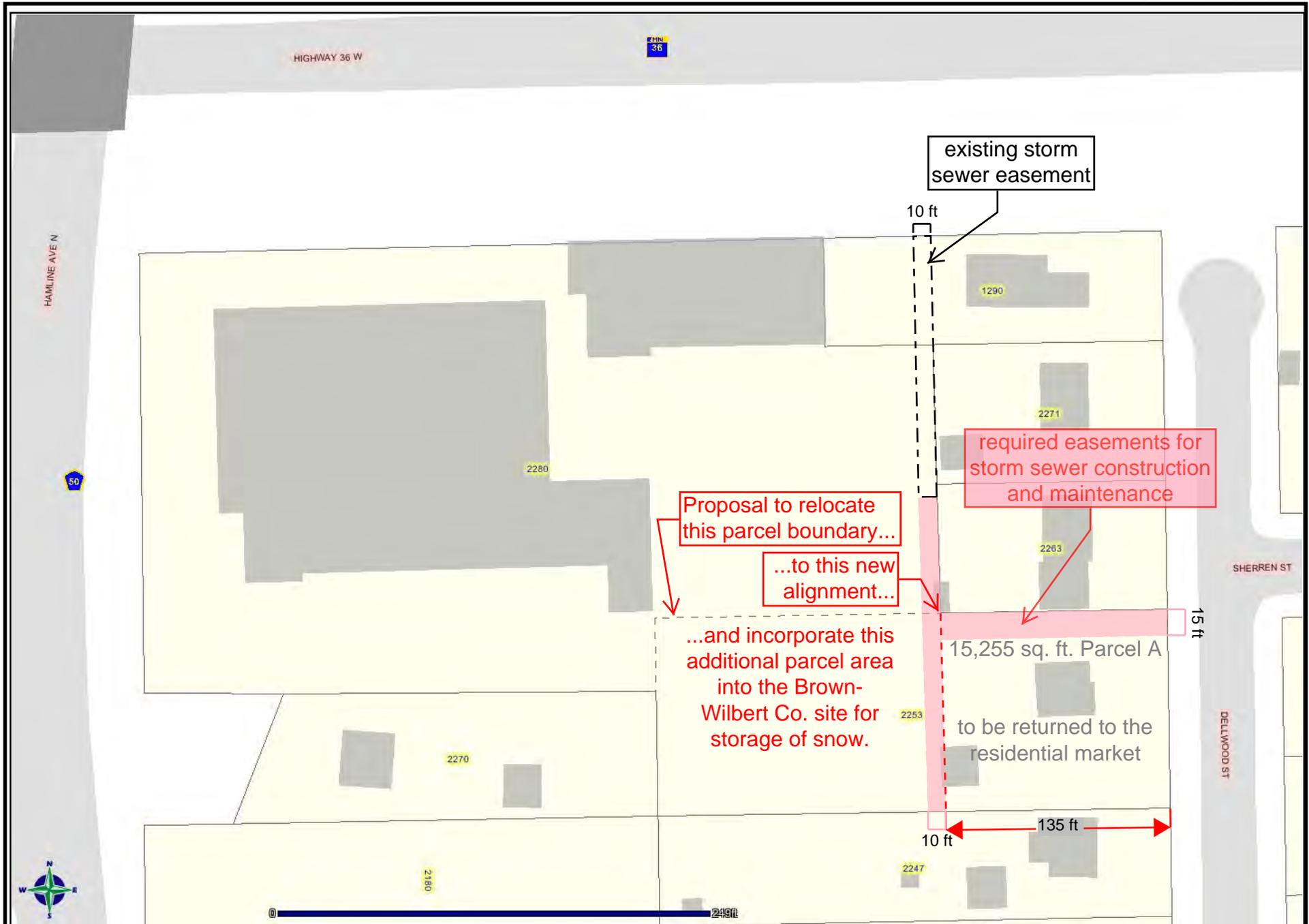


Site Location

Data Sources
 * Ramsey County GIS Base Map (7/2/2012)
 * Aerial Data: Pictometry (4/2011)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7385. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

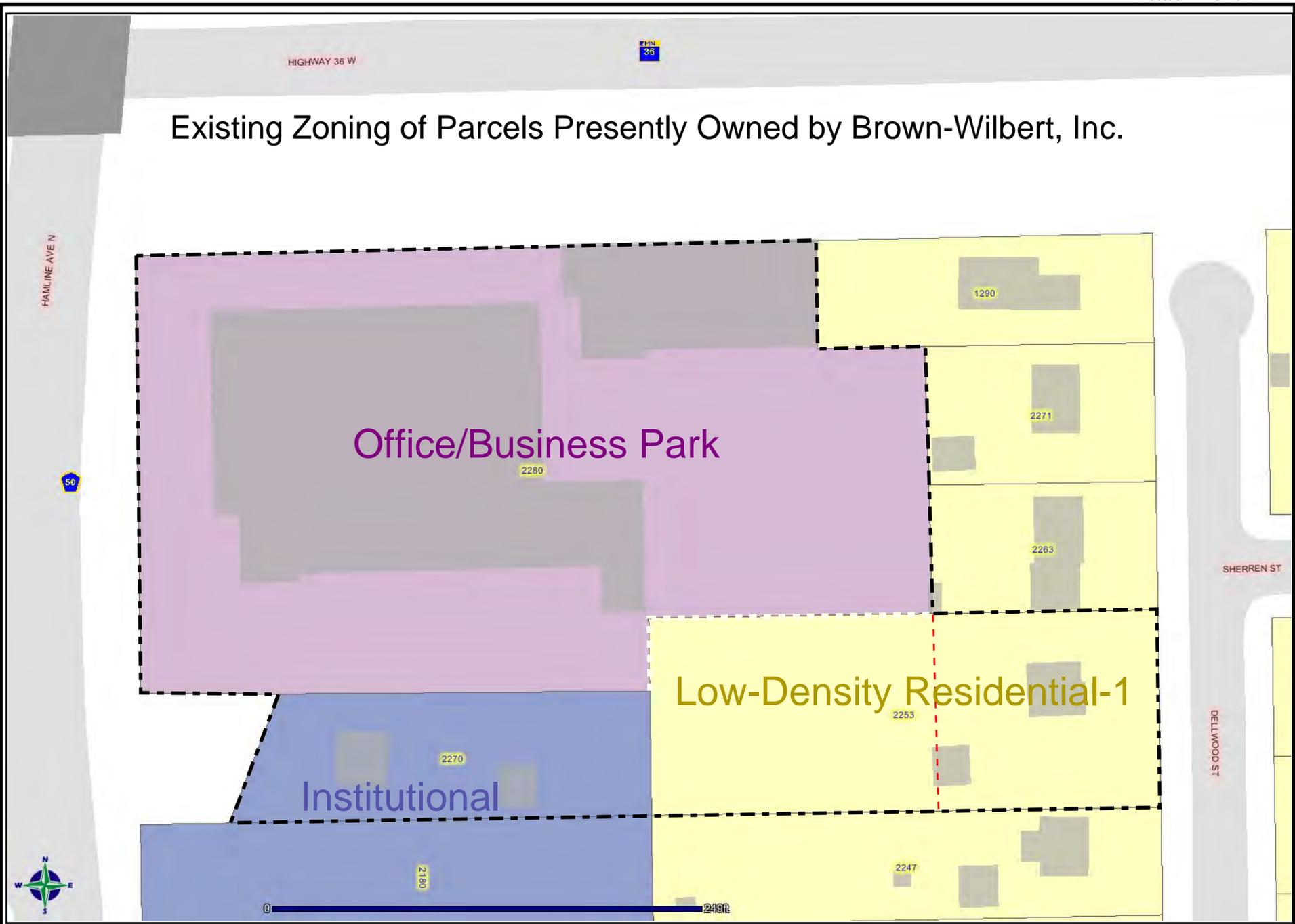




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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; May 1, 2012 for City of Roseville data and Ramsey County property records data, May 2012 for commercial and residential data, April 2009 for

Existing Zoning of Parcels Presently Owned by Brown-Wilbert, Inc.



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: City of Roseville and Ramsey County, The Lawrence Group; July 2, 2012 for City of Roseville data and Ramsey County property records data, July 2012 for commercial and residential data, April 2009 for

1 Approve Brown-Wilbert Minor Subdivision

2 Associate Planner Bryan Lloyd summarized this request by Brown-Wilbert, Inc. for approval
3 of a RECOMBINATION MINOR SUBDIVISION at 2280 Hamline Avenue and 2253 Dellwood
4 Street, as detailed in the RCA dated July 23, 2012. Mr. Lloyd reviewed highlights of staff's
5 analysis, and review by the Development Review Committee (DRC), addressing conditions
6 applied.

7 Mr. Lloyd noted existing long-term storm water management issues in this area, outside the
8 realm of this request or this property, and outlined in Section 5.00 of the report. Parts of
9 those issues were proposed for some resolution through dedication of additional easements
10 from the applicant to meet the existing storm sewer easements, as conditioned.

11 Mr. Lloyd reviewed several maps of the property, noting the complexities of the
12 configuration, in addition to zoning of the properties from Office/Business Park to Low-
13 Density Residential-1. Mr. Lloyd opined that this was probably designated as such
14 according to and because of the direct relationship to the Roseville branch of the Ramsey
15 County Library further south, and its recent expansion. Mr. Lloyd advised that Brown-
16 Wilbert owned the residential property, and zoning was still guided in accordance with the
17 Comprehensive Plan and Zoning, even with this request, assuring that they can't expand
18 into those areas without addressing those underlying documents and designations,
19 ultimately locking in the current function of the property.

20 Councilmember Willmus stated that he didn't have any over-reaching concerns, other than
21 potential changes over time to this home site at 2253 Dellwood; and questioned if the
22 applicant had any problem with an additional condition addressing ingress/egress across
23 that parcel, and that it remain only for residential uses. Councilmember Willmus expressed
24 his curiosity in the applicant's future intent for that parcel, if not for a single-family home.

25 Mr. Lloyd advised that he was not aware of any plans of the applicant, but staff would have
26 no problem with the additional condition.

27 Discussion ensued on whether that would be an appropriate condition for this type of
28 subdivision application; status of and location of the existing garage on the residential
29 parcel based on survey information prepared to-date, with the garage situated 2.5 feet from
30 the property line, while recognizing some inaccuracies of the survey at this time for the
31 parcel at 2253 Dellwood.

32 Mr. Lloyd clarified that, if the garage was found to actually be closer to the lot line than the
33 regulated 5', the subdivision could not be approved without some remedy to that situation,
34 whether removal, relocation, a variance, or shifting property line boundaries to the west for
35 additional room. Mr. Lloyd noted that one of the recommended conditions from staff was
36 specifically related to this issue.

37 Councilmember McGehee stated that, as long as the parcel remains residential and retained
38 some type of garage, she was amenable. However, as things continue to change over time,
39 Councilmember McGehee sought assurances that the parcel could not be changed to provide
40 another egress/ingress into that site, since it was in a residential neighborhood and would
41 only create truck traffic between two (2) residential homes.

42 Mr. Lloyd advised that the safeguard against such a possibility was that the main entrance
43 to Brown-Wilbert had a signal light; and the neighborhood to the east was smaller
44 residential streets and a cul-de-sac; and would serve to no advantage to the firm at all.

45 Councilmember McGehee sought more of a guarantee than what staff perceived could or
46 could not happen, with that guarantee regulated by retaining residential zoning without any
47 future option to change that zoning designation.

48 At the request of Mayor Roe, City Attorney Gaughan advised that, as a residential parcel,
49 any regularity for ingress/egress that would create a business use or activity in a residential
50 area would not be allowed. However, City Attorney Gaughan advised that an additional

51 condition could be applied to the subdivision to prohibit ingress/egress into that property at
52 2253 Dellwood Street.

53 Staff recommends approval of the RECOMBINATION MINOR SUBDIVISION, as detailed in
54 the Request for Council Action dated July 23, 2012.

55 **Applicant**

56 **Bruce Bratan, President, and Jack Ascheman, Vice President of Brown-Wilbert,**
57 **Inc.**

58 At the request of Mayor Roe as whether they had any concern with an additional condition
59 preventing ingress/egress, Mr. Bratan advised that they had no problem with such a
60 condition; and clarified that their intent was to sell the home as a residence.

61 Mr. Ascheman advised that the adjacent house at 2263 Dellwood was located two feet (2')
62 off the boundary with the garage off a ten foot (10') easement that could not be used. Mr.
63 Ascheman questioned if the City was going to force their firm to obtain a variance, or if
64 other options were available for them to pursue. Mr. Ascheman noted that the application
65 was for a one foot (1') variance; and asked if the City could allow such a deviation if they
66 guaranteed they weren't going to use that area. Mr. Ascheman noted the hardship caused
67 by this additional easement, with other properties not losing any of their land for the
68 easement.

69 Mayor Roe confirmed that the recommendation was for a condition of approval that did not
70 create a non-conforming use; and provided a number of options if the survey determined
71 the actual footage. Mayor Roe clarified that the reason a variance was not being considered
72 tonight was that the City Council was not the body to grant variances; and based on
73 multiple options available, the City Council was therefore trying to accomplish the same
74 thing through conditions, while not making it too restrictive. However, Mayor Roe noted
75 that, as part of the process, the applicant would need to find an option that worked.

76 **Public Comment**

77 **Jim Tschida, 2247 Dellwood**

78 Mr. Tschida, as an adjacent resident to the site, expressed his concern with the garage not
79 having the required five foot (5') setback.

80 Further, Mr. Tschida expressed concern that he, and the neighbors, had not received this
81 information until today; and asked that action be tabled until the neighborhood had more
82 time to get together and discuss this. Mr. Tschida advised that he had talked to Mr. Lloyd
83 several times this spring when rumors of the land purchase were heard and a surveying
84 company was seeking information from neighbors, and that was the last he had heard.
85 Now, with the application before the City Council, Mr. Tschida opined that he and his
86 neighbors were concerned that they had not had more time to review this application.
87 Some of the questions Mr. Tschida brought forward included the fence on the north side of
88 the property, whether it would remain, be removed or moved onto his property line, since
89 he already has a three foot (3') fence there. Mr. Tschida noted that the Dellwood parcel
90 would be landlocked and unable to be used for any other purpose, unless the applicant
91 sought a variance to expand their business. Mr. Tschida opined that the only useful purpose
92 for the parcel was for residential use.

93 Mr. Tschida referenced Section 6.0 of the staff report addressing public comment; however,
94 he questioned how much, if any, contact the applicant had with adjacent property owners,
95 since the first time many became aware of it was today. Mr. Tschida noted that the
96 neighborhood had just received a letter from staff about two (2) weeks before regarding
97 water issues in the neighborhood, and possible remedies. Mr. Tschida opined that some of
98 this runoff was created by expansion on the library site. Mr. Tschida expressed concern of
99 what this proposal would do to further that storm water runoff issue, even though assured
100 by the City's Engineering Department that it should not impact them at all. Mr. Tschida
101 noted the ponding currently occurring, and questioned such guarantees without further

102 review and discussion. While staff is considering further remedies in 2013 to address the
103 runoff, Mr. Tschida noted that this project will already be completed.

104 Mr. Tschida reiterated his request to table action on this until neighborhood concerns are
105 addressed.

106 **Donald Wright, 2271 Dellwood**

107 As the resident directly behind the vault company, Mr. Wright noted that his main concern
108 always had been, and remained, that of water. While some storm water projects are in
109 process by the City, Mr. Wright opined that snow storage by the applicant did create
110 problems in the neighborhood, especially in the spring with snow melt, even though the
111 staff report (Section 5.3) suggested that any storm water runoff problems are not caused
112 by the applicant. However, Mr. Wright advised that the applicant stored their snow on the
113 easement behind 2271 and 2263, where snow melt did create runoff issues. Mr. Wright
114 opined that, while agreeing that spreading the snow out may help, to state that the
115 applicant was not part of the problem was inaccurate. Also, Mr. Wright opined that, with
116 the storm drains in place back there, they were not capable of taking that amount of water,
117 partly due to the applicant's property consisting of mostly pavement or structures, and the
118 water needing to run somewhere.

119 Mr. Wright referenced Section 5.1 of the staff report stating that the proposal did not reach
120 the threshold for storm water mitigation; however, he opined that special consideration was
121 needed in this case; and concurred with Mr. Tschida that the neighborhood needed more
122 time to review this application and potential ramifications. Mr. Wright opined that more
123 neighbors are interested in the situation, based on his discussions with them; however, they
124 were unable to attend tonight's meeting given the limited time they had in becoming aware
125 of it. Mr. Wright reiterated his request to delay action for the neighborhood to seek
126 additional information.

127 Mayor Roe asked staff to address the public notice process; the potential fence/screening of
128 the property to the south; and snow storage in relation to storm water runoff.

129 Regarding public notice requirements, Mr. Lloyd noted that this was a Minor Subdivision,
130 with no additional parcels created, and requiring no formal notification under current City
131 Code. Mr. Lloyd advised that at the time of his conversations with Mr. Tschida during the
132 spring, he was not them aware of this application coming forward, and based his responses
133 only on his conversations with the surveyor to-date. Therefore, Mr. Lloyd advised that he
134 was unable to let the neighbors know what to expect for public notice until an actual
135 application came forward, with staff proceeding as per City Code.

136 Regarding fencing, Mr. Lloyd noted that there had been some discussion of that as a
137 condition of approval (Section 7.c of the staff report), with gates installed on existing
138 fencing as applicable if the easements are obstructed in anyway.

139 Councilmember McGehee noted the discussion prior to this of the violation of public trust;
140 and questioned how Mr. Lloyd could defend staff's perception that this wasn't issue, when
141 he had apparently received phone calls from neighbors. Whether required specifically by
142 code or not, Councilmember McGehee opined that staff needed to use common sense and
143 courtesy to notify citizens.

144 Regarding the fencing, Councilmember McGehee suggested that staff facilitate discussions
145 among the neighbors and applicant to determine the issues, referencing the informational
146 meetings held by City Engineer Debra Bloom as that department worked with
147 neighborhoods. Councilmember McGehee opined that these were important issues to this
148 community; and referenced previous staff comments regarding them not being aware that a
149 proposed asphalt plant was problematic. Councilmember McGehee noted that the City was
150 aware that the storm sewer system was not capable of handling rain falls received recently,
151 and was fully aware of this existing problem.

152 Councilmember McGehee spoke in support of the request to table action until additional
153 information can be provided to neighbors.

154 At the request of Mayor Roe, Mr. Lloyd advised that it was not his understanding that a
155 fence was part of the proposal, or something being recommended by staff.

156 City Engineer Debra Bloom advised that staff had been working with this neighborhood for a
157 decade to add capacity, with the Sherren/Dellwood area identified as a problem area in the
158 City's Storm Water Management Plan. Ms. Bloom reviewed the various problems in that
159 area, already identified over the last year, and extensive modeling currently underway and
160 scheduled for completion yet this year, to mitigate a portion of this issues. Ms. Bloom
161 clarified that this had all been undertaken well before this application came before staff for
162 review. Specific to this application, Ms. Bloom recognized that there was a catch basin that
163 always clogged with debris, and this application provided a perfect opportunity to address
164 flooding issues through acquiring the easements as part of the condition for approval of this
165 request, therefore improving drainage somewhat. Ms. Bloom advised that staff would be
166 bringing information forward to the City Council for authorization to address this watershed
167 area within the next 6-8 months, at which time staff would meet with the neighborhood to
168 review those mitigation efforts with them.

169 Because the applicant is not proposing to pave anything additional, Ms. Bloom noted that
170 this was the rationale for staff's comments in the staff report about the application not
171 requiring any mitigation as it didn't meet the threshold to do so. Ms. Bloom noted that the
172 area in the back would remain grass; and the condition that no snow be stored in that area
173 in the future, should further alleviate issues for the neighborhood. Ms. Bloom addressed the
174 unfortunate route for runoff through Mr. Leopold's garage, and the Storm Water Plan
175 currently in process to address that situation and provide alternative routing; thus negating
176 the need for the applicant to provide a storm water mitigation plan.

177 At the request of Mayor Roe, Ms. Bloom confirmed that a Storm Water Plan for this, as well
178 as other problematic areas of the City, was currently underway and would be brought
179 forward to the City Council upon its completion in order to receive their direction and
180 authorization to proceed. Ms. Bloom noted that this was an infrastructure issue and a high
181 priority for the City.

182 Councilmember Willmus asked if the applicant would be willing to extend the City's 60-day
183 review period to allow time for them to interact with the neighborhood and staff to reach a
184 resolution or clarify the application.

185 Mr. Barton responded negatively, based on their need to proceed with the subdivision and
186 put the residential property on the market as soon as possible to recoup their expenses.

187 At the request of Councilmember Pust, Mr. Lloyd confirmed that this action would make the
188 existing commercial property larger and the residential parcel smaller. Councilmember Pust
189 asked if the addition to the existing parcel, already having significant structure/asphalt on
190 it, triggered any different analysis for impervious surface coverage for that lot, or if they
191 were grandfathered in.

192 Mr. Lloyd advised that, if the application caused some of that existing property to be paved
193 or further expanded it would change the analysis; however, additional green space was
194 actually being added through staff's recommended conditions, seen as an improvement
195 from their perspective.

196 At the request of Councilmember Pust, Ms. Bloom advised that the zoning designation for
197 commercial areas such as that of the applicant did not create a minimum or maximum
198 impervious coverage determination; with Mr. Lloyd noting that commercial parcels had the
199 potential for 85% coverage.

200 At the request of Mayor Roe (referencing Section 5.1 of the staff report), Mr. Lloyd clarified
201 that the new parcel boundary was not approved until the garage option had been resolved;

202 and noted that staff's conservative measurement for that parcel's impervious coverage fell
203 well short of 30%.

204 Mayor Roe noted that, if any use or zoning change from the Low Density Residential (LDR)
205 was to occur, it would require an amendment of the Comprehensive Plan and Zoning Code,
206 and take a 4/5 super majority vote. Mayor Roe opined that this provided a fair amount of
207 safeguard that the use could not be changed on that parcel without that super majority
208 support of the City Council; essentially assuring that the use would remain single-family
209 even though landlocked.

210 At the request of Councilmember Willmus, Ms. Bloom confirmed that, from her perspective,
211 the portion of the parcel(s) currently used for snow storage should not change significantly;
212 or raise undesirable issues or concerns for the neighbors.

213 At the request of Councilmember Pust, Mayor Roe and City Attorney Gaughan confirmed
214 that, if the Council chose to take no action, the application was automatically approved.
215 Therefore, Councilmember Pust opined that the City didn't have the luxury of not taking
216 action to ensure conditions were addressed.

217 Pust moved, Willmus seconded, approval of a RECOMBINATION MINOR SUBDIVISION,
218 pursuant to City Code, Section 1104.04 (Minor Subdivisions) at 2280 Hamline Avenue and
219 2253 Dellwood Street; based on the comments and findings of Sections 4 – 6, and the
220 recommendation and conditions of Section 7; as detailed in the Request for Council Action
221 dated July 23, 2012; **amended to include an additional condition as follows:**

- 222 • ***No part of the reconstituted residential lot at 2253 Dellwood Street can be***
223 ***used for commercial purposes, including ingress/egress into commercial***
224 ***parcel***

225 Councilmember Pust recognized the neighborhood concerns that they weren't consulted;
226 however, she noted the City's need to act on the application within the review period.
227 Councilmember Pust noted the City's attempt to improve drainage issues to some extent
228 through the required easements.

229 Councilmember McGehee opined that she could not support this request moving forward;
230 and expressed her dismay that the applicant was unwilling to grant a reasonable ten (10)
231 day extension until the August 13, 2012 City Council meeting to allow time to meet with
232 neighbors. Given the current real estate market, Councilmember McGehee opined that this
233 seemed unreasonable from her perspective.

234 Councilmember Willmus stated that he was inclined to agree with Councilmember McGehee;
235 and encouraged the applicant to grant an additional ten (10) days to work with residents
236 and then bring the application back before the City Council.

237 Councilmember Johnson concurred with Councilmembers McGehee and Willmus; opining
238 that this provided an opportunity for open dialogue among neighbors, the applicant and
239 staff; and if the applicant had no willingness to move in that direction, he was not willing to
240 support their request.

241 Mayor Roe asked individual Councilmembers to restate their concerns with the application.

242 Councilmember Willmus expressed with drainage concerns of surrounding neighbors to the
243 applicant.

244 At the request of Mayor Roe, Ms. Bloom advised that staff would meet with the
245 neighborhood in the near future, but could not be prepared to do so within the next ten (10)
246 days, since the Water Management Plan for this area was still in process, with other projects
247 also in play. Ms. Bloom advised that a final design would not be available until this fall, with
248 subsequent meetings with the neighborhood to follow upon completion of that proposed
249 plan.

250 Even though a plan wasn't ready yet, Councilmember McGehee opined that this didn't
251 remove the need to provide an opportunity for residents to be informed and talk with staff
252 and the applicant. Councilmember McGehee opined that there may be issues in the
253 neighborhood that are currently unknown to staff or the applicant; and since they weren't
254 notified, they hadn't had any opportunity to voice those concerns.

255 Councilmember Pust questioned if the City Council could deny the application based solely
256 on whether or not the neighborhood had been consulted.

257 **Amendment to Motion**

258 ***Pust moved an additional condition, through amendment to the motion as follows:***

- 259 • ***Additional condition – applicant must provide, and staff accepts, a plan with***
260 ***regard to snow removal and its effect on area drainage; and until that plan is***
261 ***approved, the project cannot go forward.***

262 Given further discussions, Councilmember McGehee questioned if the applicant was willing
263 to reconsider a ten (10) day extension.

264 Mr. Barton advised that they would be amenable to a limited extension not exceeding ten (10)
265 days, to the August 13, 2012 City Council meeting. Mr. Barton clarified that they were
266 willing to grant this extension, as long as it was clear that there was not any snow removal
267 plan available for their firm to produce, since they had previously stored snow on the
268 neighbor's lot with his permission; and now they would be storing snow on a lot they
269 owned, but would be excluded from storing any on the easement areas. Mr. Barton advised
270 that this, in effect, constituted their snow plan.

271 Councilmember Pust clarified that they can either take action and the applicant met that
272 condition, or the applicant could grant the additional ten (10) day extension for further
273 discussions with staff; and tabling action to August 13, 2012, without that condition.

274 ***Councilmember Pust withdrew her original motion, and the proposed amendment.***

275 Pust moved, McGehee seconded, TABLING action on this request to the August 13, 2012
276 meeting.

277 At the request of Councilmember Pust, City Attorney Gaughan noted that it would be a
278 routine request to ask the applicant to formally memorialize their granting of the ten (10)
279 day extension and to provide that written confirmation to staff sometime between now and
280 August 3, 2012.

281 Councilmember Pust expressed appreciation to the applicant for their willingness to grant
282 this brief extension; and also thanked them for continuing to keep their holiday sign on top
283 of their building, opining that it served as a Roseville landmark and she appreciated it.

284 **Roll Call**

285 **Ayes:** McGehee; Pust; Johnson; Willmus; and Roe.

286 **Nays:** None.



August 22, 2012

RE: Follow-up to special meeting to discuss Brown-Wilbert parcel recombination proposal

Dear Current Occupant,

To summarize the proposal, Brown-Wilbert owns the residential property at 2253 Dellwood Street, and the parcel recombination application seeks approval of a realignment of the parcel boundary common to the residence and Brown-Wilbert's main property. The intent is to use the area added to the Brown-Wilbert property for storage of snow from their paved areas and to sell the smaller residential property to a new homeowner. Because of Brown-Wilbert's internal scheduling conflicts with the anticipated August 13th City Council action date, the City Council is scheduled to take action on the proposal on August 27th.

The meeting to identify the comments and concerns held by Brown-Wilbert's neighbors began at 5:30 p.m. on August 1st, and lasted about an hour. In addition to two Planning Division staff members, 7 people were in attendance, representing 5 nearby households. Representatives of Brown-Wilbert were not in attendance, and there seemed to be general agreement with the sentiment that their absence was a good thing because it allowed some greater candor in identifying concerns. The comments and concerns that I heard are listed below in bold typeface.

At the conclusion of the meeting, the request was made for some follow-up and feedback about the issues that were raised before the next City Council meeting. I have attempted to respond to some of the issues, and my comments are given in the regular typeface coupled with the pertinent comment or concern. Since Roseville's Public Works and Engineering staff is only just beginning to prepare a storm water improvement project for this area, a solution for the existing problems has not been identified so this letter does not include responses to the concerns related to drainage.

Drainage concerns

- **Storm water from the street is a big problem.**
- **Flooding of yards from library runoff is a big problem.**
- **The water table is quite high and should be evaluated.**
- **Brown-Wilbert should be required to construct a holding pond or other pretreatment facility.**
- **The easement along the north edge of 2253 Dellwood Street to bring more storm water from the street into an area that already floods is a bad idea.**
- **This application shouldn't be approved before the City has developed its plans to mitigate the existing storm water problems.**

Snow concerns

- **Don't forget that there's already snow that will naturally fall on the snow storage area which will be in addition to the snow that is blown there/additional snow storage will worsen existing problems.**
No snow would be on the site which does not naturally fall there. Since additional snow is not being brought to the property, redistributing snow in the proposed fashion will not worsen existing drainage problems.
- **A recommended condition of approval in the staff report stipulates that drainage patterns shall not be changed by the snow storage activity, but the snow storage itself will alter the drainage.**
“Drainage patterns” refer to the topography of the site and whether re-grading of the site or piles of snow in certain areas will change where the snowmelt drains to. Because no re-grading is proposed and the snow is to be kept in generally the same location relative to the overall topography, the direction of the snowmelt flow will not be changed.
- **Is the snow coming from the sides and front of the property as well?**
The snow removal and storage plan indicates that snow from the front and sides of the property will not be stored in the rear yard.
- **Infiltration of snowmelt will be compromised if the grass is scraped away during plowing.**
- **Businesses should be required to haul their snow elsewhere.**
The zoning code does require commercial properties to remove stored snow from the property within 7 days, but this provision is intended to eliminate the “mountains” of snow that accumulate on large parking lots (like shopping centers or large office complexes); the requirement is not meant to prohibit businesses from moving snow into more moderate piles around the site until they melt in the spring.

Brown-Wilbert/Commercial area concerns

- **Brown-Wilbert doesn't maintain their existing property, so how can they be expected/required to maintain the additional area (recent brush pile, litter/debris not raked up, litter/debris clog the storm drain)?**
All property owners are required to adhere to the minimum property maintenance requirements in the City Code. To the extent that any property is not maintained in accordance with those minimum requirements, the City is able to enforce proper maintenance and, at a certain point, penalize a noncompliant property owner. Roseville relies on neighboring property owners to report their observations of failures to comply with property maintenance requirements. The City cannot prevent a person or business from owning property, and concern about the property maintenance does not constitute a valid reason for denial of the present proposal to realign a common parcel boundary which meets all of the requirements of the Subdivision Code.
- **Brown-Wilbert used to be a quiet neighbor, but it's become noisier (e.g., P.A. system, vehicle maintenance noises).**
Similar to property maintenance standards, Roseville has requirements pertaining to noise and other nuisances; again, the City relies on reports from nearby property owners in order to enforce the applicable requirements.

- **Brown-Wilbert isn't being forthcoming about disclosing their future plans (e.g., for expansion).**

If Brown-Wilbert has future expansion plans, they're not compelled to share those plans unless and until they need permits or other City approvals.

Other concerns

- **Bad experience with the library expansion (e.g., loss of trees, persistent drainage problems, inadequate parking lot screening) leads to apprehension about the present application.**

Certainly, such feedback about previous approvals is valuable inasmuch as it helps to inform the decision-making process for the present application, but problems pertaining to the Ramsey County Library expansion project are not related to the present proposal to realign a common parcel boundary.

- **Neighbors would like new screening fence.**

New or expanded commercial development on the Brown-Wilbert property would almost certainly trigger the zoning requirements pertaining to screen the expanded facility, but the proposal to realign the common property boundary does not trigger such requirements. Planning Division staff will continue to discuss the installation of screen fencing with Brown-Wilbert.

- **Approval should have conditions for periodic review of drainage performance.**

The approval being requested is for the realignment of the common boundary of two existing parcels, and how a property is intended to be used is not a valid reason for denying a subdivision proposal which meets all of the requirements of the Subdivision Code. The City Code does include requirements pertaining to drainage, and if activities on a property are found to cause drainage problems, Roseville is able to require changes to resolve those problems.

- **Expansion/encroachment of commercial activity negatively affects the community; the expanded property boundary begins that effect and makes future expansion incrementally easier.**

Planning Division staff is sensitive to the effect of the encroachment of commercial land uses into residential areas. Because land ownership is distinct from land use, encroachments of commercial land uses into otherwise residential areas would be appropriately reviewed in connection with an application for a building permit, rezoning, or other land use approval rather than in connection with a subdivision request.

- **Businesses should not be allowed to purchase properties as has happened in this case.**

Property ownership is a Constitutional right that the City cannot restrict.

- **Storage of snow from a commercial property is a commercial activity which isn't allowed on residentially-zoned land.**

Roseville's zoning code doesn't identify or regulate shoveling, plowing, or blowing of snow as a commercial use. The City Code does regulate snow storage at a large scale (e.g., clearing of shopping center parking lots), but the requirements aren't meant to apply to clearing snow from smaller areas like Brown-Wilbert's.

- **The incoming homeowners won't know about the snow storage and drainage problems: who will advocate for them?**

In all cases, performing thorough due diligence is the responsibility of the prospective homebuyer and his/her agent.

Should you have any questions or comments, please feel free to call me at 651-792-7073 or email me at bryan.lloyd@ci.roseville.mn.us.

Sincerely,
CITY OF ROSEVILLE



Bryan Lloyd
Associate Planner

Bryan Lloyd
Associate City Planner
City of Roseville
Tuesday July 30, 2012
Snow removal plan

Bryan,

As per our discussion we had, we indicated on your map in a shaded yellow where we would be storing the snow in our snow removal process.

We will not be snow blowing or plowing snow on any of the easement portions of the original 2280 North Hamline parcel.

We also will not be snow blowing or plowing snow on any of the easement portion of the 2253 Dellwood property that we are applying for the recombination minor subdivision on the west portion of 2253 Dellwood.

We intend to leave it as a grassed area, no buildings, and will not have any paved driveway or paved parking lot on it.

Thank You

Jack Ascheman

Brown-Wilbert, Inc.

2280 North Hamline Avenue

Roseville, MN. 55113

651-631-1234

jascheman@brown-wilbert.com



Snow Removal/Storage Plan



100.0 0 50.00 100.0 Feet

1: 600

NAD_1983_HARN_Adj_MN_Ramsey_Feet

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Red shaded area represent required City easements

