

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 6/23/2014
ITEM NO: 7.i

Department Approval



City Manager Approval

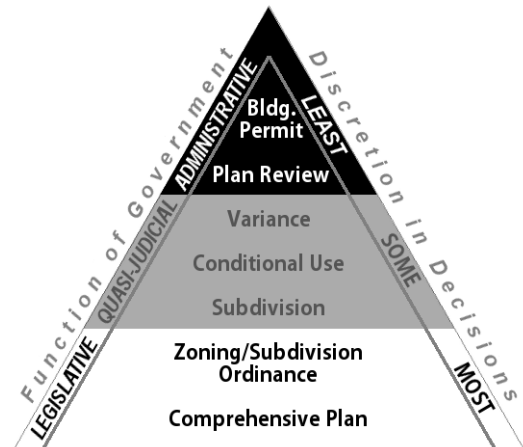


Item Description: Request by Vogel Sheetmetal, Inc. for approval of limited production and processing of sheetmetal as an interim use at 2830 Fairview Avenue

Application Review Details

- Public hearing: June 6, 2014
- RCA prepared: June 18, 2014
- City Council action: June 23, 2014
- Statutory action deadline: June 29, 2014

Action taken on an interim use proposal is **legislative** in nature; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community.



1.0 REQUESTED ACTION

Vogel Sheetmetal, Inc. has applied for approval of limited production and processing as an INTERIM USE at 2830 Fairview Avenue to allow for light fabrication of ductwork and sheetmetal accessories.

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff concurs with the recommendation of the Planning Commission to approve the proposed INTERIM USE; see Section 7 of this report for the detailed recommendation.

3.0 BACKGROUND

- 3.1 The subject property is located in City Planning District 10, has a Comprehensive Plan designation of High-Density Residential (HR) and has a zoning classification of High-density Residential-1 (HDR-1) District. The subject parcel is the former Aramark distribution facility which has remained vacant for the past year-and-a-half or so since Aramark outgrew the facility and re-use of the property has been complicated by the HDR-1 zoning.
- 3.2 The current HDR-1 zoning of the property is the result of having been guided for HR uses in 2009 with the intent that apartments, for example, would be a transitional type of development buffering the lower-density residential neighborhoods to the north from the busier Community-Mixed-Use (CMU) developments to the south. Recent efforts to facilitate reinvestment and redevelopment of properties in the Twin Lakes area have led to a proposal to re-designate the subject property (and its HR/HDR-1 neighbors) for broader CMU development and to expand the uses that may be allowed in the CMU district.
- 3.3 While Vogel Sheetmetal's limited production use would become a permitted use by the proposed zoning changes, the INTERIM USE application, if approved, is intended to allow the applicant to begin operating more or less immediately. Even if the City-initiated Comprehensive Plan and zoning amendments are approved by the City Council on the same June 23rd meeting agenda, the Comprehensive Plan amendment must still be reviewed and accepted by Metropolitan Council before the zoning changes can be finalized, which could take additional weeks or months to complete.

4.0 REVIEW OF INTERIM USE APPLICATION

Section 1009.03 of the City Code establishes the regulations pertaining to INTERIM USES.

- 4.1 The purpose statement for this section indicates that: *Certain land uses might not be consistent with the land uses designated in the Comprehensive Land Use Plan, and they might also fail to meet all of the zoning standards established for the district within which they are proposed; some such land uses may, however, be acceptable or even beneficial if reviewed and provisionally approved for a limited period of time. The purpose of the interim use review process is to allow the approval of interim uses on a case-by-case basis; approved interim uses shall have a definite end date and may be subject to specific conditions considered reasonable and/or necessary for the protection of the public health, safety, and general welfare.*
- 4.2 While the site improvements would not change dramatically, a detailed narrative of proposed use is included with this report as Attachment C.
- 4.3 An applicant seeking approval of an INTERIM USE is required to hold an open house meeting to inform the surrounding property owners and other interested individuals of the proposal, to answer questions, and to solicit feedback. The open house for this application was held on May 15, 2014; the brief summary of the open house meeting provided by the applicant, which includes a supportive email from someone who was unable to attend the public hearing, is included with this staff report as Attachment D.

4.4 Section 1009.03D of the City Code establishes that three specific findings must be made in order to approve a proposed INTERIM USE:

- a. *The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future.* This is generally intended to ensure that particular interim use will not make the site costly to clean up if the City were to acquire the property for some purpose in the future. In this case, the byproduct of the proposed light sheetmetal fabrication would be recyclable scrap metal, and the Planning Commission's action reflects the finding that the INTERIM USE would not have significant negative effects on the land.
- b. *The proposed use will not create an excessive burden on parks, streets, and other public facilities.* The main operations (i.e., office activities and limited production activities) of the facility would be conducted indoors, and the traffic volume from deliveries and installation crews should be considerably less than the former distribution use of the property. For this reason the Planning Commission found that the INTERIM USE would not constitute an excessive burden on streets, parks, or other facilities.
- c. *The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.* Noise from fabrication of ducts and other sheetmetal accessories stands to be the only potential nuisance for surrounding property owners beyond Aramark's former activity, and §1011.02 (Environmental Regulations) of the City Code requires all uses to comply with regulations pertaining to noise and other environmental considerations. By meeting these requirements, the Planning Commission believes that the proposed limited production of sheetmetal ducts and accessories would not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

In any case, if an approved INTERIM USE fails to conform to any of these requirements or conditions of the approval and such problems are not or cannot be reasonably resolved, the City may initiate a public hearing process to revoke the approval.

4.5 Because the general nature of the proposed sheetmetal fabrication is consistent with uses that may become permitted at the conclusion of the current zoning amendment discussions, the Planning Commission found it reasonable to recommend approval of the INTERIM USE for the maximum, five year term. If limited production and processing becomes a permitted use within that time, the INTERIM USE approval would be rendered superfluous. But if the zoning on the property does not change to allow limited production and processing, then the applicant would need to either apply for renewed approval or vacate the property upon the expiration of the prospective approval.

4.6 The Development Review Committee (DRC) reviewed this application at its May 8 and May 15, 2014 meetings. The only concern identified beyond the zoning issues discussed above pertained to the potential for headlights from the delivery and installation vehicles to be an annoyance to the residential neighbors to the north. Although the City and State protections for nonconforming conditions (colloquially known as "grandfathered" status) has expired, and reuse of the property would trigger the requirement to comply with the screening requirements for parking and loading areas, the Planning Commission made such screening the subject of a recommended condition of approval.

95 **5.0 PUBLIC COMMENT**

96 5.1 The duly-noticed public hearing for this application was held by the Planning
97 Commission on June 4, 2014. Pursuant to its review of the application and the analysis
98 and recommendation by Planning Division staff, and after discussing the comments and
99 concerns brought forward during the public hearing, the Planning Commission voted
100 unanimously (i.e., 6 – 0) to recommend approval of the proposed INTERIM USE, subject to
101 certain conditions; draft minutes of the public hearing are included with this RCA as
102 Attachment E.

103 5.2 As of the time this report was prepared, Planning Division staff had received one phone
104 call about the proposal, the content of which was discussed in detail at the public hearing
105 because the caller also gave her support and addressed her concerns during the public
106 hearing.

107 **6.0 RECOMMENDED COUNCIL ACTION**

108 **Adopt a resolution approving the proposed INTERIM USE for the property at 2830**
109 **Fairview Avenue.** Based on the comments and findings outlined in Sections 3 – 5 of this
110 report, the Planning Division concurs with the recommendations of the Planning
111 Commission to approve the proposed INTERIM USE, pursuant to Section 1009.03D of the
112 Roseville City Code, with the following conditions:

113 **a.** The applicant shall install opaque fencing of 6’ – 8’ in height and/or coniferous
114 plantings or landscaping along the northern edge of the property; and

115 **b.** The approval shall expire, and the sheetmetal fabrication shall cease, by 11:59 p.m.
116 on June 30, 2019, or upon the earlier cessation of the business, unless limited production
117 and processing is allowed to continue through renewed approval as an INTERIM USE or by
118 virtue of more permanent approval(s) (e.g., ZONING CHANGE, CONDITIONAL USE, etc.),
119 whichever comes first.

120 **7.0 ALTERNATIVE COUNCIL ACTIONS**

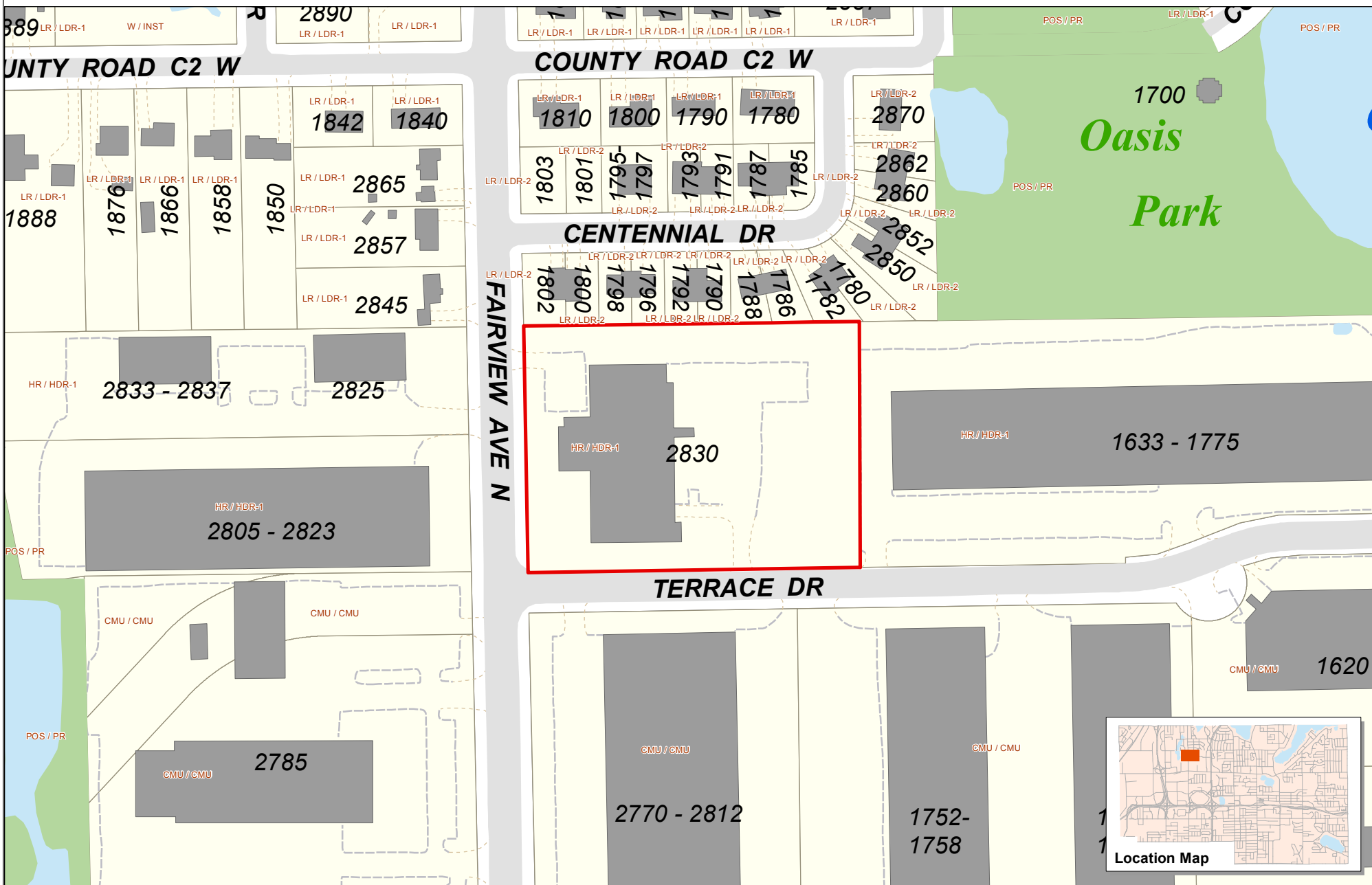
121 7.1 **Pass a motion to table one or more of the items for future action.** Tabling beyond
122 June 29, 2014 may require extension of the 60-day action deadline established in Minn.
123 Stat. §15.99

124 7.2 **Adopt a resolution to deny the requested approval.** Denial should be supported by
125 specific findings of fact based on the City Council’s review of the application, applicable
126 zoning or subdivision regulations, and the public record.

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

Attachments: A: Area map D: Open house summary
B: Aerial photo E: Draft 6/4/2014 public hearing minutes
C: Written narrative F: Draft resolution

Attachment A for Planning File 14-012



Prepared by:
Community Development Department
Printed: May 23, 2014



Site Location

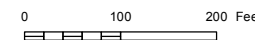
LR / LDR-1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (4/30/2014)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

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 precision in the provision of geographic features. If errors or discrepancies are identified, please contact 651-224-6500. The preceding disclaimer is provided pursuant to Minnesota Statutes, §460.03, Sub. 2 (2000), and the use of this map acknowledges that the user 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.



mapdoc: planning commission location.mxd

Attachment B for Planning File 14-012



Prepared by:
Community Development Department
Printed: May 23, 2014



Site Location

Data Sources

* Ramsey County GIS Base Map (4/30/2014)

* Aerial Data: MnGeo (4/2012)

For further information regarding the contents of this map contact:
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0 50 100 Feet



e. Written Narrative:

Vogel Sheetmetal, Inc. is a family owned commercial contractor in business since 1995. We provide HVAC Services to business owners, facility managers, general contractors and government agencies. Examples of our projects include:

- Met Council Metro Wastewater Treatment Facility HVAC Renovations.
- Orchestra Hall renovation.
- As the preferred HVAC contractor at the Mall of America we have worked with local and national contractors to complete tenant buildouts for a multitude of stores and restaurants including Barbie, A'gaci, Soma, Benihana, Caribou Coffee, Victoria's Secret, Hallmark, Champs, We have done similar projects at Rosedale, Southdale and Burnsville Ctr.
- Costco (Maplewood, Maple Grove, Burnsville, Coralville- IA, Rochester-MN, Baxter-MN).
- HVAC upgrades at Como Zoo and the Minnesota Zoo.
- LA Fitness (multiple locations).

Uses for our business include Offices for estimating, accounting, operations and business development departments; indoor storage and staging for our off-site construction projects; and light production for fabrication of ductwork and sheet metal accessories. The majority of our HVAC equipment and material is shipped directly from the Manufacturer or Vendor to our project jobsite. Our business is conducted during the typical daytime Monday- Friday business week.

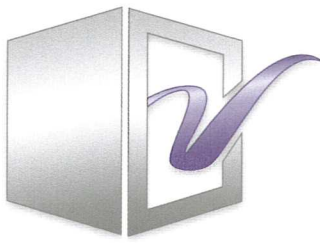
Due to explosive growth over the past 3 years Vogel Sheetmetal, Inc. has outgrown its current facility and is looking to relocate to the Aramark property at 2830 Fairview Ave. We are seeking the allowance of a non-conforming use of the premises until such time as the City completes its Twin Lakes Re-envisioning Process. Our business use is consistent with the historical use of this building and surrounding area.

We are a growing company and believe this location will promote the long term development of our business in the following ways:

- Central location and access to major highway arteries will reduce costs and give us improved access to service our customers and gain new accounts.
- A key component in our business success is our staff. This expanded geographic area gives us access to an employee pool we do not have at our present location.
- Physical space will allow us to hire for additional positions and double both our office staff and our field workers over the next 2 years.
- With room to expand we can implement our strategies to grow our service and preventative maintenance departments as well as add services to become a full mechanical provider.
- This location fits our business criteria for the long-term sustainability and succession plan for our business.

Vogel Sheetmetal, Inc. is a desirable addition to the Roseville business community:

- Responsible company with commitment to being a good steward.
- Our leadership is active in business and industry communities:
 - Owner Bonnie Vogel is serving elected 3-year term on the Board of Directors for the Association of Women Contractors and is also current President of local Toastmasters Club.
 - Owner Dave Vogel has just completed a term on the Board of Directors of the SMARCA - Sheet Metal and Roofing Contractors Association and continues to serve on committees.
 - Lisa Vogel, 2nd generation mentoring in the business is in the St. Paul Chamber of Commerce year long 2014 Leadership St. Paul program.
- Company has grown by 40% or more over each of the past 3 years and is projecting 25%+ growth for 2014. Projections for continued growth are positive with major multi-year development in the metro area including the State Capitol Renovation, the Viking Stadium & surrounding private development and the Mall of America expansion.
- Provides employment opportunities for well-paying jobs.
- Brings business to other local businesses.



VOGEL SHEETMETAL, INC.
where craftsmanship and vision connect™

10684 LANSING AVE N ■ STILLWATER, MN 55082 ■ PH: 651.430.9992 ■ FX: 651.351.0808

May 5, 2014

City Of Roseville
2660 Civic Center Dr
Roseville, MN 55113-1899

Re: Interim Use – 2830 Fairview Avenue (Formerly Aramark)

Dear Property Owner,

You are cordially invited to attend an open house Thursday, May 15th, 2014 at 6 p.m. in the Willow Room, Roseville City Hall to review and discuss proposed Interim Use for the following parcel (see map enclosed):

- 2830 Fairview Avenue (Formerly Aramark)
 - at the corner of Fairview Avenue and Terrace Drive

The proposal by Vogel Sheetmetal, Inc. is to re-use the existing Aramark building for its business, which is a use not permitted under current zoning (High Density Residential), but is consistent with the historical uses in the area and the subject building. We are seeking interim use of the premises until such time as the City completes its Twin Lakes Re-Envisioning Process.

This open house meeting is an important source of feedback from nearby property owners and is a required step in the process of seeking City approval for the proposed interim use. A summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal Interim Use application.

The Open House meeting will be held at 6 p.m. on Thursday, May 15, 2014 in the Willow Room, Roseville City Hall, 2660 Civic Center Drive, Roseville.

Please direct any questions about the Open House or the proposed Interim use to Bonnie Vogel: Phone: 651-430-9992 or email: bvogel@vogelmetal.com

Respectfully,

Bonnie Vogel
CEO | Vogel Sheetmetal, Inc.



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May 20, 2014

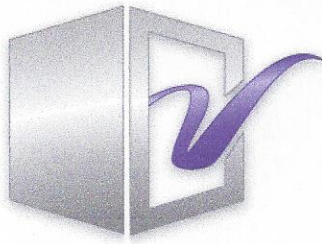
Roseville Community Development Dept.
Roseville City Hall
2660 Civic Center Drive
Roseville, MN 55113

Re: Interim Use Permit – 2830 Fairview Avenue (Formerly Aramark)
Open House Meeting Summary
Open House held Thursday, May 15th, 2014 at 6 p.m.
in Willow Room, Roseville City Hall
Meeting called to order at 6:05 p.m.
Meeting dismissed approximately 6:50 p.m.

OPEN HOUSE MEETING SUMMARY:

Bonnie Vogel and David Vogel were in attendance to respond to citizen's questions. Six residents attended the open house raising the following questions/concerns:

- **Traffic:**
 - What are hours of operation?
 - 7 a.m. to 4 p.m. are our standard hours
 - How many Employees currently?
 - 17 total: one shop fabrication, 6 office, and the rest work off site at construction project sites. Field workers come to office for occasional meetings or training or to restock supplies. Once a quarter we have employee wide meeting and training.
 - How much traffic would we generate? How many deliveries do you receive?
 - Field people bring trucks home.
 - We have one delivery truck (a one-ton pick-up with stake bed)
 - Incoming deliveries are during normal business hours and most can be scheduled during a specific window of time.
 - Large equipment and many materials are delivered directly from our suppliers to our off-site construction projects.
- **Odors:**
 - Some neighboring businesses produce odors.
 - Our normal operations do not use processes that produce odors.



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- **Noise:**

- What about noise? Sheet metal is likely noisy.
 - We currently have one full time shop person. In addition to fabrication time is spent on design, layout, etc.
 - We currently conduct business effectively and without noise disruption with only a sheetrock wall between our offices and shop.
 - Keeping overhead doors closed would help contain noise.
 - Historically our hours of operation are normal business hours of 7 a.m. to 4 p.m. – no evenings, weekends or holidays.

- **Standards:**

- As a general question is the intent for the area Neighborhood Business or Commercial Mixed Use – and are there standards that need to be met for any non-conforming use? For example would you be willing to put a berm and/or tree barrier along north end of the property.
 - We will make sure we understand the standards.
 - Yes, we would consider improvements that are not mandated.

- **Future Business Use:**

- What protection does the neighborhood have if for some unforeseen reason down the road the scope of your business changes?
 - We would be bound to standards and use guidelines as granted by the City of Roseville.
 - Our current emphasis for expansion is centered around the mechanical construction component of our business so our efforts would be directed to expand our services (add a plumbing division, increase our preventative maintenance business, etc.)

NOTES:

- Prior to meeting we received a call 5-7-2014 from resident Sandra Streich. Concerns of noise, traffic and hours of operation were discussed.
- Email in support of our business from resident John Comer is attached.
- Invitation to Migueal Lindgren, 1742 Alto Vista Dr, Roseville, MN was returned undeliverable due to forward time expiration.
- Meeting invite and map attached.

Bonnie Vogel

From: JOHN R COMER [REDACTED]
Sent: Friday, May 09, 2014 2:04 PM
To: Bonnie Vogel
Subject: Interim Use Permit

Bonnie, I fully support your use of the former Aramark building for your sheet metal plant. I see no reason that property should be zoned high density residential in the first place. Historically that has been a light manufacturing area and should remain so.

I managed a company in Roseville for many years. We need a community that can support manufacturing plants which provide jobs for our neighbors and promote the growth of Roseville and the United States in general.

Please count me as a person who fully supports your interim use with the hopes that you will always use that building as your plant.

John

John Comer
2219 Ferris Lane
Roseville, MN 55113

If you would ever need my support at a public meeting, please do not hesitate to ask. I will be happy to appear.

PLANNING FILE 14-012**Request by Vogel Sheetmetal, Inc. for approval of limited production and processing of sheet metal as an INTERIM USE at 2830 Fairview Avenue**

Chair Gisselquist opened the Public Hearing for Planning File 14-009 at 8:03 p.m.

Senior Planner Bryan Lloyd reviewed the request of the applicant to allow for light fabrication of ductwork and sheet metal accessories as an INTERIM USE at 2830 Fairview Avenue, as detailed in the staff report dated June 4, 2014. As noted in Section 4.2 of the staff report, Mr. Lloyd advised that recent efforts to facilitate reinvestment and redevelopment for properties in the Twin Lakes Redevelopment Area include a proposal for re-designation of this property, and others in the neighborhood, from High Density Residential (HDR-1) to Community Mixed Use (CMU), with the proposed use then becoming permitted, and the temporary Interim Use permit no longer needed.

Mr. Lloyd advised that the relocation of this business to Roseville was due to them outgrowing their current Stillwater, MN location. Mr. Lloyd advised that there was no indication that there would be significant noise impacts for residential neighbors on the north and therefore no significant impact to public health, safety or welfare, as detailed in Section 5.4.c of the staff report. Mr. Lloyd noted that noise of previous uses (e.g. Aramark) and truck traffic would have been significantly higher than this proposed use on the adjacent residential neighborhood.

On an essentially unrelated note, Mr. Lloyd noted that the right-of-way on part of Terrace Drive was beyond the street itself on the western portion; and suggested that the Public Works Department was interested in working with the property owner on a pathway easement or acquisition of right-of-way to facilitate extending the pathway. However, Mr. Lloyd reiterated that this was not a condition of approval for the Interim Use.

Mr. Lloyd advised that, after staff's analysis of the request, they recommended approval of the request for a five-year Interim Use, unless it was discontinued by the applicant and/or the permitted use changes as noted by re-designation of the zoning district.

At the request of Member Cunningham, Mr. Lloyd advised that there was a pending Purchase Agreement for the property at this time by Vogel Sheetmetal.

As he drove by the subject property, Chair Gisselquist questioned how long the property had been vacant; and asked if truck traffic or employee/customer parking would be housed in the Terrace Drive and/or Fairview Drive. Mr. Lloyd responded that there was a small parking lot off Fairview Avenue, with loading doors and employee parking off Terrace Drive. At the request of Chair Gisselquist, Mr. Lloyd confirmed that there was an existing chain link fence on the north and east of the property in some places that would serve as a limited buffer to residential properties on the north.

At the request of Member Murphy, Mr. Lloyd confirmed that re-use of the property, since it had stood vacant for over one year and grandfathered status elapsed, screening requirements would be triggered in accordance with today's code, and their type yet to be determined (e.g. privacy fence, screening wall, or coniferous plantings). At the request of Member Murphy, Mr. Lloyd clarified that they were part of code requirements, and therefore not needed as a condition of approval.

Subsequent to preparation of the staff report, Mr. Lloyd advised that he received a phone call from a neighboring property owner earlier today, seeking staff's rationale in not including that screening as a condition of approval. Mr. Lloyd noted that the caller as in tonight's audience, and may wish to speak to the issue during public comment.

At the request of Member Murphy, Mr. Lloyd addressed the mechanics or process if and when the zoning changed from HDR-1 to CMU and status of the Interim Use (IU) Permit, as detailed in Section 7.0 of the staff report.

At the request of Member Daire, Mr. Lloyd confirmed that the IU would then become a legal conforming use; and the applicant did not need to secure verification that it was then an accepted use, as it would fit the definition in City Code already for limited production and processing.

Related to noise, Member Stellmach asked if there would be any increased noise due to more traffic coming into the property versus other uses on the site.

In the long term, Mr. Lloyd opined that the traffic intensity from this proposed use would still be of significantly less intensity than its former and traditional use. However, since the property had been vacant for 1.5 years, Mr. Lloyd anticipated that neighbors may expect to hear some increased noise than during that interim period, but of lower volume or intensity than with the past use.

At the request of Member Stellmach, Mr. Lloyd advised that there was no expectation that fabrication noises in forming ducts would escape the building to any great degree, but property performance standards of City Code would establish requirements for those external noises. Even if they were to be audible outside the building, Mr. Lloyd opined that they would not reach a nuisance level based on the intended use of the building.

Mr. Paschke clarified that there would be no mechanical equipment used to make the component, but that it was done with brute labor for custom duct work, which the applicant could speak to later tonight. From the City's perspective, Mr. Paschke stated that this use was a better use and more compatible to the adjacent area than the former business (Aramark) with hundreds of trucks on the site in previous years on a daily basis, and that traffic should subsequently be much less as well.

Applicant Bonnie Vogel, Owner and CEO, Vogel Sheetmetal, Inc., 10684 Lansing Avenue N, Stillwater, MN 55082

Specific to traffic, Ms. Vogel advised that the main focus would be from the contractor, as fabrication is supplemental and an asset to the company to service accounts. Ms. Vogel advised that they could make some limited ductwork, but not major components. Regarding vehicles on site, Ms. Vogel advised that their field staff typically took the vehicles home and drove directly to respective job sites; and the only trucks they have is a pick-up and a one-ton pickup with bed and gate. Ms. Vogel advised that they had one truck/trailer that was on the job sites 90% of the time unless reloading on their lot; but assured that traffic would be at a minimum. Ms. Vogel advised that their office employees were currently at seven, but they hoped to double that number in the future with their proposed expansion.

At the request of Member Boguszewski, Ms. Vogel clarified that their operation was not noise generating, and mostly consisted of one shop person at this time doing custom cabinet handwork of ductwork and placing them on pulleys; with a sheer and press brake and laser cutting table part of their equipment and machinery, but no giant stampers.

At the request of Member Stellmach, Ms. Vogel advised that their proposed expansion was focused around becoming a full mechanical provided, as they were not limited to sheet metal and HVAC, while most general contractors in the commercial realm were looking for a mechanical contractor, which was currently a disadvantage to their operation. Ms. Vogel advised that they just had a new hire to oversee their hiring division to facilitate construction and contracting to use their proposed location for staging and to attract more employees from a broader range and larger mechanical companies.

At the request of Member Daire, Ms. Vogel advised that they anticipated no outdoor storage, as the typical equipment they worked on would be like a ten ton roof top equipment to units about ¼ the size of this room, with the majority of those items going out to the field. While increasing the size of the facility, Ms. Vogel did not find any issues in being able to store inside whatever was necessary with the only outdoor involvement when loading a semi-trailer between jobs. At the request of Member Daire, Ms. Vogel confirmed that the operation was mostly a pass through supplier for HVAC units, not as a full mechanical contractor; and delivered to the job site and only requiring a short stop at this site. For the most part, Ms. Vogel advised that the only storage at their site would be in the case of equipment staging

delays for larger projects, or a scheduling issue on the job site, and would typically only consist of end caps, grills and/or registers, with someone else typically fabricating the larger ductwork that would be delivered directly to a job site.

Member Daire advised that he had an image in his mind of a large helicopter picking up a rooftop unit to transport it off-site.

Ms. Vogel advised that their firm had done helicopter lifts, including a recent one for Costco, but advised that they were not done from their site and those sized units usually go to crane yards for storage.

Member Daire advised that he had attended the open house held by the applicant, and asked Ms. Vogel to summarize any unaddressed concerns if any remained.

Ms. Vogel advised that noise and traffic concerns were addressed; and the only other issue seemed to be about odors which were attributed to other neighboring businesses and floating across the neighborhood, but would not be an issue for their operation. Ms. Vogel advised that the other questions raised by the public were similar to those of the Commission tonight: whether the scope of the business would significantly change due to improved economics. Ms. Vogel advised that their intent was to take advantage of this opportunity to expand their fabrication operation; and they would remain bound to the City's zoning laws and restrictions, and intended that their business model would remain respectful of those and abide by them.

Public Comment

Lisa McCormick

Ms. McCormick advised that she had spoken with Mr. Lloyd earlier today; and having lived in the neighborhood for twenty years, and a Roseville resident for almost thirty years, in general she was supportive of granting this application. However, Ms. McCormick advised that she had some concerns about the general welfare portion and some issues in line with tonight's discussion.

While not knowing much about the sheetmetal field, Ms. McCormick advised that she had done some research, and noise and chemical use were the issues of most concern to her from that research. In researching existing fabrication shops, Ms. McCormick advised that she had found only one located adjacent to a residential neighborhood, and that was in Minneapolis, in a not so desirable neighborhood. Ms. McCormick advised that others were consistently located in industrial parks. While being satisfied with the limited use, Ms. McCormick advised that she would not support full sheetmetal fabrication, which was significant and lent credibility to concerns on noise and other issues.

Ms. McCormick advised that she had attended the open house and the comments of Ms. Vogel, and applauded her efforts and accomplishments to-date; and their planned expansion based on their exceptional growth, and including a succession plan. Ms. McCormick advised that she saw this use as a long-term one and relationship in the City; and sought to ensure that any potential problems be addressed now rather than after they develop later. Ms. McCormick noted that the business was moving from a 3,000 square foot suite to a 38,000 square foot building, which was a significant increase, with expectations that their business would continue to grow, based on the size of their financial investment and long-term succession plan in place.

Ms. McCormick advised that her concern coincided with other issues on tonight's agenda, including the proposed CMU designation, and the potential that this use will become a conforming use. While more than willing to welcome this company into the neighborhood, Ms. McCormick opined that conditions should be required and controls in place now rather than later. Ms. McCormick recognized that this type of building and proposed use made sense, but advised that her only concern was that the Interim Use has conditions in place. While understanding from her discussion with Mr. Lloyd was that such conditions were not generally made with this type of permit, in her review of City Code and those discussions, Ms. McCormick opined that screening requirements of City Code would be triggered by licensing procedures

in place, and if no major improvements were planned at this time and the business intended to move into the building as is, those conditions may not be required.

Regarding landscaping in Section 1011.02.C., Ms. McCormick addressed noise restrictions and environmental conditions, which apparently did not apply to off-street parking and loading. Ms. McCormick noted the two loading docks located in the rear of the building, and based on her measurements, the space between the current chain link fence and rear residential property, also having a chain link fence, was 55' from the edge of the parking lot to the rear yards, with no trees in the entire strip at this time. Ms. McCormick opined that there was no significant space intended as a noise buffer, and as evidenced with the Advanced Circuits operation in the building to the east, noise had become a significant issue. While recognizing that Aramark traffic generation had been significant in the past, along with Advanced Circuit operations, Ms. McCormick noted that the elevations became higher the further north, and then elevation dropped at Oasis Park and the Twin Homes properties immediately to the north, and beyond that single-family homes. Given neighborhood involvement across Oasis Park, Ms. McCormick noted that noise studies had been done in the past, prompting a wooden fence to the north of the adjoining property on the east.

Ms. McCormick asked that the Planning Commission consider conditioning this approval on installation of a barrier fence in place, along with landscaping, as per Section 1011.03.A., 3.d., and requested that a landscaping plan be provided and in Section e. addressing the exception if the land remained undisturbed and in its natural state, it could then be waived. However, Ms. McCormick opined that there was enough ambiguity perceived by her and the neighbors that noise is a major concern, and once this is passed, the opportunity for public input became non-existent; and if they're not required to provide a landscape plan or provide screening at this time, there was no triggering factor or process in place to require them to do so at that time, and the neighbors would have no opportunity to be heard on this issue at that time.

Ms. McCormick requested that a landscaping plan be submitted for approval and activity limited to current production, and if there was a future expansion, it not exceed the current noise level, with no large scale sheetmetal fabrication done due to that noise factor. Ms. McCormick reiterated that this is the only opportunity to make this request; and further requested that the loading dock doors remain closed during operations.

At the request of Member Cunningham as to paid for the construction of the fence behind and bordering Oasis Park and the 1633 building, triggered by noise complaints, Ms. McCormick opined that it was a joint cost-share of the City and company.

From the City's perspective, Member Cunningham asked staff if the proposal moved forward without any restriction, and subsequent complaints were heard from neighbors, if the City could work with the property owner to install a similar wall.

Mr. Paschke clarified that this was not a similar situation with the other and past issue. However, Mr. Paschke advised that the Planning Division looked at the issue two-fold. Mr. Paschke noted that existing guidance and zoning deemed this site non-conforming; and in essence the use as production/processing and light industrial use ceased to exist after vacant for over a year, thus requiring the need for an Interim Use for the proposed use; and looking at that use in a building triggered certain but not all requirements. With the use, Mr. Paschke advised that staff's desire is to mitigate certain impacts, which would require screening on the site: a wood fence of mixture of fencing and/or landscaping; however, staff would not require landscaping to be part of the use of the site. Mr. Paschke advised that City Code reads that a landscaping plan would be required if soil was turned to develop the site, and City Code could not trigger that requirement unless there was a 50% or more increase in that development. While Mr. Paschke opined that it would be great to get the lot spruced up, he was not sure the City had the ability to require it as part of the IU. From a screening perspective, Mr. Paschke advised that staff believed that this type of use did require mitigation under current code, and to get ahead of what may come in the future.

Mr. Lloyd clarified that the landscaping plan or site beautification, as referenced by Mr. Paschke, was not a requirement of that aesthetic plan, but plantings as part of a buffer or screening requirement was totally different.

Mr. Paschke concurred, or noted that it could be a combination in some instances.

At the request of Member Cunningham, Mr. Paschke advised that the buffering or screening discussion would happen immediately, as indicated by Mr. Lloyd.

Member Boguszewski clarified that it would be part of the approval process, but not called out specifically as a condition of the IU approval.

Mr. Paschke responded that it was not necessary as a condition, but clarified that it was the discretion of the Commission to call out conditions specifically, but whether or not they remained a condition of final approval by the City Council would be up to them at the recommendation of the City Attorney. Mr. Paschke stated that it was staff's belief that City Code spoke for itself, and that staff had the ability to require it simply under the proposed use moving it under that circumstance and the unique situation. Mr. Paschke opined that staff believed that the component of the code was triggered accordingly.

If the IU was denied and the property eventually was re-designated as CMU, and at that time the same use was proposed, Member Murphy asked if there would be conditions placed on the conforming use under a CMU.

Mr. Paschke clarified that it would not be a condition, but once the building improvement permits were sought, under City Code, staff would require screening along the north property line.

Member Murphy clarified that was the intent of his previous question to Mr. Lloyd, and if the CMU definition was altered and subsequently implemented, would conditions be similar to those under the IU being considered to get the business operating while the CMU process settles out. Member Murphy opined that he was hearing that conditions were being considered for IU, but not required for CMU if the code changes.

Mr. Paschke clarified that the issue was underlying the entire discussion, and if this was not such a unique site, there would be no discussion on screening, or if vacated less than a year ago, as the applicant could have moved in with their similar use with no screening discussion required, with today's code regulating that property with no ability to address noise, traffic and/or loading docks, but simply as a permitted use and no recourse at that point in time. Because of the new use after the legal, nonconformity expired, and attempting to address and mitigate concerns of the neighbors, Mr. Paschke noted that the City now has the ability to address some of those issues. In referencing the building to the east in the early 2000's when improvements were made, Mr. Paschke recalled similar discussions, but the ability for cities to require meeting current code for pre-existing properties was very limited. In this case, with respect to screening, Mr. Paschke opined that the City had the ability to require it, otherwise they were not able to do so unless noise studies and/or complained allowed that to be addressed under the City's nuisance ordinance; or to make a request of the business properties to improve the situation, but without any ability to require them to do so, as they predated new codes and uses. Mr. Paschke noted that there would always be properties not compliance with current code.

Chair Gisselquist closed Public Hearing at 8:47 p.m.; no one else spoke for or against.

Member Boguszewski expressed confidence that Mr. Paschke's interpretation of and assurance that City Code was sufficient, but opined that he saw no harm in adding an additional condition to require the applicant to install structures or landscaping to provide a visual screening and sound attenuation measure for residential properties on Centennial Drive.

MOTION

Member Boguszewski moved, seconded by Member Gisselquist to recommend to the City Council

APPROVAL of an INTERIM USE at 2830 Fairview Avenue, allowing limited production and processing of sheet metal ductwork and accessories; based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of the staff report dated June 4, 2014; amended as follows:

Additional Condition:

- ***“The applicant shall install structures or landscaping that provides visual screening and sound attenuation for the residential properties on Centennial Drive.”***

Member Daire asked Member Boguszewski to define “sound attenuation.”

Member Murphy also asked how the applicant would know when they met that condition without some measure in place, or if the neighbor installed a fence, how would the Planning Commission or staff know if or how the condition was met.

At the request of Member Boguszewski, Mr. Paschke reviewed the minimum standards for fence height per City Code, and screening for purpose of mitigating sound, opining that it became difficult for code compliance considerations even with a fence, and landscaping of coniferous plantings that may be staggered initially. While having standards in place. Mr. Paschke suggested it may be best to have the condition state “ a mixture of opaque fencing or mixture f coniferous landscaping” to get to the heart of the issue, noise mitigation, since a wall may not be cost effective or effective to mitigate that noise. Mr. Paschke advised that there may be noise, no matter what was required, but a fence of 6’ to 8’ was the best situation, and would mitigate noise somewhat and coniferous trees would do so in the winter time, but recognized that it may take several years for them to grow to substantial height. Mr. Paschke advised that City Code also talked about opaqueness, with a solid board on board fence as an example, which would address noise and/or screening purposes.

Member Boguszewski offered revised language to his additional condition in the original motion as follows:

- ***“The applicant shall install opaque fencing of 6’ – 8’ in height and/or Coniferous plantings or landscaping along the northern edge of the properties.”***

Mr. Paschke opined that the biggest screening and noise issue was in the back parking lot, which was not generating noise but had little landscaping; and suggested that the proposed Coniferous landscaping on the north of the parking lot would address any headlight issues, and if worded accordingly would provide staff the flexibility to address where those plantings were located for the most effect, and not end up screening the building only.

As a point of clarification, Member Daire asked Member Boguszewski his intent as to whether screening is necessary or only responding to a concern that the cost of such will be passed on to Vogel Sheetmetal.

Member Boguszewski opined that it was better with the additional condition, and whether it was a necessity or not, he couldn't determine, but he believed that this type of language – landscaping and fencing – would add something to what was now existing, and provide direction to seek improvements to create a barrier. Member Boguszewski expressed his preference that the whole swath between homes and the band to the south would become HDR as a step up zone between single-family and industrial, but noted that it hasn't happened yet; and now with consideration being given to changing the zoning to allow zero buffers from that zone to the residential zone, at the very least consideration should be given to this type of protective condition as a veneer rather than only a patch.

Member Daire, with his background in transportation planning, and work with MnDOT on attenuation walls, advised that part of that working knowledge from MnDOT was that while trees – particularly coniferous trees – provide a visual screen, they did nothing for sound. Member Daire noted that this was found to be similar with a 6’ – 8’ board fence, and that both had minimal impact on sound attenuation. In order to have that attenuation, Member Daire advised that a mass of wall similar to that found on freeway

sound barrier fences was needed, and included two timber surfaces infilled with dirt to attenuate sound. Member Daire advised that this knowledge caused him to pursue this train of thought; and while the barrier may look better, it did nothing to reduce sound.

Member Boguszewski recognized Member Daire's opinion and expertise.

Mr. Lloyd reiterated that Zoning Code would require this type of screening anyway; but opined that there would be no harm in making it a condition of approval, and while not inventing a solution, it would simply make that code requirement more explicit.

Member Boguszewski advised that everything mentioned by Member Daire he believed to be true, but recognized that it was not realistic to require a condition that would meet the specifications mentioned. However, Member Boguszewski opined that he still felt right about imposing such a condition, and at risk, it would be merely cosmetic, but he still wanted to keep it as an additional condition to the original motion. Member Boguszewski suggested that, if the Commission preferred to approve the motion without that additional condition, they should vote against the current motion and someone else could move to approve a motion as originally proposed by staff.

Member Murphy proposed a different route to get to the same goal.

MOTION

Member Murphy moved, seconded by Member Daire to recommend to the City Council APPROVAL of an INTERIM USE at 2830 Fairview Avenue, allowing limited production and processing of sheet metal ductwork and accessories; based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of the staff report dated June 4, 2014.

Member Cunningham opined that there was something to be said for the neighborhood abutting this area; and when the zoning was changed to HDR, opined that it was more fitting with this neighborhood in providing a buffer. Member Cunningham opined that adding the wall as a condition was good.

Ayes: 2 (Daire and Murphy)

Nays: 4 (Gisselquist, Stellmach, Cunningham, Boguszewski)

Motion failed.

MOTION

Member Boguszewski moved, seconded by Member Gisselquist to recommend to the City Council APPROVAL of an INTERIM USE at 2830 Fairview Avenue, allowing limited production and processing of sheet metal ductwork and accessories; based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of the staff report dated June 4, 2014; amended as follows:

Additional Condition:

- ***“The applicant shall install opaque fencing of 6’ – 8’ in height and/or Coniferous plantings or landscaping along the northern edge of the properties.”***

Ayes: 6

Nays: 0

Motion carried.

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 23rd day of June 2014 at 6:00 p.m.

The following Members were present: _____;
and the following Members were absent: _____.

Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. _____
A RESOLUTION APPROVING A TEMPORARY LIMITED PRODUCTION AND
PROCESSING FACILITY AS AN INTERIM USE AT 2830 FAIRVIEW AVENUE
(PF14-012)**

WHEREAS, Vogel Sheetmetal, Inc. has applied for approval of the proposed temporary sheetmetal fabrication facility as an INTERIM USE in conjunction with BDLM Vogel Properties, LLC, owner of the property at 2830 Fairview Avenue; and

WHEREAS, the property at 2830 Fairview Avenue is legally described as:

PIN: 04-29-23-42-0030

That part of the South 1046.0 feet of the North 1446.0 feet of the Southeast 1/4, Section 4, Township 29, Range 23, Ramsey County, Minnesota described as follows:

Beginning at a point on the West line of said Southeast 1/4, distant 400.0 feet South of the Northwest corner of the Southeast 1/4; thence South along said West line of the Southeast 1/4, a distance of 400.0 feet; thence East along a line drawn at right angles to said West line of the Southeast 1/4, and also being the centerline of Terrace Drive, a distance of 548.0 feet, thence North along a line drawn parallel to the West line of said Southeast 1/4, a distance of 396.49 feet, more or less to an intersection with the North line of the South 1046.0 feet of the North 1446.0 feet of the said Southeast 1/4; thence West along the said North line of the South 1046.0 feet of the North 1446.0 feet of the said Southeast 1/4, a distance of 548.01 feet, more or less, to the point of beginning, according to the United States Government Survey thereof.

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed INTERIM USE on June 4, 2014, voting 6 – 0 to recommend approval of the use based on testimony offered at the public hearing as well as the information and findings provided with the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the proposed INTERIM USE will not result in adverse impacts to the surrounding properties based on the following findings:

- a. The proposed limited production and processing use would be expected to have significant negative effects on the land because the byproduct of the proposed light sheetmetal fabrication would be recyclable scrap metal;
- b. The INTERIM USE does not constitute an excessive burden on streets, parks, or other facilities because The main operations (i.e., office activities and limited sheetmetal fabrication activities) of the facility would be conducted indoors, and the traffic volume from deliveries and installation crews should be considerably less than the former distribution use of the property; and
- c. Noise from fabrication of ducts and other sheetmetal accessories stands to be the only potential nuisance for surrounding property owners, and §1011.02 (Environmental Regulations) of the City Code requires all uses to comply with regulations pertaining to noise and other environmental considerations. By meeting these requirements, the proposed limited production of sheetmetal ducts and accessories would not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the proposed temporary limited production and processing facility as an INTERIM USE in accordance with Section §1009.03 of the Roseville City Code, subject to the following conditions:

- a. The applicant shall install opaque fencing of 6' – 8' in height and/or coniferous plantings or landscaping along the northern edge of the property; and
- b. The approval shall expire, and the sheetmetal fabrication shall cease, by 11:59 p.m. on June 30, 2019, or upon the earlier cessation of the business, unless limited production and processing is allowed to continue through renewed approval as an INTERIM USE or by virtue of more permanent approval(s) (e.g., ZONING CHANGE, CONDITIONAL USE, etc.), whichever comes first.

AND BE IT FURTHER RESOLVED, by the Roseville City Council that representatives of the property owner and the applicant shall sign the form attached to this resolution to acknowledge that each has received, reviewed, and understood the terms and conditions of the approval and agrees to abide by said terms and conditions prior to commencement of the drive-through activity.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor: _____; and _____ voted against.

WHEREUPON said resolution was declared duly passed and adopted.

[illegible]

WITNESS MY HAND officially as such Manager this 23rd day of June 2014.

Patrick Trudgeon, City Manager

Resolution approving limited production and processing as an interim use at 2830 Fairview Avenue (PF14-012)

I, the undersigned, do hereby acknowledge that I have received, reviewed, and understand the attached and foregoing extract of minutes of a regular meeting of the Roseville City Council held on the 23rd day of June 2014 and that I agree to abide by the terms and conditions of the approval as they apply to the temporary limited production and processing facility at 2830 Fairview Avenue.

Representative of BDLM Vogel Properties, LLC

printed name and title

signature

date

Representative of Vogel Sheetmetal, Inc.

printed name and title

signature

date