

  
**REQUEST FOR COUNCIL ACTION**

DATE: 9/27/2010  
ITEM NO: 12.j

---

Department Approval



City Manager Approval



---

Item Description: Request for approval of a MINOR SUBDIVISION creating two additional residential parcels at 2218 Hwy 36 (PF10-019)

---

1 **1.0 REQUESTED ACTION**

2 The applicant requests approval of the proposed MINOR SUBDIVISION creating a total of  
3 three residential parcels out of a single existing parcel.

4 **Project Review History**

- 5 • Application submitted and determined complete: June 4, 2010
- 6 • Application review deadline (extended by City): October 2, 2010
- 7 • Project report prepared: September 14 2010
- 8 • Anticipated City Council action: September 27, 2010

9 **2.0 SUMMARY OF RECOMMENDATION**

10 The Planning Division recommends approval of the proposed MINOR SUBDIVISION; see  
11 Section 6 of this report for the detailed recommendation.

12 **3.0 SUGGESTED ACTION**

13 By motion, approve the proposed MINOR SUBDIVISION creating a total of three conforming  
14 parcels, pursuant to §1104.04 (Minor Subdivisions) of the City Code; see Section 7 of  
15 this report for the detailed action.

16 **4.0 BACKGROUND**

17 4.1 The property located in Planning District 12, has a Comprehensive Plan designation of  
18 Low-Density Residential (LR) and a zoning classification of Single-Family Residence  
19 (R-1) District.

20 4.2 This application first came to the City Council on June 28, 2010 for the required public  
21 hearing and final action, but the City Council had some concerns about statutory  
22 authorization of minor subdivisions as well as Roseville’s Subdivision Code language  
23 establishing the minor subdivision processes as alternatives to the more formal plat  
24 process. Planning Division staff prepared a TEXT AMENDMENT to the minor subdivision  
25 ordinance to address the concerns; Ordinance 1395 amending the subdivision code was  
26 adopted by the City Council on September 13, 2010 and subsequently published in the  
27 Roseville Review on September 21<sup>st</sup>.

28 4.3 A MINOR SUBDIVISION application has been submitted in lieu of the preliminary plat/final  
29 plat process because §1104.04E (Minor Subdivision) of the City Code establishes the  
30 three-parcel minor subdivision process to simplify those subdivisions “which create a  
31 total of three or fewer parcels, situated in accordance with City codes, and no further  
32 utility or street extensions are necessary, and the new parcels meet or exceed the size  
33 requirements of the zoning code.” The current application meets all of these criteria.

34 **5.0 REVIEW OF PROPOSED MINOR SUBDIVISION**

35 5.1 City Code §1004.016 (Dimensional and Setback Requirements) requires single-family  
36 parcels at street corners to be at least 100 feet wide and 100 feet deep, and to comprise at  
37 least 12,500 square feet in total area. The northernmost parcel at the intersection of  
38 Marion Road and the Highway 36 Service Drive would be 100 feet wide (i.e., along  
39 Marion Road) and 160 feet deep, and it would have a total area of 16,000 square feet.  
40 The approximate location of the proposed southern boundary of this corner parcel is  
41 shown in the site plan included with this report as Attachment C.

42 5.2 Section 1004.016 also requires interior (i.e., non-corner) single-family parcels to be at  
43 least 85 feet wide and 110 feet deep, and to comprise at least 11,000 square feet in total  
44 area. The middle proposed parcel would be 85 feet wide, 160 feet deep, and 13,600  
45 square feet in area. Existing site improvements would remain on this middle parcel. A  
46 portion of the existing home has been removed to achieve the required 10-foot building  
47 setback from side property lines; the elimination of an existing, paved turnaround area  
48 would bring the impervious coverage within the 30% limit on the proposed middle  
49 parcel. The southern parcel would be 116 feet wide, 160 feet deep and 18,560 square feet  
50 in area. The approximate location of the proposed shared boundary for middle and  
51 southern parcels is also shown in Attachment C.

52 5.3 In reviewing the application, Roseville’s Development Review Committee (DRC) has  
53 confirmed that two, separate sewer and water services are present in the Marion Road  
54 right-of-way to serve the proposed parcels. The DRC also noted that that 6-foot wide  
55 drainage easements are required along the sides and rear of the new parcels, consistent  
56 with §1103.04 (Easements) of the City Code; these easements are shown in Attachment  
57 C as well.

58 5.4 During previous discussions of this item people have expressed concern relating to  
59 emergency access to this neighborhood due to the closure of County Road B at TH280  
60 subsequent to the I-35W bridge collapse and the TH280 Improvements project that  
61 followed. Emergency vehicle access to the neighborhood is from the east, via County  
62 Road B, and a large cul de sac was constructed at Eustis Street to allow fire trucks and  
63 other emergency vehicles to turn around on County Road B if necessary. Because egress  
64 for smaller vehicles at Cleveland Avenue could be prohibitive in extreme emergencies,  
65 such emergency egress was to continue to exist to TH280; staff is working with MnDot  
66 and Ramsey County to re-grade the berm and install a knock-down barricade at the  
67 western end of County Road B to allow passenger vehicles to access TH280 over this  
68 berm if necessary.

69 5.5 According to the procedure established in §1104.04E, if a MINOR SUBDIVISION application  
70 is approved, a survey of the approved parcels, the new legal descriptions, and any  
71 necessary Quit Claim or Warranty deeds must be submitted within 30 days for  
72 administrative review to verify consistency with the City Council's approval; then the  
73 approved survey must be recorded by the applicant with the Ramsey County Recorder.

#### 74 **6.0 RECOMMENDATION**

75 Based on the comments and findings outlined in Sections 4 and 5 of this report, Planning  
76 Division staff recommends approval of the proposed MINOR SUBDIVISION creating a total  
77 of three conforming parcels, consistent with the attached site plan, with the condition that  
78 impervious surfaces on the middle parcel be reduced to a maximum of 30% of the parcel  
79 area by July 1, 2011.

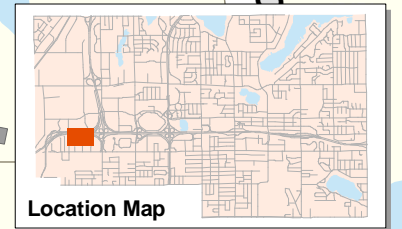
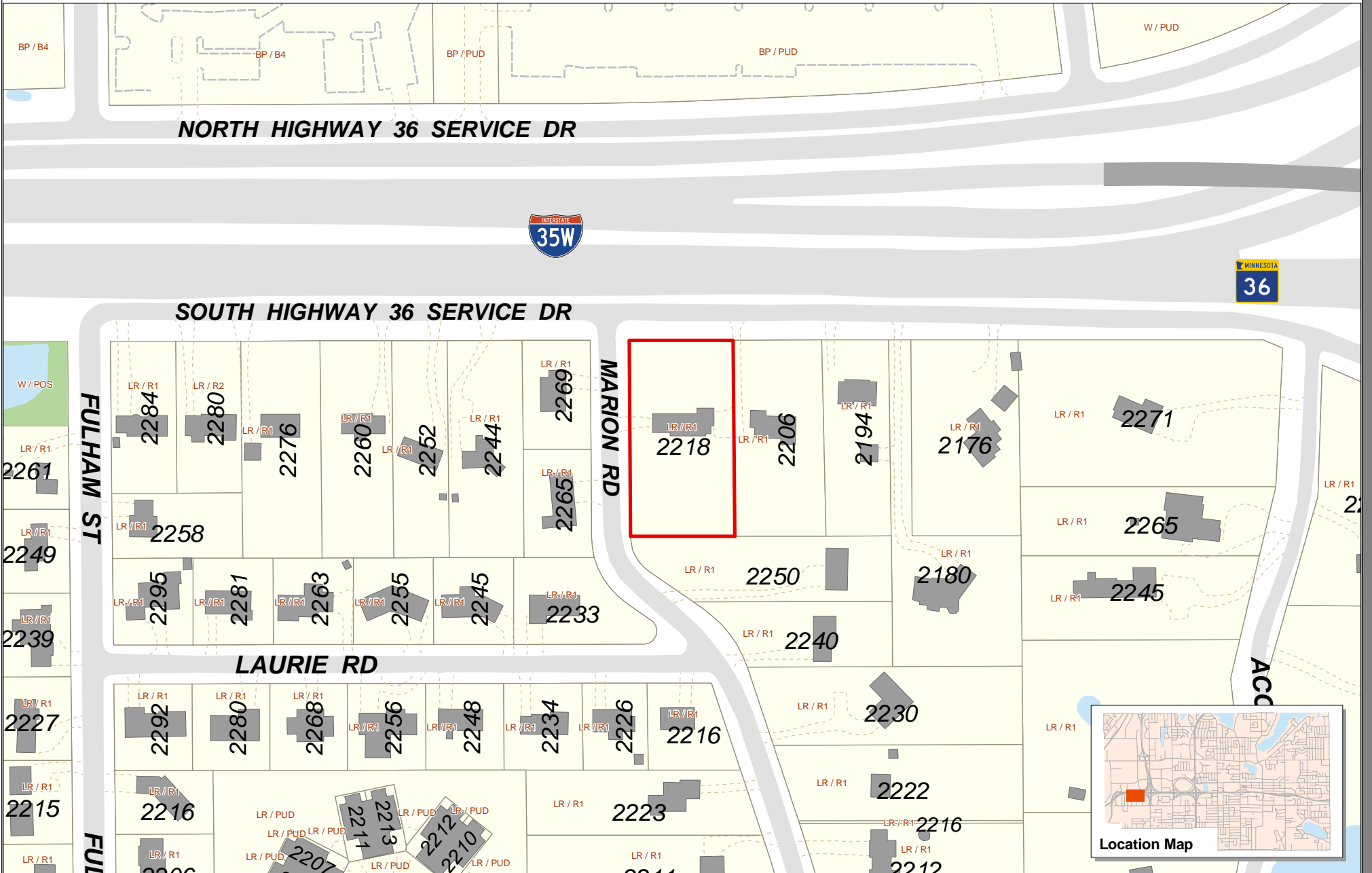
#### 80 **7.0 SUGGESTED ACTION**

81 **By motion, approve the proposed MINOR SUBDIVISION at 2218 Highway 36** based on  
82 the input received during the public hearing and the comments and findings of Sections 4  
83 and 5 and the recommendation of Section 6 of this report.

**Prepared by:** Associate Planner Bryan Lloyd (651-792-7073)

Attachments: A: Area map  
B: Aerial photo  
C: Illustration of proposed minor subdivision  
D: Excerpt of 6/28/2010 City Council minutes  
E: City Engineer email on traffic impacts  
F: Public comments received by Planning staff

# Attachment A: Location Map for Planning File 10-019



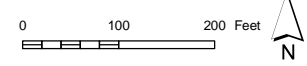
Prepared by:  
 Community Development Department  
 Printed: June 8, 2010



**Site Location**  
 LR / R1 Comp Plan / Zoning  
 Designations

**Data Sources**  
 \* Ramsey County GIS Base Map (6/1/2010)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**Disclaimer**  
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning\_commission\_location.mxd

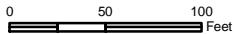
# Attachment B: Aerial Map of Planning File 10-019

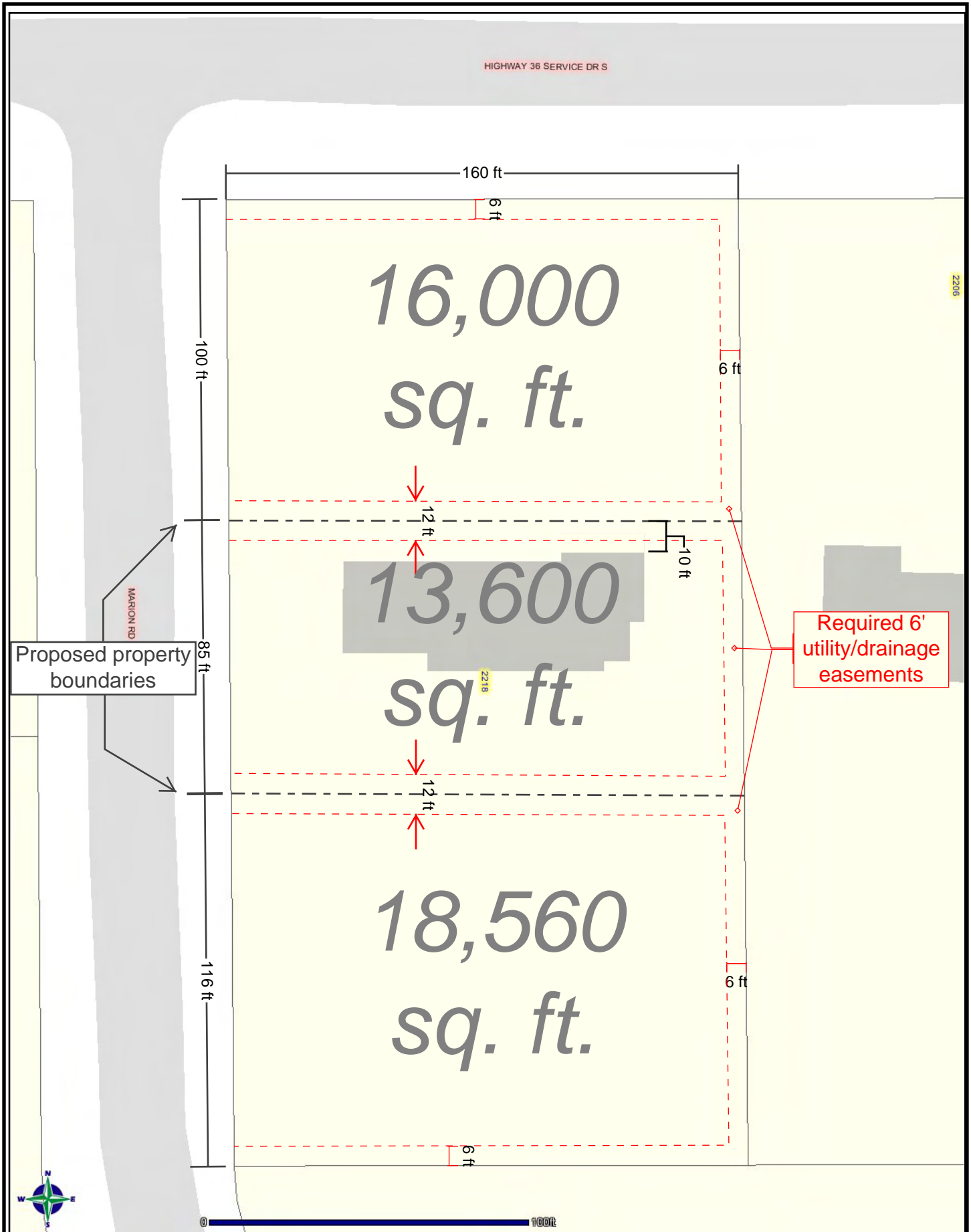


Site Location

**Data Sources**  
 \* Ramsey County GIS Base Map (6/1/2010)  
 \* Aerial Data: Kucera (4/2009)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**Disclaimer**  
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.





DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.  
SOURCES: City of Roseville and Ramsey County, The Lawrence Group; June 4, 2010 for City of Roseville data and Ramsey County property records data, June 2010

1 **Conduct a Public Hearing for a Minor Subdivision Creating Two Additional**  
2 **Residential Parcels at 2218 Highway 36**

3 Community Development Director Patrick Trudgeon reviewed the request for a MINOR  
4 SUBDIVISION at the corner of Marion Street and Highway 36 Service Drive, as detailed in  
5 the RCA dated June 28, 2010.

6 Discussion among Councilmembers and staff included setback requirements for each lot to  
7 be in compliance; removal of a portion of a paved turning area; staff's administrative review  
8 of any non compliance issues and/or conditions prior to recording of the plat at Ramsey  
9 County and no building permits issued for any of the subdivided lots until they are in  
10 compliance.

11 Mayor Klausung opened and closed the Public Hearing at 8:04 p.m. for the purpose of  
12 hearing public comment on the proposed Minor Subdivision Creating Two Additional  
13 Residential Parcels at 2218 Highway 36.

14 **Public Comment**

15 Written comments in opposition, provided as a bench handout and were received from Paul  
16 A. Lefebvre and Carolyn D. Silflow, 2230 Marion Road; and staff's notice of the opposition of  
17 Dr. Hogankamp was also referenced.

18 **Charlie Disney, 2265 Marion Road (across street; purchased Bob Brother's house)**

19 Mr. Disney reviewed the history of the development of this property, former and current  
20 property owners; and current lot sizes and uses. Mr. Disney noted that he'd lived in the  
21 neighborhood for a long time and had invested substantial money in his home; and  
22 questioned why the City wanted to change the distinct and unique nature of this  
23 neighborhood, when it had already been impacted by previous construction of a cul-de-sac.  
24 Mr. Disney questioned how much density the City was seeking; and whether they'd given  
25 consideration to liability and fire hazard issues, in addition to diminishing home values. Mr.  
26 Disney opined that the one-way out access would create a crisis should a serious accident  
27 occur. Mr. Disney questioned the need to change the whole neighborhood, and what would  
28 prevent apartments on those lots in the future. Mr. Disney questioned the City Council's  
29 rationale and whether they had any concern for existing wildlife and expressed concern in  
30 the potential for drastic change in this neighborhood. Mr. Disney opined that he had no  
31 desire to live in an inner-city neighborhood or have "bad people" living next door to him.

32 Mayor Klausung, in response to Mr. Disney, clarified that this request was not a City Council  
33 proposal and that they were not suggesting anything, but was simply considering the  
34 request for a Minor Subdivision to divide one lot into three lots; with that consideration  
35 taken under the guidance of existing City ordinance.

36 Mr. Disney spoke in strong opposition to this proposed subdivision, based on his concern for  
37 future development and his desire to keep vacant lot area.

38 **Ms. Ruth and Mr. Chris Blumstar, 2250 Marion (adjacent to property to be**  
39 **developed on third southern lot)**

40 Ms. Blumstar advised that their property was currently for sale due to it being a split entry  
41 home and their need to provide housing and care for Mr. Blumstar's elderly mother, and  
42 their inability to remodel the home to fit those needs. Ms. Blumstar expressed concern in  
43 the proposed subdivision negatively impacting their ability to sell their house due to  
44 changes in the neighborhood related to existing wildlife and green space. Ms. Blumstar  
45 opined that the neighborhood was pleasant as it currently existed. Prompted by Mr. Disney,  
46 Ms. Blumstar expressed further concern with noise from construction activities with the  
47 proposed rehabilitation of the existing home on one of those lots; and opined that it was  
48 daunting to have the property subdivided and further opined that she was intimidated by  
49 what was happening and the potential impacts to their property. Ms. Blumstar expressed  
50 their interest in remaining in Roseville, and specifically in this neighborhood, but expressed  
51 concern that other suitable homes to fit their needs were not available in that

52 neighborhood; and questioned impacts of proposed rezoning of the entire community and  
53 whether that would impact their low density.

54 **Mr. Chris Blumstar**

55 Mr. Blumstar opined that it was ironic that the City Council had previously discussed a tree  
56 preservation ordinance, with the potential removal of a substantial number of mature Oak  
57 trees between properties with this proposal; and opined that whether they sold their home  
58 or not, their property value would diminish. Mr. Blumstar questioned when the City Council  
59 said “no” to development and looked at requests from a responsible viewpoint.

60 **Mr. Disney**

61 Mr. Disney advised that he would be very cognizant of individual votes on this matter;  
62 noting that this action concerned their future and impacted their neighborhood.

63 **Marilyn Silvas, 2233 Laurie Road W, corner lot**

64 Ms. Silvas noted her previous concern when Highway 280 was closed, and the potential  
65 impacts to their housing area with approximately 300 families between Cleveland Avenue  
66 and Highway 280, and the availability of only one exit. Ms. Silvas opined that she thought  
67 there was a hazard at that time, and now with the potential for allowing more people or  
68 future apartments, that additional density was worrisome. Ms. Silvas spoke in opposition to  
69 the request, opining there should not be more density and that green space should be  
70 preserved; and offered her consensus with the majority of Mr. Disney’s comments.

71 Mayor Klausing closed the Public Hearing at 8:28 p.m.

72 Mayor Klausing addressed his concerns in language of City Code, Section 1004 related to  
73 platting variations and subdivisions and the five different types of subdivisions and  
74 processes to follow, both with and without a public hearing at the Planning Commission level  
75 and/or through administrative review by staff with recommendation directly to the City  
76 Council, such as this request. Mayor Klausing questioned the “unnecessary hardship”  
77 portion of the language as it relates to this request.

78 City Attorney Caroline Bell Beckman addressed statutory requirements relative to the five  
79 exceptions delegated to the City’s Planning Department by the City Council, consistent with  
80 the City Council’s authority, and with other communities. On an unrelated note, Ms. Bell  
81 Beckman suggested that the City Council may want to review the ordinance in the future to  
82 provide more clarity.

83 Discussion ensued on the ordinance language and its intent and purposes; interpretation of  
84 the process in this case; and whether to go back through a more formal process to the  
85 Planning Commission.

86 Mr. Trudgeon advised that, since City Council action in 1995, it was the practice to  
87 determine hardship based on those five (5) criteria), and questioned how staff could come  
88 up with a standard on an individual case-by-case basis for that analysis.

89 **Applicant, Wayne Groff, new owner at 2218 W County Road 36**

90 Mr. Groff clarified that it was his intent to live on the property; and that he was not  
91 purchasing it for redevelopment of higher density housing as suggested by citizens earlier  
92 this evening. Mr. Groff advised that he had worked with staff in good faith to meet the  
93 requirements of City Code and state law. Mr. Groff noted that his immediate intent was to  
94 live in the existing home, once remodeled to replace the existing flat roof for easier  
95 maintenance, for 2-3 years; and that he would eventually like to build a home on the corner  
96 lot; and finally another on the last lot in approximately 6-8 years that would be handicapped  
97 accessible and serve as his retirement home. Mr. Groff assured the City Council and  
98 neighbors that it was not his intent to deteriorate the neighborhood; and noted that an  
99 easement had been recorded with the deed on the property for the area proposed for  
100 removal of a portion of the driveway.

101 Mr. Groff advised that it was his intent to hire contractors to complete the remodel of the  
102 existing home by September 15, 2010, depending on their work schedules; and based on



103 his landscape architecture background, he was attempting to maintain existing trees, with  
104 the exception of a diseased Birch tree, invasive Buckthorn, and Ash trees of concern.

105 In conclusion, Mr. Groff thanked the City Council for their consideration of his request.

106 Councilmember Johnson deferred to the advice of the attorney at the bench if they felt  
107 there was a need to look at the ordinance language.

108 Councilmember Pust noted the ordinance language as passed and read over the last  
109 fourteen years; and current case law providing the need for further consideration and  
110 sending the request through the Planning Commission process, even though she opined that  
111 the end result would not change.

112 Mr. Trudgeon reviewed the more formal platting process and review of preliminary and final  
113 plats.

114 Additional discussion included the 60-day land use review period and time constraints with  
115 the first portion set to expire August 3, 2010 unless extended; potential amendment of  
116 ordinance; determination of unnecessary hardships; the five types of subdivisions and  
117 related criteria; and possible review by the Planning Commission at their August 2010  
118 meeting.

119 City Attorney Bell Beckman suggested, rather than having the applicant initiate the process  
120 again at additional cost to them, that the City Council direct staff to come back with an  
121 ordinance amendment reflecting intent and then to reconsider that application at that time.

122 Mr. Trudgeon advised that the 60-day review period could be extended another 60 days  
123 allowing for action in September or October of 2010.

124 Councilmember Ihlan questioned the City Council's rationale in delaying this action without  
125 a discussion on the merits of the proposal or reasons for denial. Councilmember Ihlan  
126 expressed her frustration in another example of not protecting large lots in this  
127 neighborhood as she had originally raised in 2007. Councilmember Ihlan noted, that at that  
128 time, she had proposed a moratorium on Minor Subdivisions based on her concerns that  
129 there was no existing oversight to preserve large lots in some neighborhoods; and her  
130 subsequent proposal for a sliding scale for lot sizes in some instances that was eventually  
131 "shot down" by the Council majority. Councilmember Ihlan opined that this was a unique  
132 neighborhood; and also noted that the proposed changes to zoning code further reduced  
133 minimum lot area from 11,300 to 9,500 square feet and increased impervious lot coverage.  
134 Councilmember Ihlan advised that, no matter when the issue came up for a vote, she would  
135 vote to deny it.

136 Mayor Klausing, in reading the code, asked Councilmember Ihlan to provide the basis for  
137 such denial.

138 Councilmember Ihlan advised that the public had brought forward through their verbal and  
139 written comment, four sets of concern that could be addressed under the power of the City  
140 Council to deny based on the health, safety, welfare and general good order to the  
141 community clause of the overall subdivision language in Section 1101.01. Councilmember  
142 Ihlan advised that those concerns consisted of: neighborhood character; environmental –  
143 loss of trees and green space (even though private property); threat of diminished property  
144 value or difficult sales; and only one major access.

145 Mayor Klausing advised that his intent in providing for a more formal review and Public  
146 Hearing process at the Planning Commission level would be for the purpose of a more  
147 transparent process; and that consideration be given to tabling this proposal until the  
148 application was verified based on statutory provisions.

149 **Marilyn Silvas**  
150 Ms. Silvas clarified that the cul-de-sac was one mile long from Cleveland Avenue to Highway  
151 280, with Midland Hills Golf Course abutting more than half of that length, and having a 10'  
152 cyclone fence and no access available to leave for those 300 families.

153 Councilmember Roe questioned if, based on his review of the language of Section 1101.04,  
154 the City Council was being overly cautious based on how the processes were defined;  
155 however, he expressed his support for clarifying the language if so desired by the majority.  
156 Councilmember Roe noted, as it related to following statutory guidance, City Councilmember  
157 Ihlan made a good point related to consideration of the overall health, safety and welfare in  
158 reviewing any application. Councilmember Roe, spoke in support of a motion to table action  
159 to clarify the ordinance.

160 **12. Business Items (Action Items)**

161 **a. Approve Request for a Minor Subdivision Creating Two Additional Residential**  
162 **Parcels at 2218 Highway 36**

163 Klausing moved, Johnson seconded, tabling action on the proposed MINOR SUBDIVISION at  
164 2218 Highway 36.

165 **Roll Call**

166 **Ayes:** Johnson; Ihlan; Pust; Roe; and Klausing.

167 **Nays:** None.

168 Klausing moved, Johnson seconded, authorizing staff to provide written notice to the  
169 applicant of the City's extension of the 60-day review period.

170 **Roll Call**

171 **Ayes:** Johnson; Ihlan; Pust; Roe; and Klausing.

172 **Nays:** None.

173 Mayor Klausing directed staff and the City Attorney to reconsider ordinance language.

174 Councilmember Johnson requested that previous traffic impacts in that area also be  
175 provided as background information to the City Council and public.

176 Mayor Klausing, for clarification purposes, noted that 7-8 years ago, the City Council held a  
177 discussion on traffic issues, with considerable division in the neighborhood and no further  
178 action taken by the City of MnDOT. However, as a result of the I-35W Bridge collapse,  
179 Mayor Klausing noted that MnDOT unilaterally closed access at that time.

Pat Trudgeon

---

From: Deb Bloom  
Sent: Monday, June 28, 2010 2:33 PM  
To: Pat Trudgeon; Duane Schwartz  
Subject: RE: Marion Road Traffic related to Minor Subdivision

Marion Street and County Road B have sufficient capacity to handle two more single family lots.

It is assumed that a SF home generates 10 trips/ day. So, these two new lots would generate 20 trips.

Assuming that each existing home on Marion generates 10 trips/day, the current ADT is 300 ADT. This assumes that all of Laurie road exits and enters to the east onto Marion. The two new homes would increase the ADT to 320, less than 10% increase. A two lane residential street has the capacity to handle as much as 10,000 ADT, depending on access.

The 2009 traffic count on County Road B is 1300 ADT. When that street was connected to TH280, it carried 2650 ADT. There is adequate capacity on Co Road B.

Please let me know if you need additional information.

-----Original Message-----

From: Pat Trudgeon  
Sent: Monday, June 28, 2010 12:03 PM  
To: Deb Bloom; Duane Schwartz  
Subject: Marion Road Traffic related to Minor Subdivision

Tonight on the CC agenda, we have the minor subdivision for three new lots to be created on Marion Street/Hwy. 36 service road.

Some of the residents have brought up concerns regard the traffic that will be generated with the creation of two new lots. Craig K. has been talking to some of the residents and telling them that the new subdivision will have minimal impact to traffic on the street.

Nevertheless, Craig feels that question will be brought up.

So in short, is existing Marion Street sufficient to handle the traffic of two new lots. I seem to recall that sf homes generate about 10 trips a day. Is the road wide enough to handle existing and future traffic?

I assume that it will be a minimal impact and the existing road is sufficient to handle the increase, but wanted to verify it with you in case it gets asked tonight.

Pat

-----  
Patrick Trudgeon, AICP  
City of Roseville  
Community Development Director  
2660 Civic Center Drive  
Roseville, MN 55113  
(651) 792-7071  
(651) 792-7070 (fax)  
[pat.trudgeon@ci.roseville.mn.us](mailto:pat.trudgeon@ci.roseville.mn.us)

Thomas Paschke

---

**From:** [REDACTED]  
**Sent:** Sunday, June 27, 2010 4:58 PM  
**To:** Thomas Paschke  
**Subject:** Subdivision of 2218 Highway 36

Dear Mr.Paschke,

When we built our home at 2222 Marion Road in 1951, we did so because the large lots gave a rural "feel" to the neighborhood. We would have an area in which we could plant vegetable and flower gardens; and, since there were no trees on our land, we could plant a variety of pines, apples, maples, etc. These trees have matured beautifully. Our neighbors have moved into the neighborhood with similar plans.

We feel that the subdivision plan, while narrowly within the code, would have an immediate negative impact on the neighborhood and potentially greater effects in the future.

Sincerely,

Raymond I. Hakomaki  
Mildred R. Hakomaki