

REQUEST FOR COUNCIL ACTION

Agenda Date: 9/28/2015

Agenda Item: 14.d

Department Approval



City Manager Approval



Item Description: Request for Approval of a Preliminary Plat of the Residential Property at 2201 Acorn Road into 4 Lots

APPLICATION INFORMATION

Applicant: Arthur Mueller

Property Owner: Arthur Mueller

Open House Meeting: held on July 10, 2015

Application Submission: received and considered complete on July 27, 2015

City Action Deadline: October 26 2015, per applicant's extension request

GENERAL SITE INFORMATION

Land Use Context

	Existing Land Use	Guiding	Zoning
Site	One-family residential, detached	LR	LDR-1
North	One-family residential, detached	LR	LDR-1
West	One-family residential, detached	LR	LDR-1
East	One-family residential, detached	LR	LDR-1
South	One-family residential, detached	LR	LDR-1

Natural Characteristics: The site includes many trees and existing drainage issues on nearby parcels.

Planning File History: **PF3766:** (2006) denial of 4-lot PUD with a private street based on concerns over parking, emergency access, and other complications related to 26-foot street width, loss of trees and open space, drainage, and compatibility with neighborhood

PF3791: (2007) approval of 4-lot preliminary plat with a 26-foot public street

PF07-039: (2007) approval of the final plat, with a 28-foot public street—final plat was not filed because legal delays led to financing difficulties

PF07-039: (2014) denial of 4-lot preliminary plat with a 26-foot wide private street based on concerns over drainage, loss of trees, and inadequate parking available on the proposed street and Acorn Road due to substandard widths

Planning Commission Action:

On September 2, 2015, the Planning Commission voted (3 – 2) to recommend approval of the proposed preliminary plat, subject to certain conditions.

PROPOSAL

Mr. Mueller proposes to demolish the existing home and plat the property into four lots for development of one-family, detached homes served by a private street. The proposed preliminary plat information, the staff analysis presented in the Request for Planning Commission Action, and other supporting documentation, as well as draft public hearing minutes, are included with this report as RCA Exhibit A.

On October 20, 2014, Mr. Mueller brought a sketch of his subdivision proposal to the City Council for guidance as to what changes to the previous proposals would give Councilmembers the confidence that a subsequent plat application would meet City requirements and not compromise the health, safety, general welfare, convenience, and good order of the community. A brief, paraphrased list of the Council's directions from that sketch plan discussion follows.

- Lot lines must be perpendicular to street to conform to code: the current plat proposal achieves this.
- Consider routing storm water to the City storm sewer system with less overland flow: storm water is infiltrated into several basins distributed around the property rather than flowing over land to one large basin.
- Consider a 32-foot wide street to allow parking on both sides rather than parking pads: the current proposal accomplishes this.
- Minimize impervious surface while still accommodating adequate parking: The drainage plan adequately accounts for two garage stalls and four driveway stalls per lot in addition to a 32-foot wide street that would allow six cars parked along the south side and seven more parked along the north side, for a total of 37 parking spaces (i.e., 9.25 parking spaces per lot).
- Be aware that storm water management needs may limit the number of lots: the proposed storm water plan meets applicable standards for the 4-lot plat.
- Majority of Councilmembers favor a private street: the proposal includes a private street

Based on the date Mr. Mueller's preliminary plat application was considered complete, City Code §1102.01E allowed until September 25, 2015 for the City to approve or deny the application. The action extension request included with this RCA as Exhibit B represents, in part, Mr. Mueller's willingness to defer Council action until September 28th to facilitate an adjustment of the City Council's September 21 and 28 meeting agendas. The extension request also represents Mr. Mueller's desire to continue, if necessary, working to make the current preliminary plat proposal acceptable to the City Council as a continuation of the process begun last October. If the City Council feels that some of the feedback offered last fall has not been adequately incorporated into the present preliminary plat proposal, Mr. Mueller is hopeful that the Council will provide additional direction toward a preliminary plat that can be approved and table action until the prescribed changes are made, rather than deny the proposed plat outright, necessitating another, new preliminary plat application.

The Planning Commission's approval recommendation included four conditions as follow:

- a. *The Public Works Department shall approve easements, grading and drainage, storm water management, and utility requirements as necessary to meet the applicable standards prior to the approval of the final plat or issuance of permits for site improvements;*
- b. *Permits for site improvements shall not be issued without evidence of an approved permit from the watershed district;*
- c. *Final plat approval shall not be issued without approval of a tree preservation plan, accounting for any changes to grading, utility, or storm water plans not yet anticipated, by the Community Development Department; and*
- d. *The applicant shall create and maintain a homeowner's association for the long term maintenance needs of the private infrastructure. The form of all documents shall be reviewed and approved by the City Attorney, Public Works Department, and Community Development Department*

PUBLIC COMMENT

The public hearing for this application was held by the Planning Commission on September 2, 2015. Several members of the public spoke in opposition the proposal, and the primary concerns were related to storm water and the effect of the proposed subdivision on the character of the neighborhood. After discussing the application and the public comment received during to the hearing, the Planning Commission voted 3 – 2 to recommend approval of the proposed preliminary plat. At the time this report was prepared, Planning Division staff has not received any additional public comments.

In an attempt to depict the character of the neighborhood surrounding Mr. Mueller's property, Planning Division staff researched the history of subdivisions in the area bounded by Marion Road, the Highway 36/Cleveland Avenue service roads, and County Road B. A written summary of this history follows, and a graphic representation is included with this RCA as Exhibit C.

Except for the 1941 Manson Hills plat, most of the land in this area had not been platted prior to the adoption of the first zoning code in 1959, so determining when all of the parcels depicted in that first zoning map came to be created would be difficult. By 1959, though, there were 20 parcels in this study area ranging in size from about 30,000 square feet (approx. 2/3 of an acre) to about 165,000 square feet (approx. 3-3/4 acres). At present, the study area has 43 parcels, ranging in size from about 13,600 square feet (less than 1/3 of an acre) to about 117,000 square feet (approx. 2-2/3 acres). About 25% of the existing lots are under ½ acre, and about 25% are larger than 1 acre. Since 1959, only three of the "original" lots remain un-subdivided and about seven of the current parcels are the products of iterative subdivisions of three of the "original" 1959 parcels. Mr. Mueller's proposed plat includes four lots ranging in size from about 17,200 square feet to about 22,700 square feet.

76 **RECOMMENDED ACTION**

77 **Pass a motion approving the proposed preliminary plat of Oak Acres plat**, dated June 5,
78 2015 and comprising the property at 2201 Acorn Road, based on the findings and
79 recommendation of the Planning Commission and the content of this RCA, subject to the
80 following conditions:

- 81 **a.** The Public Works Department shall approve easements, grading and drainage, storm water
82 management, and utility requirements as necessary to meet the applicable standards prior to
83 the approval of the final plat or issuance of permits for site improvements;
- 84 **b.** Permits for site improvements shall not be issued without evidence of an approved permit
85 from the watershed district;
- 86 **c.** Final plat approval shall not be issued without approval of a tree preservation plan,
87 accounting for any changes to grading, utility, or storm water plans not yet anticipated, by
88 the Community Development Department;
- 89 **d.** The applicant shall create and maintain a homeowner's association for the long term
90 maintenance needs of the private infrastructure. The form of all documents shall be
91 reviewed and approved by the City Attorney, Public Works Department, and Community
92 Development Department; and
- 93 **e.** Based on the June 4, 2013 recommendation of the Roseville Parks and Recreation
94 Commission and pursuant to City Code §1103.07, the City Council will accept park
95 dedication of cash in lieu of land. Because the proposed 4-lot plat would add three, one-
96 family residential building sites to the subject land area and the 2015 City of Roseville
97 fee schedule establishes a park dedication fee of \$3,500 per residential unit, a payment of
98 the \$10,500 park dedication shall be made by the applicant before the signed final plat is
99 released for recording at Ramsey County

100 **ALTERNATIVE ACTIONS**

- 101 **A) Pass a motion to table the item for future action.** If the City Council is unwilling to
102 approve the preliminary plat as presented, the applicant is hopeful that the Council will
103 provide additional direction toward a preliminary plat that can be approved and table
104 action until the prescribed changes are made, rather than deny the proposed plat outright.
105 Tabling the item beyond October 26, 2015, however, will require an agreement to further
106 extend the action deadline established in City Code §1102.01 to avoid statutory approval.
- 107 **B) By motion, deny the request.** Denial should be supported by specific findings of fact
108 based on the City Council's review of the application, applicable City Code regulations,
109 and the public record.

Prepared by: Senior Planner Bryan Lloyd
651-792-7073 | bryan.lloyd@cityofroseville.com

RCA Exhibits: A: 9/2/2015 RPCA packet and draft
public hearing minutes

B: Applicant's request to extend review
timeline

C: Area subdivisions since 1959



REQUEST FOR PLANNING COMMISSION ACTION

Agenda Date: 9/2/2015

Agenda Item: 5b

Division Approval

Agenda Section

PUBLIC HEARINGS

Item Description: Request for approval of a preliminary plat at 2201 Acorn Road (PF15-010)

APPLICATION INFORMATION

Applicant: Arthur Mueller

Property Owner: Arthur Mueller

Open House Meeting: held on July 10, 2015

Application Submission: received and considered complete on July 27, 2015

City Action Deadline: September 25, 2015, City Code §1102.01E

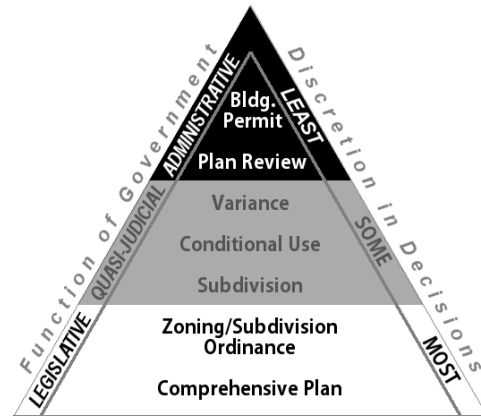
GENERAL SITE INFORMATION

	Existing Land Use	Guiding	Zoning
Site	One-family residential, detached	LR	LDR-1
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South	One-family residential, detached	LR	LDR-1

- 1 Natural Characteristics: The site includes many trees and existing drainage issues on nearby
2 parcels.
- 3 Planning File History: **PF3766:** (2006) denial of 4-lot PUD with a private street based on
4 concerns over parking, emergency access, and other complications
5 related to 26-foot street width, loss of trees and open space, drainage,
6 and compatibility with neighborhood
- 7 **PF3791:** (2007) approval of 4-lot preliminary plat with a 26-foot
8 public street
- 9 **PF07-039:** (2007) approval of the final plat, with a 28-foot public
10 street—final plat was not filed because legal delays led to financing
11 difficulties
- 12 (2014) denial of 4-lot preliminary plat with a 26-foot wide
13 private street based on concerns over drainage, loss of trees, and
14 inadequate parking available on the proposed street and Acorn Road
15 due to substandard widths

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on a plat request is **quasi-judicial**; the City's role is to determine the facts associated with the request, and weigh those facts against the legal standards contained in State Statute and City Code.



PROPOSAL

Mr. Mueller proposes to demolish the existing home and plat the property into four lots for development of one-family, detached homes served by a private street. The proposed preliminary plat documentation is included with this report as Attachment C.

When exercising the so-called “quasi-judicial” authority on a plat request, the role of the City is to determine the facts associated with a particular request and apply those facts to the legal standards contained in the ordinance and relevant state law. In general, if the facts indicate the application meets the relevant legal standards and will not compromise the public health, safety and general welfare, then the applicant is likely entitled to the approval. The City is, however, able to add conditions to a plat approval to ensure that the likely impacts to parks, schools, roads, storm sewers, and other public infrastructure on and around the subject property are adequately addressed. Subdivisions may also be modified to promote the public health, safety, and general welfare, and to provide for the orderly, economic, and safe development of land, and to promote housing affordability for all levels.

An applicant seeking approval of a plat of this size is required to hold an open house meeting to inform the surrounding property owners and other interested individuals of the proposal, to answer questions, and to solicit feedback. The open house for this application was held on July 10, 2015; the list of attendees and a short summary of their comments is included with this RPCA as Attachment D.

PRELIMINARY PLAT ANALYSIS

As a preliminary plat of a residential subdivision, the proposal is subject to the minimum lot sizes and roadway design standards of the subdivision code, established in Chapter 1103 (Design Standards) of the City Code. The applicable standards are reviewed below.

City Code §1103.02 (Streets): Since the proposed street is to be a private street, requirements for public rights-of-way do not apply. And while the Subdivision Code allows for private streets at the discretion of the City Council, design of the must conform to Minimum Roadway Standards unless an alternative design is specifically approved. The Planning Commission could provide a recommendation to the City Council on this issue.

§1103.021 (Minimum Roadway Standards): The proposed street is shown as 32 feet in width, which conforms to the standard width requirement and allows for parking on both sides of the street, although it is not represented as having a curb. The proposed street is 195 feet in length at its longest; since the street is less than 200 feet in length, it is not required to include a cul-de-sac, although not having a turn-around will make delivery services and trash/recycling service more difficult or require the homeowners to bring their bins to Acorn Road.

City Code §1103.04 (Easements): Drainage and utility easements 12 feet in width, centered on side and rear property lines, are required where necessary. The proposed plat meets and exceeds this requirement.

City Code §1103.06 (Lot Standards): All lots for single-family detached dwellings must be at least 85 feet wide, 110 feet deep, and comprise at least 11,000 square feet in area, except that corner lots must be a minimum of 100 feet in width and depth and have at least 12,500 square feet in area. All of the proposed lots exceed these requirements even if the easement surrounding the proposed street is excluded from the parcels as though the easement area was equivalent to dedicating right-of-way.

Roseville's Public Works Department staff have been working with the applicant to address the requirements related to grading and drainage, street design, and the private utilities that will be necessary to serve the new lots. Even if these plans are not discussed in detail at the public hearing, actions by the Planning Commission and the City Council typically include conditions that such plans must ultimately meet the approval of Public Works staff.

City Code specifies that an approved tree preservation plan is a necessary prerequisite for approval of a preliminary plat. Preliminary review of the plan indicates the expected removal of 266 caliper inches of significant trees more than the code allows without replacement, and 64 caliper inches of heritage trees more than the code allows without replacement; this would require planting approximately 87 replacement trees. Mark Rehder, the certified arborist consulting with the Community Development Department will continue to review the plan for continued accuracy as development plans are finalized, monitor tree removal and protection efforts during construction, and verify proper planting of replacement trees after construction.

At its meeting of June 4, 2013 Roseville's Parks and Recreation Commission reviewed the proposed preliminary plat against the park dedication requirements of §1103.07 of the City Code and recommended a dedication of cash in lieu of land. Since the existing, undeveloped parcel comprises one residential unit, the proposed four-lot plat would create three new building sites. The 2015 Fee Schedule establishes a park dedication amount of \$3,500 per residential unit; for the three, newly-created residential lots the total park dedication would be \$10,500, to be collected prior to recording an approved plat at Ramsey County.

Roseville's Development Review Committee (DRC) met on several occasions to discuss this application. Beyond the above comments pertaining to the zoning and subdivision codes representatives of the Public Works Department had the following comments.

- a. There are several small basins shown to address the required storm water treatment and retention requirements. The overflow of these devices for the most part appears to flow to the rear of the development and ultimately drain to the existing catch basin located between this parcel and Marion Street to the west. While overland flow is an acceptable method of conveyance for storm water, the existing undulating ground in this area currently slows water conveyance and causes some pooling of water during heavy events. This will continue to be the case after development, although the proposed basins should provide some rate control for most rain events.
- b. The proposed basins and private road will require a Homeowners Association to be established for the purpose of funding the maintenance of these assets. It should be noted that while the proposed basins and site grading meet the requirements of the City and should meet the requirements of the watershed (watershed review and approval are pending), this is an

RCA Exhibit A

aggressive proposal and will present some long term maintenance that the new homeowners should be aware of.

c. At this time, the Engineering department was not presented with any information for the alignment or design of water and/or sanitary sewer infrastructure to serve the proposed homes. A private sanitary sewer main and water main will be required that will then serve the individual private services to each proposed home, and maintenance of these facilities will be the responsibility of the Homeowners Association. Review and approval of this infrastructure will occur through the building permit review process.

PUBLIC COMMENT

Planning Division staff has received one email, which is included with this RPCA as part of Attachment D, and one phone call from a nearby homeowner who was curious about the application and who expressed support for proposal if it meets the applicable standards (e.g., storm water management, lot size, tree preservation, etc.) despite its perceived impacts on less tangible things (e.g., neighborhood character).

CONCEPT REVIEW

On October 20, 2014, Mr. Mueller brought a sketch of his subdivision proposal to the City Council for guidance as to what changes to the previous proposals would give Councilmembers the confidence that a subsequent plat application would meet City requirements and not compromise the health, safety, general welfare, convenience, and good order of the community. The proposed sketch plan and the minutes of this discussion are included with this RPCA as Attachment E, and a brief list of the Council's direction follows.

- Lot lines must be perpendicular to street to conform to code: the current plat proposal achieves this.
- Consider routing storm water to the City storm sewer system with less overland flow: storm water is infiltrated into several basins distributed around the property rather than flowing over land to one large basin.
- Consider a 32-foot wide street to allow parking on both sides rather than parking pads: the current proposal accomplishes this.
- Minimize impervious surface while still accommodating adequate parking: The drainage plan adequately accounts for two garage stalls and four driveway stalls per lot in addition to a 32-foot wide street that would allow six cars parked along the south side and seven more parked along the north side, for a total of 37 parking spaces (i.e., 9.25 parking spaces per lot).
- Be aware that storm water management needs may limit the number of lots: the proposed storm water plan meets applicable standards for the 4-lot plat.
- Majority of Councilmembers favor a private street: the proposal includes a private street

RECOMMENDED ACTION

By motion, recommend approval of the proposed preliminary plat of the property at 2201 Acorn Road, based on the comments and findings of this report, and subject to the following conditions:

- a. The Public Works Department shall approve easements, grading and drainage, storm water management, and utility requirements as necessary to meet the applicable standards prior to the approval of the final plat or issuance of permits for site improvements;
- b. Permits for site improvements shall not be issued without evidence of an approved permit from the watershed district; and
- c. Final plat approval shall not be issued without approval of a tree preservation plan, accounting for any changes to grading, utility, or storm water plans not yet anticipated, by the Community Development Department.

ALTERNATIVE ACTIONS

Pass a motion to table the item for future action. Tabling beyond September 25, 2015 may require extension of the 60-day action deadline established in City Code §1102.01E

By motion, recommend denial of the request. A recommendation to deny should be supported by specific findings of fact based on the Planning Commission's review of the application, applicable City Code regulations, and the public record.

Prepared by: Senior Planner Bryan Lloyd
651-792-7073 | bryan.lloyd@cityofroseville.com

Attachments: A: Area map C: Preliminary plat information
B: Aerial photo D: Open house summary and public comment
E: Concept review materials



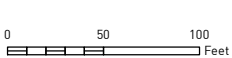
Attachment B for Planning File 15-010



Site Location

Data Sources
* Ramsey County GIS Base Map (6/3/2015)
* Aerial Data: MnGeo (4/2012)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

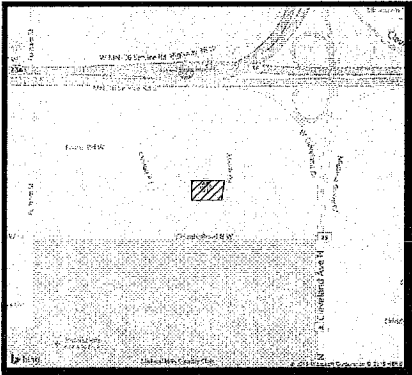
Disclaimer
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.02, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



~of~ OAK ACRES
~for~ ARTHUR G. MUELLER
2201 ACORN ROAD
ROSEVILLE, MN
(651) 295-1284

VICINITY MAP

PART OF SEC. 8, TWP. 29, RNG. 23



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

DEVELOPMENT DATA

TOTAL SITE AREA = 1.90± ACRES
4 PROPOSED SINGLE FAMILY LOTS
DENSITY = 2.10 LOTS / ACRE

ZONING AND SETBACKS

CURRENT ZONING IS LDR 1 (LOW DENSITY RESIDENTIAL)
PROPOSED ZONING IS LDR 1 (LOW DENSITY RESIDENTIAL)

FRONT SETBACK 30 FEET FROM EDGE OF BITUMINOUS FOR PRIVATE STREET (PROPOSED)
SIDE YARD 6 FEET
HOUSE 10 FEET
SIDE STREET 30 FEET
REAR SETBACK 30 FEET

DEVELOPMENT REQUIREMENTS FOR ZONE LDR 1 (LOW DENSITY RESIDENTIAL)

MINIMUM LOT AREA INTERIOR 11,000 S.F.
MINIMUM LOT AREA CORNER 12,500 S.F.
MINIMUM LOT WIDTH INTERIOR 85 FT.
MINIMUM LOT WIDTH CORNER 100 FT.
MINIMUM LOT DEPTH INTERIOR 110 FT.
MINIMUM LOT DEPTH CORNER 100 FT.

PROPERTY DESCRIPTION

(PER WARRANTY DEED; RAMSEY COUNTY DOC. NO. 1188525)

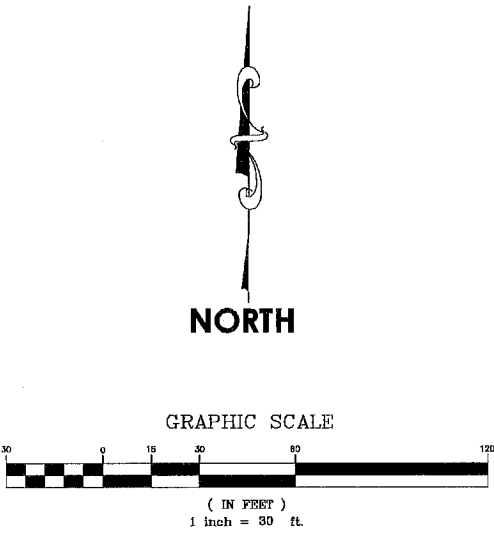
That part of the Southeast Quarter of the Southeast Quarter of Section 8, Township 29 North, Range 23 West, according to government survey, described as follows (all bearings in this description being based on the South line of said Southeast Quarter as an East and West line):

Commencing at a point 33 feet North of the South line and 1221.63 feet west of the East line of said Section 8; thence North 0 degrees 08 minutes West 295 feet to the point of beginning of the tract being described; thence East 290.64 feet; thence North 4 degrees 41 minutes East 81.70 feet; thence 14 degrees 23 minutes 30 seconds East 184.29 feet; thence North 5 degrees 51 minutes 30 seconds West 14.61 feet; thence West 339.77 feet; thence South 0 degrees 08 minutes East 265 feet to point of beginning, Ramsey County, Minnesota.



E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Shingle Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

www.egrud.com
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LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES HYDRANT
- ⊙ DENOTES POWER POLE
- ⊙ DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BITUMINOUS SURFACE

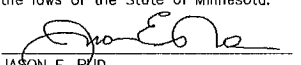
NOTES

- Fee ownership is vested in Arthur G. Mueller.
- Parcel ID Number: 8.29.23.44.0016
- Address of the surveyed premises: 2201 Acorn Road, Roseville, MN 55113.
- Boundary area of the surveyed premises: 82,879 sq. ft. (1.90 acres).
- Field survey was completed by E.G. Rud and Sons, Inc. on 6/02/15.
- Bearings shown are on Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- Surveyed premises shown on this survey map falls within Flood Insurance Rate Map Community Panel No. 27123C00156 by the Federal Emergency Management Agency. Said panel is not printed.
- Topography and utilities are a combination of field work done by E.G. Rud & Sons, Inc. on 6-02-15 and the Preliminary Plat prepared by Hakanson Anderson Civil Engineers and Land Surveyors dated 5-7-14. Said Preliminary Plat references that the existing improvements were per the Preliminary Plat prepared by Comstock & Davis, Inc. dated August 10, 2008.
- Utilities shown hereon are observed. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.
- Adjacent property owner information taken off of Ramsey County Website.

A POINT WHICH IS 33 FEET NORTH OF THE SOUTH LINE AND 1221.63 FEET WEST OF THE EAST LINE OF SECTION 8

COUNTY ROAD B

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


JASON E. RUD
Date: 6-05-15 License No. 41578

DRAWN BY: JEN	JOB NO: 15346PP	DATE: 06/05/15
CHECK BY: JER	SCANNED	
1		
2		
3		
NO.	DATE	DESCRIPTION

Page 1 of 3

RCA Exhibit A
GENERAL NOTES

THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO TYPE AND LOCATION OF UTILITIES AS NECESSARY TO AVOID DAMAGE TO THESE UTILITIES.

CALL "811" FOR EXISTING UTILITIES LOCATIONS PRIOR TO ANY EXCAVATIONS.

THE CONTRACTOR SHALL FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING SANITARY SEWER, STORM SEWER, AND WATER MAIN AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF INSTALLATIONS.

INSTALLATIONS SHALL CONFORM TO THE CITY STANDARD SPECIFICATIONS AND DETAIL PLATES.

THE CONTRACTOR SHALL NOTIFY CITY PUBLIC WORKS DEPARTMENT A MINIMUM OF 24 HOURS PRIOR TO THE INTERRUPTION OF ANY SEWER OR WATER SERVICES TO EXISTING HOMES OR BUSINESSES.

STORAGE OF MATERIALS OR EQUIPMENT SHALL NOT BE ALLOWED ON PUBLIC STREETS OR WITHIN PUBLIC RIGHT-OF-WAY.

NOTIFY CITY A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL ELECTRIC, TELEPHONE, AND GAS EXTENSIONS INCLUDING SERVICE LINES SHALL BE CONSTRUCTED TO THE APPROPRIATE UTILITY COMPANY SPECIFICATIONS. ALL UTILITY DISCONNECTIONS SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY COMPANY.

CURB & BITUMINOUS NOTES

REMOVAL AND DISPOSAL OF EXISTING STREET MATERIALS AS REQUIRED FOR CONSTRUCTION IS CONSIDERED INCIDENTAL.

SAW-CUT EXISTING BITUMINOUS AND CONCRETE CURB TO PROVIDE BUTT-JOINT.

RESTORE DISTURBED STREET TO EXISTING OR BETTER SECTION.

BACKFILLING OF CURB IS INCIDENTAL TO CURB INSTALLATION.

FOUR INCHES OF CLASS 5 UNDER CURB IS INCIDENTAL TO CURB INSTALLATION.

CURB ENDS SHALL TERMINATE IN A THREE-FOOT BEAVER TAIL.

IMPERVIOUS AREA CALCULATION

LOT	LOT AREA	IMP AREA	% IMP
1	19,574 SF	5,856 SF	30%
2	19,903 SF	4,464 SF	22%
3	23,832 SF	4,624 SF	19%
4	19,570 SF	5,761 SF	29%
TOTAL IMPERVIOUS		20,705 SF	25%

PID 082923430009
OWNER: RAYMOND I. HAKOMAKI
PART OF LOTS 5 & 6, MANSON HILLS

PID 082923430010
OWNER: DONALD J. WILLER
PART OF LOT 6, MANSON HILLS

PID 082923430011
OWNER: JOANNE V. LEE
LOT 1, GERALD I. LEE ADD.

PID 082923430012
OWNER: IRVIN A. CROSS
LOT 2, GERALD I. LEE ADD.

PID 082923440019
OWNER: EVAN R. THOMAS JR.
UNPLATTED

PID 082923440017
OWNER: PAUL T. ROMANOWSKI
UNPLATTED

PROVIDE INLET SEDIMENT CONTROL FOR ALL STORM SEWER INLETS WITHIN 24 HOURS OF STRUCTURE INSTALLATION. PROVIDE ALSO FOR EXISTING STORM SEWER INLETS THAT WILL RECEIVE RUN-OFF DURING CONSTRUCTION. LEAVE IN-PLACE UNTIL SITE HAS BEEN STABILIZED (TYP)

8/1/2015
S:\New\Road\Oak Acres\15-1548_OAK_ACRE\15-1548_CADD\15-1548_BASE.dwg
3:40pm



Know what's below.
Call before you dig.

SEE SHEET C1
RCA Attachment C

CHKD BY: C.W.P.
PROJ. NO. 15-1548

ORIGINAL DATE:
JUNE 5, 2015

DATE	REVISION DESCRIPTION

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

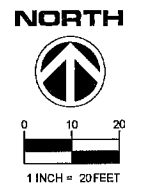
Charles W. Plowe
CHARLES W. PLOWE
DATE: 06.05.2015
LIC. NO. 16227

OAK ACRES
ROSEVILLE, MINNESOTA
GRADING, DRAINAGE & EROSION CONTROL PLAN

PREPARED FOR:
ART MUELLER



SITE PLANNING & ENGINEERING
PLOWE ENGINEERING, INC.
6778 LAKE DRIVE
SUITE 110
LINO LAKE, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701



C2

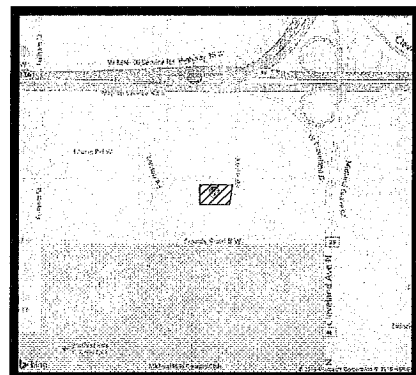
GRADING, DRAINAGE & EROSION CONTROL PLAN
OAK ACRES

EXISTING CONDITIONS SURVEY AND PRELIMINARY TREE INVENTORY AND TREE REMOVAL PLAN

~of~ OAK ACRES
~for~ ARTHUR G. MUELLER
2201 ACORN ROAD
ROSEVILLE, MN
(651) 295-1284

VICINITY MAP

PART OF SEC. 8, TWP. 29, RNG. 23



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

NORTH LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES HYDRANT
- ⊙ DENOTES POWER POLE
- ⊙ DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BITUMINOUS SURFACE

PROPERTY DESCRIPTION

(PER WARRANTY DEED; RAMSEY COUNTY DOC. NO. 1188525)

That part of the Southeast Quarter of the Southeast Quarter of Section 8, Township 29 North, Range 23 West, according to government survey, described as follows (all bearings in this description being based on the South line of said Southeast Quarter as an East and West line):

Commencing at a point 33 feet North of the South line and 1221.63 feet west of the East line of said Section 8; thence North 0 degrees 08 minutes West 295 feet to the point of beginning of the tract being described; thence East 290.64 feet; thence North 4 degrees 41 minutes East 81.70 feet; thence 14 degrees 23 minutes 30 seconds East 184.29 feet; thence North 5 degrees 51 minutes 30 seconds West 14.61 feet; thence West 339.77 feet; thence South 0 degrees 08 minutes East 265 feet to point of beginning, Ramsey County, Minnesota.

TREE CHART

	DECIDUOUS	CONIFEROUS
TREE COUNT	91	34
TREES TO BE REMOVED	44	7
TREES TO REMAIN	47	27

TREE INVENTORY LIST

NUMBER	DESCRIPTION	TO BE REMOVED	NUMBER	DESCRIPTION	TO BE REMOVED	NUMBER	DESCRIPTION	TO BE REMOVED
1	24" OAK		41	14" PINE		81	14" MAPLE	X
2	14" OAK		42	14" PINE		82	8" WALNUT	X
3	24" OAK		43	12" PINE		83	18" ASH	X
4	10" PINE		44	12" PINE		84	20" OAK	
5	14" PINE		45	12" PINE		85	10" PINE	
6	10" OAK	X	46	18" PINE		86	2-16" BIRCH	
7	14" OAK	X	47	14" PINE		87	20" OAK	X
8	30" MAPLE	X	48	14" PINE		88	12" OAK	X
9	24" MAPLE	X	49	20" OAK	X	89	12" OAK	
10	24" OAK	X	50	24" OAK (DEAD)	X	90	8" BIRCH	
11	18" OAK	X	51	14" OAK		91	2-24" OAK	
12	20" TREE (DEAD)	X	52	14" OAK		92	12" OAK	
13	20" OAK	X	53	8" OAK		93	12" OAK	
14	22" OAK	X	54	10" OAK		94	14" OAK	
15	10" PINE	X	55	30" OAK		95	12" OAK	
16	20" MAPLE	X	56	18" OAK		96	8" PINE	
17	2-18" OAKS	X	57	18" OAK		97	12" OAK	
18	14" PINE	X	58	20" OAK		98	12" OAK	
19	20" PINE	X	59	18" OAK		99	12" PINE	
20	10" OAK	X	60	18" OAK		100	12" PINE	
21	24" ASH	X	61	18" OAK	X	101	10" PINE	
22	24" ASH	X	62	24" OAK	X	102	8" PINE	
23	36" OAK	X	63	20" OAK		103	12" PINE	
24	18" OAK	X	64	8" MAPLE		104	12" PINE	
25	20" MAPLE	X	65	18" ASH	X	105	20" OAK	
26	30" OAK	X	66	8" LOCUST	X	106	12" OAK	
27	8" PINE		67	2-6" BIRCH		107	12" OAK	
28	30" MAPLE	X	68	2-12" BIRCH	X	108	10" PINE	
29	24" MAPLE	X	69	12" OAK	X	109	10" PINE	
30	30" MAPLE	X	70	8" BIRCH	X	110	12" OAK	
31	8" OAK	X	71	8" PINE	X	111	18" OAK	
32	16" OAK	X	72	8" PINE	X	112	8" OAK	
33	24" OAK	X	73	8" PINE	X	113	12" OAK	
34	14" PINE	X	74	8" PINE	X	114	24" OAK	
35	8" PINE	X	75	10" PINE	X	115	24" OAK	
36	18" PINE	X	76	12" PINE	X	116	18" OAK	X
37	30" OAK	X	77	14" ASH	X	117	24" MAPLE	X
38	20" OAK	X	78	14" ASH	X	118	18" OAK	X
39	18" ASH	X	79	24" OAK	X	119	12" ASH	X
40	14" OAK	X	80	24" OAK	X	120	16" OAK	X
						121	22" OAK	X

TREE DETAIL

- DENOTES TREE TYPE
- DENOTES TREE SIZE
- DENOTES TREE QUANTITY
- ✕ DENOTES TREE TO BE REMOVED

NOTES

- Fee ownership is vested in Arthur G. Mueller.
- Parcel ID Number: 8.29.23.44.0016
- Address of the surveyed premises: 2201 Acorn Road, Roseville, MN 55113.
- Boundary area of the surveyed premises: 82,879 sq. ft. (1.90 acres).
- Field survey was completed by E.G. Rud and Sons, Inc. on 6/02/15.
- Bearings shown are on Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- Surveyed premises shown on this survey map falls within Flood Insurance Rate Map Community Panel No. 27123C0015G by the Federal Emergency Management Agency. Said panel is not printed.
- Topography and utilities are a combination of field work done by E.G. Rud & Sons, Inc. on 6-02-15 and the Preliminary Plat prepared by Hakanson & Anderson Civil Engineers and Land Surveyors dated 5-7-14. Said Preliminary Plat references that the existing improvements were per the Preliminary Plat prepared by Comstock & Davis, Inc. dated August 10, 2006.
- Utilities shown hereon are observed. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.



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

DATE: 6-05-15 License No. 41578

DRAWN BY: JEN	JOB NO: 15346PP	DATE: 06/05/15
CHECK BY: JER	SCANNED	
1		
2		
3		
NO. DATE DESCRIPTION		

July 10th 2015

Name	Address
1. Liz Cross	2196 Marion Road
2. Evan Thomas	2777 County Rd B
3. Chuck Gitten	P.C.
4. Mike Boguszewski	Planning Commission (1380 Kent. Hl)
5. Chuck Mangum	2200 Acorn Road

We held an open house meeting on July 10, 2015. Addresses totalling 96 people were supplied by the City and 5 people and 2 spouses Attended. Two of those people were on the planning Commission. The only concern from one neighbor, was about water drainage which there is a natural flow to the west.

Plans were shown, and I suggested to said neighbor, that they walk the property so they can see first hand the natural flow on their lot line flows West. No excess water will go onto their property.

Art Mueller 

From: [Thomas Paschke](#)
To: [Bryan Lloyd](#)
Subject: Fwd: Open House 7/10/15 2201 Acorn Road
Date: Friday, July 10, 2015 9:29:14 AM

FYI

Sent from my iPhone

Begin forwarded message:

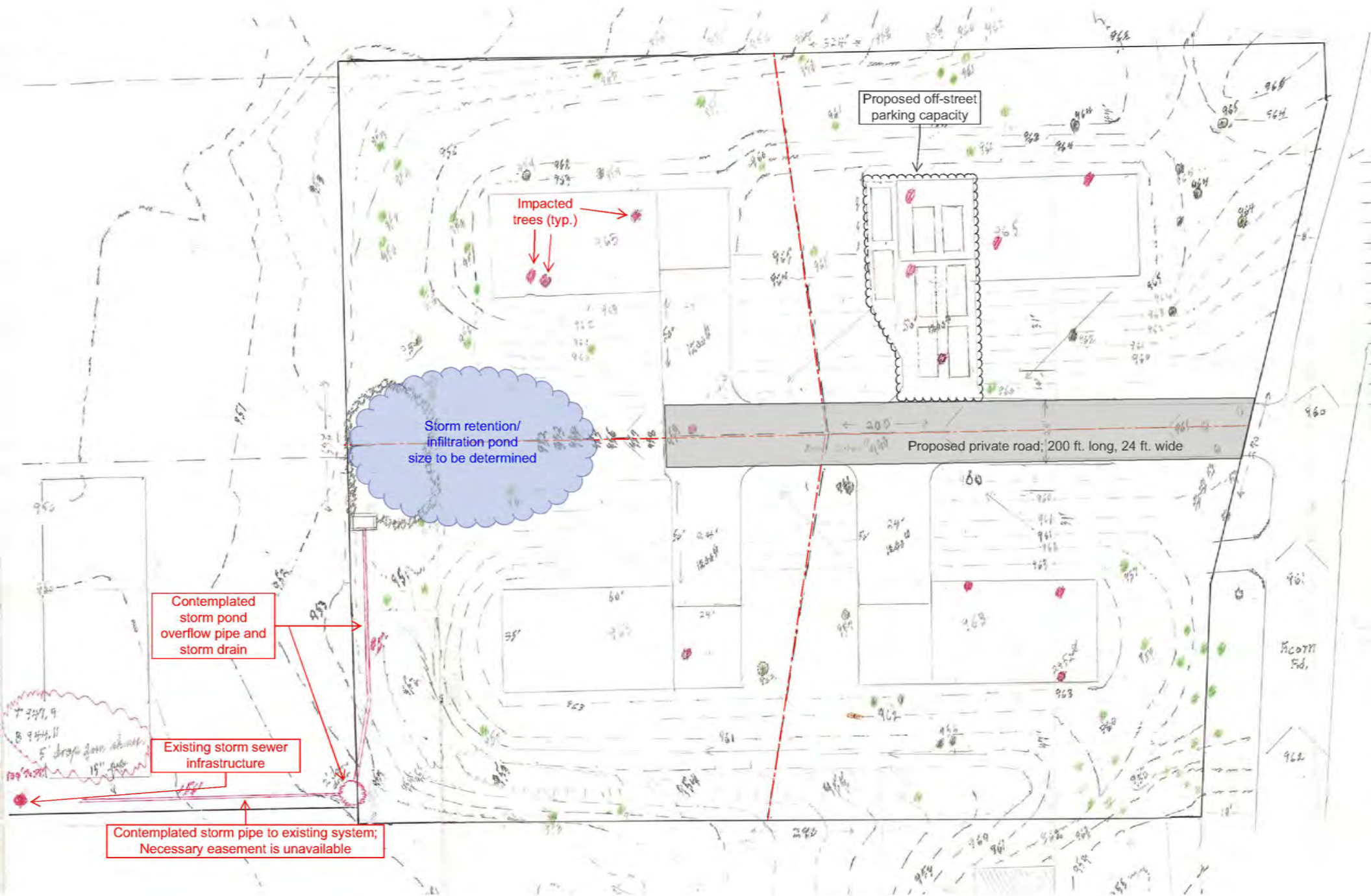
From: Irv Cross [REDACTED]
Date: July 9, 2015 at 1:34:42 PM EST
To: thomas.paschke@cityofroseville.com
Subject: Open House 7/10/15 2201 Acorn Road

Mr. Paschke: I am writing to express my concerns about the residential development at 2201 Acorn Road. My wife and I have lived at 2196 Marion Road for the last 16 years on a property of .83 acres. My property line abuts with the Acorn property. Here are my concerns:

1. Drainage ; Water run off from Acorn flows through our property causing flooding
2. Less than 1/2 acre properties on a street with mostly 2 acre lots..
3. Added traffic to County B, which has only one way in and out..
4. Loss of trees, noise and dirt from construction.. . .

We ask you to not approve this proposal.

Irv and Liz Cross



Mayor Roe noted that this would be shifting the burden from fees to property taxes.

Staff advised that the CIP was intended for discussion on November 10, 2014, while the utility rates and fee schedule were proposed for the November 17, 2014 City Council meeting.

13. Business Items (Action Items)

14. Business Items – Presentations/Discussions

a. Art Mueller Concept Review

Community Development Director Paul Bilotta provided a history of the Art Mueller parcel and proposals that had denied past preliminary plats of his residential property for creation of additional lots; and now his current proposal as detailed in the staff report dated October 20, 2014.

Community Development Director Bilotta reviewed the elements of that concept plan including a private versus public 24' road built to a maximum 200' length without a turnaround; further tree preservation; reduced storm water runoff; and other issues that were part of the findings for denial in his previous application. Mr. Bilotta noted that there would be more impervious surface with Mr. Mueller's proposal for additional parking for off-street parking for up to eight vehicles per home.

On behalf of Mr. Mueller, Community Development Director Bilotta sought City Council guidance on this initial information before Mr. Mueller moved forward with a full plat submittal, and any indication that they would not support these elements before he proceeds. In other words, Mr. Bilotta asked if staff should spend more time in assisting with this concept plan, with no technical details yet available, or suggest Mr. Mueller proceed in a manner that would provide stricter adherence to City Code.

At the request of Mayor Roe, Community Development Director Bilotta confirmed that typical City streets were 32' in width, allowing for parking on both sides of the street.

At the request of Councilmember Willmus, Community Development Director Bilotta confirmed that there was no secured access or easement for water outflow draining into existing City infrastructure, and would be part of the vetting process.

Impacted trees were displayed on the map were at the interpretation of Mr. Mueller.

Mayor Roe noted that the Subdivision Code required lot lines to be perpendicular lines to the road for private and/or public roadways; and therefore, advised that he would have an issue with the orientation of the lot lines as currently indicated on Mr. Mueller's concept plan.

Councilmember Etten questioned the action route for storm water to the back sides of homes to avoid any impact to those neighbors.

Community Development Director Bilotta noted that Mr. Mueller indicated that Acorn Road was higher and with various topography, water would not go into Mr. Romanoski's property. However, Mr. Bilotta advised that staff would need to review a detailed grading plan if things went beyond this concept plan before responding definitively.

Councilmember Etten noted that the previous platting was rejected due to some stormwater retention closer to Acorn Road, and while this moved it around back, sought staff's input on whether it would be better to keep it out front.

City Engineer Mark Culver advised that the negative aspect of leaving it out front was the additional grading required and potential loss of side or front yards, further compressing everything. Mr. Culver noted that there was an existing storm sewer system on Acorn Road that the drainage could overflow into, with the original concept for rain gardens or infiltration basins for that overflow. Mr. Culver stated that this was a very aggressive overall plan to make the best use of the site; and as more things were added throughout the site, even if a wider road was feasible, it may compromise driveway elements and actually further increase impervious surfaces. Mr. Culver confirmed that it would take very specific drainage elements to move the stormwater where necessary.

Recognizing that the City's current tree preservation plan fell into various staff departments and needed considerable input from a number of parties, Councilmember Laliberte asked for an update on where that review and revision was at.

City Manager Trudgeon advised that discussion of the current tree preservation ordinance was slated for the November 17, 2014 City Council Worksession; and as previously discussed the 2015 budget included his recommendation for a full-time Forester position to consolidate those efforts. Mr. Trudgeon advised that staff was currently reviewing potential changes behind the scenes to make recommendations for amending the current ordinance.

Mayor Roe noted that any applications between now and revisions to the ordinance would be addressed under the current ordinance.

Art Mueller, 2201 Acorn Road

Mr. Mueller provided a personal history of this lot; and reviewed his revisions with this concept plan to address concerns expressed by findings of denial for his previous application (e.g. trees, storm water and parking). Mr. Mueller reviewed the proposed lot lines, current and proposed tree inventory with his extensive plantings over the years with most remaining on the outside property line; and changes in topography and drainage routes from filling in depressions by neighboring property owners. Mr. Mueller reviewed his perception of stormwater drainage now and what he proposed; and his intent to assist Mr. Romanoski's current property drainage issues as part of his redevelopment.

Mr. Mueller opined that his plan would help several neighboring property owners with their drainage concerns; and was currently seeking an easement from Mr. Cross to facilitate his proposed drainage route outlined in this concept plan.

Mr. Mueller further addressed stormwater outflow, which he intended to handle through an old cesspool that he built in 1949 and still usable. Mr. Mueller advised that he had consulted the Rice Creek Watershed District regarding their calculation (16,800 gallons) for the stormwater pond's absorption rate, with his engineer still needing to figure out the choices beyond needing an adjacent property condemned. Mr. Mueller stated that he wanted to get along with his neighbors while also helping resolve any current drainage issues; and therefore, was willing to have an easement across his land to facilitate that drainage.

Councilmember Etten thanked Mr. Mueller for providing this preliminary concept plan; however, in hearing City Engineer Culver talk about the amount of flow required to come around and be shifted, he was concerned with the amount of grading required; and suggested another way be considered to slow that flow so it would overflow back into the City storm sewer system versus having to be routed around two homes for such a great distance. With the additional impervious surface proposed, Councilmember Etten opined that this was of concern to him.

Mr. Mueller invited individual Councilmembers to walk his property versus looking at it on a map to gain a better understanding of the topography, noting that his yard already absorbed stormwater runoff from neighboring properties already.

In response to Councilmember concerns and comments, Community Development Director Bilotta advised that as staff proceeded through an approval process, and when an engineer was brought on board by Mr. Mueller, discussion would include distributing ponds on Acorn Road and back to minimize grading, but thanked Councilmembers for their input as staff moved forward, especially specific to Councilmember Etten's concerns regarding overland flow of water, volume and movement.

Councilmember McGehee stated that she had concerns with the additional impervious surface.

Councilmember Laliberte concurred, stating that she would prefer no parking pads, at least not enough to accommodate eight additional vehicles per lot; and would much prefer a 32' wide road that would accommodate parking on both sides, and allowing a typical driveway and parking surface for each home.

Councilmember Willmus echoed his colleagues; stating that in his consultation with City Public Works/Engineering staff, even if constructed as an infiltration pond, an overflow would still be needed, and that would still need to be addressed. Councilmember Willmus noted that the current plan, showing that stormwater crossing adjacent property that had no confirmed or defined easement available at this time remained an issue.

Mr. Mueller opined that he was paying taxes for a storm sewer system that he couldn't use. Mr. Mueller further opined that when Mr. Cox redesigned his property with a berm down the back side and evergreen plantings, it created the drainage issue.

Mayor Roe asked staff to follow up on how to accomplish the stormwater drainage if an easement was not available.

Councilmember McGehee stated that she was familiar with Mr. Mueller's property; and opined that he could reduce the impervious surface and still leave the low area while constructing three homes arranged differently to avoid moving so much land.

Mr. Mueller stated that his proposed lots were larger than the others in the immediate vicinity.

In conclusion, Mayor Roe advised Mr. Mueller that he should take away from this discussion that the storm water management plan may dictate how many lots are feasible or allowed on the parcel.

Mr. Mueller suggested that the City must have given other adjacent property owners approval to change drainage in the past.

Mayor Roe advised that that may not necessarily be true, depending on what rules were applicable at the time of those developments, and whether or not those property owners or developers followed those rules and codes at that time. However, Mayor Roe noted that the situation needed to be dealt with as it now stood and under current rules and codes.

Community Development Director Bilotta summarized his understanding of City Council direction: they were generally comfortable with the proposal for three homes if a stormwater outlet was provided to reach the public storm sewer system in some way; and while there may be some uncertainty on the history of the prop-

erty and area, staff would attempt further research between Mr. Mueller's property and the inlet and provide any additional information to Mr. Mueller.

Mayor Roe stated that, once more was known about the grading plan and tree impact, even if all the trees were eventually preserved along the outside exterior, his question remained as to whether that part of the property was being used to move water, and how that would impact the overall area.

Mr. Mueller advised that he would replant any trees to the new homes would not be visible from the road.

Councilmember McGehee stated that she was more interested in infiltration than an outflow pond to provide some filtering of the storm water.

At the request of City Manager Trudgeon, Community Development Director Bilotta reviewed the next steps, including additional preferences expressed by the City Council for a 32' wide road with parking on the street versus a series of pads around the edge; and sought further clarification as to whether or not their preference for that 32' was for a private or public roadway. Regarding the stormwater issue, Community Development Director Bilotta noted his understanding that the City Council preferred maximizing infiltration opportunities, and determining how best to get to the public output.

The Council majority seemed to favor a private versus public roadway, however, were flexible depending on other elements.

Mayor Roe suggested that staff review parking needs and determine the best compromise between a road and driveway, and which approach was best, whether the road ended up 32' or not.

Councilmember McGehee stated that she hated to see a 32' road due to the additional impervious surface; however, she stated that she didn't want to see eight car parking pads either, but didn't know what the balance actually was. Councilmember McGehee stated that she would prefer only three lots/homes and no more.

Mayor Roe suggested that Mr. Mueller work with staff to determine actual parking needs.

Community Development Director Bilotta clarified that his understanding of Council directive was to reduce impervious surface as much as possible, whatever works the best, with street width or overflow parking areas, and whether best as public or private parking.

Mr. Mueller suggested making the road smaller near the road and then widening it out, with Mayor Roe suggesting that level of detail be worked out with staff.

Mr. Mueller expressed his desire to drain the back of Mr. Romanoski's property as it was currently a mosquito trap.

At the request of City Manager Trudgeon, Community Development Director Bilotta reviewed the process and steps between now and the next time the City Council may see this: with staff using this information and feedback to help the applicant put together an application; the applicant hiring an engineer and taking steps to prepare a preliminary plat; neighborhood information meetings; then a formal public hearing at the Planning Commission level; and the Commission's recommendation to the City Council. Mr. Bilotta reiterated that the process was at its very early steps, but thanked the City Council for their feedback at very preliminary stage.

For those neighbors in tonight's audience, Mayor Roe encouraged them to provide their feedback to staff or Mr. Mueller at any point, including at upcoming open houses and the formal public hearing.

Community Development Director Bilotta concurred, noting that since this issue had been out there before, residents didn't have to wait for a public hearing, but were welcome to let staff know any concerns they had immediately in order for staff to address them sooner rather than later.

Community Development Director Bilotta noted that Mr. Mueller was concerned with spending more money on an engineer and another expensive process and then having it turned down. Mr. Bilotta clarified for Mr. Mueller's benefit, that through tonight's discussion, the attempt was being made by the City Council and staff to provide him with more certainty than he had before; however, it was not possible at this preliminary point to say if an application would or would not be approved.

Mr. Mueller noted his frustration in attempting to give everyone what they wanted, and then face the possibility of still being turned down.

Community Development Director Bilotta responded that this was always a possibility; however, he advised that by getting as much input as possible early in the process and in addressing public input and issues raised in the past and now, it would address those issues. Mr. Bilotta encouraged Mr. Mueller to communicate with his neighbors upfront as much as possible. However, Mr. Bilotta advised that staff was unable to confirm for Mr. Mueller that the project would be ultimately approved and bypass the process; and noted that any development always carried an element of risk. Mr. Bilotta advised that the purpose of the concept plan was to allow the City Council to provide a developer with their thought at

this moment; however, he noted that the City Council could not have a full understanding of where they stand, since many concepts may work in theory, but other issues may come up as part of the process. Mr. Bilotta advised that every city uses a similar process, and the City of Roseville needed to follow those steps as well.

Councilmember McGehee suggested to Mr. Mueller that Community Development Director Bilotta would be available to facilitate a meeting with the City Engineer, himself and neighbors to work out the details to everyone's benefit, and provide insight on problem areas needing further work before he went ahead with additional engineering costs.

While noting that this was not a public hearing, Community Development Director Bilotta encouraged the public to consult him or the City Engineer at any time with their questions and/or comments.

Recess

Mayor Roe recessed the meeting at approximately 7:48 p.m. and reconvened at approximately 7:55 p.m.

Mayor Roe announced a meeting on October 21 from 2:30 – 4:10 at the Fairview Community Center Solarium to define Alzheimer's needs in the community; and City Manager Trudgeon encouraged residents to attend whether they had time to submit an R.S.V.P. before then or not.

b. Discuss Organized Waste Collection

Mayor Roe noted the purpose of this discussion following results of the most recent community survey related to organized waste collection, as detailed in the staff report dated October 20, 2014 and attachments; and had been requested by Councilmember Willmus.

City Manager Trudgeon reviewed events and legislative changes since the last discussion of the City Council at their November 18, 2013 meeting where public testimony was heard. After that discussion, Mr. Trudgeon noted that the PWETC had passed a resolution recommending that the City Council consider organized collection; and the community survey had randomly sampled the community's desire for that option. Mr. Trudgeon noted that the Village of St. Anthony had recently begun a process under the new state law, and begun the proscribed negotiation process with haulers as of April 30, 2014. Mr. Trudgeon advised that it appeared that the Village had entered into an agreement with the hauler consortium for five years, with those rates published and averages and analysis provided on page two of the staff report.

Mayor Roe asked for clarification on the chart if the listed fees were for trash and recycling or only trash; with City Manager Trudgeon and Public Works Director Schwartz advising that they would need consult the actual document again before responding.

b. **PLANNING FILE 15-010**
Request by Art Mueller for approval of a PRELIMINARY PLAT of property addressed as 2201 Acorn Road

Chair Boguszewski opened the public hearing for Planning File 15-010 at approximately 6:28 p.m.

Senior Planner Bryan Lloyd briefly reviewed the request as detailed in the staff report dated September 2, 2015; and displayed the proposed site plan (Attachment A) subdividing the property into four lots with a private street off Acorn Road. Mr. Lloyd reviewed the history of this subdivision and various proposals over the years, as detailed in the staff report, and denial of previous proposals for one reason or another; with one proposal approved in the past, but due to the documents not being recorded with Ramsey County before deadline, that approval had expired.

Mr. Lloyd noted that the 2014 plat similar to this submittal had been denied by the City Council for the reasons noted in the staff report, after which Mr. Mueller had met with the City Council with a sketch plan addressing the City Council's expressed concerns and in order to receive their feedback at that time based on the previous denial and prior to making this application, which had attempted to satisfy those deficiencies as seen by the City Council and changes proposed accordingly.

As detailed in the staff report, Mr. Lloyd reviewed the various components of this latest proposal as it related to a 32' wide private street with parking on both sides; four proposed lots that met or exceeded relevant requirements for corner and/or internal parcels; and subdivision code requirements for easements for stormwater drainage and utilities. Mr. Lloyd advised that elements of the proposed Preliminary Plat included engineering items with street width, location and lot sizes, as well as addressing stormwater management for the proposed development, and displayed a topographical map with drainage basins highlighted and attempting to consolidate stormwater more locally on the property and directing it to larger basins.

Mr. Lloyd addressed the tree preservation requirements as part of the Preliminary Plat to avoid damage or removal as part of grading and/or stormwater management on the site, resulting in a tree inventory list for review by the City's consultant arborist as part of the City's plan review and calculations for required replacement in accordance with current City Code, resulting in a total removal and replacement of 87 trees of minimum caliper or fewer depending on their actual size.

As indicated previously by the Parks & Recreation Commission with past proposals in recent years, they stand by their recommendation to require cash in lieu of land for the three additional lots created as part of this subdivision proposal.

Mr. Lloyd noted that in the Public Works/Engineering Department's review of the proposal specific to the road and drainage plans, they had determined that the drainage plan met applicable requirements for approval by the watershed district. However, Mr. Lloyd noted that they had observed that having that many ponds would require maintenance and need creation of an association to properly address and fund that maintenance long-term, in addition to future maintenance of the private road.

Prior to tonight's meeting and as noted in the staff report, Mr. Lloyd noted one e-mail in opposition to this proposal, and staff's receipt of one phone call supporting the proposal if it met all standard requirements as applicable. Mr. Lloyd noted the receipt of one additional written public comment – in opposition - received since dissemination of the agenda packet provided as bench handouts and made available to the public and for incorporation with the information going forward to the City Council with the Planning Commission's recommendation.

Mr. Lloyd advised that based on their review of City Code requirements, they recommended approval of the Preliminary Plat as conditioned and detailed in the staff report.

Commissioner Questions of Staff

For the benefit of the public, new commissioners, and his own edification, Chair Boguszewski reviewed the historical context of previous applications before the Planning Commission and City Council, and ultimate approval of the 2014 Preliminary Plat by the Planning Commission and their determination that technical requirements had been met in that application and the subdivision would not prove detrimental to adjacent properties with staff recommending approval based on that analysis as well. However, Chair Boguszewski noted that subsequently, the City Council had expressed less confidence in that drainage plan, in addition to the road and other components.

Mr. Lloyd agreed with Chair Boguszewski's synopsis, and that drainage was the predominant concern of the City Council, in addition to removal of existing trees from the site.

Upon denial by the City Council in 2014, Chair Boguszewski further noted that additional directions to Mr. Mueller were drafted, prompting this revised proposal before the Commission tonight, and appearing to meet those additional directions of the City Council.

Mr. Lloyd revised Chair Boguszewski's synopsis, noting the items listed in the staff report, lines 110-132, that staff had compiled from the City Council's meeting discussion and direction to Mr. Mueller, each identified by bullet point, with some met with the current Preliminary Plat, with others pending as this plat attempted to address, but he would not state categorically that each had been completely addressed from staff's perspective or interpretation at this time.

Noting his attendance at the most recent Open House held by Mr. Mueller, Chair Boguszewski asked Public Works Director/City Engineer Culver to talk more about how this latest proposal addresses stormwater, and whether it provides a better, more controlled or more conservative solution, and how it addresses past concerns.

Mr. Culver advised that he would say that the current proposal is different than previous proposals from the perspective of stormwater management, but stated he was not sure it differed dramatically so from the perspective of where water is going on site and where it would ultimately flow when overflowing. Mr. Culver opined that there may have been more overflow onto Acorn Road in previous proposals, but larger basins on that side created issues with setbacks on two lots in that immediate vicinity. Mr. Culver advised that Engineering staff reviewed the hydraulic report from the applicant's engineer, and for the most part, water would flow from the site into basins as highlighted in the grading plan displayed by Mr. Lloyd. Mr. Culver noted that site soils were not conducive to infiltration, but did provide filtration through engineered medium or soil several feet in depth in those basins with water seeping through it down to the drain tile and directed in various directions into those highlighted ponds and thereby providing rate control for stormwater on site. Given that situation, Mr. Culver advised that even though there was no direct underground piping in place to a dedicated stormwater system, this drainage plan as proposed should actually reduce the amount of water coming off the site or at a minimum slow it down, creating that rate control directed mostly to the southwest corner of the site, and while this area undulates, it ultimately flows toward an existing catch basin between this site and Marion Street, even though it takes it some time to get there. Mr. Culver advised that staff has surveyed the situation and verified some elevations,

113 indicating that area undulates back there in those naturally graded areas with lots of
114 vegetation, he noted that there would probably be pockets where water still sat due to
115 that undulation. Based on staff's survey and their personal observations and
116 expertise, Mr. Culver opined that there should be no flooding dangers to any
117 structures, as runoff will arrive at a catch basin before any structure.

118
119 At the request of Chair Boguszewski, Mr. Culver clarified that the pockets where water
120 could sit existed today and were not created or made worse with this proposal.

121
122 At the request of Chair Boguszewski, Mr. Culver stated that this project, as currently
123 designed, would not make the current drainage situation any worse, but clarified that
124 during a heavy rain event, these devices would get overrun. However, the way
125 they're set up, Mr. Culver stated that they will drain over and down, but he could not
126 guarantee there would be no additional drainage to the north of the site because of
127 where future roof drains may be pointed and additional impervious surface being
128 added. Using rain event experienced during the summer of 2015, Mr. Culver opined
129 that with this proposal it would have provided better conditions than currently exist.

130
131 With agreement from Mr. Culver, Member Murphy clarified that this condition as
132 addressed by Mr. Culver included that for a typical house and additional impervious
133 surfaces.

134
135 Regarding additional trips for three new homes on this property, Member Murphy
136 asked what the range would be for additional trips generated by residents.

137
138 Mr. Culver responded that generally speaking for an "average" residential home, trip
139 generation estimated would indicate 9 – 10 trips per day – incoming and outgoing –
140 but would fluctuate depending on the number of vehicles per home and ages of
141 residents and their stage of life.

142
143 As an example, Member Murphy noted initial concerns and impressions from
144 residents along County Road B that there would be a dramatic increase, but actually
145 due to the closure of Highway 280, traffic had dramatically decreased.

146
147 While Acorn Road had its own unique issues, Mr. Culver noted that it currently had a
148 small amount of traffic now, and he foresaw no appreciable increase or negative
149 impact with this proposed development.

150
151 Chair Boguszewski agreed with that analysis, noting that the development proposal
152 created only an incremental increase of three additional homes.

153
154 With normal curb cuts, Member Murphy asked how many street parking stalls would
155 be achieved on this private road.

156
157 Mr. Lloyd provided staff's estimate of an average of four spaces available on an
158 average driveway with thirteen spaces available on-street; with Member Murphy
159 opining that this seemed more than sufficient for four single-family residential homes.

160
161 At the request of Chair Boguszewski, Mr. Lloyd suggested the Commission could
162 include an additional condition for Preliminary Plat approval requiring creation of a
163 homeowner's association to fund future maintenance as a way to ensure it was done.
164 Chair Boguszewski asked Community Development Director Paul Bilotta, available in
165 the audience, to draft such a condition for consideration by the Commission.
166

Member Bull asked staff about standards for such an association for street and stormwater maintenance, and if they would be required to meet city standards and what the repercussions would be if those standards were not followed.

Regarding the stormwater system, Mr. Lloyd clarified that it would be obvious to the public as to that effectiveness and how it was functioning long-term; while development standards were the same for public and private streets based on city code.

At the request of Member Bull related to private services on a private street, Mr. Lloyd responded that a private main would be required to serve private water and sewer laterals similar to if it had been a public main in public rights-of-way with private laterals connecting to it.

Regarding street width and on-street parking, Member Bull expressed his concern for emergency or service vehicles since the length of the street was proposed at less than 200' feet.

Mr. Lloyd advised that homeowner's association documentation would address required signage for mail and delivery service on Acorn Road for that reason and for service providers. Mr. Lloyd clarified that not providing a turnaround was not inconsistent with code requirements, and while it was unusual to have a private street without a turnaround in the community, city code did allow for it.

Applicant Representatives

Chuck Plowe, Plowe Engineering

Mr. Plowe advised that preliminary approval had been received from the Capitol Region Watershed District of the stormwater management plan; with requirements of the Watershed District of a maintenance agreement prior to final approval for maintenance of stormwater, which will be privately maintained.

At the request of Chair Boguszewski, Mr. Plowe confirmed that he was an engineer with an independent firm hired by Mr. Mueller to help design drainage features and meet the goals of stormwater management requirements of the City.

Based on his understanding and review of City Council meeting minutes and their discussion with Mr. Mueller, Chair Boguszewski noted that the City Council had indicated their desire for a 32' wide street. Chair Boguszewski opined that, if the goal was for approval of the Plat, if a 32' width worked, the applicant seek to comply with that preference, with the option always available that they could further discuss that requirement with the City Council if they desired to do so.

Developer and Property Owner Art Mueller

Mr. Mueller noted that if the street width remained at 28' and accommodate parking on only one side, it would result 700 square feet more in space for additional plantings, grass and trees.

Member Bull asked Mr. Mueller to address the compatibility of these proposed lot sizes versus other lots in the neighborhood in order that the Commission could understand the rationale.

Mr. Mueller opined that many of the neighborhood lots are smaller than those he's proposing, with the original 45 acres divided into eleven lots, and subsequently having divided them yet again. Mr. Mueller advised that part of the rationale in his proposal is that larger lots are no longer affordable for development.

Public Comment

*Written comments were provided by Paul Romanowski, 2195 Acorn Road in the form of an e-mail dated September 2, 2015 with an attached letter dated November 15, 1993 from Mr. Mueller to City Manager Steve Sarkozy; and also written comments were provided by S & V Ramalingam, 2182 Acorn Road, both provided as bench handouts, and **attached hereto and made a part hereof.***

Irv Cross, 2196 Marion Road

Having been a resident in this neighborhood and abutting Mr. Mueller's property for sixteen years, Mr. Cross summarized his concerns provided in written comments, included in the staff report (Attachment D). Mr. Cross disputed the comments made by City Engineer Culver opining that a river forms from drainage, and had continually killed the grass in that area. Mr. Cross opined that he didn't see any changes unless the water is redirected or not allowed to flow through there again, given the size of the proposed lots.

Mr. Cross referenced Attachment B providing an aerial view of the property, noting the density of trees and vegetation, making it a pleasant enjoyable community and their reason to move to that location in Roseville, since it provided a country feel with the vegetation and lot sizes within an urban community. However, once the trees are removed, never to be seen again, Mr. Cross opined that it would dramatically change the character of the area, including drainage becoming more problematic given the proposed elevation for lower lots.

While getting along fine with Mr. Mueller as his neighbor, Mr. Cross expressed his puzzlement in the proposed land fill or raising property levels that will not help with drainage for adjacent properties. Mr. Cross asked that the Commission take this into consideration, noting the reason for originally buying his property with the wildlife, vegetation and space, even though still emotionally tied to their neighbors.

Mr. S. Ramalingam, 2182 Acorn Road

Mr. Ramalingam summarized his written comments as noted and concerns for negative impacts of this proposed development related to grading, drainage, tree preservation, additional impervious area, and detracting from the ambience and character of an established, tree-filled neighborhood.

Mr. Ramalingam asked that the City consider that all neighbors are against destroying this single-family neighborhood with the proposed subdivision.

Gary Boryczka, former owner of 2250 Acorn Road, still owner of an adjacent $\frac{3}{4}$ acre lot

As the owner of property on Acorn Road immediately south of the service road on the corner, Mr. Boryczka also noted that he was a homeowner on Acorn Road until selling his home approximately one year ago. Mr. Boryczka stated that this project or different variations of it had been constantly proposed by Mr. Mueller for over ten years no without any notable changes in its design. Mr. Boryczka opined that the proposed subdivision would destroy this unique neighborhood and its history in the community, which the City had previously spent money on to make it a unique area of Roseville. Mr. Boryczka opined that the proposed road showing 9' parking stalls was deceiving as it would not allow enough room for snow storage in the winter time. Mr. Boryczka advised that he was in the construction businesses, but was having a hard time visualizing how emergency vehicles would access this subdivision during a typical Minnesota winter.

Regarding the grading plan and tree preservation plan, Mr. Boryczka questioned how the Oak tree drip lines would suffice, opining most of those trees would die. Further, Mr. Boryczka addressed the swale drainage proposed to flow to the southwest corner of the property, which had never changed in the many variations proposed for this subdivision, opining that it will drain off onto someone else's property as the proposed ponds will absolutely not hold the stormwater runoff. Given his expertise in the field of stormwater drainage, Mr. Boryczka further opined that the runoff would not stay in those areas due to their depth.

Mr. Boryczka noted that this subdivision has been opposed by the majority of neighbors in the immediate area; and personally opined that it would ruin the neighborhood and negate any benefits. Mr. Boryczka opined that this was a lot of money for these proposed lots, noting that he had his corner lot for sale for many years, and it remained so. Mr. Boryczka strongly suggested that this is not an appropriate plan for this area.

Evan Thomas, 2177 County Road B

Mr. Thomas expressed his concern with this proposal, particularly with the magnitude of any additional runoff unless the southwest corner of the lot would actually address that drainage, of which he remained skeptical. Mr. Thomas noted that both his property and that of Mr. Cross that shared a common border were very low and with very little grade at this point flowed toward the catch basin on Marion, a distance of in excess of 200'. Mr. Thomas noted that the property to the west of his property has been diked on all four sides, but in some heavy rain events, he still experienced water in some areas on his lot, and he had observed water in the middle of the Cross lot between their tennis court and pool. Mr. Thomas noted his lingering doubt as to whether or not in a worst case condition, the southwest corner destination and along the undulating slope across his lot with a one foot slope would still get to Marion Street before significantly impacting his lot. Even though he had no structures in that area, Mr. Thomas expressed concern that it would create more of a dilemma for Mr. Cross and seemed to him to represent a loose end yet in this proposal.

Janet Romanowski, 2195 Acorn Road

Ms. Romanowski spoke in support of the written comments provided by her and her husband, reiterating their strong opposition to Mr. Mueller's project. Mr. Romanowski noted that in the past the neighborhood had collected a petition with thirty signatures from the neighbors, all in opposition, and questioned why Mr. Mueller kept pushing this plan on his neighbors over and over and over again. Mr. Romanowski stated that the neighbors were taxpayers too, and given their strong opposition to this proposed project, should have a voice as well.

Member Cunningham sought clarification that the petition had been submitted prior to Mr. Mueller's submission of this revised plan.

Ms. Romanowski responded that while this was true, a similar petition could be submitted again for part of the record since the neighbors continued to feel the same opposition.

Mr. S. Ramalingam

Mr. Ramalingam questioned if a new petition was desired by the Commission every time a new plan came forward.

Member Cunningham clarified that she was not asking that, simply noting that there had been thirty signatures on a petition regarding the previous plan submitted by Mr. Mueller, with significant changes having been made in that original plan at the City

Council's direction, which caused her to question if some of the previous concerns of neighbors had been satisfied in this latest plan.

Mr. Ramalingam responded that, if needed the neighbors could go ahead and get signatures on a new petition for submission.

Paul Romanowski

If a petition was needed, Mr. Romanowski opined that he could get another petition with even more signatures, since he had only been able to contact thirty neighbors for the past petition, but could get more now and produce it once again.

Member Cunningham reiterated that she was only seeking information as to the same people having signed the previous petition remained opposed to this updated plan, and was not asking for submission of another petition.

Mr. Romanowski opined that those signatories remained opposed and yet more as well.

With no one else appearing, Chair Boguszewski closed the public hearing at approximately 7:29 p.m.

Questions of Staff in response to Public Comment

Member Cunningham noted two significant concerns for her: tree preservation, and her desire that a revised tree preservation ordinance was available even though she understood it was in process and not yet ready for adoption, which she found unfortunate given the number of large trees being proposed for removal from this project area. Also of concern, Member Cunningham advised was the water drainage and runoff as referenced by Mr. Ramalingam in his written comments, and expressed her curiosity in whether there was actually a potential for "gallons of water" to address as a result of additional house foundations and impervious surfaces.

Public Works Director and City Engineer Mark Culver responded that the numbers stated by Mr. Ramalingam were essentially correct and comparable to his calculations resulting from additional impervious surface with this proposed project and as noted in his summary drainage report. While the basins appear to be shallow, Mr. Culver clarified that they were designed to be shallow as they were constructed with engineered soil that served as a holding cap not just for depth of the depression, and advised that the total actual depth of the engineered soil and the depth of the ponds or depression provided sufficient holding capacity. However, Mr. Culver agreed that they were most likely not going to hold all the water from large rain events, if similar to the intensity of those rains experienced this summer, but opined that from his recollection of his calculations believed that the design of the ponds would hold that water or slow down the runoff so it didn't leave the project site. Mr. Culver noted that the water would eventually leave the site by infiltrating through soils even though that is not the preferred mitigation.

Regarding the positive impact of existing trees on drainage, Mr. Culver opined was difficult to quantify given the variable canopy of trees that also served to prevent water from hitting the ground, even though it dripped off at different spots at different times, along with the root systems absorbing some of that water. With those mature trees gone, Mr. Culver opined that, while it may not look like a net balance will be achieved, and the drainage may not be significantly improved, he considered that it wouldn't be worse than currently experienced during a normal rain event.

Member Murphy asked, if he owned property on any side of this proposed subdivision if implemented, should he expect any more water flowing past his property, or whether the subdivision as proposed would change that flow from any direction.

Mr. Culver responded with his previous comments, advising that the developer had attempted to get water into the basins to facilitate the amount of runoff going north. Mr. Culver advised that in part that would depend on the location of downspouts for proposed homes in the subdivision, and how the long-term control was addressed. However, Mr. Culver stated that he wouldn't anticipate a lot of additional flow to the north, with that water flowing through that channel for outflow purposes.

Mr. Culver sought to correct one statement made during public comment, advising that water was not flowing to the catch basin on Marion Street, but approximately halfway between Marion and the Mueller property, of approximately 1/3 to 1/2 that length and water flowing through there. Mr. Culver suggested that the speaker may be experiencing that water flow across his property and vegetation growth through that natural channel, noting that the property owner may see water drainage for a longer time depending on rate controls put in place.

At the request of Member Murphy, Mr. Culver advised that the private street will not have catch basins as it was not intended to have curbs and gutters. At the request of Member Murphy, Mr. Culver further clarified that the water would flow or drain to the west to the end of the hammer head of that private street, and anticipated the remainder would most likely drain onto Acorn Road; and confirmed that the capacity exists today to handle that additional runoff.

Member Bull questioned if the basins surrounding the private street were intended to take care of the height of the property and street, but questioned whether impacts would not be found from dropping elevations and hard cover from new residences and their driveways.

Mr. Culver responded that the majority appeared to be set up to flow adequately depending on the location of future downspout locations, anticipating that one proposed lot may prove problematic flowing east as it currently does.

Commissioner Discussion and Position Statements

For the benefit of newer Commissioners, Chair Boguszewski noted his vote to recommend approval the last time a similar proposal came before the Planning Commission and restated his rationale for that support. Basically, even though there was a lot going on with this subdivision, Chair Boguszewski expressed his faith in the City Engineer's assessment that the stormwater management would be no worse with the proposal than if nothing was done. Chair Boguszewski opined that the tree situation was what it was. From his personal perspective, Chair Boguszewski opined that it didn't come down to petitions or neighbors, but what a private property owner could do with his own property and how that affected the immediate neighborhood. Given that perspective, Chair Boguszewski noted that a lot of the concerns crossed that line, and since beauty was often in the eye of the beholder, there were good and bad perspectives to be considered.

Based on his own role as a Planning Commissioner, Chair Boguszewski stated that he weighted his decision-making more heavily on the technical side, using the existing tree ordinance as an example and steps taken by the developer to meet it whether it seemed stark or not, he could not say "no" because he didn't particularly want this developer to move or remove trees, didn't seem appropriate. Chair Boguszewski stated that he could not stop a project because he didn't like a particular action, even

though if he was a neighbor he might wish to prevent the development from happening or even sign a petition. However, as a Planning Commissioner, Chair Boguszewski stated that he felt the issues had been addressed, especially so in this latest plan in response to the City Council's direction; and therefore advised that he would vote to recommend approval of this Preliminary Plat as he had done with the previous plat, having provided his rationale upfront as to why he supported the subdivision.

Member Stellmach expressed his appreciation of the comments and concerns brought forward in writing and in person by neighbors, and stated that he shared some of those concerns especially regarding tree preservation, since he preferred to remove none of them. However, from the perspective of the Planning Commission, Member Stellmach stated that his decision needed to be based on whether or not this proposed Preliminary Plat complied with City Code, and finding that it did, offered his support in recommending its approval.

Member Murphy thanked the neighbors for sharing their comments with the Commission. As he and Member Bull reviewed the maps for this subdivision, Mr. Murphy noted lot sizes on County Road B, Acorn Road and Marion Road were all relatively smaller than these proposed lots, with getting larger moving north as noted by Mr. Mueller regarding previous subdivisions of neighboring properties. Mr. Mueller concurred with Chair Boguszewski that a revised tree preservation ordinance was not yet available, necessitating the need to seek compliance with the existing ordinance. While being sympathetic to the concerns expressed by neighbors, Member Murphy advised that he could not find a sufficient reason to vote against this proposal.

As a new member of the Commission, Member Bull advised that he had reviewed the technical part as addressed in the City's Comprehensive Plan and revised Zoning Code regarding lot sizes and design specifications, as well as reading the respective purpose statements of those documents to protect citizens and allow their safe enjoyment of their homes, the character of neighborhoods, and other factors outlined by and for Roseville citizens, all an important part of the picture. Member Bull also expressed appreciation for the written and verbal input provide by neighbors. Member Bull admitted he could not call the proposed tree plan a preservation plan, but considered it more of a removal plan, which would certainly affect the neighborhood with that removal and replacement with smaller diameter trees. Member Bull advised that this had prompted his questioning of Mr. Mueller on his decision to divide this parcel into four lots due to his concern with additional hard cover with the private road and structures. Member Bull referenced discussion about runoff issues, noting that nothing was being done in the southwest corner to mitigate runoff through the cross basin, and when he looks at the plan on paper, it looks good. However, when considering how this may look with 24" of snowfall and depending on a homeowner's association to be responsible for plowing and storage of that snowfall, Member Bull stated that it caused him to consider ramifications realistically. Just considering a 9' elevation drop with one proposed home and the potential maintenance concerns long-term, Member Bull questioned if the City was doing justice for future residents in that area. Member Bull also noted his concern in not having a street turnaround for emergency vehicle access, opining he did not like a private street without such a turnaround. Given the whole nature of changing the character of this neighborhood, Member Bull expressed his interest in seeing a subdivision of two lots with access off Acorn Road, which he opined would be much easier for the neighborhood to support. However, Member Bull stated that he could not offer his support at this point for this proposed subdivision.

Member Cunningham admitted she had struggled with this subdivision the last time it came before the Commission, and she found herself doing so again, especially after

499 hearing the thoughts and concerns still being expressed by neighbors to this parcel.
500 While recalling that she had voted in support of the plan proposed the last time based
501 on her role as Planning Commissioner, Member Cunningham stated that found the
502 project was in line with the City's strategic plan and City code, even though the
503 Commission's approval was limited in its ability to judge the feel of the neighborhood
504 and construction noise. However, Member Cunningham admitted that she was
505 alarmed to hear that this project could potentially decrease the value of Mr. Cross's
506 property and increase water runoff he seed during periods of significant rainfall.
507 Member Cunningham stated in her consideration of the general welfare portion of City
508 Code, she could not justify sacrificing part of one resident's property for development
509 of another, and she could not stop that thought process and those concerns.
510 Regarding tree preservation, Member Cunningham stated that it is what it is and
511 hopefully would be corrected and addressed in the near future. At this time, Member
512 Cunningham state that she would vote against this Preliminary Plat.

513
514 **MOTION**

515 **Member Boguszewski moved, seconded by Member Murphy to recommend to**
516 **the City Council approval of the proposed PRELIMINARY PLAT of the property**
517 **addressed at 2201 Acorn Road; based on the comments, findings, and**
518 **conditions contained the project report dated September 2, 2015; amended to**
519 **include an additional condition as follows:**

- 520 • *The applicant shall create and maintain a homeowner's association for the*
521 *long-term maintenance needs of the private infrastructure. The form of all*
522 *documents shall be reviewed and approved by the City Attorney, Public*
523 *Works Department and Community Development Department.*
524

525 **Ayes: 3 (Murphy, Stellmach, Boguszewski)**

526 **Nays: 2 (Bull and Cunningham)**

527 **Motion carried.**
528

Bryan Lloyd

From: David Lawson [REDACTED]
Sent: Monday, September 14, 2015 12:03 PM
To: Bryan Lloyd
Subject: Re: Mueller

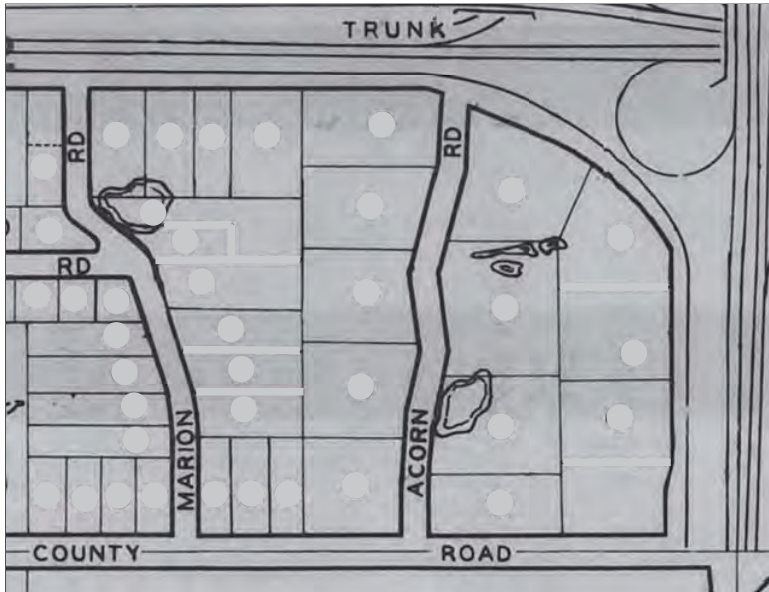
Bryan:

Pursuant to our discussion Arthur Mueller hereby requests, pursuant to Minnesota Statutes section 462.358, subd. 3b and Roseville City Code section 1102.01.F.1, that the City Council extend its review period of the preliminary plat application of Oak Acres until its regular meeting of October 26, 2015. In making this request, applicant Arthur Mueller waives all applicable timing requirements for approval or denial of the preliminary plat of Oak Acres under state statute and local code. Applicant Arthur Mueller understands that in the event the City Council agrees to extend said review period, such extension in no way requires the City Council to approve the preliminary plat application of Oak Acres, whether amended or not, at the City Council's regular meeting on October 26, 2015.

Please contact me with any questions.

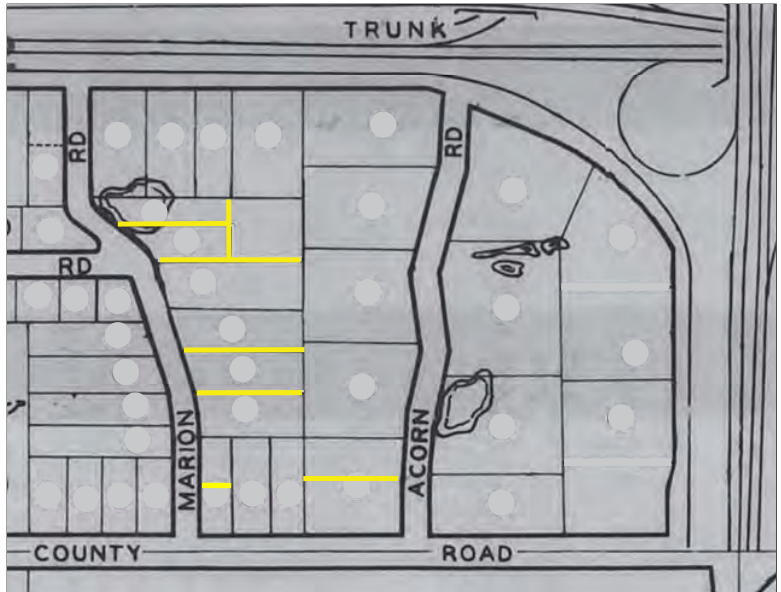
David M. Lawson
Attorney for Arthur Mueller
[REDACTED]

1959 Parcels*



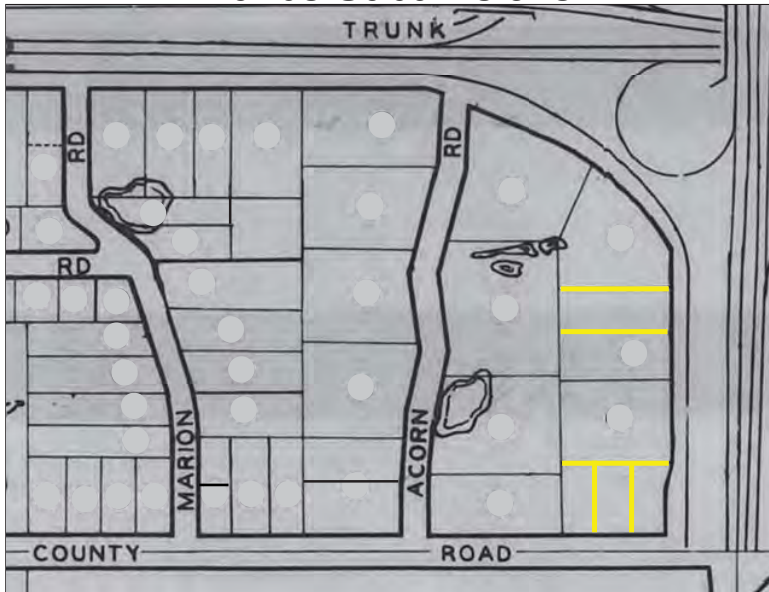
* Parcel lines from 1979 zoning map modified to match 1959 zoning map

1960s Subdivisions



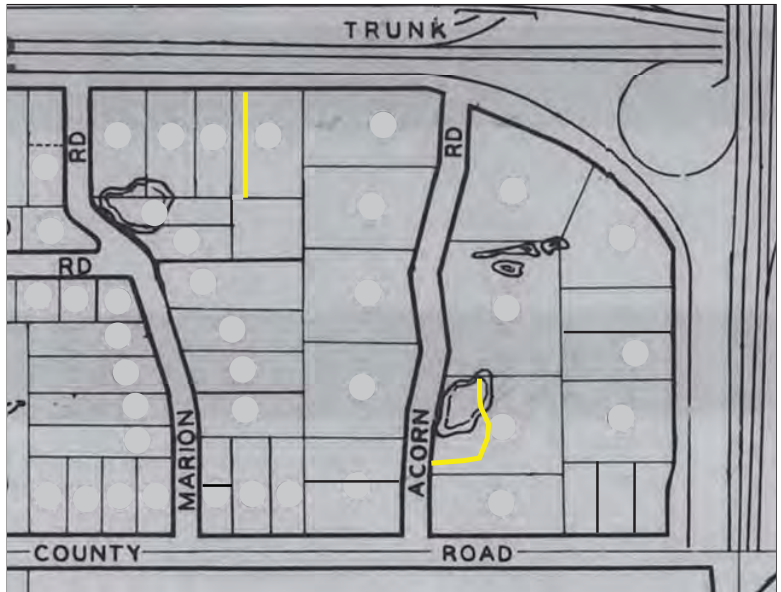
Gerald I. Lee plat (PF68), 1961;
 Subdivision (PF152), 1963;
 Subdivision (unknown), parcel boundary appears on map by April 1964, but not obviously before PF152;
 Subdivision (PF408), 1967

1970s Subdivisions



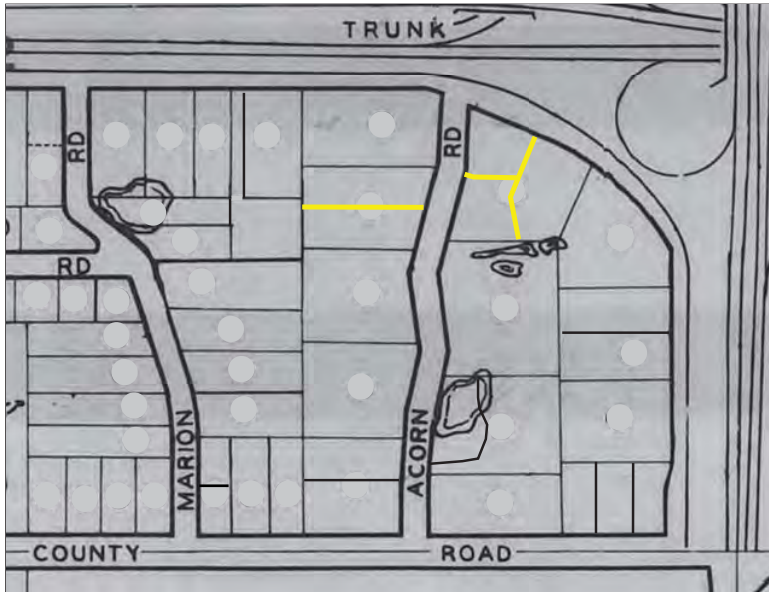
Subdivision (PF559), 1970;
 Subdivision (PF673), 1972;
 Subdivision (PF1095), 1978

1980s Subdivisions



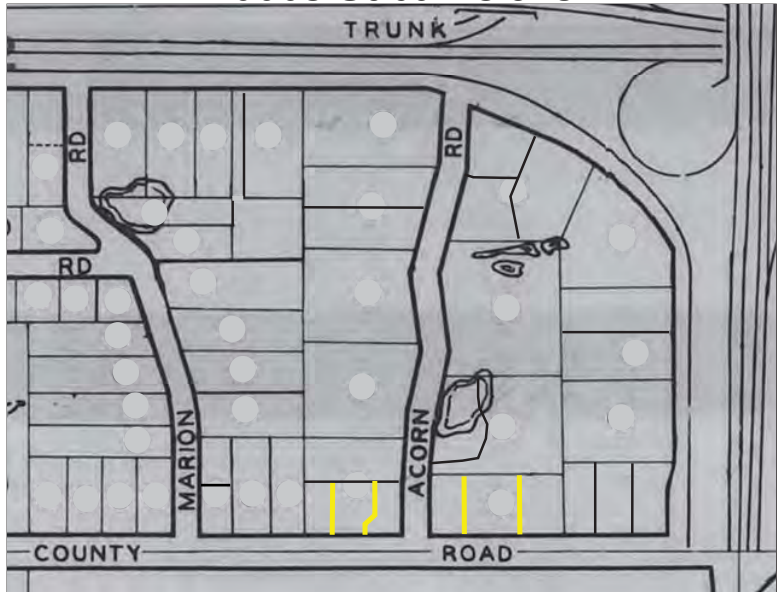
Subdivision (PF1683), 1986;
 Subdivision (PF1744), 1987

1990s Subdivisions



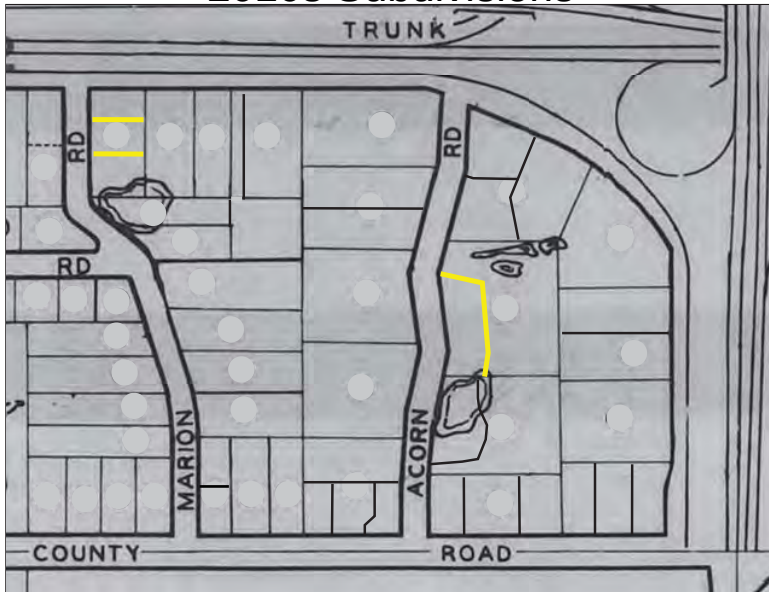
Subdivision (PF2612), 1993;
Subdivision (PF2781), 1995;
Subdivision (PF3171), 1999

2000s Subdivisions



Subdivision (PF3182), 2000;
Subdivision (PF3699), 2006

2010s Subdivisions



Subdivision (PF10-019), 2010;
Subdivision (PF11-006), 2011

2011 Aerial Photo with current parcels

