



REQUEST FOR CITY COUNCIL DISCUSSION

DATE: 08/23/2010

ITEM NO: 13.a

Department Approval

City Manager Approval

Item Description: Discussion regarding the adoption **ZONING TEXT AMENDMENT; Adopting new regulations for Title 10, Zoning Regulations, pertaining to the EMPLOYMENT DISTRICTS -OFFICE/BUSINESS PARK AND INDUSTRIAL (PROJ0017)**

1 **1.0 REQUESTED ACTION**

2 The Roseville Planning Division is seeking City Council input into the new Employment
3 Districts standards in the text portion of Title 10, Zoning Regulations of the City Code.
4 The Employment Districts section covers Office/Business Park and Industrial zoning
5 Districts.

6 **2.0 PROGRESS REVIEW**

7 2.1 The Planning Division and Consultant (The Cuningham Group) began work on necessary
8 modifications to the Employment Districts regulations in late January, which changes are
9 based on the goals and policies identified in the Roseville 2030 Comprehensive Plan and
10 on the need to update/clarify specific uses, dimensional requirements, and language
11 within the new code.

12 2.2 The Planning Division also determined that it would create a single zoning district to
13 cover the Office and Business Park designation of the Comprehensive Plan – Land Use
14 Map.

15 2.3 In July of 2010, the Planning Division placed the draft Employment Districts on the
16 Zoning Code Update page and in August as a part of the pre-packet for the August 23
17 meeting, made the draft available to the City Council for review and comment.

18 **3.0 NEW VERSUS OLD CODE**

19 3.1 Beginning with Imagine Roseville 2025 and continuing through Roseville’s 2030
20 Comprehensive Plan, the City has established a number of vision statements, policies,
21 and goals that will take a new kind of zoning ordinance to achieve. The philosophy has
22 been to create a code that is more focused on the physical form of uses and their
23 relationships with the surrounding area. This emphasis will promote innovative practices,
24 support more flexible standards, and streamline current processes with performance
25 standards (to replace processes such as certain conditional uses, variances, and planned
26 unit developments).

27 3.2 Zoning districts have been created with names that are similar to their counterpart land
28 use categories found in the Comprehensive Plan.

29 3.3 Simple sketches, photos, and other clarifying sidebar text will be used throughout the
30 document to illustrate specific requirements, and the formatting and general organization
31 will be a big improvement over the current document.

32 **4.0 EMPLOYMENT DISTRICTS DIFFERENCES**

33 4.1 Employment district designations also take their names from the Comprehensive Land
34 Use designation counterparts such as industrial, business park, and office, however we
35 have combined the business park and office designations into one zoning district.

36 4.2 Specific employment districts regulation modifications include:

- 37 • Combining the three existing industrial districts, I-1, I-2, and I-2A, into a single
38 district. Note: the “clean: high-tech industrial uses formally in the I-1 and I-2
39 zones have been placed in the office/business park zone. All remaining industrial
40 uses (predominantly zoned I-2) have been placed in the single industrial district.
- 41 • Design standards to minimize impacts, especially for larger buildings (e.g.
42 building placement, articulation of long facades, pedestrian orientation, four-sided
43 design, and parking lot standards).
- 44 • Simplification of use table, including the elimination of certain inappropriate,
45 outdated, or confusing uses, as well as a generalizing of industrial/office uses.
- 46 • Clarification and update of dimensional standards regarding height, floor area
47 ratios, and building coverage versus impervious coverage.
- 48 • Performance standards for all districts will be contained in a separate section of
49 the code, which standards are currently under development.

50 **5.0 PLANNING COMMISSION PUBLIC HEARING/ACTION**

51 5.1 At the public hearing regarding the Employment Districts (August 4, 2010) there were a
52 number of citizens present to address the Commission and the Planning Staff. Most of
53 the questions and concerns centered around whether the proposed code, Employment
54 District or other, would have environmental and/or performance standards similar to the
55 current code so as to protect the City and neighborhoods from future uses like the
56 proposed asphalt plant.

57 5.2 Another comment sought additional public review in the form of a Community Open
58 House where an open house would be more conducive to asking questions and having a
59 dialog on the draft proposal and that the public hearing process before the Planning
60 Commission was inappropriate for that process.

61 5.3 Commissioner Wozniak also suggested adding language into the draft for large parking
62 lots requiring additional landscaping and curb islands. This language is currently located
63 in the Commercial/Mixed Use Districts.

64 5.4 The draft Planning Commission minutes were not available at the time this report was
65 submitted for the August 23 packet. If the minutes become available the Planning Staff
66 will provide copies to Council Members via email and have copies available at the
67 meeting.

- 68 5.5 The Planning Commission recommend (5-0) to approval of draft Employment Districts
69 as presented on August 4, 2010 and as amended below:
- 70 a. Eliminating the word “contiguous” in the sentence of Section 1006.05E9 of the
71 proposed draft and replacing it with “*within the public hearing notification*
72 *distance as established by the City Council (Section _____).*”
- 73 b. Inserting the following language within Section 1005.05 (Industrial District)
74 “**Surface Parking:** Surface parking on large development sites shall be divided
75 into smaller parking areas with a maximum of 100 spaces in each area, separated
76 by landscaped areas at least 10 feet in width. Landscaped areas shall include
77 pedestrian walkways leading to building entrances.”
- 78 c. Requiring Limited processing and manufacturing to have performance standards –
79 adding a “Y:” to the appropriate column.

80 **6.0 SUGGESTED CITY COUNCIL ACTION**

- 81 6.1 All changes recommended by the Planning Commission on August 4, 2010 have been
82 added to the draft Employment Districts proposal the City Council received as a
83 component of this item.
- 84 6.2 The City Council should review the proposed text changes for Employment Districts and
85 ask questions of the Planning Staff. It is expected that the Employment Districts code
86 will be back in front of the City Council for adoption sometime this fall.

87 **Prepared by: City Planner Thomas Paschke (651-792-7074)**
88 Attachments: A: Proposed Draft Employment District Requirements
89 B: Draft Planning Commission Minutes

Chapter 1005. Employment Districts

1005.01 Statement of Purpose

The employment districts are designed to foster economic development and redevelopment and to enhance opportunities for business expansion and growth. They are also intended to:

- A. Encourage reinvestment, revitalization, and redevelopment of retail, office and industrial properties to maintain a stable tax base, provide new living-wage job opportunities and increase the aesthetic appeal of the city;
- B. Encourage appropriate transitions between higher-intensity uses within employment centers and adjacent lower-density residential districts;
- C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm.

1005.02 Design Standards

The following standards apply to all development within the employment districts.

- A. **Landscaping:** All yard space between the building setback line and the street right-of-way line not utilized for driveways, parking of vehicles or pedestrian elements shall be landscaped with grass, trees and other landscape features as may be appropriate.
- B. **Entrance Orientation.** At least one building entrance shall be oriented to the primary abutting public street. The entrance must have a functional door. Entrances shall be clearly visible and identifiable from the street.
- C. **Materials:** All exterior wall finishes on any building must be one or a combination of the following materials: face brick, natural or cultured stone, textured pre-cast concrete panels, textured concrete block, stucco, glass, prefinished metal, fiberglass or similar materials or cor-ten steel (other than unpainted galvanized metal or corrugated materials). Other new materials of equal quality to those listed may be approved by the Zoning Administrator.
- D. **Garages Doors and Loading Docks:** Garage doors shall be located to the side or rear of the primary building facade to the extent feasible. Loading docks must be located on rear or side facades. Garage doors of attached garages on a building front shall not exceed 50 percent of the total length of the building front.
- E. **Rooftop Equipment:** Rooftop equipment, including rooftop



Materials examples

C. Materials. Compare to current 1011.02 materials standard. Have you applied this in industrial districts?

Primary street: The street where the highest level of pedestrian activity is anticipated. This is generally, but not exclusively, the street of higher classification. The Zoning Administrator shall determine the primary street.



structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

- F. **Service Areas and Mechanical Equipment:** Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building.

1005.03 Table of Allowed Uses

Table 1005-1 lists all permitted and conditional uses in the commercial and mixed use districts.

- A. Uses marked as “P” are permitted in the districts where designated.
- B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards. Uses marked as “P/C” may be permitted or conditional depending on their compliance with specific standards.
- C. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards are included in Chapter __, Supplemental Regulations.
 - 1. **Combined Uses:** Allowed uses may be combined within a single building, provided that the external physical effects of any single use (i.e., noise, vibrations) will not adversely effect the operations of any other proposed use, and that circulation patterns are designed to integrate off-street parking and maximize pedestrian safety.

Table 1005-1	O/BP	I	Standards
Office and Health Care Uses			
General office	P	P	
Clinic, medical, dental or optical	P		
Hospital? (See Comp Plan description of BP.)	C		
Office showroom	P	P	
Manufacturing, Research, and Wholesale Uses			
Artisan workshop		P	Y
Catering establishment		P	
Contractor's storage yard		P	
Laboratory, medical or research and development	P	P	
Limited production and processing*	C	P	Y
Manufacturing and processing, no outdoor activities/storage		P	Y
Manufacturing and processing, outdoor activities/storage		C	Y
Printing	P	P	
Recycling center		P	
Warehousing and distribution	P	P	
Wholesale establishment		P	
Commercial Uses			
General retail sales and service*	C		Y
Animal boarding, kennel/day care		P	Y
Animal hospital, veterinary clinic	P		Y
Bank, financial institution	P	C	
Building materials sales, lumberyard		P	
Day care center	P	C	Y
Health club, fitness center, exercise studio	C		
Grocery store, food and related goods sales (see definition)	C		Y
Lodging: hotel, motel, extended stay hotel	P	P	
Motor fuel sales, gas station (includes repair)	C	P	Y
Motor vehicle repair, auto body shop		P	Y
Motor vehicle sales, rental/leasing		C	Y
Personal services**	C		Y
Restaurant, Traditional	P		Y
Restaurant, Fast Food	P		Y
Restaurant-Tavern	P		
Restaurant, Limited	P	C	
School of music, dance, arts, tutoring	P		
School, trade or business	C	P	
Storage, personal, indoor		P	

Table 1005-1	O/BP	I	Standards
Utilities and Transportation			
Electric power production		C	Y
Essential services	P	P	
Park-and-ride facility	C	C	
Transit center	C	C	
Accessory Uses, Buildings and Structures			
Accessory buildings for storage of domestic or business supplies and equipment	P	P	
Accessibility ramps and other accommodations	P	P	
Caretaker's dwelling	C	C	
Drive-through facility	C	P	Y
Off-street parking spaces	P	P	Y
Solar energy systems	P	P	Y
Communications antennas and towers	C	C	Y
Wind energy systems	C	C	Y
Temporary Uses			
Temporary buildings for construction purposes	C	C	Y

General retail sales and service; Personal services - both same as Commercial/Mixed-Use Districts

Limited production and processing: Uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- Apparel and other finished products made from fabrics;
- Blueprinting;
- Computers and accessories, including circuit boards and software;
- Electronic components, assemblies, and accessories;
- Film, video and audio production;
- Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing;
- Jewelry, watches and clocks;
- Milk, ice cream, and confections;
- Musical instruments;
- Novelty items, pens, pencils, and buttons;
- Precision dental, medical and optical goods;
- Signs, including electric and neon signs and advertising displays;
- Toys;
- Wood crafting and carving;
- Wood furniture and upholstery.

1005.04 Office/Business Park (BP) District

A. **Statement of Purpose:** The Business Park District is designed to foster the development of business parks that integrate complementary employment and related uses in an attractive, efficient and functional environment. The district is also intended to:

1. Provide readily accessible services for employees;
2. Provide pedestrian, bicycle and transit connections to and through the business park;
3. Maintain and improve the quality of the natural landscape within the business park;
4. Provide appropriate transitions to surrounding neighborhoods and districts.

B. **Design Standards:** The standards in Section 1005.02 shall apply, with the following additions:

1. **Integrated Design:** In the design of any business park, buildings and complementary uses shall be connected in a logical and cohesive manner by streets, sidewalks, trails, open space and natural areas that combine to create a pedestrian-friendly environment. A pattern of blocks and

interconnected streets is preferred.

2. **Four-sided Design:** Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on a street-facing façade. All façades shall contain window openings. This standard may be waived by the Zoning Administrator for uses that include elements such as service bays on one or more facades.
3. **Maximum Building Length:** Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.
4. **Trash Storage Areas:** Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. Trash enclosures within developments of two-story or more shall incorporate a trellis cover or a roof design to screen views from above. The enclosure should be accessible to businesses, yet located away from main entries.



Sidewalk network and natural area



Four-sided building design

C. Dimensional Standards:

Table 1005-2	
Minimum Lot Area	20,000 square feet
Minimum Lot Width	60 feet
Maximum Building Height	60 feet
Front Yard Setback	See Frontage Requirement (D)
Side Yard Setback	10 feet 40 feet from residential lot boundary
Rear Yard Setback	10 feet 40 feet from residential lot boundary
Surface Parking Setback	Equal to building setbacks
Improvement Area (Lot Coverage)	75%?

area in I-1 currently 1 acre
height: 60' for office; 45 for mfg.
FY: 40'

D. Frontage Requirement: A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.
2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only one row of parking and a drive aisle may be placed within this setback area.

similar to RB standard, but could be more stringent - similar to CMU or CB

3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only two rows of parking and a drive aisle may be placed within this setback area.

1005.05 Industrial (I) District

A. **Statement of Purpose:** The Industrial District is designed to provide suitable sites for manufacturing, assembly, processing, warehousing, laboratory, distribution, related office uses, and truck/transportation terminals. The district is also designed to:

1. Minimize any external physical effects of such operations on surrounding less intensive uses;
2. Encourage and facilitate pedestrian, bicycle and transit access throughout the industrial areas of the City;
3. Encourage development of an attractive and well-landscaped physical environment within the industrial areas of the City.

B. **Design Standards:** The standards in Section 1005.02 shall apply, with the following additions:

1. **Exterior Storage Within Enclosed Structures:** The following storage shall be conducted wholly within an enclosed structure:
 - a. Inoperative equipment, as defined
 - b. Inoperative vehicles, as defined
2. **Storage Within Solid Opaque Wall or Fence:** The following storage and sales areas shall be wholly enclosed by a solid opaque wall or fence no less than eight feet in height:
 - a. Building materials and lumber sales
 - b. Areas used for rental yards
 - c. Machinery sales, and bulk firewood sales
 - d. Dirt, sand, gravel and rock sales
 - e. Heavy equipment sales
 - f. Construction equipment
 - g. Trash storage areas

Move 'inoperative' description to definitions

note difference in treatment of trash storage here from BP and other districts

C. Dimensional Standards:

Table 1005-3	
Minimum Lot Area	1 acre
Maximum Building Height	60 feet
Front Yard Setback from internal street	30 feet
Interior Side Yard Setback	10 feet 40 feet from residential lot boundary
Corner Side Yard Setback	30 feet from street
Rear Yard Setback	20 feet 40 feet from residential lot boundary
Surface Parking Setback	Equal to building setbacks
Improvement Area (Lot Coverage)	85%?

D. Parking Placement: Parking placed between a building and the abutting street shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and 2 rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space.

is this standard appropriate in this district?

E. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

standard from the current I-2A District

F. Control Measures: In order to ensure public safety and environmental protection, the city council may require control measures applicable to conditional or permitted uses in the Industrial District, including, but not limited to the following:

1. Security of premises and buildings
2. Access to and egress from site
3. Routing of vehicular traffic on public streets
4. Security methods for delivery and pickup
5. Storm drainage and spillage control facilities
6. Hours of operation
7. Noise impact
8. Liability for and control of unauthorized delivery
9. Impact on contiguous property with the public notification distance as established by Roseville City Council, Section ____.
10. Fire protection.

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EXTRACT OF THE DRAFT MEETING MINUTES
ROSEVILLE PLANNING COMMISSION
AUGUST 4, 2010

c. **PROJECT FILE 0017**

Request by the Roseville Planning Division Adopting new regulations for Title 10, Zoning Regulations, pertaining to the Employment Districts: the Office/Business Park District and the Industrial District.

Mr. Paschke briefly reviewed the proposed new Employment District standards in the text portion of Title 10, Zoning Regulations of City Code, including Office/Business Park and Industrial Zoning Districts, as detailed in the Request for Planning Commission Action dated August 4, 2010. Mr. Paschke noted the consolidation of previous districts for more clarification from previous overlaps in industrial districts; creating of design standards to limit impacts; and parking lot standards; as well as simplifying the Table of Uses throughout the Code in all Districts, addressing height standards and modifications as addressed in Section 4.2 of the staff report.

Chair Doherty opened the Public Hearing for public comment at approximately 7:35 p.m.

Public Comment

Gary Grefenberg, 77 Mid Oaks Lane

Mr. Grefenberg opined that there had been no Open House on this specific issue, and given the few audience members at tonight's Public Hearing, expressed concern that more of an effort had not been made to alert more people to this issue, specifically the proposed zoning for Industrial Districts, due to recent concerns with the proposed asphalt plant as an example of an Industrial use and the importance of related issues.

Mr. Grefenberg asked that an Open House be held specific to this issue in a less formal atmosphere to address multiple unanswered questions and clear up a lot of ignorance on the part of residents that was fostering fear and concern. Mr. Grefenberg noted that the proposed asphalt plant had garnered this fear; as well as making sure that there was sufficient public notification in the future to avoid similar situations.

Mr. Grefenberg noted his service with the *Imagine Roseville 2025* community visioning process, as well as on the Comprehensive Plan Steering Committee.

Mr. Grefenberg noted his repeated conversations with Mr. Paschke over the last week regarding current guidelines for public notice; and the concerns of many residents on what the proposed zoning may allow in certain areas. Mr. Grefenberg displayed the current zoning map and areas of concern to him, specifically along the west side of Roseville along I-35 with a single category of Industrial, and discontinuing the three current Industrial Districts into only one District. Mr. Grefenberg opined that this recommendation has not been thoroughly discussed enough by the Steering Committee to support such a recommendation. Mr. Grefenberg opined that a blanket application for Industrial zones needed to include provisions only now found in those design standards and regulations for residential development.

Mr. Grefenberg highlighted and displayed specific sections and general requirements of the existing Zoning Code (Section 1007.09, D, Performance Standards) addressing noise, smoke and particulate matter; toxic or noxious matter; odors; vibrations; and differencing in the existing code and that proposed, specifically those requirements beyond the boundaries of the immediate site; and expressed concern that the same

1 safeguards and attention to potential impacts of Industrial use on adjoining residential
2 or office uses were not addressed.

3
4 Mr. Grefenberg noted his and Member Wozniak's role in including recommendations
5 for language in the Purpose Statement of the proposed Zoning Ordinance, Chapter
6 1001.01 General Provisions, A and B, regulations for the purpose of protecting and
7 enhancing the character, stability, and vitality of residential neighborhoods. Mr.
8 Grefenberg noted that the Comprehensive Plan talked about public engagement, and
9 read and displayed a highlighted portion of that referenced language as it related to
10 the need for expanded and transparent public engagement when considering
11 significant land use decisions. Mr. Grefenberg opined that the last time a land use
12 decision came before this body (e.g. asphalt plant), the process went very quickly;
13 and asked that the Planning Commission hold off acting on this Chapter to allow one
14 more meeting to get more information and hold another less formal Open House.
15

16 Mr. Grefenberg proceeded with questions and/or comments specific to various
17 sections of the proposed Chapter 1005, Employment Districts, 05/13/10 draft.
18

19 Page 7, Section E. Control Measures, Item #9: impact on contiguous property

20 Mr. Grefenberg noted that previous safeguards referenced didn't speak to contiguous
21 properties; and expressed concern with that designation, when impacts could more
22 far-reaching than to those properties contiguous to them. Mr. Grefenberg suggested
23 that this language be eliminated and a more general term used, such as "proximate"
24 or something similar, to provide more confidence on those control measures, similar
25 to the existing measures.
26

27 Page 1, Section 1005.01, Statement of Purpose, Section B and references to the Use
28 Chart on Table 1005-1 on page 3

29 Mr. Grefenberg used the example of a Vikings Stadium as a possible use; and
30 highlighted and displayed his areas of concern.
31

32 Mr. Paschke responded that in the manufacturing and processing use highlighted by
33 Mr. Grefenberg, no outdoor activity was permitted, and outdoor storage was a
34 Conditional use, disallowing something like a stadium.
35

36 Mr. Grefenberg questioned if an asphalt plant, as currently understood, would fall
37 under a manufacturing and processing outdoor activity/storage use.
38

39 Mr. Paschke advised that it depended on whether the proposed use complied with the
40 definition.
41

42 However, Mr. Paschke noted that the achievement standards are still in the
43 development process and would be a separate section of the code, and would be no
44 different than those achievement standards to be developed and appropriate to a
45 residential or commercial/mixed use. In response to Mr. Grefenberg's concerns
46 standards related to noise, odors, etc. would be incorporated broadly into each all
47 sections of the code, not just Industrial uses.
48

49 At the request of Chair Doherty, Mr. Paschke confirmed that it was likely that those
50 items of concern addressed by Mr. Grefenberg, would most likely be incorporated into
51 the new code, since they were all related to performance standards.
52

53 Member Gottfried paraphrased Mr. Paschke's comments, indicating that the
54 performance standards were moved to a different section of the new code to provide a
55 broader effect across all uses.
56

1 Mr. Grefenberg opined that this was a good reason that it would prove useful to have
2 an Open House on these critical issues.
3

4 Mr. Paschke advised that, at this point, there was no plan to hold another open house,
5 but to work through plan approval for certain sections as previously outlined. Mr.
6 Paschke noted that, while there was nothing preventing another open house, the
7 regulations were still being developed as part of the process and were not available
8 yet even in draft form for review by the Planning Commission and/or City Council. Mr.
9 Paschke advised that those regulations would be followed by the definitions as
10 developed; and that given the current timeframe, there were other minor chapters that
11 may not be available for review until 2011. Mr. Paschke advised that for those
12 chapters, the current code would continue to apply in the interim, specifically the
13 recently-developed sign ordinance; with the current shoreland ordinance in place
14 pending completion by the Department of Natural Resources (DNR) on their new
15 requirements for subsequent development by the City of their parallel code. Mr.
16 Paschke advised that the current work schedule, as previously presented and
17 approved, would allow the major portion of the City's zoning code to be consistent
18 with its updated Comprehensive Plan within the nine (9) month timeframe mandated
19 by the Metropolitan Council.
20

21 Chair Doherty concurred with Mr. Paschke, opining that it was good to initially
22 establish the broad categories, then deal with the specifics, rather than to have
23 specifics rule the process and prevent accomplishment of the broader goal. Chair
24 Doherty expounded on the benefits of a public hearing, similar to that being held
25 tonight, being televised and available in various formats to reach a larger audience as
26 opposed to an open house that may only be sporadically attended. Chair Doherty
27 opined that, from his perspective, it was much more transparent to hold a public
28 hearing creating a public record, rather than an open house attended by a few citizens
29 who may or may not only represent a small portion of the community, with the full
30 discussion available for all citizens to hear and view.
31

32 Mr. Grefenberg recognized Chair Doherty's perspective; however, opined that the
33 process could be changed in a democracy, and the review period was not set in
34 stone; and questioned comments alluding to no changes being possible at this point.
35

36 Chair Doherty and Mr. Paschke both stipulated that their comments were not intended
37 to create any misconceptions by Mr. Grefenberg that changes were no longer
38 acceptable.
39

40 Mr. Grefenberg opined that the climate in the community had been polluted with
41 distrust related to the asphalt plant, and further opined that government is no longer
42 trusted; and assured Commissioners that he was simply attempting to get a dialogue
43 going. Mr. Grefenberg opined that, back in the neighborhoods, there was not
44 credibility in decisions being made by governmental bodies, especially those
45 decisions impacting residential neighborhoods. Mr. Grefenberg expressed
46 appreciation that tonight's public record would show that an asphalt plan would be
47 considered as a permitted use under the proposed code, as well as the old, only as a
48 Conditional Use, and that such a provision would address his initially expressed
49 concerns tonight.
50

51 Chair Doherty observed that Mr. Grefenberg's comments seemed to be focusing on
52 the proposed asphalt plant; and reminded all that that application had not worked its
53 way through the system yet, and was not currently before the Commission. Chair
54 Doherty opined that he seemed to be hearing that citizens didn't trust the outcome
55 when the outcome had yet to be determined.
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Member Gottfried noted that, at an open meeting such as this one, there was an opportunity to fill the room and make your point; and that it was the job of the citizen volunteer Planning Commission to listen. Member Gottfried opined that, if government had failed, it was because the public had failed to show up and let the government know what they wanted it to do or not to do.

Mr. Grefenberg opined that the City website and a Public Hearing format may not be the most appropriate way to provide comment; and further opined that there was no plan that couldn't be improved upon.

Member Gottfried opined that this is the public process and that the process was available to every citizen of Roseville, and that they could choose to make it effective or not, and one way to make it ineffective was to not show up. Member Gottfried noted that anyone attending the meeting had the opportunity to step up to the microphone to be heard, and assured everyone that they were listened to; and that their comments were often reflected in the Commission's recommendations to the City Council.

Mr. Paschke noted that, not to take away from the concept of an open house, staff had gone to extreme measures to provide public notification, made repeatedly revised drafts of proposed chapters available on the City website; and attempted to make the entire process, as approved by the City Council as part of the Consultant contract, as transparent as possible. Mr. Paschke noted that the Employment District chapters currently under discussion had been on the website for a number of weeks. Mr. Paschke advised that, if there were to now be an abrupt disruption to the critical timeline being followed for completion of the major portion of this project, it could have negative consequences. Mr. Paschke encouraged the public that there was as much to be gained by comment by e-mail to staff, the Commission and City Council, as by scheduling and/or attending an open house with limited attendance.

Member Gottfried spoke in support of Chair Doherty's previous comments related to the public hearing process providing an opportunity, for the public record, of discussion and to hear comments, concerns, and suggestions related to any item before this body. Member Gottfried noted that you didn't have to agree with what was going on, or what you perceived was going on; and noted that some things were not yet completed vetted out, and that many residents were under the impression that this was a "done deal." However, Member Gottfried suggested that, the fact that they were present at a public hearing, was a good indication that it was not a "done deal," and that this was the purpose of the hearing and public comment to have your voice heard. Member Gottfried encouraged citizens to take advantage of the multiple opportunities to do so; and that the Commission was available to hear those voices.

Chair Doherty opined that the discussion related to this chapter was at a disadvantage since the message and focus coming forth was that it was due to the asphalt plant. Chair Doherty noted that he was unaware of the status of the asphalt plant, and asked for an update from staff on the plant, rather than to hear different rumors and misconstrued perceptions.

Mr. Grefenberg volunteered that public comments would be heard on the proposed asphalt plan regarding the Environmental Assessment Worksheet (EAW) before the Minnesota Pollution Control Agency (MPCA) with the deadline of August 11, 2010 to get comments to the MPCA on the EAW and the application by the asphalt plant for a preliminary emission permit.

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Mr. Grefenberg clarified that he had not meant to imply that a decision had already been made regarding the asphalt plant, but only meant to suggest that a more dynamic decision-making and public process was a good thing to consider.

Mr. Grefenberg noted that his concerns tonight related to the Performance Standards in the proposed zoning code for Industrial uses was based on his lacking the benefit of an open house where he could address his questions and comments.

Chair Doherty requested that the remaining questions and/or comments of Mr. Grefenberg be specific to the consideration of Chapter 1005, Employment District section of the proposed zoning code, and not specific to the asphalt plant.

Mr. Grefenberg opined that none of the public would probably be here if not for the asphalt plant, and to ensure that the same mistakes are not repeated.

Member Gottfried opined that he had received that message.

Mr. Grefenberg offered to move to his next issue, as long as he was clear that the “y” in the column related to manufacturing and processing would be a conditional use.

Mr. Paschke responded affirmatively provided they have outdoor storage requirements.

Member Wozniak noted that one of the issues about the asphalt plant that concerned him when it came before the Commission, was that the only reason it came before the body for a public hearing and for a recommendation to the City Council was based on the request to store materials outdoors; and questioned if the proposed zoning code would allow more control over design of a manufacturing facility or whether history could repeat itself.

Mr. Paschke responded affirmatively, as the plant was a permitted use under existing code. Mr. Paschke noted that an asphalt plant was not considered much differently than another type of industrial plant that was permitted by the MPCA, as a higher authority. Mr. Paschke advised that the question for consideration should be whether to require manufacturing and processing uses to go through a more formal process. Mr. Paschke noted that the proposed code was not currently seeking that, and was similar to the existing code allowing a number of permitted uses. Mr. Paschke noted that there were certain permitted uses that could do as much harm to the atmosphere and were therefore required to meet specific processes under the jurisdiction of the MPCA. Mr. Paschke asked that the Commission, if their recommendation was to prohibit specific uses or have them regulated through a more formal process such as a conditional use, make that recommendation clear at this time.

Member Gottfried, adding to Member Wozniak’s comments, questioned when the Commission started addressing design standards in the next step of the ordinance process, would they then address such things as fumes, odors, lights, noise, vibrations, and provide sufficient guidance to address those concerns on a broader scale across more districts than just manufacturing.

Mr. Paschke opined that it would; however, he noted that the code needed to be very specific and could not be broad in order to allow it to be regulated and enforced, and couldn’t be nebulous. Mr. Paschke noted that this was one of the problems with the current code, that it was too ambiguous in attempting to realistically enforce it, with advice from the City Council on whether provisions are enforceable.

Member Gottfried sought an example such as a regulation for light pollution.

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Mr. Paschke advised that the current code is quite standard, in addressing the design and location of a light or sign; and opined that if you have a broad regulation in code standards, that addressed a number of issues, and that a lot of those things were already regulated by State Statute, noting that that the City could not regulate above State or MPCA regulations.

Member Gottfried expressed his anticipation of a very interesting discussion in the future.

Mr. Paschke opined that, with this being a new code with the existing code predicated on development, design and standards evidenced in 1959, it would provide for very interesting discussions.

Mr. Grefenberg opined that he would like the public to participate in all aspects of that dialogue; and questioned if “comfort” or “welfare” applied to a state agency, as addressed in the City’s current zoning code performance standards. Mr. Grefenberg reminded Commissioners that they made a commitment in Section 1001.01, Section B, Purpose Statement to protect and enhance character, stability and vitality. Mr. Grefenberg announced that this would be his benchmark and would be discussed further.

Page 6, Section 1005.05 Industrial (I) District, B, Design Standards, B-2

Mr. Grefenberg questioned if berms were allowable in addition to or in place of a solid opaque wall or fence; opining that their aesthetics may be favorable to a solid wooden wall; and suggested that design standards be improved and not too tight.

Mr. Paschke questioned if the language needed to be changed, since it was already known where industrial lands were located; and questioned if an 8’ berm could be achieved. Mr. Paschke, however, noted that it could be incorporated with a fence or wall to achieve the required height; and advised that staff would support berming for aesthetic purposes as long as the property were fully screened at 100% capacity for 8’.

Mr. Grefenberg sought assurance that natural landscaping such as a berm would be acceptable.

Chair Doherty noted that this was considered acceptable.

Page 6, B-2, a-g

Mr. Grefenberg questioned where raw material storage was addressed; and suggested that it be broadened to include other raw material piles, and clarify that a distinction should be made for sale of raw materials (e.g. landscape materials) or another type of use or accommodation for outdoor storage.

Discussion included it would be covered under item 2.d as an aggregate material, depending on the type of raw material.

Mr. Paschke advised that he would review that section to address storage of raw materials.

Definitions

Mr. Grefenberg expressed interest in a careful review by the public of the definitions section.

1 Mr. Paschke noted that this would be one of the last chapters created, following
2 development of the other chapters to make sure they included all necessary
3 definitions.

4
5 Page 7, Section E, Control Measures, Item 1-9

6 Mr. Grefenberg noted that he had previously expressed his concern with the
7 “contiguous property” designation.

8
9 General Comments

10 Mr. Grefenberg observed that often ordinary people thought of worst case scenarios
11 in an effort to prevent them. Mr. Grefenberg, as an example, used the potential for a
12 new Vikings stadium or a future asphalt plant as permitted uses under application of
13 the existing code, and the proposed new code. Mr. Grefenberg opined that
14 environmental and quality of life standards were as important, if not more important,
15 than design standards.

16
17 Mr. Paschke challenged Mr. Grefenberg to identify on the Table of Uses where a
18 stadium would be supported by this proposed code as an allowable use in an
19 Industrial District.

20
21 Mr. Grefenberg expressed his appreciation in receiving an answer to his concerns;
22 and opined that the public should be encouraged to ask questions and seek
23 information; and apologized if he seemed to be pointing a finger when he was only
24 attempting to be honest with the C omission.

25
26 Mr. Paschke noted that the public has been encouraged to ask questions and seek
27 information through multiple formats and opportunities; and reminded the public that
28 the Planning Commission did not make the decision, but only made a
29 recommendation to the City Council; and that there would be additional opportunity
30 before final adoption of the proposed code.

31
32 Mr. Grefenberg expressed his interest in the Planning Commission having the final
33 say for recommendation to the City Council, not staff; and opined that questioning
34 should be encouraged by this body; and looked forward to future opportunities to
35 address his concerns to the Commission.

36
37 Chair Doherty asked that Mr. Paschke consider an alternate term to replace
38 “contiguous” on page 7.

39
40 Mr. Paschke suggested that Mr. Grefenberg provide staff with an e-mail or his
41 thoughts on a replacement term to avoid any nebulous results.

42
43 Discussion included potential terms such as “surrounding,” which was determined did
44 not get to Mr. Grefenberg’s concerns, since “contiguous” addressed adjacent
45 properties other than air emission concerns; noting that “surrounding” was already
46 used in Section 1005.05 A.1, Statement of Purpose, as it related to adjacent
47 properties.

48
49 Mr. Grefenberg noted the tendency of attorneys to interpret words as they wished;
50 and suggested that the same language be used rather than contiguous. Mr.
51 Grefenberg noted that he was originally going to suggest “proximity,” but found
52 problems with that term as well.

53
54 Mr. Paschke asked that, if the Commission was considering a change to the draft
55 language that they include it as an amendment to their recommended motion.
56

1 **Gretchen Ternes, 2328 Terminal Road, Suite B**

2 Ms. Ternes introduced herself as a business owner on Terminal Road, noting that she
3 had received the post card notice regarding a change in zoning to Business Office
4 Park; and sought a definition of that designation. Ms. Ternes noted that the majority
5 of businesses along Terminal Road were involved in light assembly work and given
6 most of those building's internal structures, they would not be suitable to become
7 offices. Ms. Ternes, while in agreement with the majority of the rezoning areas
8 following more in-depth discussions with Associate Planner Bryan Lloyd prior to
9 tonight's meeting. Ms. Ternes pointed out potential areas of inconsistency (e.g.
10 FedEx LTL and FedEx Freight) with similar uses but different zoning designations.
11

12
13 Ms. Ternes expressed concern that the businesses along Terminal Road did not
14 receive notice of the proposed asphalt plant, and noted that she had written several e-
15 mails to Councilmember Dan Roe as well as other written communication regarding
16 the proposed plant; and opined that the other business owners and/or tenants of
17 those businesses needed notification as they were also unaware of the proposed
18 plant, further opining that no one along Terminal Road to whom she had talked was
19 happy about the potential plant being allowed. Ms. Ternes noted the need to notify
20 tenants, not just property owners of record since many of those property owners were
21 based at national or international corporate offices and not cognizant of how this plant
22 could impact the local tenants.
23

24 Mr. Paschke reiterated that staff provided notice by a distinctive process in City Code,
25 within the policy as established by the City Council, to property owners within 500' of
26 the subject property, with State Statute requiring even less notice than that. Mr.
27 Paschke reminded listeners that the City was not proposing the asphalt plant.
28

29 Chair Doherty suggested that the tenants send their e-mail or written comments to
30 City Hall or the City's website for distribution by staff to Councilmembers and other
31 parties identified as recipients by the sender.
32

33 Mr. Paschke, in focusing on the concerns of Ms. Ternes regarding notification of
34 existing tenants and current versus proposed land use designations, noted that two
35 events were happening: today's use by tenants, and the Comprehensive Plan's
36 guidance for future use that may be different than the existing use. Mr. Paschke noted
37 that this did not mean that existing uses could not continue as legal, nonconforming
38 uses, until sold or the business was no longer in existence. Mr. Paschke advised that
39 the Comprehensive Plan and Zoning Code were consistent in guiding the land use
40 designation to Office or Business Park, and were designed with that goal in mind, not
41 necessarily based on existing uses on any given parcel.
42

43 Ms. Ternes questioned if there would be a change in property taxes due to this
44 proposed zoning change.
45

46 Mr. Paschke clarified that the taxes were based on commercial tax rates established
47 by Ramsey County, not a specific use.
48

49 Ms. Ternes opined that even with a berm around her property, there was no way to
50 shield an asphalt plant.
51

52 Mr. Lloyd noted that the focus of tonight's discussion was not about the asphalt plant,
53 and that this issue was not coming before the Planning Commission again, but once
54 the MPCA had made their ruling it would go directly to the City Council for final action.
55 Mr. Lloyd clarified that e-mails to the Planning Commission would therefore not be as
56 effective as if they were directed to the City Council as the final decision-makers.

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Ms. Ternes opined that this rezoning issue is hard to understand, and coming before the body was intimidating, and further opined that a business owner needed a lawyer to protect their interests or to speak directly to the Commission on this issue, and suggested that this may preclude some people coming to speak.

Further discussion included staff responding to and clarifying for Ms. Ternes the purpose and goals of the proposed condensation of current versus proposed zoning codes for Business and Industrial Districts; and standards remaining in place, with some revisions to make it more enforceable; however, Mr. Paschke noted that environmental standards are in the current code as well as the proposed, once the regulations and standards are fully developed and brought forward this fall for review and public hearing.

Additional discussion included industrial uses and zoning districts; chemical uses currently allowed; production or manufacture of chemicals versus use of those chemicals; clarification of uses on the Table of Uses; and safeguards in place.

Mr. Paschke advised that the public could advocate for text line items identifying that would prohibit specific uses if they felt they were needed, at which time they could be defined and added to the chart as permitted or prohibited uses.

Ms. Ternes asked that current standards not be relaxed, but kept tight; opining that the Comprehensive Plan was about moving forward and making the City better for all residents, and the applicable standards should ensure that; and that environmental goals and priorities concerning industry would improve, not diminish.

Mr. Paschke concurred with that intent, noting that it was hoped that the new code and Chart of Uses would simplify understanding of those standards and allowed uses.

Member Gottfried reviewed the process for staff recommendations coming before the Planning Commission, with the Commission adopting or amending those recommendations to be forwarded to the City Council. Member Gottfried asked that the public thought staff had left something out that they thought was important, this was their opportunity to make that known to the Planning Commission to consider in their amendments to staff recommendations. Member Gottfried, however, pointed out that the process had not evolved to the point where those design standards were finalized, but should come forward this fall, at which time the Commission and the public would have an opportunity to review those details.

Mr. Paschke asked that the public provide broader constructive comment on the proposed code at this point, rather than the finer points that would be addressed later as the design standards were developed.

Unidentified speaker (Megan?)

The speaker opined that the Land Use and Environmental sections of the Comprehensive Plan document needed to be incorporated fully in the proposed zoning code.

Mr. Paschke advised that this was staff's intent; however, if citizens thought they were not achieving those goals, to alert staff by e-mail and address those components, remembering that they were not fully crafted yet. Mr. Paschke noted that, if there were specific items in the Comprehensive Plan that needed more detailed regulations than those recommended by staff, that staff be alerted to those items.

1 Further discussion included whether production of insecticides was a permitted use in
2 the proposed code, with staff noting it was addressed in the Table of Uses, with
3 limited production and processing, with "limited" needing further definition to
4 determine what it comprised; ;
5

6 Member Gottfried thanked the speaker for her attention to detail, and asked that, as
7 the standards are developed more fully, to alert staff and Commissioners of any
8 omissions she thought needed addressed.
9

10 Member Wozniak noted that some of those concerns raised were already addressed
11 in "Control Measures," Section E (page 7), while allowing some flexibility.
12

13 Further discussion included development of stringent standards for all zoning districts
14 in the new code; consolidation of districts and land use designations for residential
15 and commercial districts; goal of protecting the public, while allowing enforcement of
16 code provisions; the broad goals of the Comprehensive Plan that subsequently
17 creates a code that addresses those goals through designed standards and allows
18 mitigation or enhancement of various use impacts.
19

20 Chair Doherty closed the Public Hearing at approximately 9:05 p.m.
21

22 Discussion among Commissioners and staff included the need to identify the sidebars
23 on draft copies to indicate those sidebars that are for Commissioner information and
24 will be deleted on the final draft, and those that will remain for public information
25 purposes or to clarify or illustrate specific examples or issues; and preference of
26 Commissioners for redlined copies of revised drafts to avoid their need to review and
27 compare previous drafts.
28

29 Page 7, Parking Placement

30 Member Wozniak requested that standards for parking, incorporation of landscaping
31 and pedestrian access, be similar to those addressed previously in the Regional
32 Business District.
33

34 **MOTION**

35 **Member Doherty moved, seconded by Member Wozniak to RECOMMEND TO**
36 **THE CITY COUNCIL APPROVAL of DRAFT Employment District requirements as**
37 **presented on August 4, 2010, establishing new regulations under Title 10,**
38 **Zoning Regulations, pertaining to the EMPLOYMENT DISTRICTS, as detailed in**
39 **the staff report dated August 4, 2010.**
40

41 **Ayes: 5**

42 **Nays: 0**

43 **Motion carried.**
44
45

46 Amendment #1

47 **MOTION**

48 **Member Doherty moved, seconded by Member Gottfried, to RECOMMEND TO**
49 **THE CITY COUNCIL REVISED LANGUAGE to Section 1005, E, Control**
50 **Measures, Item 9, to read "Impact on ~~contiguous property~~ [properties within the**
51 **public notice distance as established by the City Council.]"**
52

53 **Aye: 5**

54 **Nay: 0**

55 **Motion carried**
56

1 Discussion included whether the word “contiguous” should be revised to “surrounding
2 properties,” with general consensus following that discussion that the language for
3 surrounding properties in the General Purposes section left no confusion regarding
4 what properties were affected and served the intended purposes; and that the
5 proscribed property notice area defined and previously vetted by the City Council, and
6 as periodically amended at their discretion, would provide a consistent policy to follow
7 rather than possible ambiguous interpretation by staff on a case by case basis.
8

9 **Amendment**

10 **MOTION**

11 **Member Doherty moved to RECOMMEND TO THE CITY COUNCIL REVISED**
12 **LANGUAGE to Section 1005.05, B-2, Storage, Item 8, to include raw materials.**
13

14 Member Best, after further consideration, questioned if it was prudent to include that
15 language, asking how to define ‘raw materials,’ and suggested that this may be more
16 detrimental and still not get at everything intended.
17

18 Discussion included current code provisions for outdoor storage; interpretation of raw
19 materials; recognizing that if it wasn’t on the list, it wasn’t allowed; alternative indoor
20 storage rather than outdoor storage.
21

22 **Following discussion, Chair Doherty withdrew his motion.**
23

24 **Amendment #2**

25 **MOTION**

26 **Member Doherty moved, seconded by Member Wozniak, to RECOMMEND TO**
27 **THE CITY COUNCIL INCORPORATION OF REVISED LANGUAGE to Section**
28 **1005.5, Section F, Parking Placement (page 7), similar to that used in the**
29 **Regional Business District draft section 1004.05, Section F (or as renumbered)**
30 **to address surface parking.**
31

32 **Aye: 5**

33 **Nay: 0**

34 **Motion carries.**
35

36 **Amendment #3**

37 **MOTION**

38 **Member Best moved, seconded by Member Doherty, to RECOMMEND TO THE**
39 **CITY COUNCIL CLARIFICATION in Section 1005.01, Table of Uses, in the list**
40 **dealing with limited production and processing, that a “Y” be added to the**
41 **standards column for further definition.**
42

43 **Ayes: 5**

44 **Nays: 0**

45 **Motion carried.**

