From:
 Thomas Paschke

 To:
 Staci Johnson

 Subject:
 Fwd: FedEx Parking Lot

Date: Wednesday, February 1, 2023 11:23:09 AM

Begin forwarded message:

From: Donald Bromen

Date: February 1, 2023 at 11:03:32 AM CST

To: Thomas Paschke <thomas.paschke@cityofroseville.com>

Subject: Re: FedEx Parking Lot

Caution: This email originated outside our organization; please use caution.

Thomas Paschke

City Planner 651.792.7074 thomas.paschke@cityofroseville.com

Mr. Paschke

We have reviewed the newly submitted plan and the accompanying written responses to the City questions you have provided and appreciate the thoughtful response to the questions raised during the January Planning Commission Meeting.

We are for keeping as many of the trees currently on the site as possible and support the proposed 40' set back to the north and west property lines.

We would like to see the suggested site survey completed and additional thought be given to the storm water management. It would address two of our significant concerns: 1. Assuring runoff from the proposed parking lot does not affect our property and 2. Providing a natural barrier between the property's proposed use and our ninety-nine unit residential neighborhood.

A site survey would show that there is currently a berm along all but approximately 80' of the north property line. The gap is located directly

north of where the intended pond would be located on the proposed site plan currently being considered. In the past two years we have taken steps to address the existing runoff on the east side of our property that extends from the subject property. With the amount of dirt that will have to be moved to grade the site and create the pond, the cost to close this gap by continuing the berm should not be significant.

We do note that the issues of screening and lighting are still being discussed. We do feel that both are significant issues as is security and that all will be addressed prior to City approval of a plan.

Working towards the same goals,

Donald D. Bromen CPM Member, Ownership Committee Trego Limited Partnership d/b/a Aquarius Apartments

On Sun, Jan 29, 2023 at 1:15 PM Thomas Paschke < Thomas.Paschke@cityofroseville.com > wrote:

Gentlemen,

Attached please find the staff report regarding the proposed redesign of the parking lot to be used by FedEx employees. The item is scheduled back before the Planning Commission on Wednesday, February 1, 2023.

Please let me know if you have any questions.

Thomas Paschke

City Planner

651.792.7074

thomas.paschke@cityofroseville.com



2660 Civic Center Drive

Roseville, MN 55113

Frank Yaquinto 2405 County Road C2 West Roseville MN 55113

REQUEST FOR PLANNING COMMISSION ACTION February 1, 2023

Line 34 states 243 stalls. The original use request dated 11/22/2022 that was part of last month's hearing states 183 stalls. That's about a 25% parking increase from last month.

Line 43 - The Engineer stated no significant traffic issues associated with the Parking Lot! First, the Engineer did not calculate the traffic movement in the lot! Second, the Engineer did not request how many shifts will be working. So is the real number 243 x 3 = 729 because the headlights of all these cars will shine directly into my kitchen and living room windows? All day? 24 hours? 7 days a week?

Line 44 addresses the traffic on County Road C2. There is no analysis anywhere on traffic impact in the lot!

Line 45-46 states a conservative estimate of 752 trips per day. That is if there is one shift. No where in the City Planner report, actually addresses how many shifts or how many days per week. So, is the conservative number really a potential of 2256 trips per day? Again, all the headlights coming into my home of 50 years.

Line 53-62 - Opinions are based in current zoning code. My home was compliant with the zoning code in place at that time.

Line 69a. is not factual. It is in direct conflict of the 2040 comprehensive plan. Specifically those chapters (Chapter 5) as it relates to protecting existing legally established single family homes. Which is speaking directly to my home of over 50 years.

Line 94-95 are assumptions not based in fact, because there are no defined work schedules.

Line 98e through 116 is not true.

For example, line 100-102 - there has not been a formal appraisal of my home at 2405 County Road C2. I'm requesting a letter from Roseville City Attorney stating "This will not negatively affect my property value." Line 102 - not harmful to my health? Not harmful to my welfare? The City Planner states this. But how about the emissions affecting the quality of air in my yard given 700-2000 vehicles per day. I am a Vietnam Era Veteran with health-related disabilities which this will impact. Do I have any rights to the use of my yard as a Veteran? Line 104 applies to AUNI not Robert Buegen or mine. We were legally built at the time of construction therefore an independent analysis must be done to demonstrate the severe financial impact on my home.

Line 127-130 - This is based on the applicant's letter dated 11/22/2022. This new application is requesting a 25% increase in parking since then. So in roughly 2+ months no one at The City of Roseville thinks a 25% increase may be a problem.

Line 131-133 - Did anyone compare the applications? Did the planning commission meet and discuss this significant change? I request the Roseville City Attorney give me a written opinion on this parking change that the City of Roseville has applied to all state laws governing the due process / notification of neighbor.

Line 137-138 - Is it the intent of the City of Roseville then to require this condition to my property? If so, what will that cost be to me? I'm retired and I don't have the income to support this potential improvement.

Line 142-144 - No wetland should be given by credit or at another site. There is ample room to demand the impact on wetland be satisfied on this request!

Lastly, no one from AUNI or FedEx has talked to me. I will be the only legal residential Owner/Occupied dwelling left. 50+ year resident and taxpayer if this project is granted. Under the new zoning since my home was built, my home value will be that of the land only. Who would buy a single family home that has been zoned out by "conditional use" granted to an International Corporation (FedEx) - no one!

Those uses that would apply to my lot are unachievable. If I demolished my house, I could not meet the current zoning setbacks, parking etc. for any of the uses because my lot is too small.

Mr. Paschke is not requiring a light plan. If approved, this lot will be lit up like Rosedale. So now a resident of 50 years not only get headlights all night into not only the kitchen and living room but my yard is also fully lit. Mr Paschke doesn't think this affects my quality of life - Really! That is ridiculous. As a taxpaying citizen of this City, I'd offer my home for sale to the City after the City Attorney renders his opinion as well as an Independent Appraiser.

If approved your actions will significantly alter my way of life. As I stated I'm a Vietnam era Veteran with disabilities. Since this started, I was transferred by ambulance to the VA. As a result, my VA doctors are adjusting my medications to minimize those triggers in the future. Yet, somehow Mr Paschke is also my doctor and he knows (line 98-116) better than my VA doctors.

Sincerely,

Frank Yaquinto

Enclosures: Letter dated 12/28/22 from Frank to Mr. Paschke Letter dated 01/01/23 from Frank to Mr. Paschke

FRANK YAQUINTO <

1/2/2023 8:31 PM

RE: Parking Lot CU

To Thomas Paschke <thomas.paschke@cityofroseville.com> Copy
dan.roe@cityofroseville.com <dan.roe@cityofroseville.com> jason.etten@gmail.com <jason.etten@gmail.com <julie.strahan@cityofroseville.com <ra> rwillmus@msn.com <ra> wayne.groff@cityofroseville.com <wayne.groff@cityofroseville.com>

Thomas,

Thanks again for your prompt response and clarification of some of my questions.

Regarding your email dated 12/30/2022. You stated that there is some confusion about what 1A/2B/4BB means or where it came from. It came from the Ramsey County property tax record for purposes of taxing all the residential properties along County C2. I'm sure if you took the time to research the history of these properties at the time of construction, tax values were based on current rules in place at the time of construction. You also state that I'm not residential but commercial. You state that it is now a MU-3. I agree with that, however it is not what this property was zoned when these homes were built as stated, which is what I'm trying to drive this conversation to. What are my rights as a residential property owner for over 50 years regardless of the changes Roseville has done over these 50 years? As I see it, Roseville has every right to amend its zoning code. But zoning codes are arbitrary and capricious in nature. They are changed by the current political regime for the entire city, to meet the needs of an expanding City. I get it.

Roseville bases change to building construction based on the most recent adoption of the State of Minnesota of the International Building Code, International Fire code, and International residential code with amendments. However, the City can't be more restrictive on existing buildings than at the time of their construction and the code the City of Roseville was using at the time, except in those areas that are Life safety. This is an important distinction regarding changes to the Zoning code. In other words I'm looking at the application as a whole and the history leading up to the changes to the MU-3. But rather from you or your boss, I want a legal reference based on State Law from the City attorney where he/she shows that the City has a legal right to devalue and essentially make my home over 50 years unsellable. This is essentially what Mr. Beugen and FedEx being represented by AUNI are doing.

So, under your interpretation of the new MU-3 I can if I choose;

Live with your approval of this proposal, wait it out and see what it does to my property value, quality of living etc.

I could demo my house or change it to some of the uses in your chart of MU-3 that are permitted, such as Animal Boarding, Limited Warehouse and Distribution, Motor Vehicle Repair/Body Shop, Pawn Shop, Micro Brewery, Distillery, Manufactured Trailer park, Residential facility, Nursing Home, Outdoor Storage inoperable/out of service vehicles or equipment, Telecommunication Tower. REALLY!

First off I'm a retiree on a fixed modest pension. I could neither afford nor have the energy to go through any of the aforementioned changes. Further, because my lot is roughly 1/2 acre,

not one of the permitted uses I listed in the new MU-3 chart would be allowed here by your planning staff because I couldn't meet multiple challenges to any of those uses. Right? And that gets me back to the arbitrary nature of the zoning code and why I want a legal opinion from the City Attorney that he/she can quote State law where a City like Roseville can arbitrarily change their zoning code to effectively cancel out my home's value.

Chapter 1005 Mixed Use Districts where this request is based, I want the language/evidence by year where the City of Roseville made these changes in their zoning code that affect my property today and the hearings of said changes and documents that you sent to me to let me know.

1005.06A appears to have been amended, again when did that happen and what are the names of those involved in that decision and their qualification to review and know what now has happened to my home.

I understand the zoning code and a Cities right to change it. I believe the years that have led up to what MU-3 says now from the date of the construction of my home are critical for the Committee's deciding the fate of my home as well as the elected officials of this City forcing a retiree into such abominable living conditions.

Paragraph (6) of your email states, The City Engineer doesn't think a Traffic study is necessary. OK, based on what he states only pertains to the load C2 was built to, the ability to control flow of traffic with controlled traffic lights. What he isn't stating is that there is a 25% increase of automotive traffic for the workers of FedEx. He doesn't really know because you have not provided any evidence as to what schedules are going to be at work after the expansion is completed by AUNI to secure their five year lease with FedEx. Three shifts? Holiday parcel pickup distribution? How can you state a traffic review isn't necessary when you don't have all the operational facts?

Paragraph (7) of your email. I disagree with your assessment. You are recommending approval of converting three residential properties (At the time of their construction, zoning allowed) to a MU-3. The conversion will allow two parking lots as described by the applicants. These lot conversions are for expansion and remodeling of the current building right? FedEx's offer to Mr. Beugen is conditional based on the approval of these lots, right? Then how do you interpret the codes to conclude this is simply a change of use/expansion of a current building's use? I think this application simply a tactic by the applicants to circumvent an environmental assessment? Quick analysis here, the City of Roseville in their 2040 Plan states they are stewards of the environment. Great! The Beugen home, his other home with an extended family resident, covers what percentage of the almost 4 acres of land? This proposal of hard surfaces covers what percentage of the 4 acres. I would surmise that the hard covered surface is increasing by at least 400%. Why no environmental assessment to the affect this additional hard surface runoff into man made systems, rather comparing it to the grass and woods which it is now?

Paragraph (8) of your email. Isn't the 135 parking spots over what is allowed (100), if so why are you allowing that? Does that go away if by your recommendation the parcels are all combined? Isn't this another way for the applicant to get around certain obstacles of their application?

Conditional Use analysis.

A. While the analysis of the application may be consistent with current Policies stated by staff, it is not in compliance with the intent and spirit of Chapter five of the 2040 Plan. There is a lot of analysis in that chapter which would lead the reader to believe that the City of Roseville at all costs wants to preserve its single family homes.

D. The plan fails to take into consideration the effect of this proposal on me and my health as an owner occupied resident of over 50 years. No traffic study (Impacts the use of my home), No emissions analysis due to the 25% increase in traffic and that effect on my health (I have severe asthma, emissions will compromise my use of my yard and deck). No study as to what direction and how many times of day cars and vans will be moving through the proposed lots. Meaning, currently there is a large natural tree buffer between Mr. Beugen's property and mine. This has allowed me to enjoy my deck off my kitchen without having to look at cars etc. This proposal will take out all those trees and replace it with a cyclone fence. So, I will have at least 200 vehicles at all hours of the day and night taking multiple trips in and out of the lots, and their Headlights shining directly into my living room and kitchen. My quality of life and right to enjoy my home for over 50 years are severely compromised if approved.

The fact that your boss Janice Gundsach (spelling) signed off on this knowing there had been no communication with me as the severely impacted party is reprehensible.

AUNI owns 2929 Long lake road, right? They already executed a five year lease with FedEx with an option to extend, right? The signed agreement for pending sale of the parcels in conjunction with expansion of use/remodeling of the 2929 building lease is contingent on this passing. Do you honestly believe the applicant's submission for this that they just said (Hey Mr. Beugen would you be interested in selling just happened in October 2022)? FedEx is an International Corporation, they don't operate like that. Just the lease with improvements has to be worth north of 10-50 million for AUNI. The acquisition of the parcels, demolition, new infrastructure etc. You got to be kidding me. This has been in the hopper for quite some time. Yet NO Communication of AUNI, FedEx, Mr. Beugen or the City of Roseville with me and the adverse effect it will have on my health and property value. I suspect the FedEx executives would be appalled that they have been engaged in an agreement with AUNI and Mr. Beugen that their representatives have affected the next door neighbor for over 50 years so egregiously.

Planning Division Recommendations;

- 1. Where is this proposed trail going? If this passes, is the trail going to go past my home? Who is going to pay for that? Is that recommendation the planning division's thought process to encourage developers to take out natural trees and grass lands and replace them with more hard surface?
- 3. Stormwater management, as stated earlier. Take the 4 acres, remove the current hard surfaces, Homes and the like. What percentage is that of the 4 acres currently? Replace within the 4 acres two new parking lots, trail/bike path and other hard services required for the parking lots, and what percentage of the 4 acres is that? So, the increase in runoff does not affect the stormwater system? Really. How does this fit into the City of Roseville's 2040 Plan regarding protecting natural habitat? At the very least the City should be demanding that onsite remediation of runoff is required. No credits for elsewhere because of the natural impact on nature.

- 4. If the applicant is not required to be in compliance with all elements of the RCWD, then how does this affect my property?
- 5. I respectfully disagree with the planners entirely here. There is no written submission from the applicant showing the fence bordering my property, type, elevations, diffusion of light etc. at least I have not seen one. It won't negatively affect me? How do you get to that? You allow removal of all tree's buffering Mr. Beugen's and mine. You allow the two single family homes to be removed. Now I get to look at a parking lot covering 4 acres with no legitimate buffers every evening, Headlights glaring into my kitchen and living room, 7 days a week every night for the rest of my life (I'm 70+) and no one is concerned about my quality of life? That is how you represent an owner of an occupied residential property for over 50 years. Then is there any truth to your 2040 Plan regarding your concerns about the residents of Roseville.

Attachment (C) from applicant

There are no signatures anywhere on this document you provide me. There is reference to "We", throughout the body of the request. Who are we? Is it customary for the staff to accept a proposal such as this without really knowing who is representing who? About their application;

5. This is completely false. The applicant does not know the impact of the surrounding neighborhood for their proposal as required. As far as I know they never talked with anyone other than Mr. Beugen. The applicant states that there is no impact by traffic, again for context only as it is related to weight and use of the road. No traffic study, no emissions analysis etc. By the way, the current IBC requirements for fresh air makeup for residential occupancies requires external makeup air, correct? Then when I or the apartment or the rental next door update or furnaces to a more efficient one, requiring makeup air is drawn from outside, then how does not the additional emissions in the surrounding air not affect me when that air is drawn into my furnace as required by code?

There has not been a market analysis of my property, the only owner occupied residential property left. To suggest that this proposal will not affect my value is untrue and makes the City of Roseville look just stupid. I've already mentioned what I can and can't do with my 1/2 acre if this proposal moves forward. Nothing! Your 2040 Roseville plan in 2018 did an analysis of all residential properties in the City and their taxable value. I've paid taxes on those values for over 50 years. You don't know what today's market value is because you won't do one. Obviously it is significantly higher than 2018. We all know what the market has done in the last two years.

Finally, because the City of Roseville has changed their zoning code to my disadvantage since my home was legally built here as a single owner occupied home, this proposal should be denied and more study taken by the applicant AUNI and FedEx. You don't know what the future will bring, neither do I. But I do know, if this is allowed.

Lastly, since I was first made aware that something may happen with some prospective buyer by JoAnn in early October, I had one conversation with Mr. Beugen and he essentially told me he didn't want me to impact his deal by talking to the person he was dealing with. Neighbors for 50 years, go figure. Since that conversation I've been in constant worry as to what may happen, What did I hear? Nothing. In fact this has impacted my health so severely that I thought I was having a heart attack last October (2022). I was transported to the ER by

ambulance. After all the tests, it was surmised that it was anxiety induced. Fear, depression, anxiety. That is what the City of Roseville has left me with.

Regards,

Frank Yaquinto

FRANK YAQUINTO <

12/29/2022 9:22 PM

RE: Parking Lot CU

To Thomas Paschke <thomas.paschke@cityofroseville.com>

Thomas.

Thanks for getting back to me so quickly. I have many concerns about how this is going to affect my living and in particular my health. As a asthmatic I have a lot of seasonal impacts on my breathing and I do believe that an increase in truck traffic will impact my health.

I have lived in this house as an owner occupant for over 50 years. For the City of Roseville to spring this on me along with my neighbor Mr. Beugen's dealings with AUNI Holdings is reprehensible as a neighbor to me and my Mother who has passed away a while ago. I'm

So if I understand what Mr. Beugen and the proposed new owners are attempting to do is ask for either or both a conditional use permit or a variance to the zoning code. All of these single family homes are 1A/1B/4BB. The current taxable value for Mr. Beugen is over \$850,000.00, a good deal for him. However, if I understand the application which you haven't provided me, the request is to change the 50 plus year designation of the properties from 1A/1B/4BB to an Industrial use (I). Is that correct? I would like the documentation that the City is using to justify this change based on a legal interpretation from the City of Roseville Attorney. The consequence of this decision will not only impact my health as a retired senior citizen but also the value of my house.

The plan doesn't show the setback of the proposed parking lots from my property. I would like that.

The plan doesn't show the type of lighting that will be shining into my home forever, I would like the details of the lighting proposed.

The plan shows an ingress and egress with a concrete separation with controlled gates. Are these access points available to be used 24 hours a day seven days a week? I would like a written response to that question.

The plan shows that the lot closest to me is for parking of vans. Do you have a written agreement with the proposed owners as to what will happen if they violate the van scenario and start parking Semi's? I would like an opinion from the City attorney as to how that requirement is going to be enforced and what financial cost they will have to pay if they don't adhere to the original request. The fence proposal along my property gives no specifics. How high is it, will it be concrete, wood, allow air to pass through etc. I request the written plan with elevations.

There is no description as to use other than vans park. Well, are they coming and going each day? Have you done a traffic study as to how much of an increase there is going to be on county road C2 and how that will affect my right to live in my residential home peacefully? I request a written response from the City Attorney to direct staff to do a traffic study. If you dont think it's necessary, have the attorney give me the statutes that allow you to permit a change of use to commercial, resulting in significant increase in commercial traffic and not consider the impact on the only single owner occupied home left. That

would be me, the retired senior citizen. What rights do I have as a veteran serving during the Vietnam war? If you don't know I can write to Congresswoman Amy Kloubecher, I'm sure she will let us know.

As you know County Road C2 was redone just in the last few years. I've had trouble since then with my sewer discharge, to the tune of \$4,000.00 so far. My plumber says it is because the contractor broke it during construction and they said he wasn't responsible for it. Isn't that the same contractor you hired to do sewer work in other parts of the City? That would be the ones that Channel 4 did an expose on for flooding a Roseville single home property owners house that Roseville has left in limbo while her home is wrecked. If you haven't seen it, you should. The road has already began to sink where my sewer enters the system, further compromising my sewer system and in all likelihood because of the excessive weight of semi's racing through here all day long. Which is why there should be a traffic study to ensure that if there is continually damage by increased traffic from Mr. Beugen's sale/project I don't get saddled again on assessments to my property taxes.

This area is full of wildlife. This project will impact that severely by taking out all the natural trees and habitat. The Holding pond must be required to offset the effect on the habitat. In addition, that pond could be put on my side of the project, further protecting me from excessive noise, exhaust, lighting and the like. Does this project comply with the City of Roseville's master plan?

I'm retired, I live on a fixed income and I have nowhere else to go. I don't have any family in the area any more. The adverse impact on the value of my home will affect my quality of life if I have to go to a nursing home. I'm not a wealthy guy like Mr. Beugen, he obviously can go anywhere he wants. I request a market analysis by an independent appraisal paid for by the applicants to evaluate the financial impact on my property.

I believe my neighbor and AUNI holdings negotiated in bad faith on the entire project. When I researched AUNI and their parent company Cauble holdings I came up with they are a foreign investor. Is that correct? Reason I ask is that if FedEx is going to use this, why aren't they buying and building it?. As an international group FedEx would be wasting money leasing from AUNI. What is the real agreement both short term and long term for these lots?

When AUNI researched this and approached my neighbor, why did you allow them to box in the only remaining owner occupied single family home when they could have just as easily approached me is outrageous. Why is the City not insisting as a condition of the requested change that they make me whole?

Obviously I have many concerns, these are some of the questions I have now and there will probably be more once you provide me with the answer to my questions.

Sincerely, Frank Yaquinto

On 12/28/2022 1:45 PM Thomas Paschke < thomas.paschke@cityofroseville.com> wrote:

Frank,