

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: **08/24/15**

ITEM NO: 14.d

Department Approval:



City Manager Approval:



Item Description: Determination of Fence Screening and Landscaping Requirements for
Vogel Sheetmetal IU, 2830 Fairview Avenue

CRONOLOGY OF ACTIONS AND SUBMITTALS

On June 4, 2014, the Roseville Planning Commission held the public hearing regarding a request by Vogel Sheetmetal to occupy the former Aramark building at 2830 Fairview Avenue for their business headquarters (Attachment A).

One of the issues raised at the public hearing by the neighborhood was a desire for a fence and landscaping.

The Planning Commission voted 6-0 to recommend approval of the IU with the following condition:

The applicant shall install opaque fencing of 6-8 feet in height and/or coniferous plantings or landscaping along the northern edge of the property.

On June 23, 2014, the Roseville City Council considered the IU request by Vogel Sheetmetal (Attachment B). The Council heard additional testimony and revised the conditions as follows:

- *The applicant shall install opaque fencing of 6 to 8 feet in height, coniferous plantings, and landscaping along the northern edge of the property*
- *Doors shall be closed during periods of operation*

Council Member Willmus clarified that staff would work with neighbors and the business owner to work out details, such as type of trees, landscaping, and fencing to be installed.

SCREENING/LANDSCAPE PROJECT UPDATE

Early in May, the Vogels asked Planning staff to review some concerns about the site and to discuss screening and fencing options and what type of plan was necessary for review. They were particularly concerned that the installation of the fence at/near north property line could damage landscaping in the neighbors yards. A week later, Planning Staff received the proposed fence and landscape plan (option 1- Attachment C), which included a short opaque fence section at the front parking lot for headlight screening purposes, 2 coniferous trees, 1 canopy tree, and 2 perennial planting beds. The proposal further included an opaque fence 8 feet in height that would reuse of the existing fence posts of the fence nearest the rear parking lot. The wide side yard green space between the fence and the north property line was proposed for 8 coniferous trees. This proposal did not satisfy the original motion text word for word, but staff did present it to the neighborhood for review because it had what appeared to be two interesting traits - it

provided better screening of the rear parking lot, particularly from the second floor decks or the adjacent duplexes, and it left the existing vegetation along the northern property line along and the large green area between the neighbors and Vogel on the neighborhood side of the fence, which could provide more of a "pocket park" feel which might be viewed positively.

The following week, the Planning staff met with several residents to review and discuss the proposal. Staff did mention a concern regarding replacement of the existing fence and the fact that a number of trees and/or large branches would need to be removed in order to properly install the 8 foot tall fence, which would eliminate existing screening currently enjoyed by the neighborhood. Staff also discussed goals screening and buffering are attempting to address and provided their perspective regarding the proposal and achieving these goals. Upon further consideration, the neighborhood rejected that the proposal by the Vogels and indicated that the concerns included that it would not screen the other neighbors who evidently walk their dogs onto the Vogel property as well as concerns about the large grass buffer would mean commercial mowing equipment would be used to cut it without being screened with a fence.

The Vogel proposal (option 1) was determined not to be acceptable by the Community Development Director as it did not meet the letter of the condition and the neighborhood did not like the alternative concept.

Later in June, the Vogels investigated what it would take to rebuild a fence using the existing fence posts near the north property line and had numerous conversations with Xcel Energy regarding an easement to access the property for maintain their power lines. There was also a discussion with Xcel regarding trimming of the trees in advance of any fence installation. It was also discovered that CenturyLink has a buried line near the existing fence.

On July 23, Xcel's tree contractor began trimming the upper portions of the trees that potentially can affect power transmission.

On August 11, Vogels submitted their new proposal (option 2 – Attachment D), which stays out of the easements which they indicate is what they have been told the utilities want. The proposal calls for the fence to be placed roughly 20 feet from the north property line and would be a wood opaque fence 6 feet in height to approximately the property line of 1800 Centennial and 8 feet tall the remainder. The fence is proposed to end generally at the rear parking lot, approximately 70 feet from the east property line. The proposal also includes 15 evergreen trees within the grass area that lies between the building and parking lots and the northern property line. Staff had not reviewed this concept prior to its submittal.

On August 12, option 2 was rejected by the neighborhood and an alternative plan submitted (Attachment E). It is the neighborhood's belief the Vogels can install the fence on the property line without severing underground cable or violating Xcel's overhead easement. Staff has asked both the Vogels and the neighborhood's attorney to produce some sort of definitive response (letter, email, phone call to staff) from the utility companies to validate each side's position as to whether or not the utility would accept the fence in the easement, which is a private land rights issue, not a municipal issue. So far, neither side has been able to produce this definitive evidence.

The plan submitted by the neighborhood includes a full fence replacement with a new opaque wood fence 6 feet in height from front property line to the lot line of 1800 Centennial. The remaining fence is 8 feet in height and ends tying-in with existing wood fence along the eastern property line. The neighborhood plan also includes 16 coniferous and 5 canopy trees.

74 **STAFF COMMENT**

75 This IU request would not normally have triggered any screening fence requirement since
76 limited production and processing is not supposed to generate negative impacts in excess of what
77 would be expected from an office building.

78 From the beginning, there has been an expectation that the neighbors to the north and Vogel's
79 could work together on establishing a screening and landscape plan. However, that has not
80 worked out and now staff is being put into a mediation role regarding interpretation of City
81 Council intent. Staff has now reached a point where we need guidance to break an impasse
82 between the two parties.

83 Staff would like clarification from the City Council regarding the exact placement of the fence
84 and the specific tree number and type of trees (coniferous, canopy, or both) to be placed in and
85 around the northern side yard.

86 **SUGGESTED CITY COUNCIL ACTION**

87 Provide clarity regarding the IU condition of June 23, 2014 and direct staff to work with Vogels
88 on provision of a plan the meets this confirmed requirement.

Prepared by: City Planner Thomas Paschke 651-792-7074 | thomas.paschke@cityofroseville.com

Attachments	A:	PC Minutes 060423	B:	CC Minutes 062314
	C:	Option 1	D:	Option 2
	D	Neighborhood option		

**EXTRACT OF THE JUNE 4, 2014 ROSEVILLE
PLANNING COMMISSION MEETING MINUTES**

b. PLANNING FILE 14-012

Request by Vogel Sheetmetal, Inc. for approval of limited production and processing of sheet metal as an INTERIM USE at 2830 Fairview Avenue

Chair Gisselquist opened the Public Hearing for Planning File 14-009 at 8:03 p.m.

Senior Planner Bryan Lloyd reviewed the request of the applicant to allow for light fabrication of ductwork and sheet metal accessories as an INTERIM USE at 2830 Fairview Avenue, as detailed in the staff report dated June 4, 2014. As noted in Section 4.2 of the staff report, Mr. Lloyd advised that recent efforts to facilitate reinvestment and redevelopment for properties in the Twin Lakes Redevelopment Area include a proposal for re-designation of this property, and others in the neighborhood, from High Density Residential (HDR-1) to Community Mixed Use (CMU), with the proposed use then becoming permitted, and the temporary Interim Use permit no longer needed.

Mr. Lloyd advised that the relocation of this business to Roseville was due to them outgrowing their current Stillwater, MN location. Mr. Lloyd advised that there was no indication that there would be significant noise impacts for residential neighbors on the north and therefore no significant impact to public health, safety or welfare, as detailed in Section 5.4.c of the staff report. Mr. Lloyd noted that noise of previous uses (e.g. Aramark) and truck traffic would have been significantly higher than this proposed use on the adjacent residential neighborhood.

On an essentially unrelated note, Mr. Lloyd noted that the right-of-way on part of Terrace Drive was beyond the street itself on the western portion; and suggested that the Public Works Department was interested in working with the property owner on a pathway easement or acquisition of right-of-way to facilitate extending the pathway. However, Mr. Lloyd reiterated that this was not a condition of approval for the Interim Use.

Mr. Lloyd advised that, after staff's analysis of the request, they recommended approval of the request for a five-year Interim Use, unless it was discontinued by the applicant and/or the permitted use changes as noted by re-designation of the zoning district.

At the request of Member Cunningham, Mr. Lloyd advised that there was a pending Purchase Agreement for the property at this time by Vogel Sheetmetal.

As he drove by the subject property, Chair Gisselquist questioned how long the property had been vacant; and asked if truck traffic or employee/customer parking would be housed in the Terrace Drive and/or Fairview Drive. Mr. Lloyd responded that there was a small parking lot off Fairview Avenue, with loading doors and employee parking off Terrace Drive. At the request of Chair Gisselquist, Mr. Lloyd confirmed that there was an existing chain link fence on the north and east of the property in some places that would serve as a limited buffer to residential properties on the north.

At the request of Member Murphy, Mr. Lloyd confirmed that re-use of the property, since it had stood vacant for over one year and grandfathered status elapsed, screening requirements would be triggered in accordance with today's code, and their type yet to be determined (e.g. privacy fence, screening wall, or coniferous plantings). At the request of Member Murphy,

Mr. Lloyd clarified that they were part of code requirements, and therefore not needed as a condition of approval.

Subsequent to preparation of the staff report, Mr. Lloyd advised that he received a phone call from a neighboring property owner earlier today, seeking staff's rationale in not including that screening as a condition of approval. Mr. Lloyd noted that the caller as in tonight's audience, and may wish to speak to the issue during public comment.

At the request of Member Murphy, Mr. Lloyd addressed the mechanics or process if and when the zoning changed from HDR-1 to CMU and status of the Interim Use (IU) Permit, as detailed in Section 7.0 of the staff report.

At the request of Member Daire, Mr. Lloyd confirmed that the IU would then become a legal conforming use; and the applicant did not need to secure verification that it was then an accepted use, as it would fit the definition in City Code already for limited production and processing.

Related to noise, Member Stellmach asked if there would be any increased noise due to more traffic coming into the property versus other uses on the site.

In the long term, Mr. Lloyd opined that the traffic intensity from this proposed use would still be of significantly less intensity than its former and traditional use. However, since the property had been vacant for 1.5 years, Mr. Lloyd anticipated that neighbors may expect to hear some increased noise than during that interim period, but of lower volume or intensity than with the past use.

At the request of Member Stellmach, Mr. Lloyd advised that there was no expectation that fabrication noises in forming ducts would escape the building to any great degree, but property performance standards of City Code would establish requirements for those external noises. Even if they were to be audible outside the building, Mr. Lloyd opined that they would not reach a nuisance level based on the intended use of the building.

Mr. Paschke clarified that there would be no mechanical equipment used to make the component, but that it was done with brute labor for custom duct work, which the applicant could speak to later tonight. From the City's perspective, Mr. Paschke stated that this use was a better use and more compatible to the adjacent area than the former business (Aramark) with hundreds of trucks on the site in previous years on a daily basis, and that traffic should subsequently be much less as well.

Applicant Bonnie Vogel, Owner and CEO, Vogel Sheetmetal, Inc., 10684 Lansing Avenue N, Stillwater, MN 55082

Specific to traffic, Ms. Vogel advised that the main focus would be from the contractor, as fabrication is supplemental and an asset to the company to service accounts. Ms. Vogel advised that they could make some limited ductwork, but not major components. Regarding vehicles on site, Ms. Vogel advised that their field staff typically took the vehicles home and drove directly to respective job sites; and the only trucks they have is a pick-up and a one-ton pickup with bed and gate. Ms. Vogel advised that they had one truck/trailer that was on the job sites 90% of the time unless reloading on their lot; but assured that traffic would be at a minimum. Ms. Vogel advised that their office employees were currently at seven, but they hoped to double that number in the future with their proposed expansion.

At the request of Member Boguszewski, Ms. Vogel clarified that their operation was not noise generating, and mostly consisted of one shop person at this time doing custom cabinet handwork of ductwork and placing them on pulleys; with a sheer and press brake and laser cutting table part of their equipment and machinery, but no giant stampers.

At the request of Member Stellmach, Ms. Vogel advised that their proposed expansion was focused around becoming a full mechanical provided, as they were not limited to sheet metal and HVAC, while most general contractors in the commercial realm were looking for a mechanical contractor, which was currently a disadvantage to their operation. Ms. Vogel advised that they just had a new hire to oversee their hiring division to facilitate construction and contracting to use their proposed location for staging and to attract more employees from a broader range and larger mechanical companies.

At the request of Member Daire, Ms. Vogel advised that they anticipated no outdoor storage, as the typical equipment they worked on would be like a ten ton roof top equipment to units about ¼ the size of this room, with the majority of those items going out to the field. While increasing the size of the facility, Ms. Vogel did not find any issues in being able to store inside whatever was necessary with the only outdoor involvement when loading a semi-trailer between jobs. At the request of Member Daire, Ms. Vogel confirmed that the operation was mostly a pass through supplier for HVAC units, not as a full mechanical contractor; and delivered to the job site and only requiring a short stop at this site. For the most part, Ms. Vogel advised that the only storage at their site would be in the case of equipment staging delays for larger projects, or a scheduling issue on the job site, and would typically only consist of end caps, grills and/or registers, with someone else typically fabricating the larger ductwork that would be delivered directly to a job site.

Member Daire advised that he had an image in his mind of a large helicopter picking up a rooftop unit to transport it off-site.

Ms. Vogel advised that their firm had done helicopter lifts, including a recent one for Costco, but advised that they were not done from their site and those sized units usually go to crane yards for storage.

Member Daire advised that he had not attended the open house held by the applicant, and asked Ms. Vogel to summarize any unaddressed concerns if any remained.

Ms. Vogel advised that noise and traffic concerns were addressed; and the only other issue seemed to be about odors which were attributed to other neighboring businesses and floating across the neighborhood, but would not be an issue for their operation. Ms. Vogel advised that the other questions raised by the public were similar to those of the Commission tonight: whether the scope of the business would significantly change due to improved economics. Ms. Vogel advised that their intent was to take advantage of this opportunity to expand their fabrication operation; and they would remain bound to the City's zoning laws and restrictions, and intended that their business model would remain respectful of those and abide by them.

Public Comment

Lisa McCormick

Ms. McCormick advised that she had spoken with Mr. Lloyd earlier today; and having lived in the neighborhood for twenty years, and a Roseville resident for almost thirty years, in general she was supportive of granting this application. However, Ms. McCormick advised that she had some concerns about the general welfare portion and some issues in line with tonight's discussion.

While not knowing much about the sheetmetal field, Ms. McCormick advised that she had done some research, and noise and chemical use were the issues of most concern to her from that research. In researching existing fabrication shops, Ms. McCormick advised that she had found only one located adjacent to a residential neighborhood, and that was in Minneapolis, in a not so desirable neighborhood. Ms. McCormick advised that others were consistently located in industrial parks. While being satisfied with the limited use, Ms. McCormick advised that she would not support full sheetmetal fabrication, which was significant and lent credibility to concerns on noise and other issues.

Ms. McCormick advised that she had attended the open house and the comments of Ms. Vogel, and applauded her efforts and accomplishments to-date; and their planned expansion based on their exceptional growth, and including a succession plan. Ms. McCormick advised that she saw this use as a long-term one and relationship in the City; and sought to ensure that any potential problems be addressed now rather than after they develop later. Ms. McCormick noted that the business was moving from a 3,000 square foot suite to a 38,000 square foot building, which was a significant increase, with expectations that their business would continue to grow, based on the size of their financial investment and long-term succession plan in place.

Ms. McCormick advised that her concern coincided with other issues on tonight's agenda, including the proposed CMU designation, and the potential that this use will become a conforming use. While more than willing to welcome this company into the neighborhood, Ms. McCormick opined that conditions should be required and controls in place now rather than later. Ms. McCormick recognized that this type of building and proposed use made sense, but advised that her only concern was that the Interim Use has conditions in place. While understanding from her discussion with Mr. Lloyd was that such conditions were not generally made with this type of permit, in her review of City Code and those discussions, Ms. McCormick opined that screening requirements of City Code would be triggered by licensing procedures in place, and if no major improvements were planned at this time and the business intended to move into the building as is, those conditions may not be required.

Regarding landscaping in Section 1011.02.C., Ms. McCormick addressed noise restrictions and environmental conditions, which apparently did not apply to off-street parking and loading. Ms. McCormick noted the two loading docks located in the rear of the building, and based on her measurements, the space between the current chain link fence and rear residential property, also having a chain link fence, was 55' from the edge of the parking lot to the rear yards, with no trees in the entire strip at this time. Ms. McCormick opined that there was no significant space intended as a noise buffer, and as evidenced with the Advanced Circuits operation in the building to the east, noise had become a significant issue. While recognizing that Aramark traffic generation had been significant in the past, along

with Advanced Circuit operations, Ms. McCormick noted that the elevations became higher the further north, and then elevation dropped at Oasis Park and the Twin Homes properties immediately to the north, and beyond that single-family homes. Given neighborhood involvement across Oasis Park, Ms. McCormick noted that noise studies had been done in the past, prompting a wooden fence to the north of the adjoining property on the east.

Ms. McCormick asked that the Planning Commission consider conditioning this approval on installation of a barrier fence in place, along with landscaping, as per Section 1011.03.A., 3.d., and requested that a landscaping plan be provided and in Section e. addressing the exception if the land remained undisturbed and in its natural state, it could then be waived. However, Ms. McCormick opined that there was enough ambiguity perceived by her and the neighbors that noise is a major concern, and once this is passed, the opportunity for public input became non-existent; and if they're not required to provide a landscape plan or provide screening at this time, there was no triggering factor or process in place to require them to do so at that time, and the neighbors would have no opportunity to be heard on this issue at that time.

Ms. McCormick requested that a landscaping plan be submitted for approval and activity limited to current production, and if there was a future expansion, it not exceed the current noise level, with no large scale sheetmetal fabrication done due to that noise factor. Ms. McCormick reiterated that this is the only opportunity to make this request; and further requested that the loading dock doors remain closed during operations.

At the request of Member Cunningham as to paid for the construction of the fence behind and bordering Oasis Park and the 1633 building, triggered by noise complaints, Ms. McCormick opined that it was a joint cost-share of the City and company.

From the City's perspective, Member Cunningham asked staff if the proposal moved forward without any restriction, and subsequent complaints were heard from neighbors, if the City could work with the property owner to install a similar wall.

Mr. Paschke clarified that this was not a similar situation with the other and past issue. However, Mr. Paschke advised that the Planning Division looked at the issue two-fold. Mr. Paschke noted that existing guidance and zoning deemed this site non-conforming; and in essence the use as production/processing and light industrial use ceased to exist after vacant for over a year, thus requiring the need for an Interim Use for the proposed use; and looking at that use in a building triggered certain but not all requirements. With the use, Mr. Paschke advised that staff's desire is to mitigate certain impacts, which would require screening on the site: a wood fence of mixture of fencing and/or landscaping; however, staff would not require landscaping to be part of the use of the site. Mr. Paschke advised that City Code reads that a landscaping plan would be required if soil was turned to develop the site, and City Code could not trigger that requirement unless there was a 50% or more increase in that development. While Mr. Paschke opined that it would be great to get the lot spruced up, he was not sure the City had the ability to require it as part of the IU. From a screening perspective, Mr. Paschke advised that staff believed that this type of use did require mitigation under current code, and to get ahead of what may potentially come in the future.

Mr. Lloyd clarified that the landscaping plan or site beautification, as referenced by Mr. Paschke, was not a requirement of that aesthetic plan, but plantings as part of a buffer or screening requirement was totally different.

Mr. Paschke concurred, or noted that it could be a combination in some instances.

At the request of Member Cunningham, Mr. Paschke advised that the buffering or screening discussion would happen immediately, as indicated by Mr. Lloyd.

Member Boguszewski clarified that it would be part of the approval process, but not called out specifically as a condition of the IU approval.

Mr. Paschke responded that it was not necessary as a condition, but clarified that it was the discretion of the Commission to call out conditions specifically, but whether or not they remained a condition of final approval by the City Council would be up to them at the recommendation of the City Attorney. Mr. Paschke stated that it was staff's belief that City Code spoke for itself, and that staff had the ability to require it simply under the proposed use moving it under that circumstance and the unique situation. Mr. Paschke opined that staff believed that the component of the code was triggered accordingly.

If the IU was denied and the property eventually was re-designated as CMU, and at that time the same use was proposed, Member Murphy asked if there would be conditions placed on the conforming use under a CMU.

Mr. Paschke clarified that it would not be a condition, but once the building improvement permits were sought, under City Code, staff would require screening along the north property line.

Member Murphy clarified that was the intent of his previous question to Mr. Lloyd, and if the CMU definition was altered and subsequently implemented, would conditions be similar to those under the IU being considered to get the business operating while the CMU process settles out. Member Murphy opined that he was hearing that conditions were being considered for IU, but not required for CMU if the code changes.

Mr. Paschke clarified that the issue was underlying the entire discussion, and if this was not such a unique site, there would be no discussion on screening, or if vacated less than a year ago, as the applicant could have moved in with their similar use with no screening discussion required, with today's code regulating that property with no ability to address noise, traffic and/or loading docks, but simply as a permitted use and no recourse at that point in time. Because of the new use after the legal, nonconformity expired, and attempting to address and mitigate concerns of the neighbors, Mr. Paschke noted that the City now has the ability to address some of those issues. In referencing the building to the east in the early 2000's when improvements were made, Mr. Paschke recalled similar discussions, but the ability for cities to require meeting current code for pre-existing properties was very limited. In this case, with respect to screening, Mr. Paschke opined that the City had the ability to require it, otherwise they were not able to do so unless noise studies and/or complained allowed that to be addressed under the City's nuisance ordinance; or to make a request of the business properties to improve the situation, but without any ability to require them to do so, as they predated new codes and uses. Mr. Paschke noted that there would always be properties not compliance with current code.

Chair Gisselquist closed Public Hearing at 8:47 p.m.; no one else spoke for or against.

Member Boguszewski expressed confidence that Mr. Paschke's interpretation of and assurance that City Code was sufficient, but opined that he saw no harm in adding an additional condition to require the applicant to install structures or landscaping to provide a visual screening and sound attenuation measure for residential properties on Centennial Drive.

MOTION

Member Boguszewski moved, seconded by Member Gisselquist to recommend to the City Council APPROVAL of an INTERIM USE at 2830 Fairview Avenue, allowing limited production and processing of sheet metal ductwork and accessories; based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of the staff report dated June 4, 2014; amended as follows:

Additional Condition:

- ***“The applicant shall install structures or landscaping that provides visual screening and sound attenuation for the residential properties on Centennial Drive.”***

Member Daire asked Member Boguszewski to define “sound attenuation.”

Member Murphy also asked how the applicant would know when they met that condition without some measure in place, or if the neighbor installed a fence, how would the Planning Commission or staff know if or how the condition was met.

At the request of Member Boguszewski, Mr. Paschke reviewed the minimum standards for fence height per City Code, and screening for purpose of mitigating sound, opining that it became difficult for code compliance considerations even with a fence, and landscaping of coniferous plantings that may be staggered initially. While having standards in place. Mr. Paschke suggested it may be best to have the condition state “ a mixture of opaque fencing or mixture of coniferous landscaping” to get to the heart of the issue, noise mitigation, since a wall may not be cost effective or effective to mitigate that noise. Mr. Paschke advised that there may be noise, no matter what was required, but a fence of 6' to 8' was the best situation, and would mitigate noise somewhat and coniferous trees would do so in the winter time, but recognized that it may take several years for them to grow to substantial height. Mr. Paschke advised that City Code also talked about opaqueness, with a solid board on board fence as an example, which would address noise and/or screening purposes.

Member Boguszewski offered revised language to his additional condition in the original motion as follows:

- ***“The applicant shall install opaque fencing of 6' – 8' in height and/or Coniferous plantings or landscaping along the northern edge of the properties.”***

Mr. Paschke opined that the biggest screening and noise issue was in the back parking lot, which was not generating noise but had little landscaping; and suggested that the proposed Coniferous landscaping on the north of the parking lot would address any headlight issues, and if worded accordingly would provide staff the flexibility to address where those plantings were located for the most effect, and not end up screening the building only.

As a point of clarification, Member Daire asked Member Boguszewski his intent as to whether screening is necessary or only responding to a concern that the cost of such will be passed on to Vogel Sheetmetal.

Member Boguszewski opined that it was better with the additional condition, and whether it was a necessity or not, he couldn't determine, but he believed that this type of language – landscaping and fencing – would add something to what was now existing, and provide direction to seek improvements to create a barrier. Member Boguszewski expressed his preference that the whole swath between homes and the band to the south would become HDR as a step up zone between single-family and industrial, but noted that it hasn't happened yet; and now with consideration being given to changing the zoning to allow zero buffers from that zone to the residential zone, at the very least consideration should be given to this type of protective condition as a veneer rather than only a patch.

Member Daire, with his background in transportation planning, and work with MnDOT on attenuation walls, advised that part of that working knowledge from MnDOT was that while trees – particularly coniferous trees – provide a visual screen, they did nothing for sound. Member Daire noted that this was found to be similar with a 6' – 8' board fence, and that both had minimal impact on sound attenuation. In order to have that attenuation, Member Daire advised that a mass of wall similar to that found on freeway sound barrier fences was needed, and included two timber surfaces infilled with dirt to attenuate sound. Member Daire advised that this knowledge caused him to pursue this train of thought; and while the barrier may look better, it did nothing to reduce sound.

Member Boguszewski recognized Member Daire's opinion and expertise.

Mr. Lloyd reiterated that Zoning Code would require this type of screening anyway; but opined that there would be no harm in making it a condition of approval, and while not inventing a solution, it would simply make that code requirement more explicit.

Member Boguszewski advised that everything mentioned by Member Daire he believed to be true, but recognized that it was not realistic to require a condition that would meet the specifications mentioned. However, Member Boguszewski opined that he still felt right about imposing such a condition, and at risk, it would be merely cosmetic, but he still wanted to keep it as an additional condition to the original motion. Member Boguszewski suggested that, if the Commission preferred to approve the motion without that additional condition, they should vote against the current motion and someone else could move to approve a motion as originally proposed by staff.

Member Murphy proposed a different route to get to the same goal.

MOTION

Member Murphy moved, seconded by Member Daire to recommend to the City Council APPROVAL of an INTERIM USE at 2830 Fairview Avenue, allowing limited production and processing of sheet metal ductwork and accessories; based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of the staff report dated June 4, 2014.

Member Cunningham opined that there was something to be said for the neighborhood abutting this area; and when the zoning was changed to HDR, opined that it was more fitting with this neighborhood in providing a buffer. Member Cunningham opined that adding the wall as a condition was good.

Ayes: 2 (Daire and Murphy)

Nays: 4 (Gisselquist, Stellmach, Cunningham, Boguszewski)

Motion failed.

MOTION

Member Boguszewski moved, seconded by Member Gisselquist to recommend to the City Council APPROVAL of an INTERIM USE at 2830 Fairview Avenue, allowing limited production and processing of sheet metal ductwork and accessories; based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of the staff report dated June 4, 2014; amended as follows:

Additional Condition:

- ***“The applicant shall install opaque fencing of 6’ – 8’ in height and/or Coniferous plantings or landscaping along the northern edge of the properties.”***

Ayes: 6

Nays: 0

Motion carried.

EXTRACT FROM THE JUNE 23, 2014 CITY COUNCIL MEETING MINUTES

i. Request by Vogel Sheetmetal, Inc. for Approval of Limited Production and Processing of Sheetmetal as an Interim Use at 2830 Fairview Avenue

At the request of Mayor Roe, City Manager Patrick Trudgeon briefly reviewed this item, as detailed in the Request for Council Action dated June 23, 2014. Mr. Trudgeon noted the additional condition by the Planning Commission based on public comment at the Public Hearing, for fencing and/or plantings to protect adjacent single-family homes adjacent to the site on the north. Councilmember McGehee advised that she had heard from some residents in the area of problems from previous stamping machine business, and their concerns with noise when doors are open during those operations. Since this use would involve a benching machine as part of their process, Councilmember McGehee suggested some accommodation be made to address any potential noise concerns.

Public Comment**Lisa McCormick**

Ms. McCormick submitted a written petition, *attached hereto and made a part hereof*, from the neighborhood, addressing their concerns regarding this Interim Use and potential future rezoning.

Ms. McCormick asked to clarify the points of the conditions approved and revised by the Planning Commission, where it had been made clear that the neighbor-hood's preference was for both fencing and trees, with staff having initially noted the potential for lights from vehicles in the back parking lot affecting the single-family residents to the north of the site. Ms. McCormick opined that a fence would also serve to address noise concerns; and with living on the eastern portion of the subject site, where there used to be a fence, she attested to the reduced impacts that would arise from having both a fence and trees in place. With the potential for rezoning in the near future, Ms. McCormick advised that residential neighbors felt strongly that there needed to be a barrier between residential and commercial properties, since there was only 50' between those uses and residential backyards against the site; and asked that language for the condition specifying "a fence 'and/or' coniferous plantings" be revised to "fencing 'AND' canopy trees." Ms. McCormick noted that the petition had twenty-four signatures, representing eighteen homes in the area; with their unanimous support of both trees and fence to be included.

Speaking to Councilmember McGehee's point about noise, Ms. McCormick advised that residents would also like doors closed during operations whenever possible to limit noise from the facility.

Councilmember McGehee sought clarification as to whether the residents were looking for summer and winter shielding, and for those plantings to be as tall as the fence when initially planted.

Ms. McCormick noted that City Code required 6', but the neighbors wanted to be reasonable, but were seeking canopy trees for year-round protection. In the context of rezoning, Ms. McCormick expressed concerns of neighbors that when re-zoned, the Interim Use would terminate, and under code the property owner had one year to comply with conditions, but if rezoning took place before then, she questioned if the applicant would still be required to comply. Ms. McCormick advised that the neighbors were simply requesting that if possible, this condition survive the Interim Use and potential rezoning at which time the Interim Use would terminate.

Steve Gjerdingen, 2553 Fisk Street

Mr. Gjerdingen opined that he was not too excited about an Interim Use versus a Conditional Use; based on this being part of the Twin Lakes Redevelopment Area, and intended for re-use as a more

vibrant area with better improvements for properties. With the Hagen site proposed for development as a multi-family apartment complex near this site, zoned as High Density Residential (HDR), Mr. Gjerdingen noted that this property was the only one on the east side of Terrace Drive with a gap in sidewalk. Mr. Gjerdingen asked that, as part of this approval, the City Council require that sidewalk segment to be installed at this time.

Applicant Bonnie Vogel, Owner/CEO, Vogel Sheetmetal, Inc., 10684 Lansing Avenue N, Stillwater, MN 55082

Ms. Vogel noted that the Planning Commission meeting discussion included fencing, and it was her understanding that the property would be rezoned Commercial/Mixed Use. Ms. Vogel assured the City Council and adjacent residential property owners that it was the firm's intent to beautify the property, and that they were willing to address neighborhood concerns by installing fencing and trees. However, Ms. Vogel asked for specific heights and parameters for them to meet, since this would be part of their budget and financing, and affect other plans for the property and business.

At the request of Councilmember Willmus, Ms. Vogel advised that they were willing to address neighborhood concerns and keep doors closed during operations to the extent feasible for their business. Ms. Vogel noted that this issue had been discussed during the Open House with neighbors.

Specific to the sidewalk segment along Terrace Drive, Ms. Vogel advised that this took her by surprise, as she was not clear as to whether this was a responsibility of the City or developer.

Mayor Roe clarified that installation and maintenance of sidewalks in commercial areas were typically the responsibility of the developer and/or property owner.

Ms. Vogel noted that there was a monitoring well in that sidewalk area that the City claims ownership to, but from their property survey, appeared to be on the private property rather than public right-of-way, creating the need to make a determination on the responsible party to remove that monitoring well.

Councilmember McGehee noted that a large portion of the segment without a sidewalk along Terrace Drive was taken up by the property's driveway, which should reduce sidewalk installation costs to some extent.

Ms. Vogel recognized that; however, she asked for more specifics and why that would be required as part of this Interim Use approval process.

Councilmember Willmus noted the sidewalk along the south side of Terrace Drive from Fairview to Lincoln Drive, which served this area.

Councilmember McGehee thanked Ms. Vogel for her complete notes, including questions and responses, provided as written record of their open house.

Mayor Roe thanked Ms. Vogel for providing their firm's perspective of the project.

Councilmember Willmus stated that he was in support of adding language to the recommended Condition A to reference "fencing, plantings, and landscaping" and an added condition that "doors be closed during periods of operation.

Willmus moved, Etten seconded, Resolution No. 11160 (Attachment F) entitled, "A Resolution Approving a Temporary Limited Production and Processing Facility as an Interim Use at 2830 Fairview Avenue (PF14-012);" ***amended as follows:***

- *Condition A, revise language as follows: “The applicant shall install opaque fencing of 6’ to 8in height, coniferous plantings [AND] landscaping along the northern edge of the property; and...”*

- *Add Condition C: “Doors shall be closed during periods of operation.”*

Senior Planner Bryan Lloyd noted a typographical error in the draft resolution (Attachment F), line 34, amending, the first line of Item “a” (page 2 of 4) to read as follows: “The proposed limited production and processing use would [NOT] be expected to have...”

At the request of Councilmember McGehee, Councilmember Willmus clarified with agreement by Mayor Roe that, as typically done during the process, staff would work with neighbors and the business owner to work out details, such as type of trees, landscaping, and fencing to be installed.

Regarding installation of a section of sidewalk along this property, Councilmember Willmus noted that this application was for an Interim Use of an existing facility; and with an existing sidewalk along the south side of Terrace Drive, an installation of sidewalk would be quite expensive for this owner in addition to other improvements they’ve already committed to for the property. Councilmember Willmus opined that the existing sidewalk served the neighborhood.

Regarding buffers between residential and commercial properties along this area, Mayor Roe noted the need for a broader discussion in the near future across the entire zoning district; at which time any discussion of additional sidewalk segments would be more appropriate.

Roll Call

Ayes: Laliberte; McGehee; Willmus; Etten; and Roe.

Nays: None.

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Surveyors + Engineers + Wetland Specialists

Client
Bonnie and David
Vogel
10684 Lansing Ave. N., Stillwater, MN 55082

Project
Boundary and Location
Survey

Location
Part of Sec. 4, T. 29,
R. 23, Ramsey Co.
Minnesota

Certification
I hereby certify that this survey, plan or report was prepared by
me or under my direct supervision and that I am a duly
licensed and qualified land surveyor under the laws of the State of Minnesota.
Kelly L. Jordan
Registration No. 42648 Date: 5/08/2014

Summary
Drawn: SLD
Book / Page:
Approved: K.L.J.
Phase:
Initial Issue: 05/08/2014
Revision History
No. Date By
Submitter/ Revision

Sheet Title
Certificate of
Survey

Sheet Number **Revision**

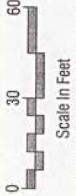
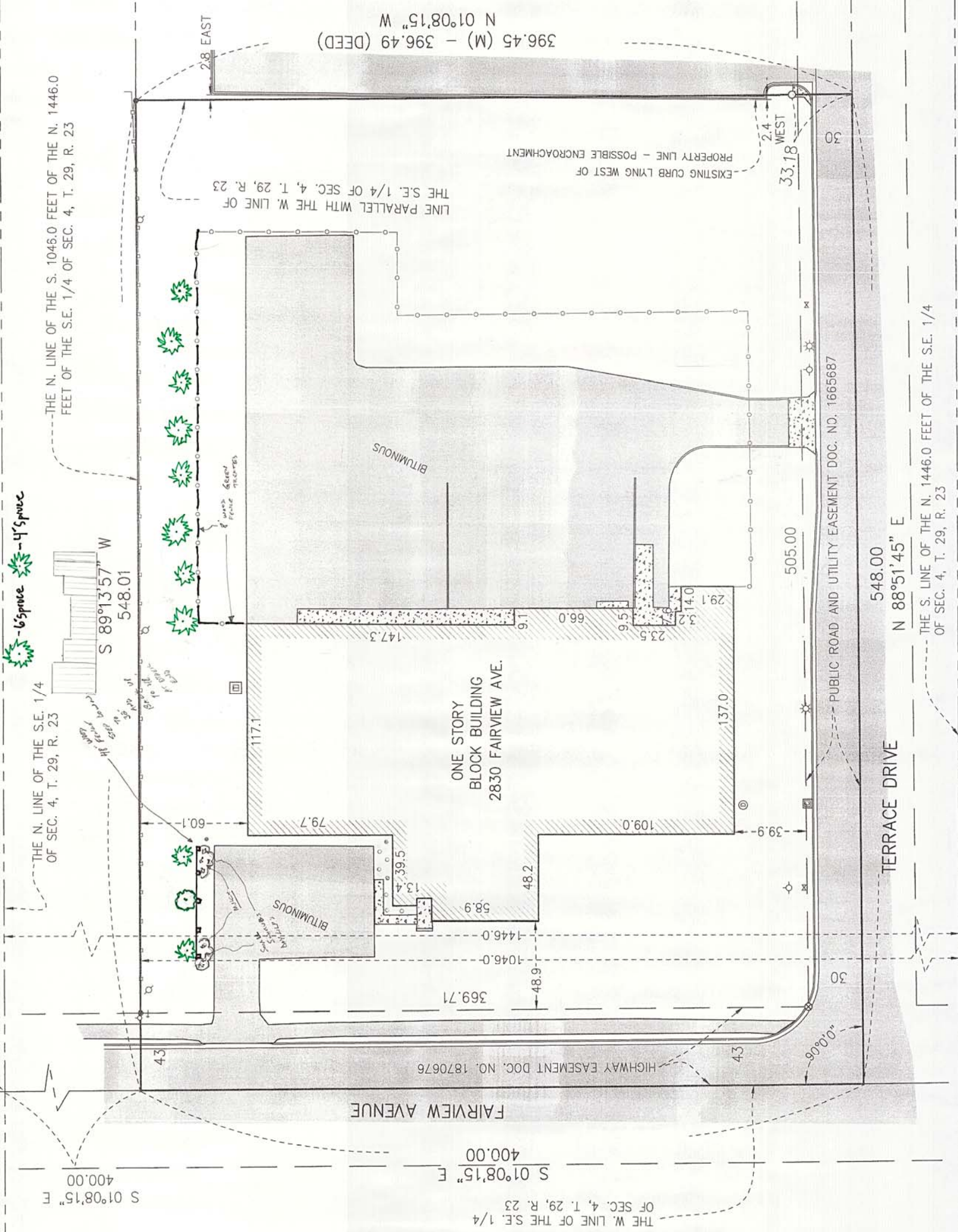
Project No. **14038**

DESCRIPTION
(Per Commitment by Stewart Title Guaranty Co. LT File No. 530870 by Client)
That part of the South 1046.0 feet of the North 1446.0 feet of the Southeast Quarter, Section 4,
Township 29, Range 23, Ramsey County, Minnesota described as follows:
Beginning at a point on the West line of said Southeast Quarter, distant 400.0 feet South of the
Northwest corner of the Southeast Quarter, the South 1046.0 feet of the said West line of the
Quarter, a distance of 400.0 feet, thence East along a line drawn parallel to the West line of the
Southeast Quarter, and also being the centerline of Terrace Drive, a distance of 548.0 feet,
thence North along a line drawn parallel to the West line of said Southeast Quarter, a distance of
396.49 feet, more or less, to an intersection with the North line of the said North line of the South
1046.0 feet of the said Southeast Quarter, thence West along the said North line of the South
1046.0 feet of the North 1446.0 feet of the said Southeast Quarter, a distance of 548.01 feet, more
or less, to the point of beginning, according to the United States Government Survey thereof.

- LEGEND**
- FOUND MONUMENT
 - SET IRON PIPE MONUMENT CAPPED 45648
 - ⊗ SET DRILL HOLE IN CONCRETE
 - ✱ LIGHT
 - ⊙ GUY ANCHOR
 - ⊕ UTILITY POLE
 - ⊙ WATERMAIN
 - ⊙ STORM SEWER
 - ⊙ ELECTRIC TRANSFORMER
 - ⊙ TELEPHONE PEDSTAL
 - ⊙ CHAIN LINK FENCE
 - ⊙ WOOD FENCE
 - ⊙ EASEMENT LINE
 - ⊙ CONCRETE CURB
 - ⊙ BUILDING LINE
 - ⊙ BITUMINOUS SURFACE
 - ⊙ CONCRETE SURFACE

SURVEY NOTES
1. The bearing system is based on the Ramsey County coordinate system,
NAD83 (1986 Adjust).

PROPERTY SUMMARY
1. Subject properties address is 2830 Fairview Avenue, Roseville, Minnesota, its
property identification number is 04-29-23-42-0000.
2. The gross area of the subject property is 5.01 Acres or 218,208 Square Feet.
Net area without right-of-way is 4.27 Acres or 185,882 Square Feet.



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Client
Bonnie and Davie
Vogel

10684 Lansing Ave. N., Stillwater, MN 55082

Project
Boundary and Location
Survey

Location
Part of Sec. 4, T. 29,
R. 23, Ramsey Co.
Minnesota

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LAND SURVEYOR under the laws of the State of Minnesota.

Kelly L. Jordan
Kelly L. Jordan
Registration No. 42648 Date: 8/04/2015

Summary

Designed: SLD
Approved: KLJ
Phase: Initial Issue: 05/08/2014

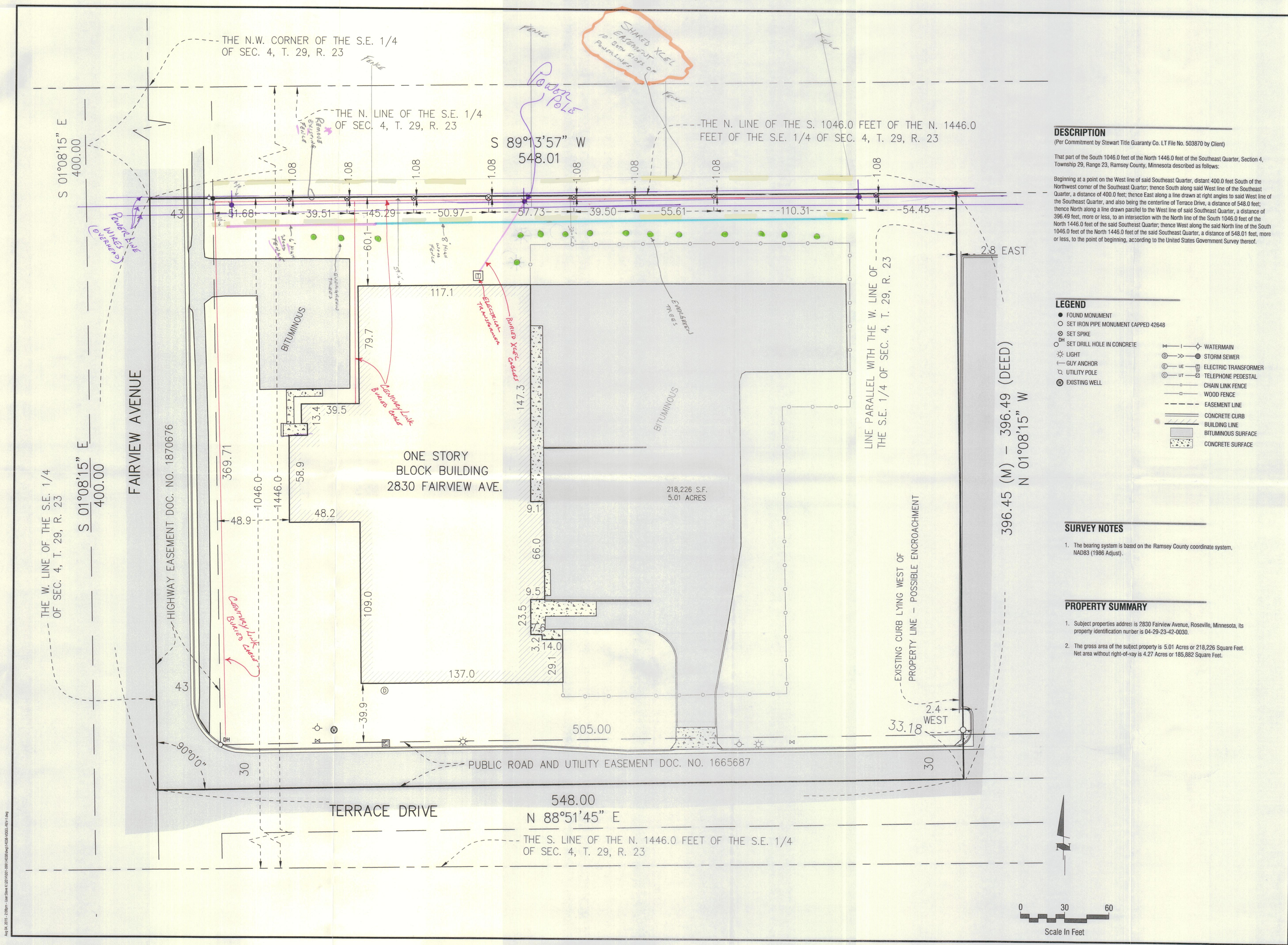
Revision History

No.	Date	By	Submittal / Revision
1	05/14/2014	KLJ	Existing Well Location
2	08/04/2015	SLD	P.O.L. spikes on N. line

Sheet Title
Certificate of Survey

Sheet Number Revision

Project No. 14038



NEIGHBORS' PROPOSAL FOR LANDSCAPING AT 2830 FAIRVIEW (VOGEL SHEETMETAL)



16 conifer/evergreen  (Bonnie had 15 on her plan so I've only added one)

Add 5 Over-story/canopy deciduous of ? type.  (Thomas had included an Autumn Blaze Maple in the front on previous plan.)

FENCING. The specs for the fence to the East are: 96" treated pine (or cedar per Vogel's preference): 1 x 6 x 8' s4s boards, mounted on four 2 x 8 x 8' s4s, one 2 x 4 x 8' s4s, and 6 x 6 rough sawn posts set in concrete footing. Fence to have a 2 x 8 s4s top cap. All rails to be fastened with a power driven ring shank 16d nail. All boards to be fastened with a power driven ring shank 6d nail.

EXTRACT OF MINUTES OF MEETING OF THE CITY COUNCIL OF THE CITY OF ROSEVILLE

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 23rd day of June 2014 at 6:00 p.m.

The following Members were present: Laliberte, McGehee, Willmus, Etten, Roe; and the following Members were absent: None.

Council Member Willmus introduced the following resolution and moved its adoption:

RESOLUTION NO. 11160 A RESOLUTION APPROVING A TEMPORARY LIMITED PRODUCTION AND PROCESSING FACILITY AS AN INTERIM USE AT 2830 FAIRVIEW AVENUE (PF14-012)

WHEREAS, Vogel Sheetmetal, Inc. has applied for approval of the proposed temporary sheetmetal fabrication facility as an INTERIM USE in conjunction with BDLM Vogel Properties, LLC, owner of the property at 2830 Fairview Avenue; and

WHEREAS, the property at 2830 Fairview Avenue is legally described as:

PIN: 04-29-23-42-0030

That part of the South 1046.0 feet of the North 1446.0 feet of the Southeast 1/4, Section 4, Township 29, Range 23, Ramsey County, Minnesota described as follows:

Beginning at a point on the West line of said Southeast 1/4, distant 400.0 feet South of the Northwest corner of the Southeast 1/4; thence South along said West line of the Southeast 1/4, a distance of 400.0 feet; thence East along a line drawn at right angles to said West line of the Southeast 1/4, and also being the centerline of Terrace Drive, a distance of 548.0 feet, thence North along a line drawn parallel to the West line of said Southeast 1/4, a distance of 396.49 feet, more or less to an intersection with the North line of the South 1046.0 feet of the North 1446.0 feet of the said Southeast 1/4; thence West along the said North line of the South 1046.0 feet of the North 1446.0 feet of the said Southeast 1/4, a distance of 548.01 feet, more or less, to the point of beginning, according to the United States Government Survey thereof.

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed INTERIM USE on June 4, 2014, voting 6 – 0 to recommend approval of the use based on testimony offered at the public hearing as well as the information and analysis provided with the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the proposed INTERIM USE will not result in adverse impacts to the surrounding properties based on the following findings:

- a. The proposed limited production and processing use would not be expected to have significant negative effects on the land because the byproduct of the proposed light sheetmetal fabrication would be recyclable scrap metal;
- b. The INTERIM USE does not constitute an excessive burden on streets, parks, or other facilities because The main operations (i.e., office activities and limited sheetmetal fabrication activities) of the facility would be conducted indoors, and the traffic volume from deliveries and installation crews should be considerably less than the former distribution use of the property; and
- c. Noise from fabrication of ducts and other sheetmetal accessories stands to be the only potential nuisance for surrounding property owners, and §1011.02 (Environmental Regulations) of the City Code requires all uses to comply with regulations pertaining to noise and other environmental considerations. By meeting these requirements, the proposed limited production of sheetmetal ducts and accessories would not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the proposed temporary limited production and processing facility as an INTERIM USE in accordance with Section §1009.03 of the Roseville City Code, subject to the following conditions:

- a. The applicant shall install opaque fencing of 6' – 8' in height and coniferous plantings or landscaping along the northern edge of the property; and
- b. The approval shall expire, and the sheetmetal fabrication shall cease, by 11:59 p.m. on June 30, 2019, or upon the earlier cessation of the business, unless limited production and processing is allowed to continue through renewed approval as an INTERIM USE or by virtue of more permanent approval(s) (e.g., ZONING CHANGE, CONDITIONAL USE, etc.), whichever comes first.
- c. Doors shall be closed during operation.

AND BE IT FURTHER RESOLVED, by the Roseville City Council that representatives of the property owner and the applicant shall sign the form attached to this resolution to acknowledge that each has received, reviewed, and understood the terms and conditions of the approval and agrees to abide by said terms and conditions prior to commencement of the drive-through activity.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Etten and upon vote being taken thereon, the following voted in favor: Laliberte, McGehee, Willmus, Etten, Roe; and none voted against.

WHEREUPON said resolution was declared duly passed and adopted.

Resolution approving limited production and processing as an interim use at 2830 Fairview Avenue (PF14-012)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 23rd day of June 2014 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 23rd day of June 2014.


Patrick Trudgeon, City Manager

(SEAL)

Resolution approving limited production and processing as an interim use at 2830 Fairview Avenue (PF14-012)

I, the undersigned, do hereby acknowledge that I have received, reviewed, and understand the attached and foregoing extract of minutes of a regular meeting of the Roseville City Council held on the 23rd day of June 2014 and that I agree to abide by the terms and conditions of the approval as they apply to the temporary limited production and processing facility at 2830 Fairview Avenue.

Representative of BDLM Vogel Properties, LLC

Bonnie L. Vogel, Chief Manager
printed name and title

Bonnie L. Vogel 6/26/14
signature *date*

Representative of Vogel Sheetmetal, Inc.

Bonnie L. Vogel, CEO
printed name and title

Bonnie L. Vogel 6/26/14
signature *date*