



# REQUEST FOR CITY COUNCIL DISCUSSION

DATE: 09/12/2011

ITEM NO: 13.b

Department Approval

City Manager Approval

Item Description: Review and discussion on an ordinance to create the Twin Lakes Overlay District (PROJ0003).

1 **1.0 BACKGROUND**

2 1.1 For the past couple of months, the City Attorney and Planning Division staff has worked  
3 on the creation of the Twin Lakes Overlay District. The proposed ordinance would cover  
4 all of the Twin Lakes Redevelopment Area (See Attachment A). The purpose of the  
5 ordinance is to assist the City in implementing the Twin Lakes AUAR. The AUAR  
6 (Alternative Urban Area-Wide Review) is an environmental review document provided  
7 for in Minnesota State Statutes that studies the impact of development on numerous  
8 matters, including traffic, pollution, water quality, soils, wildlife, and the natural eco-  
9 system. Currently, the City does not have any effective mechanism to require a  
10 development within Twin Lakes to adhere to the findings in the Twin Lakes AUAR.

11 1.2 The proposed Twin Lakes Overlay District (TLOD) will create a framework and a direct  
12 link with the redevelopment in Twin Lakes. As stated in the intent and purpose clause of  
13 the ordinance: “The City of Roseville has determined that it is necessary, for the purpose  
14 of promoting the public health, safety, morals, and general welfare of the City to  
15 redevelop the area within the City known as the Twin Lakes Redevelopment Area.”. The  
16 statement continues: “While the City desires to promote the redevelopment of the Twin  
17 Lakes Redevelopment, it does not have the financial resources necessary to construct the  
18 infrastructure and perform the environmental remediation required under the AUAR. For  
19 that reason the City has determined that development limitations need to be placed upon  
20 property within Twin Lakes Overlay District...”.

21 1.3 In regards to the installation of infrastructure, the proposed ordinance (see Attachment B)  
22 establishes development limitations based on the network trips generated from a  
23 proposed use. The ordinance identifies a baseline number of network trips for each  
24 property based on the land use in existence in 2006.

25 1.4 If a parcel of land exceeds the amount of network trips that is identified in Section  
26 1022.03(E), the property will be limited in developing unless they enter into a voluntary  
27 development agreement or find some other alternative method with the City regarding the  
28 construction and payment of the infrastructure needs identified in the Twin Lakes AUAR.  
29 Absent those solutions, the property owner will need to postpone development until all  
30 of the roadway improvements have been completed and paid for.

31 1.5 The proposed ordinance also requires that the property owner adhere to other mitigation  
32 efforts identified in the Twin Lakes AUAR as part of any other redevelopment within  
33 Twin Lakes.

34 1.6 On August 3, 2011, the Roseville Planning Commission reviewed, discussed, and  
35 ultimately continued action on the Twin Lakes Overlay District (TLOD) so that the City  
36 Attorney and Staff could make specific changes/modifications to the proposal and  
37 provide clarification on a few topics. Since the Planning Commission's meeting, the City  
38 Attorney and staff have met on several occasions and discussed the proposal to make  
39 applicable and appropriate changes/corrections as suggested/recommended by the  
40 Planning Commission.

41 1.7 The Planning Division will provide the City Council on an update of the Planning  
42 Commission review and recommendation on September 12, 2011.

43  
44 **2.0 SUGGESTED ACTION**

45 No specific action is needed, however the City Attorney and Planning Division are  
46 interested in hearing Council feedback and direction regarding the proposed Twin Lakes  
47 Overlay District Ordinance.

48 **Prepared by: Patrick Trudgeon, Community Development Director (651) 792-7071**

Attachments: A: August 3, 2011, PC Minutes  
B: Allocation Agreement Map  
C: Draft Twin Lakes Overlay District  
Zoning Ordinance

**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes - Wednesday, August 03, 2011**

1  
2  
3  
4  
5 **1. Call to Order**

6 Chair Daniel Boerigter called to order the regular meeting of the Planning Commission  
7 meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning  
8 Commission.  
9

10 **2. Roll Call & Introductions**

11 City Planner Thomas Paschke called the Roll.  
12

13 Members Present: Chair Daniel Boerigter; and Members Joe Wozniak; Peter Strohmeier;  
14 John Gisselquist; Michael Boguszewski; Glenn Cook; and Joe  
15 Wozniak  
16

17 Members Excused: Member Jeff Lester  
18

19 Staff Present: City Planner Thomas Paschke; Associate Planner Bryan Lloyd  
20

21 Others Present: City Attorney Charlie Bartholdi  
22

23 **3. Review of Minutes**

24  
25 **MOTION**

26 **Member Boerigter moved, seconded by Member Cook to approve regular meeting**  
27 **minutes of July 6, 2011 as amended.**  
28

29 **Corrections**

- 30
  - Page 1, include Member Lester as present at the meeting (Recording Secretary)
  - Page 9, 489-492 (Strohmeier): attribute comments to Member Lester rather than Member Strohmeier  
31  
32  
33

34 **Ayes: 6**

35 **Nays: 0**

36 **Motion carried.**  
37

38 **4. Communications and Recognitions:**

39  
40 **a. From the Public (Public Comment on items not on the agenda)**

41 None.  
42

43 **b. From the Commission or Staff**

44 None.  
45

46 **5. Public Hearings**

47 Chair Boerigter reviewed the purpose and process for public hearings held before the  
48 Planning Commission.  
49

50 **a. PLANNING FILE 11-020**

51 **Request by Meritex Enterprises, Inc. for approval of a PRELIMINARY PLAT of**  
52 **Outlot A created in the recently-approved Highcrest Park Addition plat**

53 Chair Boerigter opened the Public Hearing at 6:35 p.m.  
54

**Regular Planning Commission Meeting**

**Minutes – Wednesday, August 03, 2011**

Page 2

1 Associate Planner Bryan Lloyd summarized the request of Meritex Enterprises to plat  
2 the portion of Outlot A at 2285 Walnut Street, lying immediately north of the triangle  
3 platted under the Highcrest Park Addition plat, leaving the remainder of the parcel as  
4 an outlot until future development plans necessitate platting more of the property; as  
5 detailed in the Request for Planning Commission Action dated August 3, 2011.  
6

7 Mr. Lloyd advised that the request had been prompted by plans to develop a 120,000  
8 square foot FedEx office/warehouse facility in the southern portion of the existing  
9 Outlot A, created by the first Highcrest Park Addition plat approved by the City Council  
10 on July 11, 2011. Mr. Lloyd noted that the nature of an “outlot” is such that it may not  
11 be developed until it is re-platted, and as in this case proposed for development when  
12 future development scenarios are solidified enough to determine where lot lines will  
13 be most appropriate. Mr. Lloyd noted that, to-date, a large pile of rubble, the subject  
14 of a recent interim use approval, remained on the northern portion of the proposed  
15 outlot.  
16

17 Staff recommended approval of the proposed PRELIMINARY PLAT, pursuant to Title  
18 11 (Subdivisions) of City Code, as detailed in the staff report dated August 3, 2011;  
19 and conditions of Section 7.  
20

21 Applicant representatives were present, but had no comment.  
22

23 Chair Boerigter closed the Public Hearing at 6:40 p.m.; with no one appearing for or  
24 against.  
25

26 Member Wozniak sought clarification on another FedEx proposal earlier in the year for  
27 an expansion off Terminal Road.  
28

29 Mr. Lloyd confirmed that there had been an earlier land use case for expansion of a  
30 FedEx facility on Terminal Road west of this project site; however, he noted that this  
31 land use was for more ground-oriented, smaller trucks, while the other use is related  
32 to air freight and involved larger semi-trailers.  
33

34 **MOTION**

35 **Member Boguszewski moved, seconded by Member Wozniak seconded, to**  
36 **RECOMMEND TO THE CITY COUNCIL approval of the proposed PRELIMINARY**  
37 **PLAT at 2285 Walnut Street; based on the comments and findings of Section 4-6**  
38 **and the conditions of Section 7, as detailed in the August 3, 2011 Request for**  
39 **Planning Commission Action.**  
40

41 **Ayes: 6**

42 **Nays: 0**

43 **Motion carried.**  
44

45 Chair Boerigter noted the anticipated City Council action on this item scheduled for  
46 August 22, 2011.  
47

48 **b. PROJECT FILE 0003**

49 **Request by City Staff for approval of an ordinance creating Chapter 1022**  
50 **establishing a zoning overlay district for the Twin Lakes Redevelopment Area**  
51 **that will govern development to ensure adequate infrastructure is constructed**  
52 **and appropriate environmental efforts will be undertaken consistent with the**  
53 **Twin Lakes Alternative Urban Area-wide Review (AUAR) and the Twin Lakes**  
54 **Roadway Cost Allocation Study**

55 Chair Boerigter opened the Public Hearing at 6:42 p.m.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

City Planner Thomas Paschke introduced City Attorney Charles Bartholdi, who provided a review of the proposed ordinance.

City Attorney Bartholdi provided a background of the proposed ordinance and the Twin Lakes Redevelopment Area, with deterioration of the area in part due to deregulation in the 1950's and consolidation of many businesses in the Twin Lakes area, or their subsequent demise. Mr. Bartholdi advised that, due to this continual degradation of the area, the City Council in 1988 designated a Twin Lakes Redevelopment Area to address its ongoing deterioration.

City Attorney Bartholdi reviewed subsequent creation of an Alternative Urban Area-Wide Review (AUAR), adopted by the City Council in 2007, and its purpose as an environmental review document provided for in Minnesota State Statute to study impacts of development on numerous matters, including traffic, pollution, water quality, soils, wildlife and the natural ecosystem. Mr. Bartholdi advised that the AUAR provided mitigation plans by setting forth specific improvements and regulations to prevent adverse impacts, and in 2008, the City Council adopted the final AUAR report, an allocation study, for the purpose of establishing a cost for anticipated infrastructure costs deemed necessary by the AUAR and allocating costs equitably among parcels as development occurs, while allowing for updating those costs annually based on actual improvements necessary to support that development, and as updated traffic network trips are provided by those development projects.

City Attorney Bartholdi briefly summarized the proposed ordinance (Attachment B), creating the Twin Lakes Overlay District that would cover all of the Twin Lakes Redevelopment Area (Attachment A); and the purpose of the ordinance to assist the City in implementing the Twin Lakes Alternative Urban Area-Wide Review (AUAR); as detailed in the Request for Planning Commission Action dated August 3, 2011

Mr. Bartholdi briefly reviewed case law (City of Minnetrista, MN) in developing similar overlay districts as proposed in this ordinance that would provide an effective mechanism to require development within the Twin Lakes Redevelopment Area to adhere to the findings of the AUAR.

At this point, City Attorney Bartholdi reviewed the purpose of an overlay district, as detailed in the proposed ordinance, for creating this framework and a direct link for redevelopment in the Twin Lakes area; while also allowing the City to promote redevelopment while limiting development until adequate infrastructure is constructed and/or other impacts mitigated; and the costs shared equitably by property owners. Mr. Bartholdi advised that such a mechanism allowed developers to proceed now rather than waiting for the City to have funds to complete necessary infrastructure.

City Attorney Bartholdi reviewed calculation for baseline numbers of network trips for each property based on 2006 land use in existence; and how those allocations will be revised as development and actual land use occurs, as detailed in the staff report dated August 3, 2011, as well as the proposed ordinance attached to that report. Mr. Bartholdi reviewed triggers for revised allocations; options available to developers, including entering into a voluntary development agreement or other arrangements deemed satisfactory to the City to pay for roadway infrastructure improvements or other mitigation; and updated traffic studies that would be required as each new developer moved forward for comparison purposes with the original allocation study, with allocation costs then determined based on actual development use and projected traffic network trips.

Commissioner Questions/Comments

Chair Boerigter pointed out a typographical error on Page 4, line 94 (extra period). Chair Boerigter questioned who paid the extra cost for redevelopment, with City Attorney Bartholdi advising that each property owner would pay their specific allocation for infrastructure costs, based on the established formula as periodically updated as outlined.

Chair Boerigter questioned the “Allocation Agreement” map, Block 5, and at which point Twin Lakes Parkway would be constructed and how it would be funded, if no other property owners developed along that corridor. Chair Boerigter opined that waiting to complete the infrastructure seemed impractical; and questioned whether the last parcel to develop wouldn’t be hit with the majority of costs. On Parcel 5, Chair Boerigter questioned if a developer couldn’t just pay for the portion of Twin Lakes Parkway adjacent to their property and end the Parkway at that point.

City Attorney Bartholdi advised that it was anticipated that completion of the infrastructure, such as Twin Lakes Parkway, would not be completed until the last parcel was developed in that area.

City Attorney Bartholdi advised that may be one situation; however, he noted there were other means available to the City for paying for infrastructure costs (e.g. tax increment financing, grant funds); and noted the amount of such funds used to-date to reduce the total estimated infrastructure costs of \$24 million and costs of approximately \$14 million paid by the City to-date using that type of funding mechanism. Mr. Bartholdi noted that this included items allocated as part of the base network trip calculations, as well as traffic generated from sources outside the Twin Lakes Redevelopment Area. Mr. Bartholdi noted that Twin Lakes Parkway infrastructure could be phased or completed in segments.

Chair Boerigter questioned if the City would need to upfront infrastructure monies for invoicing to and reimbursement by developers at a later date.

City Attorney Bartholdi advised that the City anticipated that no infrastructure work would be done until payment had been received.

Chair Boerigter questioned the proposed formula for developers and any direct correlation for infrastructure needs depending on their particular development; however, he questioned how that related to their specific use and daily network trips for parcels abutting Parcel 5. Chair Boerigter questioned if network trips may not actually correlate to the road adjacent to the parcel or infrastructure needs specific to that parcel,

City Attorney Bartholdi advised that developers would pay based on their network trips; and if the lot developed, they would pay more based on updated traffic studies for those network trips. Mr. Bartholdi clarified that any development would impact other improvements in that area.

Chair Boerigter sought clarification on those parcels developing initially, and the formula for allocating costs based on network trips at that time, and if at a later date it was determined that Twin Lakes Parkway needed expanding, whether the City would then be required to complete the Parkway at its expense.

City Attorney Bartholdi advised that each development project would be reviewed individually; and that the only remaining roadway infrastructure to complete was the extension of Twin Lakes Parkway, with the other road improvements consisting of turn

1 lanes or traffic control measures (e.g. signals) throughout the area. Mr. Bartholdi  
2 noted that the only amount of impact in a particular area would be where  
3 improvements would be built to facilitate development; with the options for the City to  
4 deny the application at that time, or approve it and stage improvements until another  
5 developer came in.  
6

7 Under the Block 18 scenario, Chair Boerigter questioned if the City could accept  
8 money from the original developer or if it had to wait until other parcels developed.  
9

10 City Attorney Bartholdi advised that this could happen; however, it was not anticipated  
11 and it was hoped that infrastructure improvements could be staged as developers  
12 came in for their benefit as well as that of the City's transportation system.  
13

14 At the request of Chair Boerigter, City Attorney Bartholdi advised that the allocation  
15 formula for network trips were calculated by the City's Engineering Department based  
16 on the Alternative Urban Area-Wide Review's (AUAR's) identification of anticipated  
17 development based on land use in the area as guided by the City's Comprehensive  
18 Plan.  
19

20 Chair Boerigter noted that the Planning Commission had just completed its  
21 recommendation to the City Council on the Regulating Plan and Map for the Twin  
22 Lakes Redevelopment Area, and asked if that had been taken into consideration  
23 when this allocation formula was developed.  
24

25 City Attorney Bartholdi clarified that the Regulating Map didn't have that much impact  
26 on this ordinance, other than establishing setbacks and other design standards; and  
27 advised that the AUAR allotment calculations did not change during that process. Mr.  
28 Bartholdi clarified that the City Code handles uses as development comes in; and that  
29 each updated traffic study for those specific developments would identify the particular  
30 parcel and the number of network trips generated.  
31

32 Chair Boerigter clarified that it was taken into consideration, but no change was  
33 indicated.  
34

35 City Planner Thomas Paschke further clarified that the Regulating Plan was not a use-  
36 based document, but simply applied design standards for form-based zoning and for  
37 the placement of buildings within particular zoning districts.  
38

39 Chair Boerigter opined that the base number was important since it set how much a  
40 developer had to pay; but clarified, based on his understanding, that when a  
41 developer came forward in the future, an updated traffic study would be required  
42 based on their development plan, and questioned how and when the base line  
43 numbers would then be reformulated.  
44

45 City Attorney Bartholdi advised that the base line formula outlined in the proposed  
46 ordinance was based on the infrastructure in place when the AUAR was completed in  
47 2007; based on what could have been developed at that time given the existing  
48 infrastructure.  
49

50 Member Wozniak asked if those base line numbers in the ordinance were based on  
51 2006 land uses; to which City Planner Paschke responded affirmatively. Member  
52 Wozniak questioned if, with new zoning in place, that land use was different now; and  
53 whether that would affect base line numbers.  
54

**Regular Planning Commission Meeting  
Minutes – Wednesday, August 03, 2011**

Page 6

1 City Planner Paschke noted the distinction between how the land was guided versus  
2 how it was currently operating; with the AUAR predicated on the land use at that point  
3 and how it functioned, with that being different than how the land use is guided for  
4 Community Mixed Use Zoning. Mr. Paschke advised that base line numbers would  
5 not be impacted.  
6

7 As Chair Boerigter noted that the AUAR was created in 2008, City Attorney Bartholdi  
8 noted that the numbers for the AUAR were generated in 2006 and 2007, and finalized  
9 in 2008, all based on the development in place at that time, and how traffic volumes  
10 would fill up the system at that time.

11 Member Boguszewski, as an example, noted that Parcel 1.a (Block 1.a) had base line  
12 network trips currently set at 98, while the adjacent Block 13 was set at 691 trips; and  
13 questioned the rationale for such a significant difference between the two when they  
14 were adjacent blocks.  
15

16 City Attorney Bartholdi advised that base line network trips were based on land use  
17 and the total square footage that could be built in that land use area; as well as  
18 network trips that would originate from that lot and where they would evolve  
19 throughout the system; and ultimately formulated on how many improvements that trip  
20 would travel through in that improvement area, equaling the network trip calculation.  
21 Mr. Bartholdi noted that the location of particular parcels in the overall system was  
22 included as part of that calculation; and suggested that the City's Engineering  
23 Department could better address the calculations and rationale.  
24

25 In recognizing the appeal process included as part of the proposed ordinance,  
26 Member Boguszewski questioned if, based on his experience, the City Attorney  
27 anticipated a significant number of appeals; and if so, whether it should be more  
28 productively dealt with upfront to allow adjustments versus the Planning Commission  
29 recommending to the City Council the ordinance as currently drafted, and letting the  
30 chips fall where they may.  
31

32 City Attorney Bartholdi advised that some disagreement was anticipated and  
33 expected; however, he noted that this was generated from various studies and  
34 reviews, the AUAR, and what improvements were required, and based on modeling  
35 and Institute of Engineering Manual standards. Mr. Bartholdi opined that the  
36 mechanism recommended was good; however he recognized that the studies were  
37 based on assumptions, they would serve as good starting point and base mechanism  
38 as developers come forward, with adjustments made as updated traffic studies were  
39 done with each development for comparison with the original assumptions. Mr.  
40 Bartholdi advised that where the updated traffic studies for specific development  
41 projects deviated from the original study, a corresponding adjustment in allocation  
42 cost would be made.  
43

44 Member Boguszewski sought clarification on the 180 day window starting upon  
45 approval and whether owners needed to deal with that now.  
46

47 With City Attorney Bartholdi's concurrence, Chair Boerigter advised that the process  
48 would not adjust the base line numbers detailed in the proposed ordinance. City  
49 Attorney Bartholdi clarified that base line numbers in the ordinance were determined  
50 by assumed total network trips for each development, not base network trips when the  
51 development came forward.  
52

53 Chair Boerigter reviewed Section F (Appeal of Network Trips) and the process set  
54 forth; with City Attorney Bartholdi clarifying that network trips as defined in the  
55



1 ordinance were intended to be based on the total network trips at this time; but could  
2 also be applied to base network trips. Mr. Bartholdi advised that the calculations were  
3 based on two things: base network trips and allocations in the study, to determine  
4 assumed total network costs after development.  
5

6 Member Boerigter sought clarification, and City Attorney Bartholdi confirmed that the  
7 network trips detailed in the table in Section E (Allocation of Network Trips) were the  
8 current base line trip assumptions. Mr. Bartholdi advised that an updated allocation  
9 study would be completed annually with allocation costs adjusted based on  
10 development of the parcel.

11  
12 Chair Boerigter reviewed requirements for a voluntary development agreement, or  
13 other arrangements satisfactory to the City (Chapter 1022.07, Section D) and the  
14 criteria or standards staff would apply to determine whether a development agreement  
15 was warranted, and when the developer met other satisfactory arrangements.  
16

17 City Attorney Bartholdi revised the purpose of the development agreement to address  
18 items typically done within such an agreement; noting that a development agreement  
19 can only be required by the City when a subdivision or tax increment financing (TIF) is  
20 used. While there were many other occasions when a development agreement could  
21 not be mandated as necessary, Mr. Bartholdi advised that a voluntary development  
22 agreement would be prudent and address those items typically included in  
23 agreements, in addition to allocation costs attributable to the specific parcel(s) being  
24 developed. For the developer to make other arrangements satisfactory to the City to  
25 assure requirements of the ordinance were carried out, City Attorney Bartholdi  
26 suggested several examples: the developer built the roadway themselves or  
27 installation of a sidewalk on their private property; however, he clarified that whether  
28 through a development agreement or other arrangements, they would need approval  
29 by staff prior to issuance of a building permit for a development.  
30

31 Chair Boerigter sought clarification on how a developer would be assured of fair  
32 treatment for their development in an objective, rather than subjective way, without  
33 standard criteria in place, based on the Regulating Map and ordinances, or approval  
34 by staff of a development agreement or “other satisfactory arrangements” before they  
35 approved issuance of a building permit.  
36

37 City Planner Paschke noted that, at this adequate infrastructure was not in place; and  
38 those mitigations would be needed as outlined in the AUAR; however, he advised that  
39 each development would not be mitigated to the same magnitude, depending on their  
40 location, the studies, environmental contamination and other parcel-specific issues.  
41 Mr. Paschke advised that, without a development agreement in place, there was  
42 currently no mechanism in place to ensure development adhered to the mitigation  
43 requirements outlined in the AUAR. Mr. Paschke noted that this was addressed in the  
44 proposed ordinance’s initial purpose statement (Chapter 1022.01: Intent and  
45 Purpose).  
46

47 City Attorney Bartholdi reviewed the purpose of a development agreement to review  
48 and update allocation costs for the benefit of the developer and City; and to address  
49 other mitigation items designated in the AUAR, most of which were listed in Chapter  
50 1022.04 of the proposed ordinance.  
51

52 Chair Boerigter sought further clarification on the language of the ordinance stating  
53 that the development had to meet all of those AUAR mitigation items and how that  
54 requirement compared to the purpose of the development agreement, and whether  
55 the standard of the City was to say all had been met, or if the City could impose

1 additional obligations for the developer based on political bias with a particular  
2 development.

3  
4 City Attorney Bartholdi clarified that the City could only enforce what was in their  
5 ordinances and codes; and a development agreement would accommodate a  
6 developer in developing their property now, even though current infrastructure was  
7 inadequate. Mr. Bartholdi noted that without a development agreement, if  
8 infrastructure was deemed inadequate, the City could deny the project. However, if  
9 the developer met AUAR mitigations as outlined, and complied with all ordinances in  
10 place, Mr. Bartholdi advised that the City would have no other choice than to approve  
11 the development. At the request of Member Wozniak, Mr. Bartholdi confirmed that the  
12 purpose of the development agreement was to outline AUAR mitigation required; and  
13 that the agreement did not give the City an “out,” but provided the developer the  
14 “ability” to do their project in a more time-sensitive manner.

15  
16 Related to the language of Chapter 1022.07, Section E, Member Boguszewski opined  
17 that the wording implied that the City Council had the ability to deny a development  
18 project, even if the developer had met all obvious requirements.

19  
20 City Attorney Bartholdi reiterated that, if all prior provisions and requirements were  
21 met, the City had no other recourse than to approve the project.

22  
23 Member Wozniak questioned if findings for denial would be required based on this  
24 ordinance.

25  
26 City Attorney Bartholdi advised that, if the developer was found to not be in  
27 compliance with one or more of its provisions or conditions, findings specifying that  
28 noncompliance would be required as part of the City's action for denial.

29  
30 Since, if passed, the whole premise of the ordinance was to implement the AUAR,  
31 Member Strohmeier questioned if the ordinance would essentially serve as the only  
32 environmental review required of the developer, or if it precluded the City from  
33 requiring an Environmental Assessment Statement (EAS) for individual land use  
34 decisions going forward.

35  
36 City Attorney Bartholdi clarified that this would address environmental remediation  
37 required in City rights-of-way; but that other remediation was promulgated by  
38 Minnesota Pollution Control Agency (MPCA) rules.

39  
40 Member Strohmeier expressed concern that the ordinance may confuse the  
41 development framework and cost allocations; and questioned if assigning cost  
42 allocations was a common occurrence addressed by ordinance.

43  
44 City Attorney Bartholdi advised that other cities have used similar methods to set up  
45 allocation costs: the Cities of Rochester and Minnetonka, MN.

46  
47 Member Boguszewski questioned whether the City of Roseville wanted to emulate  
48 those cities for its development efforts.

49  
50 Member Strohmeier suggested it may be worth exploring the City's creation of  
51 incentives to encourage additional green space, forest preservation efforts, clean-up  
52 of heavily contaminated soils and other positive things, by offering a reduction in  
53 allocation costs or offering extra financial assistance if they made those efforts.  
54

**Regular Planning Commission Meeting**

**Minutes – Wednesday, August 03, 2011**

Page 9

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54

Member Boguszewski sought clarification if Member Strohmeier's intent was to provide a break or alteration of the allocation formula for developers who made those efforts, above and beyond AUAR enforcement and mitigation requirements.

Member Strohmeier responded affirmatively as to his intent; suggesting a cooperative effort by the City and developer(s) to explore incentives to address environmental issues that would prove beneficial to the overall community.

Member Strohmeier questioned to what extent the 2000 Twin Lakes Master Plan figured into this ordinance.

City Attorney Bartholdi advised that, it was his understanding that the AUAR mitigation plan incorporated provisions of the Master Plan.

Member Boguszewski expressed his confusion between the AUAR and the cost allocation; and whether not having the ordinance in place allowed developers more freedom to develop their parcels without an enforcement mechanism, allowing other agencies of government bodies that enforcement; whether this created another enforcement hoop above and beyond those required by those other agencies; and if not having such a mechanism in place put the City at a higher liability risk.

City Attorney Bartholdi noted that both the AUAR and allocation study had been adopted by the City Council; however, there was no enforcement mechanism in place to enforce the provisions outlined in the AUAR or allocation study unless such provisions happened to be incorporated in another existing City ordinance. Mr. Bartholdi advised that this was the next step in the process to put those provisions into an ordinance that could be enforced.

Member Boguszewski asked if it was fair to say that the passage of such an ordinance was a necessary step; and the only considerations should be the actual wording context, latitude and structure of the ordinance.

City Attorney concurred that an ordinance needed to be adopted; and while there may be language revisions, this was the next step following the City Council's adoption of the AUAR and allocation study; presuming that both of those documents are positive points that the City wanted to implement, requiring this mechanism to do so.

Member Boguszewski advised that he was not challenging that necessity; however, he opined that if the ordinance attempted to weaken the AUAR mandates, it would be wrong and advised that he now understood the intent of this step. Member Boguszewski advised that his overall concern was to ensure that the ordinance and/or related documents or agreements, not further detract or hinder developers from the Twin Lakes Redevelopment Area to retain as much interest as possible to accomplish good for the entire community.

Member Wozniak clarified for his understanding that developers would be required to pay for infrastructure improvements regardless; and that this ordinance with base line trips and updated studies would determine if they paid more or less, depending on how those trips compared.

City Attorney Bartholdi concurred; clarifying that if the property owner developed their property at equal to or below the base line trips, there would be no infrastructure payment beyond that in place in 2006.

1 With City Planner Paschke's concurrence, Chair Boerigter clarified that City Attorney  
2 Bartholdi's comment was specific to infrastructure, not remediation costs. Chair  
3 Boerigter opined that it would be difficult to determine who paid and how much they  
4 paid for infrastructure costs or how to assess costs across all parcels, without such an  
5 ordinance in place.

6 Member Boguszewski reiterated his concern with the apparent disparity he addressed  
7 earlier in this discussion; opining that the allowable network trips seemed at odds with  
8 some of the adjacent parcels.

9  
10 City Planner Paschke clarified that those base line trips were based on 2006 figures  
11 when the allocation study was developed.

12  
13 Member Boguszewski advised that this was causing his concern that the base line  
14 was established on 2006 land use, but then could be applied to future uses that may  
15 or may not be related to that particular use. Member Boguszewski opined that, if he  
16 was one of the parcel owners with lower allowable trips, he would feel that the system  
17 was arbitrary.

18 **Public Comment**

19 **Terry Foster, Parcel 5**

20 Mr. Foster advised that he was putting together a pending development proposal on  
21 this parcel for phased construction, and that the owner was deceased. Mr. Foster  
22 expressed his appreciation to City staff for their cooperation to-date in development  
23 this proposal.

24  
25 Mr. Foster advised that his question revolved around environmental issues addressed  
26 in Chapter 1022.04, Section 3, Subs. B and c, of the proposed ordinance for  
27 environmental issues and the MPCA's site assessment for completion by the property  
28 owner that he had completed. Mr. Foster sought clarification in line 251 related to  
29 trichloroethylene (TCE) concentrations exceeding the Health Risk Limit (HRL) and  
30 their possible presence in the glacial aquifer, and in line 255 related to Diesel Range  
31 Organics (DRO) in the glacial aquifer; and how sources for TCE and/or DRO were  
32 identified in AUAR area; whether applicable parcels had been done already or  
33 whether individual property owners were responsible to identify them. Mr. Foster  
34 expressed his confusion in identifying contamination performed throughout the overlay  
35 district and those specific to individual parcels. Mr. Foster questioned how to proceed  
36 logically and reasonably to identify potential pollutants and their potential sources; and  
37 whether this was the appropriate body to seek that information from or sought  
38 direction to the appropriate body for that information or the process to follow.

39  
40 With City Attorney Bartholdi's concurrence, Mr. Paschke opined that, to his  
41 knowledge, no identification of contaminants had been done to-date on individual  
42 sites. Mr. Bartholdi advised that it was the responsibility of the property owner to find  
43 out and comply with MPCA requirements.

44  
45 Mr. Foster opined that the proposed ordinance, and those sections he previously  
46 referenced, appeared to make a determination that TCE and DRO were already  
47 present throughout the area.

48  
49 City Attorney Bartholdi advised that the AURA had used similar language; but  
50 deferred to the City's Engineering Department for further clarification.

51  
52 Member Wozniak noted that the City had applied for and received grant funds to  
53 address contamination in the Twin Lakes Redevelopment Area.  
54

**Regular Planning Commission Meeting**

**Minutes – Wednesday, August 03, 2011**

Page 11

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

City Planner Paschke clarified that those funds were not for the entire area, and not specific to determine the source of contaminants, as those types of environmental review and approval were addressed by the MPCA; noting that that was the purpose of specify those two (2) particular potential contaminants in ordinance language, for the purpose of actually determining the source.

Member Wozniak suggested that the MPCA seemed the logical agency at which to begin asking questions.

City Planner Paschke noted that, if redevelopment was to occur on any site, it needed to go through an environmental review on site.

Member Wozniak questioned if Mr. Paschke was suggesting that Mr. Foster needed to start the process over.

City Planner Paschke noted that the entire Twin Lakes Redevelopment Area had already been subject to a Phase I Environmental Review; and that based on that initial review potential contaminants had been identified or strongly suggested; however, individual parcel environmental review would further define the source of those contaminants and how to mitigate it.

Member Wozniak asked Mr. Paschke to provide a review of available and/or historical environmental data in the Twin Lakes Redevelopment Area to-date.

City Planner Paschke advised that some review and sampling had been completed with Phases I and II in the area, with environmental contamination in evidence. While some of that initial information was available, Mr. Paschke advised that further information would be necessary to achieve the goals and objectives of the MPCA and successfully clean up all sites in the Twin Lakes Redevelopment Area.

Chair Boerigter summarized the purpose of including the two (2) provisions in the ordinance as referenced by Mr. Foster was to reiterate that, according to the AUAR and testing performed to-date, both TCE and DRO had been determined to be found in the Twin Lakes Redevelopment Area; and developers needed to take that into consideration as part of any development proposal in order to determine if their particular site was one of the sources of those contaminants and how best to mitigate them.

Mr. Foster concurred with what the City was attempting to accomplish in the ordinance language, but his understanding of the current proposed ordinance language was that it was the responsible of each site to identify the source and its magnitude and extent throughout the entire area.

Chair Boerigter concurred with Mr. Foster's perception of the proposed language and potential interpretation as stated by Mr. Foster.

Mr. Foster asked that the language be more specific in the area under direct responsibility by a property owner or developer, whether throughout the entire Twin Lakes overlay district or only his own parcel(s). Mr. Foster asked the City Attorney to address the developer site itself.

City Attorney Bartholdi noted that the AUAR language of things needing done throughout the entire site needed to be clarified and more site-specific; and as requested by Chair Boerigter, who was the responsible party and performance timing.

**Sue Steinwall, Attorney with Frederickson & Byron**

Ms. Steinwall stated that her comments were similar to those of Mr. Foster. As an attorney with twenty (20) years of experience with environmental issues, Ms. Steinwall sought clarification on the intent of the ordinance to freeze the AUAR done in 2007; or if the goal of the City was to make sure the AUAR was implemented, she suggested that the City consider periodically updating the AUAR for implementation of those updates.

At the request of Member Boguszewski, Ms. Steinwall specified that she was not a Roseville resident, but representing a client considering property purchase in the Twin Lakes Redevelopment Area.

Ms. Steinwall made specific reference to the 2004 groundwater study and specific directions that property owners seek to implement recommendations from that study; and her understanding that groundwater conditions change and contaminants breakdown or move. In her previous work with the MPCA, Ms. Steinwall advised that her firm was required to update environmental information, opining that the snapshot from testing of groundwater frequently changed. Ms. Steinwall questioned requiring property owners to implement recommendations from testing done some time ago.

Ms. Steinwall further referenced the glacial aquifer study, opining that this was fairly unusual, and while she was not a scientist or engineer, references to the glacial aquifer would be deeper, and most Phase II tests involve shallow water, usually providing a good idea of the types of contamination in the soil. Prior to attending tonight's meeting, Ms. Steinwall advised that she had questioned an environmental consultant regarding the references to glacial aquifer testing, who opined that requiring glacial aquifer testing would be an enormous undertaking and would go far beyond the confines of the Twin Lakes Redevelopment Area, and would essentially involve reviewing drinking water in a vast area.

Related to overall environmental requirements of the proposed ordinance, and requirements that a developer prepare and implement action plans to be approved by the City Council, Ms. Steinwall suggested that some standards be applied. Ms. Steinwall advised that the general routine, based on her experience, was preparation of a Development Response Action Plan (DERAP) approved by the MPCA according to their standards; with the City then receiving a letter of approval from the MPCA. Ms. Steinwall questioned if the proposed ordinance language was implying that City standards would exceed those of the MPCA, and how a developer could predict those standards. Ms. Steinwall suggested Chapter 1022.04, Section B.1 (line 231) be revised to state that property owners/developers be required to provide a letter from the MPCA stating their approval of the developer's work plan.

Ms. Steinwall noted earlier discussions about the extent of the contamination and when specific components would kick in if representing someone doing infrastructure or roadway improvements. Beginning with line 235 of Chapter 1022.04, Section B.2, Ms. Steinwall opined that it appears to apply to buildings on a lot, not roadways, suggesting that it be further clarified.

**Steve Schwanke, with RLK**

Mr. Schwanke stated that he had worked extensively with Ms. Steinwall and concurred with her comments. As a consultant working with property owners and potential developers in the Twin Lakes Redevelopment Area for a number of years, Mr. Schwanke suggested further review of the proposed definition of "network trips." With all due respect, Mr. Schwanke advised that, in his long-term professional experience, he had not seen that definition before, and questioned if it actually

1 addressed the type of trips the City wanted to monitor; and suggested that City staff  
2 ask its traffic engineers for a more precise definition.

3  
4 With Mr. Schwanke's concurrence, Member Boguszewski clarified that he was  
5 referring to Chapter 1022.02 (Definitions – line 64).

6  
7 Mr. Schwanke opined that, if he charged a member of his transportation staff to  
8 perform such a study as proscribed, he wouldn't be sure of what the City's intent was,  
9 whether interior trips, exterior trips or other variables. Ms. Schwanke recognized that  
10 the City had consulted with several very good traffic engineers on this to-date, but  
11 further opined that this definition was too broad and generic as currently stated; and  
12 suggested that the traffic consultants could provide a much more clear definition of the  
13 types of trip information being sought.

14  
15 Mr. Schwanke advised that these types of ordinances provide for traffic demand  
16 management systems or methods, and ways to reduce traffic; however, he noted that  
17 he didn't see that referenced in the proposed ordinance language. Mr. Schwanke  
18 noted that the Cities of St. Paul and Minneapolis had ordinances that could be  
19 referenced for model language, and included provisions for credits as applicable, that  
20 may have been anticipated originally in the AUAR.

21  
22 With the concurrence of Mr. Schwanke, Member Boguszewski referenced Chapter  
23 1022.04, Sections C and D (lines 275 and 281), encouraging such credits.

24  
25 **Tony Dorso, Owner of 10.29 acres at Cleveland Avenue and County Road C-2**  
26 **(Block 1.a on the Allocation Agreement map)**

27 Mr. Dorso thanked the Planning Commission for their diligence in this Twin Lakes  
28 matter; and opined that the Planning Commission was being asked to clean up a Plan  
29 that was not originally properly executed. With the understanding that developer fees  
30 were a normal undertaking, Mr. Dorso suggested that, in going back several years, a  
31 decision had been made to charge for improvements based on developer fees for  
32 utility connections, not for design and construction of streets throughout the entire  
33 Twin Lakes Redevelopment Area.

34  
35 In testimony at previous meetings, Mr. Dorso noted his reference for the Commission  
36 of staff's statement that he would be assessed a developer fee of \$2.5 million. Mr.  
37 Dorso noted that, in today's market that would be the approximate value of the entire  
38 10 plus acre parcel. Mr. Dorso opined that the process to-date had not been done  
39 correctly; further opining that the Commission was being asked to recommend for  
40 approval enforcement of an earlier decision to not do this on a normal assessment  
41 basis. Mr. Dorso noted law requiring that a property owner could not be assessed  
42 more than the improvements would add value to and benefit the property. Mr. Dorso  
43 alluded to the references of a similar attempt by the City of Rochester, MN by City  
44 Attorney Bartholdi, and subsequent litigation and loss of the case by the City. While  
45 understanding that there would always be some disagreement, Mr. Dorso opined that  
46 if the City was to enact this ordinance and use this approach, they would ensure that  
47 litigation would follow.

48  
49 With concurrence by City Attorney Bartholdi, Member Boguszewski clarified City  
50 Attorney Bartholdi's previous statement that of the total original amount of money  
51 required for infrastructure completion in the Twin Lakes Redevelopment Area, the gap  
52 between that and what the City was paying was approximately \$10 million. Member  
53 Boguszewski noted that this \$10 million would be allocated among all parcel owners;  
54 and that would significantly alter Mr. Dorso's \$2.5 million estimation, opining that the  
55 situation must have changed since those original projections by staff.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54

City Attorney Bartholdi advised that the reason for the reduction was that the City was picking up the base amount and traffic from outside sources; and that initial quotes several years ago from staff to property owners included the cost of everything.

With City Attorney Bartholdi's concurrence, and qualification that it would be limited to the amount of development, Member Boguszewski noted that if the allocation was done at this time equally for every development proposal and estimating all of their network trips under or at the allocated amount, the City would receive no money toward that \$10 million gap.

At the request of Member Wozniak, City Planner Paschke reiterated that infrastructure impacts were anticipated and addressed as part of the AUAR, and this ordinance was to address those allocation costs through an enforcement mechanism.

**Mark Rancone, Roseville Properties (Parcel 4 on Allocation Agreement map)**

Mr. Rancone referenced Mr. Dorso's statement about the projected \$25 million in developer costs; noting that Parcel 4 would have been charged with approximately \$4 million for contemplated improvements. Mr. Rancone sought to clarify that that original price tag had now been reduced to approximately \$10 million for the total infrastructure package that would include completion of Twin Lakes Parkway and other infrastructure improvements up to Snelling Avenue.

City Attorney Bartholdi clarified that the \$24 million total cost remained the same, and that only the amount allocated to property owners had been reduced to approximately \$10 million.

Mr. Rancone asked how much of the \$10 million had been spent to-date on completion of County Road C-2 and Twin Lakes Parkway.

City Attorney Bartholdi and City Planner Paschke advised that the City's Engineering staff would have that information, but that it was not available tonight.

Mr. Rancone advised that his subject property was surrounded by completed infrastructure, and that a potential user had been sitting on the sidelines for over a year, in addition to his attempts to develop that corner property for almost a decade. Mr. Rancone opined that there was always one more hoop to jump through or one more roadblock put into place by the City of Roseville. Mr. Rancone asked rhetorically if the City of Roseville was trying to develop this area or continue to put obstacles in the way of that development. Mr. Rancone opined that the situation had developed in part from past City Council's choosing to make the area a political issue versus what was good for the Roseville public at large.

Mr. Rancone asked that staff be directed to provide accurate figures on what had been spent to-date on completed infrastructure at a future meeting, once those numbers had been reviewed.

Mr. Rancone asked if there was an alternative to a trip charge allocation; or alternative negotiation with staff versus the trip charge allocation.

City Attorney Bartholdi advised that, unless Mr. Rancone was referring to some other arrangement or negotiation, the trip charge would remain in place to fund infrastructure improvements.



**Regular Planning Commission Meeting**

**Minutes – Wednesday, August 03, 2011**

Page 15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

Mr. Rancone suggested that it would seem prudent or the City to negotiate those trip charge allocations; and while willing to pay something, he questioned what a fair amount was, further suggesting an alternative to the trip charge. If no alternative was possible, Mr. Rancone suggested that Chapter 1022.07, Section D (lines 323 – 238) be rewritten accordingly to remove language indicating such possible negotiations.

City Attorney Bartholdi advised Mr. Rancone that certain developments and/or the amount of development may indicate reduced trips.

Member Boguszewski questioned what other municipalities had used for their methodology, if something other than trip allocations.

Chair Boerigter opined that the allocation needed to be based on net trips and alternatives for construction of the roadway; and further opined that the allocation not be open to negotiation or unique negotiations; and opined that a consistent method was needed across the board.

Member Boguszewski concurred with Chair Boerigter; however, he questioned whether other methodologies should be considered.

City Planner Paschke advised that other methods were analyzed, but this appeared to be the best recommendation for use by the City of Roseville.

City Attorney Bartholdi noted that this method considered the number of peak afternoon trips; with a network trip determined as the number of improvements that trip traveled through; with those peak network trips confined to one trip versus 3-5 trips.

Chair Boerigter noted that statement referred back to the suggestion made by Mr. Schwanke for revising the definition of network trips.

Mr. Rancone suggested that the language address infrastructure completed to-date or allocation, assuming that a particular use generated a certain number of trips.

City Attorney Bartholdi advised that this would not be appropriate for the City, as it needed to address the entire development area for those parcels building later.

Mr. Rancone noted his parcel's direct access to I-35W at a freeway exit on Cleveland Avenue and onto County Road C and questioned what benefit Twin Lakes Parkway had for his parcel. Mr. Rancone advised that, as a developer, his firm was willing to pay its fair share to develop Twin Lakes and the city; however, he questioned the benefit of what had been completed to-date. While the Commission was indicating that there was no other alternative, Mr. Rancone opined that the City needed to decide if they wanted to put up more obstacles or wanted development. Mr. Rancone, noted that the area had not had any redevelopment occurring for almost two (2) decades, and questioned if the City wanted that situation to change or not.

Mr. Rancone suggested that he may be in part somewhat responsible for the allocation study, and was willing to share costs for remediation. Mr. Rancone reviewed past possibilities in the area that hadn't been realized for one reason or another, and his firm's frustration in attempting to redevelop the area. Mr. Rancone suggested that that past development potential under a master developer had gotten into the mindset of the City Council, creating this proposed ordinance versus a typical assessment based on the actual benefit to a parcel.

1 Mr. Rancone opined that existing City Code and ordinances in place provided enough  
2 regulation, in addition to requirements of other agencies and government entities, and  
3 would address green space, parking, storm water management; and provided many  
4 more controls for the City than were in place ten (10) years ago. However, Mr.  
5 Rancone noted that they also created more cost for development; and any additional  
6 dollars required to be expended created yet another hoop or another detriment for  
7 developing the area. Mr. Rancone opined that he at least sensed a more enlightened  
8 view by this Planning Commission to get something accomplished in the Twin Lakes  
9 Redevelopment Area.

10  
11 At the request of Member Wozniak, City Planner Paschke reviewed prepping this next  
12 step (ordinance) for the Commission earlier in the process, as elimination of the  
13 Planned Unit Development (PUD) process took place keying implementation of this  
14 step. Mr. Paschke clarified that, it was not a question of whether or not the City  
15 wanted to develop the Twin Lakes Redevelopment Area, but was a situation of  
16 seeking good development for that area and the broader community, opining that this  
17 was staff's intent and direction received from the City Council to-date. Whether  
18 potential developers considered this yet another "hoop" or not, Mr. Paschke advised  
19 that accomplishing such a massive redevelopment of this area required time.

20  
21 **Tony Dorso**

22 Mr. Dorso opined that if the developer was required to pay for street infrastructure  
23 costs, he would pay that much less for the property. Mr. Dorso stated that he had  
24 paid a "ton of taxes" in Roseville over the years, and now would be forced to pay yet  
25 again. Mr. Dorso reiterated his preference for a normal assessment approach, for  
26 which he and other property owners would have been duly noticed for planned  
27 infrastructure improvement projects rather than having no chance to respond. Mr.  
28 Dorso opined that the City had already committed itself on how to allocate fees  
29 without allowing property owners and/or developers a chance to respond before now.  
30 Mr. Dorso noted the numerous changes enacted by various City Councils, whether  
31 through the master developer proposal, or other method. Mr. Dorso advised that he  
32 had received no prior notice of the trip charge formula now being proposed, nor had  
33 he been allowed any opportunity for input. Mr. Dorso further opined that it appeared  
34 that the Planning Commission was being asked to provide their authority to the City  
35 for something that had already been committed to.

36  
37 Chair Boerigter closed the Public Hearing at 8:16 p.m.

38  
39 Commission/Staff Discussion

40 Member Boguszewski sought clarification of a response by City Attorney Bartholdi to  
41 a speaker during public comment suggesting that you could lower your allocation by  
42 having less development; and questioned if such a formula by its very nature was not  
43 counter-productive to achieving redevelopment in the Twin Lakes Redevelopment  
44 Area.

45  
46 City Attorney Bartholdi advised that the intent of the formula was to allocate a fair and  
47 equitable share to everyone based on the type and intensity of their development.

48  
49 Member Boguszewski concurred that this appeared a valid approach as it addressed  
50 the intensity of a development; however, he opined that this overall allocation  
51 methodology and its calculation process appeared to discourage larger developments.

52  
53 City Planner Paschke opined that it provided for huge projects significantly impacting  
54 infrastructure needs to pay their fair share.  
55

**Regular Planning Commission Meeting  
Minutes – Wednesday, August 03, 2011**

Page 17

1 Member Gisselquist suggested that it would be more prudent for a developer to  
2 consider their project on a block that provided more “wobble room” such as Block 1.a  
3 versus Block 13 on the map); and questioned if the allocation methodology was  
4 encouraging the greatest use of the land, or if there were unintended consequences  
5 that may occur as developers sought to reduce their development costs by locating on  
6 a block that had fewer network trips projected.  
7

8 Chair Boerigter clarified that the allocation formulas took into consideration the entire  
9 Twin Lakes roadway improvement costs, which were updated annually, and  
10 questioned the status of those updates at this time.

11 City Planner Paschke advised that the City’s Engineering Department was in the  
12 process of updating the allocations for presentation in the near future to the City  
13 Council.  
14

15 City Attorney Bartholdi advised that the City’s Engineering Department would need to  
16 provide that update once the actual figures are available.  
17

18 Chair Boerigter referenced the comments of Ms. Steinwall on environmental issues  
19 and the 2004 study related to aquifer and the interplay between AUAR updates; and  
20 asked for City Attorney and/or staff comment on that specific item.  
21

22 City Attorney Bartholdi advised that it could be researched and a response prepared  
23 once it was determined if it had been addressed.  
24

25 Chair Boerigter asked that staff and the City Attorney’s office review that information  
26 and make any revisions between tonight’s Planning Commission and the City Council  
27 meeting when it would be addressed.  
28

29 Member Boguszewski suggested changing the language to allow adaptability as  
30 AUAR’s were updated and not freeze requirements to the 2007 document, specifically  
31 related to clarifying groundwater and aquifer regulations.  
32

33 Member Gisselquist expressed concern in the Planning Commission recommending  
34 approval of this ordinance tonight to the City Council prior to further review of those  
35 requirements and other areas of concern brought forth tonight. Member Gisselquist  
36 opined that he had no appetite to forward a recommendation, with future revisions,  
37 considering some of them may be significant and require further Planning  
38 Commission review and consideration. Member Gisselquist suggested that any  
39 recommendation for approval be held for another month, allowing the Commission to  
40 further review any revisions in a non-political climate before forwarding it to the City  
41 Council.  
42

43 Member Boguszewski concurred with Member Gisselquist; opining that he would  
44 prefer to hold the recommendation and allow staff to review those concerns and  
45 issues at the Planning Commission level before it was forwarded to the City Council.  
46

47 Member Wozniak, at the risk of creating that additional “hoop” referenced by property  
48 owners and developers, concurred with Members Gisselquist and Boguszewski; and  
49 asked that staff incorporate revisions into the next version of the ordinance; among  
50 those a RESPONSE ACTION PLAN for the MPCA (line 231).  
51

52 As brought up during public comment related to Chapter 1022.04, Sections C and D,  
53 Chair Boerigter noted that, to some extent, the developer and the Metropolitan  
54 Council working together tied into costs, and to the extent they have that cooperative  
55

1 discussion, it should reduce their trips and reduce their overall costs. Chair Boerigter  
2 noted that this was where the developer could receive incentives if their development  
3 plan included bike trails, fewer vehicular trips that would reduce their network trips and  
4 significant infrastructure costs. Chair Boerigter concurred with Members Wozniak,  
5 Boguszewski and Gisselquist that this item should be tabled, allowing for revisions  
6 and a subsequent review by the Commission after addressing tonight's comments.  
7 Chair Boerigter asked that staff provide a clean copy for the Commission to vote on at  
8 that time, rather than the Commission recommending approval to the City Council of  
9 this draft.

10  
11 Member Boguszewski sought additional following on Chapter 1022.04, Sections C  
12 and D as written, opining that there needed to be a verification of that interaction or  
13 the outcome in writing rather than currently indicated that such interaction needed to  
14 be done, but no requirement in the ordinance for measurement by the City Council of  
15 those results. Member Boguszewski clarified that it was not his intent to create  
16 additional "hoops" either, but opined that it was to the City's benefit and in the spirit of  
17 the City's goals to ensure compliance with the ordinance and its intent. Member  
18 Boguszewski specifically noted the desire of the City for the developer to responsibly  
19 provide green space and other items identified in Sections C and D of their common  
20 sense approaches to accomplish the goals of the City.

21  
22 Chair Boerigter noted questioned how Section D related to open spaces, etc. was  
23 actually from the AUAR language; and how it was different than what was stipulated in  
24 the Regulating Map and/or other requirements in the Twin Lakes Redevelopment  
25 Area.

26  
27 City Planner Paschke advised that the language was not new, but was intended to be  
28 incorporated into the Twin Lakes Regulating Plan; and opined that the language was  
29 necessary in the ordinance, even though it was addressed in the AUAR language.  
30 Even if redundant, Mr. Paschke noted that this document is tied to the AUAR and the  
31 Regulating Plan; however, they may not ensure those things occur, while this was the  
32 enforcement document, and would not create "overkill" to have it stated in the  
33 ordinance.

34  
35 Member Wozniak noted that Chapter 1022.04 discussed TCE and DRO as currently  
36 written, and suggested that individual property owners were responsible to determine  
37 sources of contamination in the entire area; and reminded Commissioners and staff of  
38 previous discussions tonight to rewrite that section to be more site specific.

39  
40 Chair Boerigter suggested that in the language related to development agreements, it  
41 may make sense to expand upon and clarify language so that if a developer met other  
42 requirements, there would be no additional "hoops" added on at the point of the  
43 development agreement; and asked that staff consider how best to address that intent  
44 in their revisions.

45  
46 Member Strohmeier concurred with other Members that he was not yet ready to  
47 recommend this ordinance to the City Council for approval; and that it be tabled for  
48 another month. Member Strohmeier opined that he wasn't entirely sure about his  
49 conclusions in tying costs to zoning ordinance; and while not opposed to such a  
50 provision, opined that the developer should have environmental accountability.  
51 Member Strohmeier further opined that this was a good first start; however, he would  
52 prefer that more infrastructure mitigation be required, specifically related to  
53 environmental provisions and habitat corridor issues, opining that current language  
54 was too vague, and he preferred more green space also be addressed in the  
55 ordinance in its next draft.

1  
2 Member Cook asked that, at the next meeting when this is brought forward again, that  
3 the City Engineer be present, or include a report on how the trips were generated and  
4 how they were formulated; as well as an update on costs if available for that meeting.  
5

6 While recognizing that there may be perfectly logical rationale, Member Wozniak,  
7 along that line, opined that it would be helpful to have staff provide additional  
8 information and clarification to the Commission on why there appeared to be such a  
9 disparity in trips along different parcels, even those adjacent to each other.  
10

11 Chair Boerigter concurred with those additional requests by Commissioners, and so  
12 directed staff to include them in their future reports.  
13

14 **MOTION**

15 **Member Boerigter moved, seconded by Member Boguszewski, to RECOMMEND**  
16 **TABLING consideration of the proposed Twin Lakes Overlay District Zoning**  
17 **Ordinance; as detailed in the Request for Planning Commission Action dated**  
18 **August 3, 2011, until the September Planning Commission meeting.**  
19

20 **Ayes: 6**

21 **Nays: 0**

22 **Motion carried.**  
23

24 c. **PROJECT FILE 0017**

25 **Request by Roseville City Council for approval of a ZONING TEXT AMENDMENT**  
26 **to allow accessory dwelling units in LDR-1 Districts as permitted rather than**  
27 **conditional uses.**

28 Chair Boerigter opened the Public Hearing at 8:34 p.m.  
29

30 Associate Planner Bryan Lloyd highlighted and briefly summarized staff's proposed  
31 zoning text amendments for Accessory Dwelling Units (ADU's) in LDR-1 Districts as  
32 permitted rather than as Conditional Uses (CU's). Mr. Lloyd advised that these  
33 recommended amendments were based on practical application of the existing  
34 language with the two (2) applications having already come forward; suggesting they  
35 be considered as permitted uses with applicable permits for their regulation to a  
36 higher standard without going through the CU approval process.  
37

38 Recommended amendments were included in the packet materials as detailed in the  
39 Request for Planning Commission Action dated August 3, 2011; and based on the  
40 comments of Section 2-3 and input received from tonight's public hearing.  
41

42 Member Boguszewski advised that his only question was related to Chapter 1011.12,  
43 Section B.6.b-d as it addressed a maximum occupancy of two (2) people (line 9),  
44 noting that the previous language used square footage guidelines, and those now  
45 seemed to be removed. Member Boguszewski questioned the rationale for that  
46 change; and why staff was recommending square footage guidelines and moving  
47 toward occupancy as the limiting number.  
48

49 Associate Planner Lloyd advised that the initial thinking had been specifically related  
50 to limiting the size of ADU's and noted that the size limitation had not been removed,  
51 but was addressed in lines 29 – 30 of the document. However, Mr. Lloyd advised that  
52 the 650 square footage was an arbitrary number and seemed to staff to be more  
53 moderate than a one-bedroom unit, and addressed the intent to keep the ADU's  
54 smaller in size in order to limit the number of people without having to actually count  
55 how many people were residing in an ADU. Upon receipt of the two (2) applications

**Regular Planning Commission Meeting**

**Minutes – Wednesday, August 03, 2011**

Page 20

1 to-date, staff found that both of those spaces applying for an ADU were already larger  
2 than the 650 square foot limit; and raised questions of how to limit the number of  
3 people at any one house; and make the requirements be more explicit for that intent  
4 while allowing for some size limitation.  
5

6 City Attorney Bartholdi left at this time, approximately 8:37 p.m.  
7

8 Chair Boerigter questioned why the 650 square feet only addressed living area and  
9 why storage space was excluded.  
10

11 Associate Planner Lloyd advised that, while a more simple approach could be used,  
12 he would recommend making it larger than 650 square feet, given staff's experience  
13 with applications received to-date. Mr. Lloyd noted that both of those applications had  
14 been for existing space above a garage, and questioned why a stairway should count  
15 against the ADU's living space; or knee-wall storage areas that were not livable or  
16 usually heated or insulated spaces.  
17

18 Chair Boerigter questioned if the applicant made that determination.  
19

20 Associate Planner Lloyd advised that, previous to the new Zoning Code being  
21 adopted, if an applicant called the office and questioned the actual use for living  
22 space, it required staff to be aware of what was specifically being considered. With  
23 the new ordinance in place, Mr. Lloyd advised that it was obvious upon staff's receipt  
24 of the application.  
25

26 Chair Boerigter addressed the revocation section (page 3, line 64) related to  
27 occupancy and sought clarification on implications for those two (2) applications  
28 received to-date. Chair Boerigter sought staff's rationale in making the permit expire  
29 when the home was sold.  
30

31 Associate Planner Lloyd advised that the overall intent was that both units would no  
32 longer be available as an ADU until they made application for a new ADU Occupancy  
33 Permit as detailed. Mr. Lloyd advised that the requirement for the ADU permit's  
34 expiration when the home was sold was to allow the new homeowner to be explicitly  
35 aware of what they were required to do, that it was not just an automatic ADU without  
36 them processing such an application and making it available as an ADU again. Mr.  
37 Lloyd noted that, obviously, while the ADU's physical space remained in place, it  
38 couldn't be used as an ADU without following the process and could not legally be  
39 rented out. Mr. Lloyd noted that this was intended to serve as an educational  
40 opportunity for new property owners.  
41

42 Member Boguszewski questioned staff's interpretation of the City Council's intent in  
43 requesting these revisions and what they were trying to achieve with these  
44 amendments currently being considered. Member Boguszewski questioned if a  
45 permit was less time consuming than the CU process.  
46

47 Associate Planner Lloyd advised that he believed that the intent was to simplify the  
48 process for achieving an ADU on a property. Mr. Lloyd alluded to conversations  
49 among Councilmembers related to CU's and ADU's and whether an ADU was more  
50 appropriate than an Interim Use permit, at which time staff clarified the distinct  
51 differences in the two and how the ADU could better achieve the intent being desired  
52 by the City Council. Mr. Lloyd noted that the ADU permit approval process would be  
53 handled administratively unless there was an appeal of the administration decision by  
54 staff to deny an ADU due to a proposed application not being consistent with code

**Regular Planning Commission Meeting**

**Minutes – Wednesday, August 03, 2011**

Page 21

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

requirements. Mr. Lloyd advised that the neighbors would be made aware of the permit process.

Member Boguszewski questioned if the permit fee had been determined at this time and whether it would be reasonable.

Associate Planner Lloyd advised that, at this time, the permit fee had yet to be determined, but that the permit form was being developed, and would be determined by staff for presentation with the annual fee schedule for review and adoption by the City Council.

Chair Boerigter asked staff to address the changed setback requirements (lines 38-39).

Associate Planner Lloyd reviewed various scenarios for an ADU on a primary structure or on an attached garage, and advised that, for consistency, staff was recommending that since an ADU would be occupied, it be treated differently than setbacks for other accessory structures, such as an unoccupied garden shed; and in order to address its proximity to neighboring properties and to retain their privacy.

Member Strohmeier questioned if staff was aware of any other municipalities that allowed ADU's as permitted uses.

Associate Planner Lloyd advised that some cities provided them as CU's and some by permit; however, he noted that the norm seemed to be some type of permit process to inform and involve neighbors in the process, especially as ADU's became more common as permitted uses in residential districts.

Member Gisselquist questioned the criteria used by staff to determine whether to approve or deny a permit; and what type of neighborhood notice was provided, or if approval was based on the applicant meeting ordinance requirements and staff approval of the permit without notification of neighbors.

Associate Planner Lloyd advised that the permit process was an administrative process by staff, similar to the process for a deviation or minor variance; and provided a series of conditions that must be satisfied for approval of a request. If criteria was met, Mr. Lloyd advised that the application was approved. Mr. Lloyd noted that the application process would address any contextual problems that staff may not be aware of, allowing the neighbors an opportunity to be notified and provide comment, as well as allowing the property owner seeking an ADU permit to work with their neighbors toward resolution of any issues in advance of issuing the permit. If there were more serious problems needing addressed, Mr. Lloyd advised that staff could then deny the permit.

Chair Boerigter closed the Public Hearing at 8:50 p.m.; with no one appearing for or against.

Member Gisselquist expressed curiosity as to why the City Council was seeking these revisions, noting that to-date only two (2) applications had been received and while not minding the process for an ADU, he questioned if this revised language would cause more people to apply or make it easier when an occasional ADU came forward. Member Gisselquist rhetorically questioned if an ADU permit expired for a unit built above a garage, and whether expiration of the permit upon sale of the home helped or hurt the resale opportunities and values for a homeowner.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

**MOTION**

Member Boguszewski moved, seconded by Member Cook to RECOMMEND TO THE CITY COUNCIL approval of amendments to Chapters 1004, 1009 (for the deletion of the existing CONDITIONAL USE standards) and Chapter 1011 of the City Code; as detailed in the Request for Planning Commission Action dated August 3, 2011; and based on the comments in Sections 2 and 3 of the report.

**Ayes: 5**

**Nays: 1 (Gisselquist)**

**Motion carried.**

**6. Adjourn**

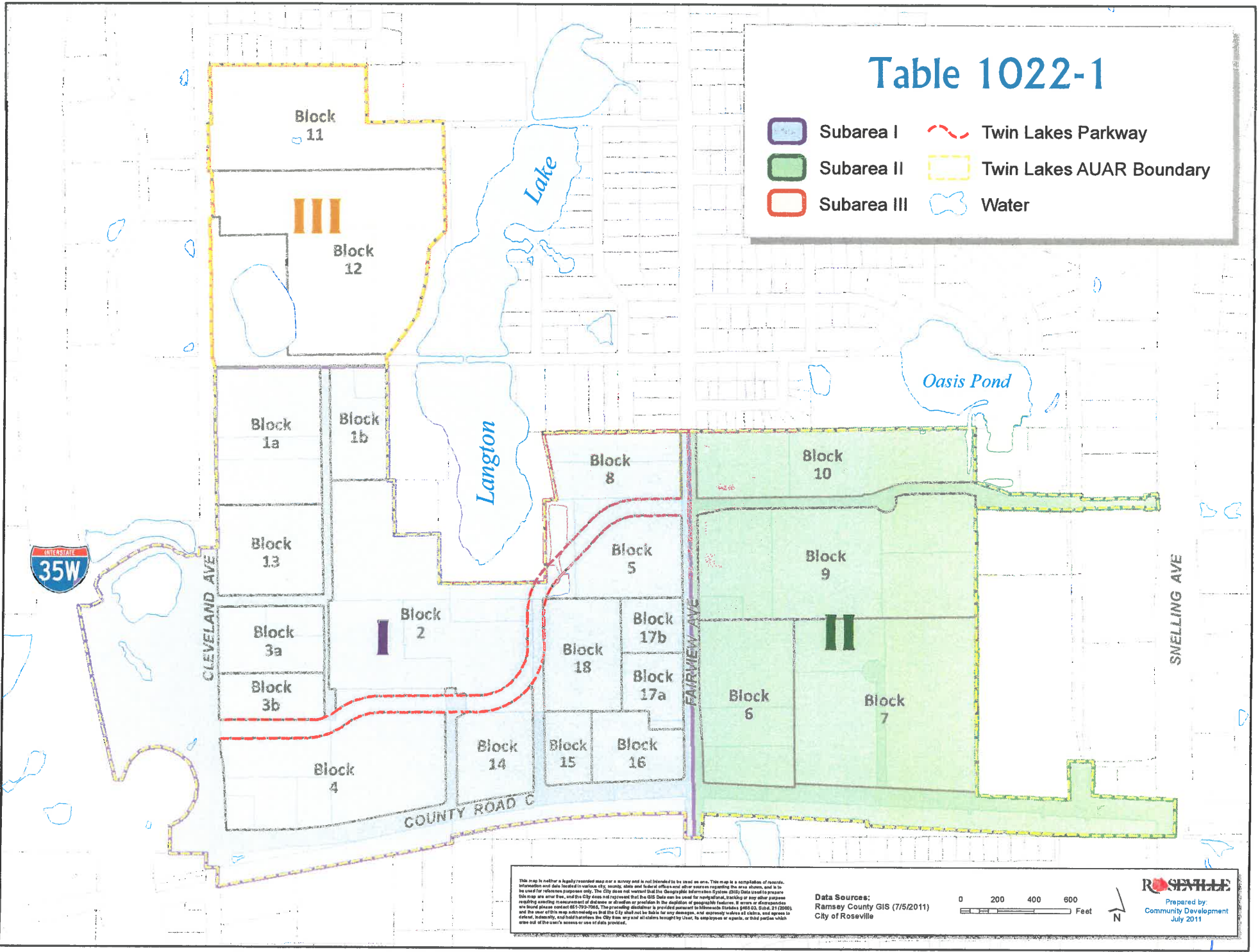
Chair Boerigter adjourned the meeting at approximately 8:53 p.m.

DRAFT



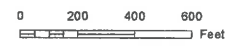
# Table 1022-1

-  Subarea I
-  Subarea II
-  Subarea III
-  Twin Lakes Parkway
-  Twin Lakes AUAR Boundary
-  Water



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 engineering, liability or any other purpose requiring accurate measurement of distance or location or position in the depiction of geographic features. If errors or discrepancies are identified, please contact 651-775-7000. The copyright disclaimer is provided pursuant to Minnesota Statutes, Section 609.01 (2005), 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 claim or claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

Data Sources:  
 Ramsey County GIS (7/5/2011)  
 City of Roseville



**ROSEVILLE**  
 Prepared by:  
 Community Development  
 July 2011

City of Roseville  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING A ZONING OVERLAY DISTRICT FOR THE TWIN  
LAKES REDEVELOPMENT AREA.

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Chapter 1022 is hereby added to the Roseville City Code:

**1022.01: Intent and Purpose**

**1022.02: Definitions**

**1022.03: Infrastructure Requirements and Standards**

**1022.04: General Requirements and Standards**

**1022.05: Permits and Approvals**

**1022.06: Applicability of Other City Ordinances and Policies**

**1022.07: Consideration of Applications for Development Within the Twin Lakes Overlay  
District**

**1022.08: Severability**

**1022.01: INTENT AND PURPOSE**

The City of Roseville has determined that it is necessary, for the purpose of promoting the public health, safety, ~~morals~~ and general welfare of the City to redevelop the area within the City known as the Twin Lakes Redevelopment Area. In order to carry out such redevelopment, the City has conducted an ~~alternative urban areawide review~~ Alternative Urban Areawide Review (“AUAR”) for the Twin Lakes Redevelopment Area. The AUAR identifies various environmental, roadway and utility improvements which are necessary in the Twin Lakes Redevelopment Area in order for the area to be redeveloped. The AUAR contains a mitigation plan which requires, among other things, the construction of roadway and utility improvements and environmental mitigation within the Twin Lakes Redevelopment Area. While the City desires to promote the redevelopment of the Twin Lakes Redevelopment Area, it does not have the financial resources necessary to construct the infrastructure and perform the environmental remediation required under the AUAR. For this reason, the City has determined that development limitations need to be placed upon property within the Twin Lakes Redevelopment Area until adequate infrastructure can be constructed and environmental and other mitigation described in the AUAR performed. Therefore, to promote the redevelopment of the Twin Lakes Redevelopment Area, the Twin Lakes Overlay District is established and all property within the District is subject to the provisions of this Chapter.

**1022.02: DEFINITIONS**

The following terms shall have the following definitions when used in this Chapter:

A. ~~“Twin Lakes Overlay”~~ “AUAR” means the Twin Lakes Business Park Final AUAR Update Adopted October 15, 2007, as updated and amended from time to time.

46 | A.B. “Twin Lakes Redevelopment Area” means that area located within the City of  
47 | Roseville shown in Table 1022-1.

48 |  
49 | B.C. “Twin Lakes Overlay District” means the Twin Lakes Redevelopment Area.

50 |  
51 | C.D. “Development” means any man-made change to improved or unimproved real  
52 | estate including a change in use or the creation of a subdivision.

53 |  
54 | D.E. “Parcel” means each individual parcel of land within the Twin Lakes Overlay  
55 | District as depicted in Table 1022-1. “Parcels” means two or more parcels of land  
56 | within the Twin Lakes Overlay District.

57 |  
58 | E.F. “TLIIR” means the Infrastructure Improvements for the Twin Lakes AUAR Area  
59 | Final Report, dated February, 2008, as updated and amended from time to time.

60 |  
61 | F.G. “Roadway Infrastructure Improvements” means the roadway improvements set  
62 | forth in the TLIIR.

63 |  
64 | G.H. “Utility Infrastructure Improvements” means the utility improvements set forth in  
65 | the TLIIR.

66 |  
67 | H.I. “Network Trip” means the number of roadway infrastructure improvements  
68 | identified in the AUAR which a vehicular vehicle trip that moves throughout generated  
69 | from a Parcel within the Twin Lakes Overlay District and the other adjacent  
70 | intersections identified in the Twin Lakes AUAR Report passes through during the  
71 | p.m. peak hour.

72 |  
73 | I.J. “Twin Lakes Roadway Improvement Cost Allocation Amount” means the total cost  
74 | allocated to a Parcel under the TLIIR for the Roadway Infrastructure Improvements  
75 | set forth in the TLIIR.

76 |  
77 | J.K. “Twin Lakes Utility Improvement Cost Allocation Amount” means the total cost  
78 | allocated to a Parcel under the TLIIR for the Sanitary Sewer, Storm Sewer and Water  
79 | Main improvements set forth in the TLIIR.

### 80 | 81 | **1022.03: INFRASTRUCTURE REQUIREMENTS AND STANDARDS**

82 | In order to provide for the construction of adequate infrastructure to accommodate the  
83 | redevelopment of the property within the Twin Lakes Redevelopment Area, all property within  
84 | the Twin Lakes Overlay District is subject to the following development limitations and  
85 | requirements:

- 86 |  
87 | A. Traffic Study: A traffic study prepared by a registered traffic engineer approved by the  
88 | City shall be required from the property owner(s) whenever development is proposed on  
89 | a Parcel. The traffic study shall assess the potential traffic impacts on local and regional  
90 | road systems and determine the amount of change in Network Trips which will result

91  
92  
93

from the proposed development. The property owner(s) shall pay for the cost of the traffic study.

DRAFT

94  
95 B. Network Trips:  
96

97 1. Development limitations based on Network Trips are hereby established in Section E  
98 below for each Parcel within the Twin Lakes Overlay District. ~~The development~~  
99 ~~limitations have been developed as follows:~~ The development  
100 limitations have been established by determining the number of Network Trips  
101 attributable to each Parcel based upon the p.m. peak hour trips generated from such  
102 Parcel as determined by the Institute of Transportation Engineer's (ITE) Trip  
103 Generation Handbook, Eighth Edition, in the manner described in the TLIIR.  
104  
105

106  
107 2. The Network Trips specified in Section E below are the maximum number of  
108 Network Trips that may be generated by each Parcel within the Twin Lakes Overlay  
109 District. Development that ~~would exceed~~exceeds the allocated number of Network  
110 Trips generated on any Parcel may only be constructed if concurrent Road  
111 Infrastructure Improvements are provided and paid for by the property owner(s) in  
112 accordance with Section C below.  
113

114 3. Uses existing on the effective date of this ordinance that generate greater Network  
115 Trips than are allowed for such Parcel may continue to exist as a nonconforming use.  
116 No expansion of such nonconforming use shall be allowed without compliance with  
117 this ordinance, ~~except as expressly allowed under Minnesota Statutes Section 462.357~~  
118 Subd. 1e.  
119

120 4. Allowable Network Trips are not a property right and may not be transferred to  
121 another Parcel.  
122

123 C. Restriction on development: The roadway infrastructure is not adequate for development  
124 within the Twin Lakes Overlay District in excess of the Network Trips allowed in Section  
125 E. Therefore, development which exceeds the Network Trips set forth in Section E is  
126 premature at this time. In order to provide adequate roadway infrastructure for  
127 development which will generate Network Trips in excess of what is allowed in Section  
128 E, it will be necessary to construct the Roadway Infrastructure Improvements described  
129 in the AUAR and TLIIR. Therefore, development on a Parcel that would exceed the  
130 number of Network Trips allocated to such Parcel by Section E below may only be  
131 constructed if the Roadway Infrastructure Improvements described in the AUAR and  
132 TLIIR to accommodate the redevelopment of the Twin Lakes Redevelopment Area are  
133 provided and/or paid for by the property owner(s) of such Parcel by one of the following  
134 methods:  
135

136 1. The property owner(s) enter into a voluntary development agreement which includes  
137 the payment of the Twin Lakes Roadway Cost Allocation ~~amount~~Amount allocated to  
138 the Parcel being developed in the manner set forth in Section D below. The decision  
139 of a property owner to enter into a development agreement shall be completely

140 | voluntary and optional on the part of property owner(s) of the Parcel to be developed.  
141 | This option is not intended to require property owner(s) to enter into involuntary  
142 | development agreements, but rather to give property owner(s) a method by which  
143 | proposed development involving inadequate roadway infrastructure can be made  
144 | adequate by way of voluntary development agreements.  
145 |

- 146 | 2. The property owner(s) make such other arrangements satisfactory to the City for the  
147 | construction of, and payment for, the Roadway Infrastructure Improvements.  
148 |

149 | In lieu of the foregoing options, the property owner(s) can postpone development on its  
150 | Parcel until all of the Roadway Infrastructure Improvements have been completed and  
151 | fully paid for.  
152 |

153 | D. Twin Lakes Allocation Cost: In order to establish a method by which property owner(s)  
154 | of property within the Twin Lakes Overlay District can develop a Parcel in a manner  
155 | which will generate more Network Trips than has been allocated to such Parcel under  
156 | Section E below, the City has prepared and adopted the TLIIR. The TLIIR identifies  
157 | Roadway Infrastructure Improvements which are necessary to redevelop the Twin Lakes  
158 | Redevelopment Area, provides cost estimates for the Roadway Infrastructure  
159 | Improvements, and allocates the cost between the Parcels based on cost per Network  
160 | Trip. If development on a Parcel will generate Network Trips in excess of the number  
161 | allocated to that Parcel in Section E below, the property owner(s) of such Parcel may, as  
162 | provided in Section C1 above, enter into a voluntary development agreement which  
163 | includes the payment of the Twin Lakes Roadway Improvement Cost Allocation Amount  
164 | allocated to such Parcel in the TLIIR, as adjusted for the development to be constructed  
165 | on such Parcel using the methodology set forth in the TLIIR. In addition to adjustments  
166 | made when individual development proposals are made, adjustments to the costs in the  
167 | TLIIR shall be made annually based upon the actual cost of Roadway Infrastructure  
168 | Improvements constructed during the preceding year and the change in the estimated cost  
169 | of Roadway Infrastructure Improvements not yet constructed from the previous year.  
170 | Once a development agreement which includes the payment of the Twin Lakes Roadway  
171 | Improvement Cost Allocation Amount for development which will generate Network  
172 | Trips in excess of the number set forth in Section E for such Parcel has been entered into,  
173 | no further adjustments to the Twin Lakes Roadway Allocation Cost Amount shall be  
174 | made with respect to the development described in the development agreement.  
175 | Subsequent development on a Parcel beyond that described in the development  
176 | agreement shall require payment of an additional Twin Lakes Roadway Improvement  
177 | Cost Allocation Amount in an amount determined by the methodology set forth in the  
178 | TLIIR.  
179 |

180 | E. Allocation of Network Trips: Each Parcel within the Twin Lakes Overlay District is  
181 | hereby assigned the following Network Trips:  
182 |

<u>Parcel No.</u>	<u>Network Trips</u>
<u>Block 1a</u>	

186  
 187 ————— Block 1b  
 188  
 189 ————— Block 2  
 190  
 191 ————— Block 3a  
 192  
 193 ————— Block 3b  
 194  
 195 ————— Block 4  
 196  
 197 ————— Block 5  
 198  
 199 ————— Block 6  
 200  
 201 ————— Block 7  
 202  
 203 ————— Block 8  
 204  
 205 ————— Block 9  
 206  
 207 ————— Block 10  
 208  
 209 ————— Block 11  
 210  
 211 ————— Block 12  
 212  
 213 ————— Block 13  
 214  
 215 ————— Block 14  
 216  
 217 ————— Block 15  
 218  
 219 ————— Block 16  
 220  
 221 ————— Block 17a  
 222  
 223 ————— Block 17b  
 224

<u>Parcel No.</u>	<u>Network Trips</u>
<u>1a</u>	<u>98</u>
<u>1b</u>	<u>49</u>
<u>2</u>	<u>239</u>
<u>3a &amp; 3b</u>	<u>66</u>
<u>4</u>	<u>452</u>
<u>5</u>	<u>145</u>

<u>6</u>	<u>80</u>
<u>7</u>	<u>380</u>
<u>8</u>	<u>319</u>
<u>9</u>	<u>681</u>
<u>10</u>	<u>142</u>
<u>12</u>	<u>595</u>
<u>13</u>	<u>691</u>
<u>14</u>	<u>246</u>
<u>15</u>	<u>82</u>
<u>16</u>	<u>422</u>
<u>17a</u>	<u>89</u>
<u>17b</u>	<u>84</u>
<u>18</u>	<u>169</u>

225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256

If development on a Parcel will not generate Network Trips in excess of the number allocated to the Parcel in this Section E, the property owner(s) of such Parcel shall not be obligated to pay the Twin Lakes Roadway Improvement Cost Allocation Amount set forth in the TLIIR for such development.

- F. Appeal of Network Trips: In the event that the property owner(s) of a Parcel do not agree with the determination of the Network Trips allocated to their Parcel pursuant to Section E above, the property owner(s) of such Parcel may appeal the determination to the Roseville City Council. No appeal may be taken with respect to the Network Trips allocated in Section E above unless the affected property owner(s) file a written appeal with the City Manager within one hundred eighty (180) days after the adoption of this ordinance. The failure to file a timely appeal eliminates all right to challenge a Network Trip allocation designated in Section E above. The appeal must be accompanied by a report prepared by a registered traffic engineer which provides evidence indicating potential errors in the determination of the Network Trips and the reasons why the determination of Network Trips is not accurate. When an appeal is filed the matter shall be heard and considered by the Roseville City Council at a public meeting. The property owner(s) making the appeal shall be given the opportunity at the meeting to testify and present evidence with respect to the Network Trips allocated to their Parcel. Notice of the meeting shall be mailed to the appealing property owner(s) at the address where the tax statement for the Parcel which is subject to the appeal is mailed according to the records of the Ramsey County Property Tax Department. Following making its decision, the City Council shall serve a copy of its decision upon the property owner(s) of the Parcel which was the subject of the appeal by mail at the address where tax statements for such Parcels are mailed. No judicial action shall be taken regarding the determination of ~~an allocation of~~ Network Trips allocated to a Parcel pursuant to Section E above unless and until the foregoing appeal is made to the City Council and the City Council has rendered and served its decision on the matter.



257 G. Other Improvements: Nothing in the Section may be construed to eliminate property  
258 owner(s) responsibility for other improvements unrelated to the Roadway Infrastructure  
259 Improvements. If a traffic study finds that road system improvements unrelated to the  
260 Roadway Infrastructure Improvements are required as a result of the proposed  
261 development, the development may not be commenced until arrangements, including  
262 financing, for the completion of such other improvements are made and such  
263 arrangements are approved by the City.  
264

#### 265 **1022.04: GENERAL REQUIREMENTS AND STANDARDS**

266 ~~All property~~ Each Parcel within the Twin Lakes Overlay District shall be subject to the following  
267 general requirements at the time of development on such Parcel. The following requirements  
268 shall be in addition to and not in lieu of any other requirements in this ordinance.  
269

270 A. Whenever development occurs on a Parcel, the property owner(s) of such Parcel shall pay  
271 the Twin Lakes Utility Improvement Cost Allocation Amount allocated to such Parcel  
272 under the TLIR for the Utility Infrastructure Improvements.  
273

274 B. Whenever environmental contamination or other environmental impacts on or within a  
275 Parcel: a) have been identified in the AUAR, b) have been identified by: a) the AUAR, or  
276 b) findings from ~~any~~ Phase I or Phase II Environmental Site Assessment or other  
277 environmental report, or c) formal environmental review (i.e. and Environmental  
278 Assessment Worksheet, Environmental Impact Statement, or an Alternate Urban  
279 Area-wide Review) is required for development ~~within the Twin Lakes Redevelopment~~  
280 Area on such Parcel, the property owner(s) shall, as part of the development proposal,  
281 address ~~such~~ environmental impacts by:  
282

283 1. Preparing and implementing Response Action Plans and/or Development  
284 Response Action Plans for such Parcel where required by local, state and federal  
285 regulations, which Plans shall be subject to the approval of the City Staff.  
286

287 2. Cooperating with the City Managing and the Minnesota Pollution Control Agency  
288 ("MPCA") to assure that handling materials dumped within the Twin Lakes  
289 Overlay District Area, hazardous materials, petroleum products, and/or asbestos  
290 are managed, on and handled within such Parcel, appropriately in accordance with  
291 MPCA guidelines.  
292

293 3. Working with the MPCA, the Environmental Protection Agency and the City to  
294 implement the recommendations from the Supplemental Groundwater Evaluation  
295 Plan, dated August 2004, which has been adopted by the City, including but not  
296 limited to, addressing the following issues:  
297

298 a) Additional The property owner(s) shall perform an environmental  
299 investigation shall be considered on Parcels where the study to determine:  
300

301 a)i) Whether trichloroethylene concentrations (TCE) exist on or within the  
302 Parcel which exceed the Health Risk Limit (HRL). If a source is found

303 ~~on one or more of these Parcels~~, additional subsurface investigation shall  
304 be performed to define the lateral extent of the TCE contamination. Site  
305 specific investigations should be conducted in a way that will identify  
306 potential sources, the magnitude and the extent of TCE on and/or within  
307 the Parcel and its effects on the glacial aquifer; and  
308

309 ~~b) Redevelopment shall consider the presence of TCE in the glacial aquifer. Site~~  
310 ~~specific investigations should be conducted in a way that will identify~~  
311 ~~potential source(s), magnitude, and extent to TCE in the AUAR area.~~  
312

313 ~~e) Based on the presence of Whether Diesel Range Organics (DRO) inexist on or~~  
314 ~~within the glacial aquifer Parcel, and throughout the AUAR area, if so, perform~~  
315 ~~environmental investigation with regard to regarding petroleum contamination~~  
316 ~~shall be performed throughout the Twin Lakes Overlay District.~~  
317

318 ~~d)ii) Prior to undertaking environmental assessment on and within the~~  
319 ~~Parcel and investigations on individual Parcels within the Twin Lakes~~  
320 ~~Overlay District, the findings and conclusions of the Supplemental~~  
321 ~~Groundwater Evaluation Report must be considered so that future~~  
322 ~~investigations can be streamlined to facilitate and expedite~~  
323 ~~redevelopment its effects on the glacial aquifer.~~  
324

325 4. ~~Remediating~~ The property owner(s) shall remediate, as appropriate, soil and  
326 groundwater contamination ~~for on and within~~ the ~~intended redevelopment~~  
327 ~~use~~ Parcel pursuant to Minnesota ~~and~~ federal law.  
328

329 5. ~~Implementing~~ The property owner(s) shall implement the requirements and  
330 policies set forth in the current Comprehensive Surface Water Management Plan  
331 of the City, ordinances, policies and best management practices related to  
332 stormwater runoff ~~and ponding, including incorporating more pervious surfaces,~~  
333 ~~alternatives to mowed turf and planting native vegetation and other innovative~~  
334 ~~techniques to reduce runoff~~ with respect to such Parcel.  
335

336 C. The property owner(s) of the Parcel to be developed shall comply with the park  
337 dedication requirements of the City with respect to the Parcel being developed.  
338

339 D. If development on a Parcel converts native land cover types to an altered cover type, the  
340 property owner(s) of such Parcel shall mitigate the conversion by restoring native cover  
341 types on the Parcel, and to the extent the native land cover types within any portion of  
342 Langton Lake Park are altered by such development, in Langton Lake Park.  
343

344 E. The property owner(s) of the Parcel to be developed shall work with the City to  
345 implement the provisions of the 2001 Twin Lakes Business Park Master Plan with  
346 respect to development on their Parcel.  
347

348 ~~C.F.~~ The property owner(s) of the Parcel to be developed will work with the  
349 Metropolitan Council Transit Operations, local businesses, and area residents to

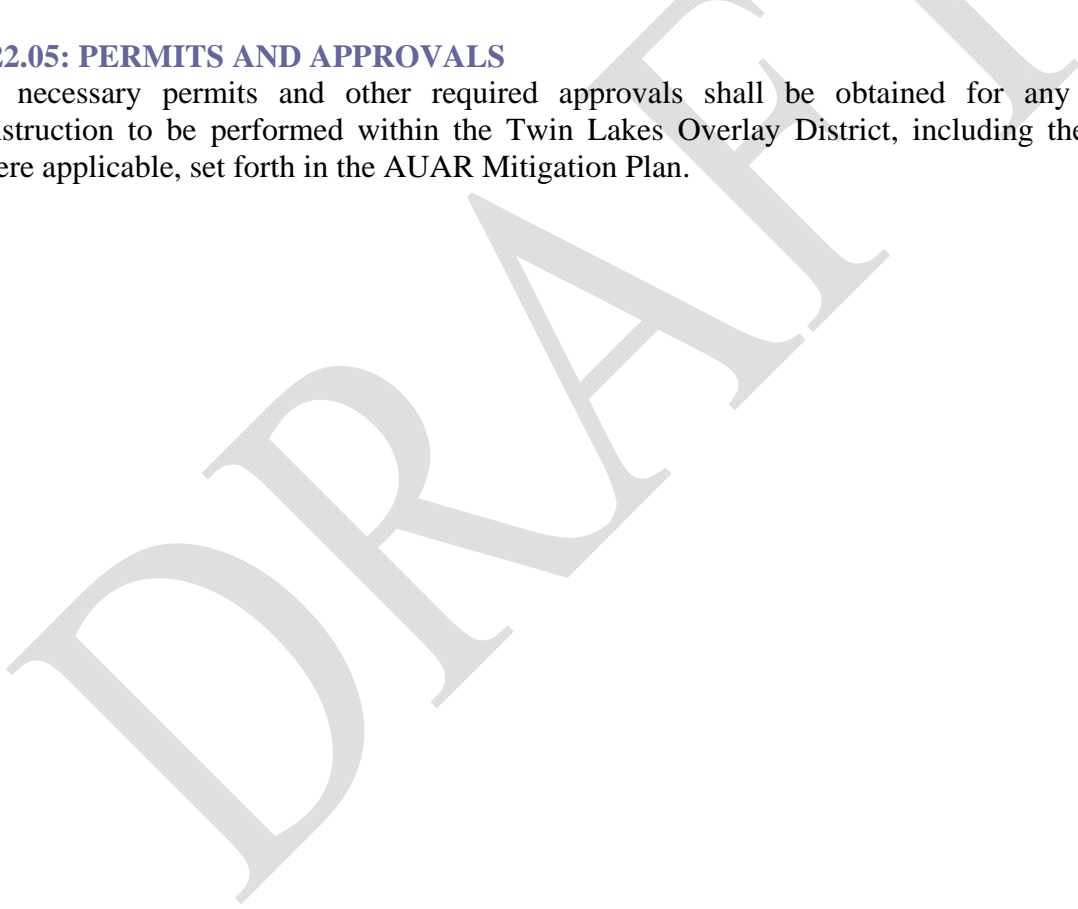
350 | ~~encourage improved transit service, increase transit ridership, and City to integrate~~ travel  
351 | demand management ~~programs in the Twin Lakes Redevelopment Area and surrounding~~  
352 | ~~vicinity plans~~ to reduce the number of vehicles on area roadways.

353 |  
354 | ~~D.G.~~ The property owner(s) of the Parcel to be developed will incorporate into any  
355 | development ~~a network of on such Parcel,~~ sidewalks, trails, pedestrian amenities, parks  
356 | and open space ~~in the Twin Lakes Redevelopment Area~~ to provide greenway/wildlife  
357 | corridors to encourage more pedestrian trips and fewer vehicle trips in the area.

358 |  
359 | ~~E.H.~~ The property owner(s) of the Parcel to be developed will submit photographs and  
360 | note the construction dates for any buildings over 50 years old ~~on such Parcel,~~ and submit  
361 | them to the State Historical Preservation Office for initial assessments. The property  
362 | owner(s) of any Parcel within the jurisdiction of Minnesota Statutes § 138.01 et. seq.  
363 | shall comply with the requirements of the State Historical Preservation office.

364 |  
365 | **1022.05: PERMITS AND APPROVALS**

366 | All necessary permits and other required approvals shall be obtained for any work or  
367 | construction to be performed within the Twin Lakes Overlay District, including the permits,  
368 | where applicable, set forth in the AUAR Mitigation Plan.



370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416

**1022.06: APPLICABILITY OF OTHER CITY ORDINANCES AND POLICIES**

All City ordinances and policies shall be followed in the review and approval of development projects within the Twin Lakes Overlay District. The provisions of this Chapter shall not preclude or replace the application and requirements of any other Title, Chapter or Section of the Roseville City Code or the provisions of any State Statute, including but not limited to land dedications authorized under Minnesota Statutes § 462.358. All such other Titles, Chapters and Sections shall apply in addition to, and not in lieu of, this Chapter.

**1022.07: CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT WITHIN THE TWIN LAKES OVERLAY DISTRICT**

The following shall apply to applications involving development within the Twin Lakes Overlay District:

A. Before submitting an application for development on a Parcel within the Twin Lakes Overlay District, the property owner(s) of the Parcel to be developed shall meet with the Director of Community Development and City Engineer (or their designees) to discuss the proposed development, the development review process and the documents required to be submitted.

B. The property owner(s) shall thereafter submit to the Director of Community Development and City Engineer such applications, studies, reports and other documents which are required by the City pertaining to the proposed development.

C. Following review of the documents submitted, the City Engineer shall make a determination of whether or not the proposed development will exceed the Network Trips allocated to the Parcel in Section 1022.03 E above.

D. If the proposed development will exceed the Network Trips allocated to the Parcel under Section E above and the property owner(s) elect to proceed with the proposed development pursuant to Section 1022.03C1 or 2 above, the property owner(s) shall, prior to the issuance of the building permit pertaining to the development, enter into a voluntary development agreement or make other arrangements satisfactory to the City which assure that the requirements of this ordinance shall be carried out.

E. Voluntary development agreements shall include provisions for the payment of the Twin Lakes Roadway Improvement Cost Allocation Amount and the Twin Lakes Utility Improvement Cost Allocation Amount, the means by which the property owner(s) will comply with the environmental and other requirements of this ordinance, and such other matters which are typically contained in Roseville Public Improvement Contracts. All development agreements shall be considered by, and subject to the approval of, the Roseville City Council.

**1022.08: SEVERABILITY**

If any term or provision of this Chapter, or the application thereof to any person or circumstance is, for any reason and to any extent, held to be invalid or unenforceable, then such term or provision will be ignored, and to the maximum extent possible, this Chapter will continue in full force and effect, but without giving effect to such invalid or enforceable term or provision.

417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this \_\_\_\_ day of \_\_\_\_\_, 2011.

Ordinance Adding Chapter 1022 Establishing the Twin Lakes Redevelopment Area Zoning Overlay District.

(SEAL)

CITY OF ROSEVILLE

BY: \_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:

\_\_\_\_\_  
William J. Malinen, City Manager

| [07/15/08/19/2011 DRAFT](#)