



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, April 7, 2021 – 6:30 p.m.**

Pursuant to Minn. Stat. 13.D.021, Planning Commission members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.

1. Call to Order

Vice Chair Kimble called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Vice Chair Kimble, City Planner Thomas Paschke called the Roll.

Members Present: Vice Chair Julie Kimble, and Commissioners Michelle Kruzel, Tammy McGehee, Michelle Pribyl, Karen Schaffhausen, Erik Bjorum and Emily Leutgeb.

Members Absent: None.

Staff Present: City Planner Thomas Paschke, Community Development Director Janice Gundlach, Senior Planner Bryan Lloyd, and Department Assistant Staci Johnson.

3. Approve Agenda

MOTION

Member Kruzel moved, seconded by Member Pribyl, to approve the agenda as presented.

Ayes: 7

Nays: 0

Motion carried.

4. Organizational Business

a. Swear-In New Commissioners

- **Erik Bjorum**

Vice Chair Kimble read the Oath of Office for Mr. Bjorum to repeat. She welcomed Commissioner Bjorum to the Planning Commission.

- **Emily Leutgeb**

Vice Chair Kimble read the Oath of Office for Ms. Leutgeb to repeat. She welcomed Commissioner Leutgeb to the Planning Commission.

b. Elect Planning Commission Chair and Vice-Chair

Vice Chair Kimble indicated this item to elect a Chair and Vice Chair and currently there is not an active sitting Chair. She asked for nominations for Chair.

Member Pribyl nominated Vice Chair Kimble to be Chair. Member McGehee seconded the nomination.

Vice Chair Kimble asked for other nominations.

MOTION

Member Pribyl moved, seconded by Member McGehee, to elect Member Kimble as Chair of the Planning Commission.

Ayes: 7

Nays: 0

Motion carried.

Chair Kimble asked for nominations for Vice-Chair.

Member Kruzel nominated Member Pribyl to be Vice-Chair. Member McGehee seconded the nomination.

Chair Kimble asked for other nominations.

MOTION

Member Kruzel moved, seconded by Member McGehee, to elect Member Pribyl as Vice Chair of the Planning Commission.

Ayes: 7

Nays: 0

Motion carried.

c. Appoint Variance Board Members

Chair Kimble indicated the Board needs to appoint three Commissioners to the Variance Board plus one alternate. She asked the current Variance Board Members if they would like to continue on the Board.

Member Pribyl indicated she would be willing to continue on unless other Commissioners would like to be on the Variance Board.

Chair Kimble asked the Commission who would be interested to be appointed to the Variance Board.

Member Schaffhausen explained she would like to stay on the Variance Board if the Commission is fine with that.

Mr. Paschke asked if Member Schaffhausen would like to remain an alternate or to be a member of the Variance Commission.

Member Schaffhausen indicated she would like to be a member.

Member Kruzel indicated she has been on the Variance for two years and would be happy to stay or would be willing to let someone else be on the Board.

Ms. Gundlach reviewed what the Variance Board does and the meeting time.

Member Leutgeb indicated she would be available as an alternate this year if no one else is eager to do so.

MOTION

Member McGehee moved, seconded by Member Kimble, to appoint Members Pribyl, Kruzel and Schaffhausen to the Variance Board with Member Leutgeb as the alternate.

Mr. Paschke indicated a vote is not needed for this and will be passed onto the City Council.

d. Appoint Ethics Commission Representative

Chair Kimble indicated the Board needs to appoint a representative to the Ethics Commission.

Member Schaffhausen volunteered to take the appointment to the Ethics Commission.

5. Review of Minutes

a. March 3, 2021 Planning Commission Regular Meeting

Chair Kimble opened the floor to the Commission for changes to the minutes.

Member McGehee indicated she forwarded some changes to staff.

MOTION

Member McGehee moved, seconded by Member Pribyl, to approve the March 3, 2021 meeting minutes as amended.

Ayes: 7

Nays: 0

Motion carried.

6. Communications and Recognitions:

- a. **From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. **From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

None.

7. Public Hearing

- a. **Request For Preliminary Approval of a Major Plat to Subdivide the Development Site into Eight Lots for Single-Family Detached Homes and Shared Access to Lake Owasso as a Conditional Use (PF21-001)**

Chair Kimble opened the public hearing for PF21-001 at approximately 6:50 p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on April 26, 2021.

Senior Planner Lloyd summarized the request as detailed in the staff report dated April 7, 2021.

Chair Kimble asked if the Commission had any questions of staff.

Member Schaffhausen indicated she enjoyed reading the comments from the residents that live on Lake Owasso and some questions were raised that she wanted to make sure the City addressed. She asked in regard to the wetlands and if they are actually identified as wetlands, knowing that the land can be developed, what can or cannot the City do when it comes to this and how does that capacity in regard to wetland apply to this project and what can the City do about that, if anything.

Mr. Lloyd explained the City does have regulations regarding this in the Zoning Code as well as some other areas that are maintained by the Public Works Department that pertain to wetlands. There are plans from the developer about how each site might be developed with a driveway and generalized building footprint. All of those, so far, have been designed to conform to the minimum standards in terms of the wetland setbacks and the shoreline that backs from the ordinary high-water level. He noted the shoreland requirements do address the development area reduction or density reduction when wetlands and the shoreline itself might be within some parcel boundaries. Those regulations specifically state any part of a parcel that is below the

ordinary high-water level, lakeside of the shoreline, does not count in terms of the lot area for meeting the lot size requirements, whether it is depth or width or area. Further from that it says if wetlands cover more than twenty-five percent of a site there is some further reduction of the countable lot area. The figures that are in the staff report about the lot sizes all reflect those adjustments. Those lot size figures do not include any of what could parcel area below the ordinary high-water level, the shoreline and a couple of the parcels in particular in that block one, lots one through five, did need to be reduced in size by some amount because of the extent of the wetland that is on them. The City does have regulations about wetlands.

Member Schaffhausen wondered why the City would be ok with taking cash in lieu of some semblance of land.

Mr. Lloyd indicated the questions might be better directed to the Parks Commission but in general he thought the answer comes down to the City has a Parks and Recreation System Master Plan which identifies park land the City has and park land areas where park land is needed. This plan also identifies various improvements that are planning in the future for different places, different parks around the community and because in large part there is not a need identified in the Parks and Recreation System Master Plan for park land here or in this area, the dedication of park land was less appropriate, according to the judgement of the Parks and Recreation Commission than a dedication of cash in lieu of land which can be used for acquisition of land where parks are needed and can be used for improvements nearby where those improvements are called for in the plan.

Member Pribyl knew the footprints shown on the drawings received are not necessarily the final ones but if these are relatively accurate, it looks like currently the plat shows that all of the homes would be outside of what is required by the City or Watershed in terms of wetland protection. These are not encroaching on the wetland area or even on the setback.

Mr. Lloyd indicated that was correct. He showed the drawing and explained where the homes are to be located and the setback requirements.

Member Kruzal indicated there is concern about the boat traffic in that area because the lake is narrow there. She knew the City cannot do much but for the folks that live in that area, the wakes may be an issue.

Mr. Lloyd indicated the City does not have the ability to regulate what happens on the public water. The amount of boat traffic has its own ramifications and issues as well as the kinds of boat traffic. He explained it is the State's role to have regulations about that and to do enforcement.

Chair Kimble explained somewhere in the documents that most of the driveways would have turn arounds. She noted this is close to where she lives and driving down Victoria there is a curve and can get busy. She thought this would be preferable if this moves forward. She also saw that the County was recommending no parking be

posted on this stretch of Victoria and wondered if that would go before the City Council for action.

Mr. Lloyd did not think that would be a part of the City's action. It may be something that is incorporated into the public improvement contract since it is within the public roadway. He explained with respect to the turnarounds, that is in fact, a Zoning requirement for Roseville. Any new driveways and homes on County roads like this need to have that turnaround built into the driveway within the property.

Chair Kimble did not think there would be the ability for individual docks at each single-family home parcel and all of the dock access would be on the shared access parcel.

Mr. Lloyd believed that the plan is that the lots in block one would likely have their own docks and the City cannot prevent them from being put in. That would leave the shared facility for the homes across the street.

Member McGehee agreed with Commissioner Schaffhausen's remarks. She explained after the last McCarrons meeting she was not sure if this is another case where the DNR is suggesting the City make some limitations but there is no contact with the DNR. She noted she had a call in to both the Public Works person who worked on the watershed as well as the DNR hydrologist for the East Metro and she has not had the time to get a call back to get this information. She found that in general this packet is complicated and raises a number of environmental issues. This is a large area that has been undisturbed and certainly is part of the filtration system for the lake. She thought reading the comments that are in the next item tonight, that the interest on the part of Roseville residents is fairly strong in terms of protecting the environment and protecting the wildlife. She thought for the packet to say that this change does not have impacts on public safety and public health when it definitely has a significant impact on the water and water quality in Lake Owasso, which is a public water and not just for Roseville residents but for residents of the State, was incorrect. She thought the City had to look at this very carefully overall and not overlook it because it may belong to other Departments, Commissions, or permitting agencies.

Member McGehee thought while those homes are actually not in a bad position right along Victoria, the problem is that the City does not have any control if those property owners, given the shape of the lots, wish to make their way down to the water.

Mr. Lloyd indicated that was correct.

Member McGehee thought developing in this area at all is extremely problematic. She would like to see more of these questions answered about how the lake and lakeshore will be protected as well as tree preservation and a conservation easement along the entire project with only one shared access to the lake.

Member Bjorum asked if the City required curb and gutter to be built along this development on either side of Victoria.

Mr. Lloyd indicated the roadway standards that apply to a County Road like this would definitely come from Ramsey County. He would have expected to see that as a requirement if it were one and would have been communicated by the City Engineer and included in the packet. He thought Victoria Street has been rebuilt fairly recently.

Member Bjorum assumed the stormwater management that are shown on the plans is basically the percentage required when utilizing the whole of the lots together combined. He wondered if there was any requirement for that management system to be on each individual lot or is it just a percentage and can be combined at any point.

Mr. Lloyd thought there was some flexibility in how that is implemented.

Mr. Dwayne Sikich, applicant, Builders Lot Group, 9531 West 78th Street, Eden Prairie, indicated he was in agreement with the two conditions listed by staff and was at the meeting to answer questions. He reviewed with the Commission the conditions that have been imposed on this development.

Chair Kimble asked if there were any questions for the applicant from the Commission.

Member Pribyl asked where the trail will be located on the west side of Victoria.

Mr. Sikich indicated the trail will be on the east side of Victoria and is proposed to be one foot inside of the County right-of-way and in this case the potential location of the street is offset of the right-of-way. He noted the trail will be on the other side of the power poles. The reason for the trail is for the health and safety of the proposed homeowners so they will not have to walk on Victoria Street.

Member McGehee asked if the dead trees to be removed were on the pad or on the site as are they across the site.

Mr. Sikich indicated there are a fair number of trees across the site and there is not a plan to go into the wetland area, only the building areas of the lots. He noted this is to clean it up and make it look more park like.

Member McGehee indicated she was going to speak on behalf of residents that wrote in. The dead trees are nesting sites for varieties of flying squirrels, regular squirrels and also for a number of woodpeckers. She was hoping that the developer would contain its dead tree removal to the pad site rather than throughout the entire site.

Mr. Sikich indicated that is exactly their plan.

Member McGehee asked when the tree removal is planning to happen.

Mr. Sikich explained the actual tree removal will not happen until the City Council approval of the preliminary plat.

Member McGehee indicated there was a request from a resident which she would like to share. She explained the resident would like the developer to not take stuff down while there is nesting in the trees.

Mr. Sikich indicated some of the scrub brush is going to come down before that but as far as any tagged trees or trees that are tagged for tree inventory, will not be coming down until after City Council approval of the preliminary plat.

Member Leutgeb wondered if anyone could clarify regarding the proposed boardwalks on the lakeside properties. She wondered if this is a proposal, urging the use of boardwalks over paved or another impervious trail or is that actually going to be a requirement.

Mr. Sikich explained that is actually a requirement because they cannot add any impervious area into a wetland. The boardwalks either sit on some kind of a pad that does not affect infiltration and the wetland continues performing as it normally does with a boardwalk. He noted that is part of the DNR permitting.

Member Bjorum asked Mr. Sikich where the boardwalk will be onsite.

Mr. Sikich explained at this point they have not located those yet exactly. Some exhibits were provided to the City and the developer is not building those, that is the responsibility of the homeowner. When the lots are sold the boardwalks will not be installed.

Member Schaffhausen indicated when the wetland is discussed, in the homeowner's association a plan to make sure that the wetland is not disturbed.

Mr. Sikich explained this will be provided in the HOA and is not allowed in the DNR rules.

Member Schaffhausen wondered what can be done to protect the wetland. She thought the preservation is of value and pretty much every resident that has responded has this as a concern. She wanted to make sure the City is focusing on that concern at a broader level and what else can be done about it if anything.

Mr. Sikich indicated his company can talk with their development attorney and see if there is anything that can be added but the enforcement of wetlands or impacts to wetlands is the DNR.

Mr. Paschke reviewed with the Commission some things that the City can do and what was done in other developments. He noted some type of signage can be used to show the area as wetland along the buffer edge.

Mr. Sikich indicated he would not be against the City adding the signage as a condition of approval.

Member Schaffhausen asked if it is possible that all of the work Mr. Sikich is going through with regard to the DNR and all of that activity, could affect density in any way shape or form and changing the lots from five to four or anything of that nature.

Mr. Lloyd did not think so. The requirements in the Zoning Code have the unstated purpose of managing the amount of density allowed on a given site based on the presence of public water, such as the lake or wetlands. He thought that impact is already accounted for or rather this proposal is sort of below whatever kind of other limits that might practically impose.

Mr. Sikich indicated this project is a conforming one for the LDR One Zoning. Variances or rezoning is not being asked from them.

Public Comment

Ms. Kristine Simonson, 3061 Rice Street, Roseville

Ms. Simonson indicated she is a property owner at 2940 West Owasso Blvd. She expressed her concern related to the idea of density reduction and five lots rather than four or three. She noted the odd shape of the lots towards the lake and will have a very different feel when the docks are built.

Mr. Cory Koger, East side of Lake Owasso

Mr. Koger explained he had a couple of questions and concerns, specifically regarding the way the design is set up to have a minimum impact. He indicated there is little to no oversight by the DNR and is rarely out on this lake. He noted there are four different habitats on the south end of the lake which will be directly impacted by the docks. There is also seven hundred feet of wetland habitat in front of the proposed development and somehow the property owners will have to get their boats through them to get to their dock. He explained he also had concerns about runoff after the lots are developed. There is no regulation for pesticide application, no regulation for fertilizer application and will run into the lake and cause impacts.

Ms. Wanda Davies, 767 Hynal Drive

Ms. Davies expressed her concern with the traffic in the narrow space between the lily pads and cattails. She thought it should be a no-wake zone and would like to see Roseville make some effort to do that. She was also looking at the dimensions of the dock in the shared access for the conditional use permit and the dock is fifty feet long. That is a really long dock that could hold up to six docks. Given that the DNR is allowing cities now to regulate docks and some other regulation on the lake, she thought a decision on this CUP should be deferred until the Council has an opportunity to look at a new Ordinance with respect to regulating dock use and other things that the City is now permitted to do within the lake.

Mr. Andrew Walz, 3097 Sandy Hook Drive

Mr. Walz explained he has a bunch of concerns. He was concerned about the shape and quantity of the lots. The number one thing the City can do to preserve the wetlands is to reject this plan as proposed and reduce the number of lots or at least revisit the judgement call that was made about the irregular shape. He believed that was an exhibit of poor judgement and he did not think the exterior boundaries are so irregular that it warrants creating the hockey stick shaped lots with docks coming out of them. He thought the City, with this plan, will be setting the DNR up for failure in their ability to be able to protect the wetland areas. He would encourage the Council to have conversations with the DNR and watershed on some unanswered questions.

Mr. Joe Bester, Shoreview

Mr. Bester explained he has many of the same concerns that previous speakers have. He wanted to emphasize the sensitive nature of Lake Owasso. He reviewed the surrounding watershed around the lake with the Commission. He indicated the Bar Engineering report referenced in a letter he wrote the City the hypothesis going into it is internal excess nutrient loading was from in the lake and after some additional research Bar Engineering was surprised to find that in fact that it came from Central Park. This does underscore the fact that things that are close by really have a major impact on lake. Anything the City can do to help preserve trees and minimize impervious pavement and other things will help Lake Owasso in the long term.

Mr. Ben Eide, 519 Hynal Drive

Mr. Eide agreed about the density. He believed it is more than should be allowed in that area. Currently there are three lots, and the development should be allowed those three lots, but the development is going from three access points to the lake and trying to get six access points with their added access point. That will be a lot of docks going through that area. The docks will have to be at least two hundred to two hundred fifty feet each to get through the cattails out to the water and is a lot of dock surface going in and out each season and will cause a lot of wear and tear on that area of the lake.

Ms. Ashley MacGregor, Little Bay Road

Ms. MacGregor echoed all of the resident comments. She believed this is a thoughtful developer that is trying to check all of the boxes but what has to be remembered is that this is the chance the Planning Commission has to make a different choice. Once the development is in there is not much anyone can do if there are issues and problems. Now is the chance to decrease capacity on that side of the lake.

Mr. Josh Kath

Mr. Kath echoed a lot of the concerns that have been brought up. He wanted to draw attention to the City Code and that there is a deficiency because it is decades outdated. He thought the City is putting the cart before the horse if the City does not first address or consider some of those necessary or conversational points in the Code that should be discussed that these types of projects will have impacts on in regard to subdividing lots. He thought there was already a lot of shared easements on the lake,

and he thought the City Code was lacking regulatory authority over those as well and those easements seem to be growing and expanding.

Ms. Heidi Walz

Ms. Walz wondered if the developer would be willing to do another tour before more of the general public was aware of the area in order for people to better grasp what is being proposed.

Chair Kimble closed the public hearing at 8:10 p.m.

Commission Deliberation

Member Pribyl asked Mr. Lloyd for a follow up on the lots size, shape, and proportion. She thought some of it was dictated by Victoria and the wetland boundaries and some of it is to try to get direct water access for the five lots.

Mr. Lloyd reviewed the zoning requirements of the lots with the Commission.

Member McGehee asked if the City has an obligation to have anything subdivided.

Mr. Lloyd indicated the role in the City reviewing a subdivision request falls into what is called the City's quasi-judicial authority. With that authority, the City reviews a proposal against existing standards. Whatever State law might obligate of the City and whatever the City Codes allow or require and generally speaking, proposals that conform to the applicable requirements ought to be approved. They can certainly be approved with conditions to mitigate potential impacts that are identified by the Planning Commission.

MOTION

Member McGehee moved to table pending information on the new 2019 regulatory authority that has been published by the DNR and any other information from the DNR and Washington County and the hydrologist regarding the status of the lake that might have an impact on the City's ability to protect this area.

Ms. Gundlach indicated she looked up the DNR's model Ordinance, which was updated in October 2019. She wanted to be clear that the City is not obligated to adopt the newly updated model Ordinance. As this relates to controlled accesses, it states they are permissible as a part of a subdivision and the only requirement in the new model Ordinance that is not currently in City Code for a conditional use requirement related to model controlled accesses is "If docking, mooring or other over water storage of more than six watercraft is to be allowed at a controlled access lot than the width of the lot must be increased by a percentage of the requirements for riparian and residential lots for each watercraft beyond six." There is also a table where it shows what the required increase in lot width is needed in order to go higher than six watercraft. Based on the lot width of this extra lot the developer would for sure be allowed six if the City decided to go ahead and adopt the updated DNR model

Shoreland Ordinance as it is related to controlled access. She wanted to make sure if the decision is to table action because the Commission is interested in what the new model Ordinance from the DNR says, the new model Ordinance would allow six mooring spaces on that controlled access lot.

Chair Kimble asked if the DNR Ordinance was not adopted, what is allowed by the City.

Ms. Gundlach explained the City Ordinance does not specify.

Mr. Lloyd explained in recent conversation with the hydrologist he gathered that number is not actually different. The thing that may be changing or has changed in the new model Ordinance is that the cities would be responsible or be able to administer that calculation rather than the State being solely responsible for it. He did not think the numbers were really changing, it would be allowing the City to regulate it.

Member McGehee thanked staff for the clarification and indicated she would change her motion from a motion to table to a motion to deny.

Member McGehee moved, seconded by Member Schaffhausen, to deny based on the fragility of the lake, the impairment of the water already, the narrowness of the straight into the lake from this estuary, lined with the lily pads. The ability of all of these lots together to be able to eradicate fifteen feet of weeds around each dock in order to get the boats out seems beyond anything acceptable. We must protect not only the quality of the lake but the health, safety, and welfare of the investment of the people who already have homes on the lake and for the people of Minnesota who use and value this lake. This proposed development is an excessive burden on this particularly fragile end of the lake with a particular depth of wetland as well as shallow, vegetative area as fish breeding ground.

Member Pribyl thought it seemed like a lot of the concern in this motion is around the number of individual lake access. She thought Mr. Lloyd stated if each lot is connected to the lake then the City cannot control their access. She wondered if there was any way there could be some kind of compromise where two adjacent lots share a boardwalk and a dock or would the City not have any control over that at all. She thought the homes themselves along Victoria seemed to make sense and the protection of the wetland seemed to make sense. She thought the hang up was where the docks and boardwalks will go so she wondered if there could be any kind of compromise.

Mr. Lloyd did not believe the Shoreland Code has any provisions regulating docks, particularly when in the water. He thought that there are provisions for when docks are stored on the land. He reviewed the Shoreland Section of the Zoning Code related to this with the Commission.

The Commission further discussed the option of tabling versus denying this item.

Member Schaffhausen wondered if there was a way to create that park space as that easement instead of cash in lieu of land. She understood the Parks and Recreation Commission requested cash.

Mr. Lloyd indicated it is not the Parks and Recreation Commission role to conclusively determine what the park dedication, it is a recommendation and the purview of the City Council to make a decision about that. It is certainly clear that there is some concern and maybe some possibility of having park land be the dedication somewhere along the wetland, but it may not be the jurisdiction and purview of the Planning Commission to recommend specifically formally something like that.

Chair Kimble reviewed where in the deliberation the Commission was at in the motion process. She asked Member McGehee if her original motion still stood.

Member McGehee indicated she would like the original motion to still stand and possibly then for the developer to work with staff to see if something could come forward that reflected the discussion of the community and Planning Commission.

Chair Kimble ask Member Schaffhausen if her second still stood to that motion.

Member Schaffhausen signaled her intention was yes.

Chair Kimble indicated this is a recommending body so the Commission's motion to deny, if it were to pass would be a recommendation to the Council along with the comments made. She thought the Commission should vote on this motion if there were no other comments.

Member Bjorum thought that based on everything that was presented and everything that has been laid out by staff and the developer. Everything presented meets or exceeds the City's requirements for the subdivision for the plot restructure. The issue the Commission has is the lake access points for each property that the City does not have legal standing to dictate. He noted it does not seem like if that is the case then the Commission does not have any legal standing to deny the motion to proceed because the Commission is denying something it does not have any control over. He wondered if that is the correct way to understand this. He personally thought the developer has done an excellent job in developing this subdivision and breaking the parcels up and really showing the understanding of the wetlands implications and he fully hear the residents who are concerned about the access points and the weed and shoreline degradation, but he wondered if that something that needs to be left to the next stage of the development to control. It does not sound like their legal standing; the Commission can deny something it does not have control over.

Chair Kimble thanked Member Bjorum for the comments and looked to staff to help answer the question because she wondered if the Commission is confusing its

deliberation on the plat with the deliberation on the conditions of the Conditional Use Permit.

Ms. Gundlach asked what the denial motion was for. She asked if the denial was for the plat, is it for the Conditional Use or is it for both because she did have some legal concerns about the Commission's role to interpret and apply the Zoning Code as it exists today based upon an application in front of the Commission. She did not see the Commission having a legal reason to deny this plat. There may be some opportunity to get into the details with the Conditional Use in terms of mooring spaces and who gets to use the outlot because there are some conditions in the Conditional Use section that relates to that. She indicated she was very uncomfortable about the City's ability to deny this plat.

Chair Kimble indicated the call was on the motion for the Preliminary Plat. She asked if staff's suggestion was the Commission had to withdraw and reconsider the motions or just go ahead and take a roll call vote on the motion.

Ms. Gundlach indicated the Commission is a recommending body to the City Council. Member McGehee made a motion, and it was seconded so she believed the Commission is required to take a vote on it. If that motion fails the Commission can try again and if it passes then the Commission needs to move onto the Conditional Use.

Member McGehee explained as a recommending body, the Commission's recommendation goes to the Council, and it is ultimately the legal authority of the Council to decide what to do with it. As a recommending body the Commission is legal but not sufficiently legal and there are findings that could be put together to justify the denial. She indicated she still stood behind the denial motion to go forward to the Council, who will make the final decision.

Ayes: 2 (McGehee, Schaffhausen)

Nays: 5

Motion failed.

Chair Kimble indicated the motion failed and wondered if a new motion should be considered or should the Commission move one.

Mr. Paschke suggested the Commission make another motion if there is one to be made to support.

Member Pribyl moved, seconded by Member Kruzal, to recommend to the City Council approval of the proposed Victoria Shores Preliminary Plat, based on the content of this RCA, public input, and Planning Commission deliberation, with the conditions listed in the RCA. (PF17-020).

Ayes: 5

Nays: 2 (McGehee, Schaffhausen)

Motion carried.

Member McGehee explained she could make a motion to deny the Conditional Use, but she did not know on what basis because staff seems to think that all the boxes have been checked and she did not think it has anything to do with the health, safety, and welfare of either the lake or the residents or the people using the lake or the ability of the people on the lake and property owners to use the property. She indicated as she read this application she was surprised to move it forward. It is a problem and she thought it was evident. She did not think that staffs' findings are accurate when they determined, that there is no implication here for health, safety, and welfare. She wondered if the Commission could put a limit on how many boats and how long the docks can be.

Member Bjorum thought the issue was that the dock is considered to be on the public land because it is in the water so the City does not have the control to dictate the dock or number of docks or long the docks can be. That is all to a different regulatory body and the City does not have control over that.

Member McGehee asked if the Commission had any control and can the Commission deny a Conditional Use permit.

Mr. Lloyd explained yes a Conditional Use can be denied if there is a public health, safety, welfare issue. He noted there is ten different criteria and four extra requirements that are discussed in the staff report providing for the framework of the review. The question of the shared access is not strictly speaking the dock and how many people might share it, the question would be, is there a public health, safety, welfare argument to be made against the residential use of the lakeshore land that is proposed to be shared. If it were a single homeowner with that land there would be zoning requirements pertaining what could be built on the land and where and how close to the shoreline, etc. Those same requirements apply to this if it is shared among them. The City absolutely has a role in regulating how that land is used but not how the public water adjacent to the land is used.

Member McGehee asked if the City could regulate that there would be no boathouse and also that nothing could be stored on that land during the winter.

Mr. Lloyd agreed, not because he thought it is an untenable position or something, but the qualification is the Commission can make those requirements or those conditions of approval, particularly if the Commission is making some findings about the health, safety and welfare/other provisions that relate to it.

Member Kruzal explained if the Commission is doing its role, it would be to make a motion to accept this, if that is what is decided, and it goes to the City Council do not the homeowners and association and the DNR have some type of entity where they can work together to make these enforcement or changes.

Member Pribyl indicated the Conditional Use is really just a shared access for the three homes on the west side of Victoria. What seemed to have been most of the concern and discussion was that the five other homes have their own access. This is already shared by three households. She was not sure that, for her personally, denying this is going to help the other issue.

MOTION

Member Pribyl moved, seconded by Member Bjorum, to recommend to the City Council approval of the proposed controlled access as a Conditional Use, based on the content of this RCA, public input, and Planning Commission deliberation. (PF17-020).

Ayes: 5

Nays: 2 (McGehee, Schaffhausen)

Motion carried.

8. Other Business

a. Review and Provide Feedback on Zoning Code Update

Community Development Director Gundlach introduced Ms. Rita Trapp and Mr. Jeff Miller from HKGI who presented the Zoning Code update materials. She first presented the Roseville Sustainability and Resilience section and asked for feedback.

Member Pribyl thought it was a good idea to incentivize development to be more sustainable and thought there were things that the City could incorporate into the Zoning Code to encourage sustainability and push it in ways that are not currently addressed in the Zoning Code without putting requirements on some of the things that are more costly but incentivizing them would be fantastic.

Ms. Trapp asked if there were specific areas Member Pribyl was thinking about.

Member Pribyl explained she was thinking of things where there are costs involved. For example reducing the surface parking by putting parking underground. It is much more expensive putting parking underground, but it obviously has environmental benefits so if there are incentives that can encourage that without requiring it then she thought it would be a good move to reduce impervious surface and provide more space for trees and greenspace that everyone likes.

Chair Kimble asked if there might be some tradeoffs as well to get some relief elsewhere in the project.

Member Pribyl agreed.

Member McGehee thought of the TIF and the SAC Credits and various things that the City does offer, at least historically, where the City has not asked for much in return for granting these benefits. She also was very interested in some of the suggestions that were in the small pinups, such as rent to own on apartments that are being built as

affordable condos. Most of the City's existing condos started as apartments and were converted later. She did not know if the City could do that, but it would be an equity path that the City could consider. She was not sure how it could be done. She noted that Edina's efforts of setting up their own land trust so that some of Edina's houses would be purchased by the City and put into a land trust. Roseville in the past had a program where the City bought smaller homes and sold the lots to have something more expensive be built on the lot. She suggested that maybe possibly buying some of the homes that the City would have an opportunity to buy but keep them in the land trust so that the City could manage to keep them permanently affordable but yet pass on some equity to people who live there for a period of time and then were able to move on.

Member McGehee indicated another thing in speaking of the trees and the diversity of upgrading the parking lots policy to meet the standards the communities like St. Louis Park has, which has a lot greener and pathway areas in the parking lots so that they are more permeable and more hospitable to pedestrians.

Member Leutgeb asked Ms. Trapp how the consultants are reaching out with outreach efforts to specifically target and engage bipoc communities and socio-economic diverse communities in the engagement process.

Ms. Trapp explained her company had prepared a few months ago a community engagement plan where they identified different groups that they could outreach to and this effort was really targeted at stakeholders or groups or individuals that would directly connect to the diversity, equity, sustainability, and resilience areas.

Mr. Miller continued on with the presentation on Residential Districts, and Non-Residential Districts, including aligning residential districts with LU categories and housing types and uses.

The Commission discussed with the consultants aligning residential districts with LU categories.

Member McGehee asked regarding impervious surfaces and having a little greener around, what is the disadvantage of changing the medium to high from eighty-five to seventy-five being the highest that the City has for improved area.

Chair Kimble thought that was the point of the CUP. The Conditional Use allows you to get up to the eighty-five, otherwise there is no CUP.

Mr. Miller indicated that was correct.

Chair Kimble asked if there is going to be some unique instance with existing properties and new properties where the changes create some kind of a conflict or unusual situation.

Mr. Miller indicated this will be looked at before a final recommendation is made to try to minimize any non-conformities that are created.

Mr. Miller continued his presentation regarding the non-residential and mixed-use districts including development intensity/improvement area.

Member Pribyl asked what the next steps will be for this item.

Ms. Trapp reviewed the remaining steps that need to be taken at upcoming meetings.

Ms. Gundlach indicated staff plans on scheduling an extra meeting in May and June. She suggested May 12th and June 9th to meet in order to discuss this item further. She explained the Commission needs more opportunities to talk about this item.

Chair Kimble thanked Ms. Trapp and Mr. Miller for the presentation.

9. Adjourn

MOTION

Member Kruzel, seconded by Member Leutgeb, to adjourn the meeting at 10:18 p.m.

Ayes: 7

Nays: 0

Motion carried.