ROSEVILLE

REQUEST FOR COUNCIL ACTION

Agenda Date: 1/25/2016
Agenda Item: 10.a

Department Approval

City Manager Approval

Item Description: Request by City of Roseville for approval of rezoning of properties within the Twin Lakes redevelopment area **(PROJ0026)**

APPLICATION INFORMATION

Applicant: City of Roseville

Property Owner: N/A

Open House Meeting: July 23, 2015

Application Submission: N/A

Public Hearing: September 2, 2015

City Action Deadline: N/A

Planning Commission Actions:

On September 2, 2015, the Planning Commission held the public hearing for the proposed Zoning Map change.

On September 17, 2015, the Planning Commission held a special meeting devoted to the proposed changes and voted 5 – 0 to recommend approval of the proposed change to the Zoning Map.

BACKGROUND

The history of planning for development in Twin Lakes spans decades, but the present proposal is the culmination of a planning process beginning with public input meetings in January and February 2015, which led to a progression of discussions with the City Council in March, April, May, and June of that year, as well as presentation of the proposed, amended zoning map at an open house meeting held in July 2015. At the last of these City Council meetings, Planning Division staff was directed to initiate this process of amending the Comprehensive Land Use Plan map, amending the zoning map, and amending the text of the zoning code to effect the changes to Twin Lakes development regulations which came out of the public input sessions and the subsequent Council discussions. There is a robust public record of these meetings and discussions in the form of written reports, meeting minutes, and archived video, detailing how the present proposal took shape from the initial input sessions; much of this information available from Roseville's website (http://www.cityofroseville.com/twinlakes).

On October 26, 2015, the City Council passed Ordinance 1483, which established zoning districts CMU-1, CMU-2, CMU-3, and CMU-4, as well as the regulations applicable in each of those districts, and passed City Council Resolution 11269, which changed the Comprehensive Plan's land use guidance from High-Density Residential (HR) to Community Mixed-Use (CMU) for the parcels addressed as 2805 – 2837 Fairview Avenue, 2830 Fairview Avenue, and 1633 –

1775 Terrace Drive. These actions were taken as part of the process of rezoning these parcels as CMU-1 District. Before the City Council could rezone these subject properties as intended, the Comprehensive Plan Amendment (CPA) fundamental to the rezoning needed to be reviewed and approved by the Metropolitan Council. On December 10, 2015, the Metropolitan Council issued a letter confirming its approval of the CPA; a copy of the approval letter is included with this RCA as Exhibit A.

SUMMARY OF RECOMMENDED CHANGES TO THE ZONING MAP

As noted above, the Planning Commission recommended approval of the proposed change in Zoning Map designation from High-Density Residential-1 (HDR-1) District to Community Mixed-Use-1 (CMU-1) District for the parcels addressed as 2805 – 2837 Fairview Avenue, 2830 Fairview Avenue, and 1633 – 1775 Terrace Drive. State statute requires that a community's zoning map be consistent with its comprehensive plan land use map; because the City Council has already taken action to amend the Comprehensive Plan land use guidance for the subject parcels, rezoning the subject parcels to one of the newly-created CMU districts is a technical necessity to comply with the pertinent statute. The Planning Commission and the City Council, with the assistance of public input, tailored the CMU-1 District for these subject parcels (and others like them) in order to expand the range of development types allowed on them while ensuring that their potential impacts to the adjacent low-density residential neighborhood are minimized. The draft ordinance to rezone the subject properties is included with this RCA as Exhibit B.

PUBLIC COMMENT

At the July 23, 2015, open house meeting about the comprehensive plan and zoning changes contemplated for Twin Lakes, the only indication of concern about the CMU-1 District boundaries centered on the petition submitted earlier in the year requesting that these parcels be zoned Medium-Density Residential. The public hearing for the Comprehensive Plan and zoning amendments in Twin Lakes was held by the Planning Commission on September 2, 2015; written comments from the open house meeting and minutes of the public hearing are included with this RCA as part of Exhibit C. Because the public hearing was concluded at a late hour, the Planning Commission tabled the longer discussion, resuming it on September 17; after discussing the application and the public comment received both during the public hearing and at the special meeting, the Planning Commission voted unanimously to recommend approval of the proposed amendments to the Comprehensive Plan and Zoning Code. Approved minutes of the Planning Commission's September 17, 2015, and approved minutes of the City Council's October 26, 2015, meeting are also included as part of Exhibit C. At the time this report was prepared, Planning Division staff has not received any additional public comments.

RECOMMENDED ACTIONS

Pass an ordinance rezoning existing HR-zoned parcels addressed as 2805 – 2837 Fairview Avenue, 2830 Fairview Avenue, and 1633 – 1775 Terrace Drive to CMU-1, based on the findings and recommendation of the Planning Commission, the content of this RCA, public input, and City Council deliberation.

ALTERNATIVE ACTIONS

Pass a motion to table one or more of the actions for future action. While there's no required timeline for approving City-initiated proposals such as this, deferring action into the future could

have adverse consequences for property owners or potential developers who may be following this process and anticipating its conclusion.

By motion, deny the request. Denial should be supported by specific findings of fact based on the City Council'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

RCA Exhibits:
A: CPA approval letter from Metropolitan Council
B: Draft rezoning ordinance
C: Open House written comments; Planning Commission and City Council meeting minutes

RCA Exhibit A

December 10, 2015

Bryan Lloyd, Senior Planner
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

RE: City of Roseville High Density Residential to Community Mixed Use Comprehensive Plan Amendment – Administrative Review
Metropolitan Council Review File No. 20516-3
Metropolitan Council District 10

Dear Mr. Lloyd:

The Metropolitan Council received the City's High Density Residential to Community Mixed Use Comprehensive Plan Amendment (amendment) on November 19, 2015. This amendment reguides approximately 18.4 acres located at 2805 Fairview Avenue, 2825 Fairview Avenue, 2830 Fairview Avenue, and 1725 Terrace Drive, from High Density Residential (12-24 units per acre) to the Community Mixed Use (25%-50% residential use at 4-30 units per acre). The amendment request stems from public input meetings held in early 2015 by the City of Roseville for redevelopment of the Twin Lakes area.

Council staff finds the amendment meets the Comprehensive Plan Amendment Administrative Review Guidelines revised by the Council on July 28, 2010. The proposed amendment does not affect official forecasts. Though the amendment reduces opportunities to accommodate the City's share of the region's affordable and lifecycle housing need, the City still has sufficient land guided to address the housing requirements of the Metropolitan Land Planning Act. Therefore, the Council will waive further review and action; and the City may place this amendment into effect.

In addition, staff offers the following advisory comments for your consideration:

Regional Parks (Jan Youngquist, 612-605-1029)
The amendment is complete for regional parks review and conforms to the 2030 Regional Parks Policy Plan (RPPP). Although not acknowledged in the amendment application, the amendment site is within 0.5 mile of the St. Anthony Railroad Spur Regional Trail Search Corridor as identified in the RPPP. The St. Anthony Railroad Spur Regional Trail will travel through Roseville as it connects the Northeast Diagonal Regional Trail in Minneapolis to the Bruce Vento Regional Trail in White Bear Lake. The regional trail search corridor follows an active rail line, so planning for the regional trail will occur when there is a change in status of the active railroad operations. The change in future land use guiding from High Density Residential to Community Mixed-Use is not anticipated to impact future planning for the regional trail.

The amendment, explanatory materials, and the information submission form will be appended to the City's Update in the Council's files. If you have any questions please contact Eric Wojchik, Principal Reviewer, at 651-602-1330.

Sincerely,

LisaBeth Barajas, Manager
Local Planning Assistance

CC: Steve O'Brien, Minnesota Housing
Tod Sherman, Development Reviews Coordinator, MnDOT Metro Division
Marie McCarthy, Metropolitan Council District 10
Eric Wojchik, Principal Reviewer
Raya Esmaeili, Reviews Coordinator

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ORDINANCE NO. ____

AN ORDNANCE AMENDING TITLE 10 OF THE CITY CODE, CHANGING THE ZONING DESIGNATION OF CERTAIN REAL PROPERTY FOR CONSISTENCY WITH ITS DESIGNATION IN THE COMPREHENSIVE LAND USE PLAN MAP

The City Council of the City of Roseville does ordain:

Section 1. Real Property Rezoned. Pursuant to Section 1009.06 (Zoning Changes) of the Zoning Code of the City of Roseville, and after the City Council consideration of PROJ0026 the following parcels are rezoned from High-Density Residential-1 (HDR-1) District to Community Mixed-Use-1 (CMU-1) District:

PIN: 04-29-23-31-0018

PIN: 04-29-23-31-0017

PIN: 04-29-23-42-0030

PIN: 04-29-23-42-0043

Section 2. Effective Date. This ordinance amendment to the City Code and Zoning Map shall take effect upon the passage and publication of this ordinance.

Passed this 25th day of January, 2016.

ROSEVILLE

Open House – July 23, 2015

To gather public input related to the ***continuing planning process for Twin Lakes. The City Council's discussions over recent months have yielded a draft rezoning of all properties in Twin Lakes as well as a change in the comprehensive plan's general land use guidance for the Twin Lakes parcels currently guided for high-density residential development.***

This open house meeting is an important source of feedback from the community and is a required step in the process of seeking City approval for the proposed comprehensive plan and zoning map changes. A summary of the comments and questions raised at the open house meeting will become part of the formal application. ***(Planning Project File 0026)***

Please share your comments below:

Thank you for the opportunity to provide input. I really appreciate what I see in the CMU1-CMU4 areas as an attempt to move gradually from the residential area north of Terrace to the commercial area on County Rd. C. I also support nearly all of the permitted uses for these areas. As one detail, though, I do not understand the prohibition on Twin Homes/Duplexes in CMU-1, particularly because 1) most of the existing homes on Centennial east of Fairview are twin homes and 2) a mobile home park, which seems more likely to be problematic, is listed as a conditional use.
I hope to see more information in the future on the regulating plans, which I think is really key to making sure the uses in each area are implemented well.

Name: Brooke Tosi Address: 1716 Millwood Ave.

Phone: [redacted] Email: [redacted]

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Please share your comments below:

I do not believe we should allow big box ≥100,000 sf as a conditional use in CMU-4.

Name: Timothy J Callahan Address: 3062 Shorewood Lane

Phone: [redacted] Email: [redacted]

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Please share your comments below:

I came especially to see how the Park part of the Parkway was to be treated. I favor the landscape treatment we see on Co. Rd. C near City Hall, with a planted median and boulevard trees lining the parkway throughout its length wherever feasible.

Also is it possible that there can be a pedestrian link from the parkway into Langton Lake Park?

At the same time is it possible to leverage more park development in the Trail Area indicated on the map, just south of Langton Lake?

And I'm assuming that there will be a sidewalk installed wherever new parkway is added. Let me know if I am not correct. Thanks very much for this opportunity.

Name: Gary Grefenberg Address: 91 Mid Oaks Lane Roseville 55113

Phone: [redacted] Email: [redacted]

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Passed this 25th day of January, 2016.

f. PROJECT FILE 0026
Request by City of Roseville for approval of amendments to the 2030 Comprehensive Plan and Zoning Code pertaining to various properties within the Twin Lakes Redevelopment Area

Chair Boguszewski opened the public hearing for Project File 0026 at 9:32 p.m.

Senior Planner Bryan Lloyd briefly reviewed the request for amendment of the 2030 Comprehensive Plan and Zoning Code for the Twin Lakes Redevelopment Area as detailed in the staff report dated September 2, 2015. Mr. Lloyd noted this would include changes to the existing Comprehensive Plan Land Use Map (Attachment A) guiding future Community Mixed Use (CMU) land use designation that provided much broader language than guidance currently found in the High Density Residential (HDR) zoned designation. Mr. Lloyd advised that the Comprehensive Plan change would be a foundational elemental in amending current zoning code. Mr. Lloyd advised that this request currently before the Planning Commission was a result of months of public input and City Council review and discussion, and creation of the proposed zoning map (Attachment B) showing four use designations within the CMU zoning in the Twin Lakes Redevelopment Area.

Mr. Lloyd directed the Commission's attention to Table 1005-5 detailing uses in these four zoning districts (Attachment C).

At the request of Member Murphy regarding the hash markings in the area bordering the lake, Mr. Lloyd noted that existing CMU regulations limited height to some extent, and this buffer area suggested even further height reductions to minimize massing along street frontages and along lake borders to improve pedestrian aesthetics. Mr. Lloyd noted that this would implement absolute height limitations for that area, with the proposed CMU-1 designation allowing a maximum height of 35', and overall height limited to 65' in CMU-2 designations; with the further provision for that 35' height restriction within the "hashed" areas.

Within the various CMU subareas, Mr. Lloyd noted that CMU-2 subareas provided less density to the north, thus buffering more intense development from sensitive areas (e.g. parks, natural areas, and wetlands) with the CMU-4 subarea the most intensive area. Mr. Lloyd clarified that these subareas in CMU designated zoning did not necessarily apply to the entire community, but was specific to the Twin Lakes Redevelopment Area.

In addition to the Commission focus tonight on the Table of Uses (Attachment C – pages 16 – 18), Mr. Lloyd noted the requested text changes (Attachment C, page 16) and revised definition of the first section of Zoning Code Chapter 1001, Introduction, Section 1001.10: Definitions (Attachment C, Page 1).

Mr. Lloyd briefly reviewed the intent of each of the four subareas in the CMU zoning designation as detailed in the staff report dated September 2, 2015, and further defined in Attachment C, and the proposed uses for each. Mr. Lloyd noted that this resulted in different land uses across those 4 subareas, providing for a unique situation with the regulating plan providing a different layer of zoning, specially addressing setback requirements, use regulations, and where 24-hour uses were or were not acceptable given the subarea proximity to residential uses.

Mr. Lloyd addressed an email provided to staff earlier today from Member Stellmach suggesting further simplifications that staff found valid, and with Mr. Lloyd's responding e-mail to Commissioners, staff recommended they be included as a new section to page 16 of Attachment C specifically addressing limited business hours district-wide versus basing them on use limitations. Mr. Lloyd further noted an observation by Member Stellmach of a potential conflict in regulating customers within permitted uses as a conditional use (CU) during nighttime while allowing hotels as permitted (P) use when their guests were arriving or departing at all hours. Mr. Lloyd opined that the simplest way to address it was to make lodging uses in the Land Use Table 1005-5 a CU in CMU-4 to

avoid that conflict. If other conflicts or inconsistencies were found, Mr. Lloyd asked Commissioners to point them out for the next iteration.

Mr. Lloyd noted in the Land Use Table for the Twin Lakes area, the laboratory/research and development use was not expressly discussed as a permitted use in the table, but seemed to be a natural fit with other P uses promoted for corporate or biotechnical firms or offices of a similar nature in the Twin Lakes Redevelopment Area, making it a sensible addition to the proposed revised Table of Uses at least in the Industrial section to accommodate laboratories for research and development and/or testing. Mr. Lloyd suggested it may be prudent to think more intentionally about what research and development or testing could entail and how to regulate them to address outdoor elements and concerns (e.g. testing explosives as a non-permitted – NP – use while a more sensible use may be in testing driverless vehicles outdoors and whether or not to regulate that type of implementation).

Regarding the requested zoning changes, Mr. Lloyd based on the proposed Table of Uses for Twin Lakes, some uses were clearly P and others NP, while others were open to interpretation, usually falling into the CU, and potentially falling into the Planned Unit Development (PUD) area if the City Council ultimately decides to reinvent that option in the near future and depending on specific for each case. With that PUD consideration slated to come forward in the next few months, Mr. Lloyd advised that further refinement could occur at that time.

In conclusion, Mr. Lloyd noted that staff was seeking two separate motions of the Planning Commission tonight for subsequent recommendation to the City Council, as detailed in the staff report.

Chair Boguszewski summarized staff's requested actions: proposed changes to the concept of the CMU Zoning District itself given the general perception that the single category was too broad or general in nature, creating a desire to split it into subcategories allowing varying degrees of latitude or restriction; and the desire to change two parcels in this area from the current zoning designation of High Density Residential (HDR) to CMU-2 parcels; provided the Commission concurs with the conceptual zoning designations from CMU to CMU-1, 2, 3 or 4.

Chair Boguszewski noted that it's possible the City Council may not support the Commission's recommendation and could still change those two parcels to CMU without subcategories; with Mr. Lloyd concurring with that potential, noting that changing the Comprehensive Plan opened up that possibility.

If that was the case, Chair Boguszewski asked staff if they still would have wanted to split the CMU into 4 subcategories, with Mr. Lloyd responding that the preferred lower intensity development couldn't be achieved with a uniform CMU zoning district, and a more geographic nuance of zoning regulations was actually driving the process, part of which would be changing the Comprehensive Plan to achieve that.

From a process standpoint, Chair Boguszewski noted that it behooved the Commission to vote on the four CMU subareas first and subsequent to that determine the CMU-1 zoning as applicable.

At the request of Chair Boguszewski, Mr. Lloyd confirmed that CMU-1 and CMU-2 designations were fairly similar other than for business hour designations depending on the specific land use, and proposed for only two specific categories where they differed. Chair Boguszewski further noted that in CMU-2 and CMU-3 designations, there were eight differences proposed, with lodging and large format retail uses being addressed. Chair Boguszewski opined that it seemed the greatest value wasn't necessarily achieved in splitting this into 4 subareas, which he felt could have been 90% achieved by splitting the CMU into 2 districts and combining CMu-3 and CMU-4 into CMU-2, other than for addressing hours of operation.

Mr. Lloyd clarified that CUM-1 and CMU-2 zoning designations had a further distinction in overall height limitations, recognized by Chair Boguszewski.

Chair Boguszewski sought clarification and confirmation from staff that action to amend the Comprehensive Plan required a 5/7 majority vote, requiring unanimity from those members present tonight, which may create a problem in the quorum present.

Chair Boguszewski noted the tremendous amount of work that has gone into this, and commended staff and Member Stellmach for their review and good recommendations to-date. Given the considerable amount of time to sufficiently and meaningful review the Table of Uses line by line, and the need to focus on exceptions and potential complexities of those discussions, Chair Boguszewski suggested either reviewing a portion tonight, or given the lateness of the hour, to continue it to a future meeting.

Member Murphy concurred, but suggested hearing from those members of the public in attendance tonight and asked staff if there was any negative impacts if the Commission didn't finalize their discussion and action tonight.

Chair Boguszewski duly noted his intent to hear public comment from those in attendance tonight.

Mr. Lloyd advised that from a staff perspective there was no formal 60-day rule to comply with as this was an internal application, and only impacted developers tracking its progress who may be anticipating its completion in September, his only concern.

At the request of Member Cunningham, Chair Boguszewski advised that public comment would be heard on any portion of this requested action, but asking speakers to clearly identify which requested action they were specifically addressing to avoid confusion.

Public Comment

Lisa McCormick
Ms. McCormick advised that she would be addressing both issues, expressing concern with the limited time of 5 minutes per speaker.

Ms. McCormick spoke to the long process of over a year for this item to come forward; and referenced materials she had brought to the City Council in June and Councilmember Laliberte's request at that time that those materials also be forwarded to the Planning Commission for incorporation, noting that she would be further referencing some of those exhibits in her comments tonight.

Ms. McCormick specifically addressed some of the neighborhood concerns in this area serving as a gateway to 700 Roseville homes focused around the intersection of Fairview Avenue and Terrace Drive; and that neighborhood's submittal of 3 petitions to-date to the Planning Commission and/or City Council, 1 specifically related to conditions for Interim Use (IU) approval for Vogel Sheetmetal, and 1 specifically addressing resident concerns in the currently zoned HRD area, seeking rezoning to Medium Density Residential (MDR), but now proposed by the City Council directing staff toward CMU-1, which ultimately was more amenable to residents of adjacent properties and for the parks, which was their initial intention. Ms. McCormick stated that the 3rd petition was put forward featuring specifics the neighbors felt would be more favorable in the Twin Lakes Redevelopment Area, including speaking to height, big box retail uses; with the City Council instituting a planning process in January of 2015. Ms. McCormick stated that at that time, residents were told that the process would be multi-step, including a neighborhood survey, a review of visual preferences related to height issues, and then resulting in a more fine-tuned product. However, Ms. McCormick opined that the process was later halted with only one step – the neighborhood survey – having been accomplished. Ms. McCormick noted that it was interesting to her to note that the petitions contained signatures of approximately 80 neighbors, while approximately 66 surveys were received.

When this was last discussed by the City Council in June of 2015, Ms. McCormick advised that she had asked the Mayor if they were disregarding the petitions and instead leaning toward rezoning to CMU, and was told that appeared to be the mood of the City Council at that time and after having talked to other residents.

Ms. McCormick clarified that she was speaking on her own behalf tonight as a resident. Ms. McCormick stated that the neighbors were willing to be reasonable with a lighter intensity CMU which seemed to make sense, but the inclusion of a significant number of P uses remained an issue for them as they had advised the City Council, and asked that the Commission scale those uses back further or signify them as CU as a way to further define them.

Ms. McCormick noted the many unknowns in their neighborhood based on the upcoming construction of Twin Lakes Parkway and potential negative impacts to the area, with those concerns primarily concerning intensity, noise and traffic, which had also been shared with the City Council. While the traffic study recently conducted was expanded to include County Road C -2 and Snelling Avenue intersections, Ms. McCormick noted the current negative service levels of those intersections, and opined that the built-in assumption was included that Snelling Avenue would be expanded to six lanes, which was not even on anyone's realistic wish list. Ms. McCormick provided photographic evidence of traffic issues at neighborhood intersections that were taken in May of 2015, and noted she was concerned with even more traffic with the extension of Twin Lakes Parkway. Ms. McCormick also provide a photo taken from a residential deck adjacent to an adjacent business, with 50' between them, and noted the neighborhood's rationale in being concerned that hours of operation be clearly addressed.

In her personal review of old planning files, Ms. McCormick referenced the multi-tenant building where "Bridging" was currently located and changes in those uses in the 1990's and conditions that no truck traffic was permitted north of the building, and no deliveries permitted after 8:00 p.m., and doors closed and dumpster removal hours also addressed (refer Planning File 2574). Ms. McCormick questioned if a new zoning district would take those conditions into account, and if not asked that they would be.

Ms. McCormick addressed height as another issue, and while appreciation restrictions of 35' in CMU-1 zoning districts, opined that extending a 65' height restriction over the remainder of the CMU district would be preferable. Ms. McCormick noted past discussions and viewpoints expressed between her and Community Development Director Paul Bilotta; addressing potential height or stories based on wireless antenna atop buildings which she found not to be conducive other than in the proposed CMU-4 zoning district. Ms. McCormick stated that she would prefer a mid-level height along Fairview Avenue, nothing more than 2 stories along County Road C unless at Cleveland Avenue with Snelling Avenue currently being the only exception proposed.

Regarding frontage types, Ms. McCormick spoke in support of flexible frontage as proposed along the northern boundary, with no specific discussions about that previously, causing her to question the actual intent of the City Council, staff and Commission.

Regarding business hours, Ms. McCormick opined that if a business was immediately adjacent to a residential area in CMU-1 zoning districts it should be restricted in hours of operation, and not as currently proposed for closure between 2:00 and 6:00 a.m., which could prove problematic for general livability for those residents due to noise, traffic and other issues.

As far as more uses designed CU, Ms. McCormick noted that the City of St. Paul required CU for most of their permitted uses providing them that extra check or control for case by case evaluation and also allowing public input at that time.

In response, Chair Boguszewski concluded that Ms. McCormick was generally supportive of the concept of four CMU zoning designations.

Ms. McCormick confirmed that, while that wasn't her first preference, it was acceptable.

Chair Boguszewski concluded that Ms. McCormick was expressing concern with the process itself, seeking to be more fully involved in determining the P, NP or CU uses in each line of the Table of Uses, suggesting CU across the board may be more preferred. In general, Chair Boguszewski suggested that Ms. McCormick was concerned, as he had articulated as a personal concern of his own, that based on survey results and desires previously articulated by residents, that shifting some of those uses in CMU-1 and CMU-2 subareas should be more restrictive.

Ms. McCormick agreed in principle with Chair Boguszewski's summary.

Bonnie Vogel, 2830 Fairview Avenue (Vogel Mechanical)
For the benefit of the Commissions' review of this issue, Ms. Vogel noted that time was of the essence from a business perspective; and opined that this discussion had included or sought little input from the business community to-date. Ms. Vogel referenced a recent publication by the North Suburban Chamber of Commerce in which it was found that there was one business for every three homes, but she opined she was not hearing input in that proportion, suggesting a narrow viewpoint. Ms. Vogel noted that some of these issues affected their business personally, and reminded the Commission that while there may be a difference in taxpayers, the businesses contributed to a community in a variety of ways beyond its tax base.

Ms. Vogel stated that the zoning issue was huge, and referenced the first meeting their firm had held before purchasing their business located at immediately north and east of the intersection of Fairview Avenue and Terrace Drive, at which only four residents were present, with their most important request and concern being that their firm mow the lawn. Since then, Ms. Vogel noted that they had been criticized for not doing their due diligence, and having invested considerable money in their firm to address environmental issues and concerns in response to the adjacent residential neighborhood, remained interested in moving forward. Ms. Vogel noted the differences in their firm's much less intense use than the previous user (Aramark), with only six employees working at this site, yet still being unable to move in completely due to phasing and financing issues due to various delays in the process.

Ms. Vogel asked that the Commission consider business issues related to financing partner requirements, equity in their building and equipment, and the position it placed a business in if they intended to make any P use subject to CU, requiring business to delay activities for another 90-120 days in that process. Ms. Vogel noted that this could result in losing a business to another community; and asked that they give fair consideration to the timeliness of their decision-making.

Chair Boguszewski and Member Murphy sought clarification, provided by Mr. Lloyd, that the Vogel property had originally been zoned HDR, and proposed for CMU-1, and thus requiring an IU at this time; with any proposed zoning change allowing approval remaining as is.

Mr. Lloyd further clarified that the IU approval was predicated on an understanding that the businesses use was limited production/processing, and was a CU in the proposed CMU-1 zoning district, if approved. At that time, Mr. Lloyd advised that Vogel Mechanical could apply for a CU as a P use versus their current limited term IU that they were currently operating under for their property.

Lacy Kapaun, 1840 County Road C-2 West
Ms. Kapaun stated that she was generally in agreement with the various zoning sections, with the exception of the height restriction, opining that it was too high in areas along Fairview Avenue unless in a CMU-1 designated area where 35' would be acceptable.

Ms. Kapaun stated that her other issue was in not knowing the results of the Twin Lakes Parkway extension and what may develop as a result or how much traffic it may generate. Other than those many unknowns at this time, Ms. Kapam stated that the other provisions appeared to be reasonable, beyond knowing how much traffic would be produced with various uses. Therefore, Ms. Kapam asked for more restrictions in CMU-3

along Fairview Avenue, since that was a major concern for her; and further expressed her agreement with the comments and issues brought forward tonight by Ms. McCormick.

Kathleen Erickson, 1790 Centennial Drive
Ms. Erickson spoke to the process itself, opining that the reason more residents didn't participate was because the language involved in most discussions within City Hall was too intimidating for the average citizen. As an example, Ms. Erickson referenced the first mailed notice the neighborhood had received for the public hearing to consider the IU for the former Aramark building, admitting she had no idea what that meant beyond understanding it was a short-term use. Without being an attorney or developer, Ms. Erickson noted that residents were unaware of what was actually happening, and in her subsequent conversations with a number of her neighbors, they had no idea the strip had even been rezoned HDR, nor how or when that was done. Ms. Erickson noted that initially the neighborhood preference was for MDR to avoid upsetting existing businesses while still protecting residents in the area and Oasis Park.

As a 40 year resident of Roseville, Ms. Erickson stated that neither she nor her neighbors were trying to block progress, but simply seeking protection for their property and their ability to enjoy their quality of life without hurting anyone else.

While the timeframe may be important, Ms. Erickson opined that its importance seemed important for some things, but not others. Ms. Erickson expressed her interest in being good neighbors, and hoped adjacent property owners would do so as well, even though she no longer had much trust in any protections the process may offer, since it hadn't seemed to work for the residential neighborhood over the last 1.5 years. Ms. Erickson asked for the Commission's compassion, reiterating that their intent was not to stop development in Roseville, but to retain a walkable community and maintain the demographics of their neighborhood and the investments made in those homes. Ms. Erickson concluded by asking that the Commission consider the protection of those residential properties as well as those of the business community.

With no one appearing, Chair Boguszewski closed the public hearing at 10:28 p.m.

Chair Boguszewski stated that from his perception, he shared conceptually those comments of Ms. McCormick regarding the uses in CMU-1, but not necessarily those she suggested in CMU-2 and CMU-3. If the intent is to have a more restrictive buffer zone in the broader CMU district, Chair Boguszewski stated that he understood the desire to have CMU-1 more restrictive than currently proposed. Further, Chair Boguszewski agreed with the perception that the neighborhood surveys may or may not have been taken into account during staff's work on this; however, he noted that this remained a draft proposition. Chair Boguszewski admitted that personally he did not feel prepared tonight to approve the Table of Uses in any array of P, NP or CU uses without the opportunity to perform a more detailed and thoughtful review.

Having followed the pedigree of this process via webcast of City Council discussions to-date and the give and take of those discussions, Member Murphy opined that another set of eyes had already given it a general review.

Mr. Lloyd advised that since the public input session referenced in January, the subareas within the CMU had been broken out by the City Council, and would most likely be of greater concern or interest to the community than the initial list of uses discussed by the City Council, having morphed into this summary presentation based on feedback to-date and further review. Subsequent to that process, Mr. Lloyd noted the staff addition of the remainder of the CMU district table filling in the blanks based on their knowledge and various input sources to-date, with some uses more conventional in nature and easier to address than some.

Specific to gas station uses, Chair Boguszewski note dif it was CU across the board it seemed less problematic to him than having it as a P use in CMU-1 if that is intended as a buffer zone. With Vogel Mechanical an ongoing project, Chair Boguszewski questioned

what if any ramifications there would be for them if the Commission didn't' take action on or complete this discussion tonight.

At the request of Chair Boguszewski, Mr. Lloyd noted the current IU for Vogel remained in place, and needn't warrant the Commission moving more quickly than warranted or in a way they felt most comfortable with, given the ultimate goal of making sure the resulting recommendations were done right.

While not suggesting charging forward with the process, Member Murphy asked what homework assignment staff would recommend for individual commissioners between now and the next meeting.

Chair Boguszewski responded that commissioners had previously discussed that and noted the individual work and research done by Member Stellmach in advance of tonight's meeting and recommendations incorporated by staff based on those efforts. Chair Boguszewski suggested another may be a work session limited to this item to avoid a process that delayed things another year, but allowing productive and thoughtful review of this issue in addition to balancing it with the other land use cases coming before the commission. Chair Boguszewski noted one example of the process would be more detailed discussion with the commission charged to balance business and residential interests, opining that the City Council should find it of value for the commission to work with staff and edit thoughts and whys in the commission's determinations or at least the rationale in their recommendations. If submitted individually, Chair Boguszewski suggested at a minimum that staff assemble those individual comments to inform further discussion of the whole body.

Member Murphy sought further direction on how best to pursue the process or what to do differently.

Community Development Director Bilotta noted that a lot of effort has gone into the Twin Lakes Redevelopment Area for decades, not just this year; and while it seems like the end is near for this issue, there remained many voices and ideas. Mr. Bilotta clarified that the onus was not entirely on the Planning Commission or public comments held at the Public Hearing, noting that the City Council had also gone through a lot of the proposed uses line by line and were now at a point where they were seeking the Commission to weigh in once again. Therefore, Mr. Bilotta assured commissioners that an additional month would not prove problematic, but clarified that another six months may be harmful.

Mr. Bilotta noted that it was unfortunate that tonight's agenda had so many land use cases in addition to this internal document. However, he expressed appreciation of the comments and discussion, as well as the public process and public comment. Mr. Bilotta did opine, however, that good decisions are not possible after such an agenda and at this late hour.

Mr. Bilotta suggested the option to continue the Public Hearing and discussion to the October meeting, or scheduling a Special Meeting for only this issue before the next Regular Planning Commission meeting.

Chair Boguszewski questioned if that option would allow additional public comment at the next regular Commission meeting.

Member Cunningham noted she had numerous suggested changes beyond staff's hard work to-date, and suggested doing individual homework and having the opportunity to share those suggestions as a group before officially voting on it.

Member Murphy suggested inviting the City Council for a joint discussion as well, such as a Worksession of the two bodies before going their separate ways with varying ideas.

Chair Boguszewski opined that each City Councilmember had the opportunity to view Commission meetings, as the Commission did for City Council meetings; and while loving the idea of a joint meeting, questioned if it was realistically feasible. Chair Boguszewski

opined that it was the charge to the Commission to make recommendations and send it back to the City Council allowing for another level of scrutiny.

Further discussion ensued regarding the process to complete this review, whether individually or corporately and how to gain consensus on each line item that could prove extensive and the advantages and disadvantages of a Special Planning Commission meeting and concern that public comment would be part of that process as well.

Mr. Bilotta advised that public comment could be part of a Special Meeting as long as appropriately noticed, and if commissioners were all in agreement, there was no need to spend additional time tonight on the discussion. Mr. Bilotta suggested that individual commissioners submit typographical errors to staff prior to the Special Meeting to allow for more substantial discussion on technical issues and actual uses as that meeting.

Member Cunningham noted that this would also give the neighborhood and business owners more time to address specific areas they found objectionable beyond those few examples brought forward tonight, which she considered a missing part of the process to-date.

Further discussion ensued regarding notice requirements and timing for a special meeting; current land use applications in-house for consideration at the October regular meeting of the body; options to provide notice to the neighborhood of the special meeting and topic for discussion; and the format of a special meeting.

Member Bull noted that the Planning Commission's action remained a recommendation to the City Council and was not final, and still allowed for additional public comment at the City Council level. However, Member Bull spoke in support of having more time for the Commission to have confidence in their recommendations to the City Council on this document and Table of Uses.

Chair Boguszewski concurred, opining that such a thoughtful and deliberate approach would represent a huge service for the City Council, including any supporting email documentation or rationale for that decision-making process.

Member Bull expressed concern with individual commissioner comments directed to staff without the benefit of the group's feedback if they were contrary to other commissioners.

Mr. Lloyd assured the commission that staff would call out any areas of conflict.

At the request of Member Cunningham, Chair Boguszewski clarified that individual commissioners should feel free to send their thoughts and comments to staff for compiling, but not for incorporation if in conflict with each other. Chair Boguszewski stated that incorporating and deciding actual uses would be done by the commission at the next meeting.

MOTION
Member Murphy moved, seconded by Member Cunningham to TABLE consideration of the proposed COMPREHENSIVE LAND USE PLAN MAP CHANGE and the proposed ZONING MAP CHANGES to the next Planning Commission, whether a Special Meeting or at the next Regular Meeting, depending on staff's ability to schedule those meetings.

Ayes: 5
Nays: 0
Motion carried.

6. Adjourn

Chair Boguszewski adjourned at 10:50 p.m.

SPECIAL Planning Commission Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, September 17, 2015

1. Call to Order

Chair Michael Boguszewski called to order a special meeting of the Planning Commission meeting at approximately 6:30 p.m. for the purpose of considering amendments to the 2030 Comprehensive Plan and Zoning Code pertaining to various properties within the Twin Lakes Redevelopment Area. Chair Boguszewski reviewed the role and purpose of the Planning Commission.

2. Roll Call

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

Members Present:	Chair Michael Boguszewski; Vice Chair Shannon Cunningham; and Members Robert Murphy; James Bull; and Chuck Gitzen
Members Excused:	Members David Stellmach and James Daire
Staff Present:	Community Development Director Paul Bilotta, City Planner Thomas Paschke, with Senior Planner Bryan Lloyd arriving at about 6:40 p.m.
Others Present:	Councilmember Bob Willmus in the audience

3. Commission Business

PROJECT FILE 0026: Continuation of the request by City of Roseville for approval of amendments to the 2030 Comprehensive Plan and Zoning Code pertaining to various properties within the Twin Lakes Redevelopment Area

Chair Boguszewski opened the discussion for Project File 0026 at 6:34 p.m. continuing this discussion from the September 2, 2015 regular Planning Commission meeting at which time it was tabled.

Community Development Director Paul Bilotta briefly reintroduced this item; noting that the Chair closed the Public Hearing at the September 2, 2015 meeting, at which public comment was heard.

While recognizing that the public hearing had been closed, Chair Boguszewski noted that additional public comment would be considered tonight depending on the time available.

Mr. Bilotta provided a brief background, and clarified some misconceptions previously voiced by residential neighbors of this Twin Lakes Redevelopment Area, specific to protect petitions they had submitted. Mr. Bilotta advised that each of the petitions had been received, and considered in the past by the City Council, and had not been "lost in the shuffle," as had been alluded to with past public testimony. Mr. Bilotta advised that they had been incorporated into the review throughout the process by the Planning Commission and City Council on various occasions during this most-studied area of Roseville. Mr. Bilotta noted the significant and ongoing public input received over the last 25-30 years from the public, property owners, the business community, and design teams before and after new zoning designations had come into play and as revised several times based on a considerable amount of that public input. Mr. Bilotta noted that tweaking is common in such a comprehensive redevelopment area, reiterating that as the protect petitions were submitted, they had been part of the City Council's review and numerous public informational open houses during the review of the Twin Lakes Redevelopment Area.

Specific to one protest petition, Mr. Bilotta noted that the residential neighborhood had asked that north of Terrace Drive be rezoned from High Density Residential-1 (HDR-1) to a Medium Density Residential (MDR) concept. Mr. Bilotta advised that the City Council and staff recognized and interpreted the neighborhood concerns that they were not comfortable with HDR in their back yards. However, Mr. Bilotta noted that the neighborhood was not supportive of all the uses proposed in a Community Mixed Uses (CMU) zoning designation either; but appeared to understand that it would be a long time before MDR became feasible in today's marketplace. As one approach, Mr. Bilotta noted that the residents appeared to be used to current commercial

uses adjacent to their residential properties understanding that they were legal, nonconforming uses that would eventually work their way out of existence.

From staff's perspective, Mr. Bilotta noted that there was considerable concern about the difficulty in recommending zoning and future planning based on leaving something as a grandfathered use that could feasibly and potentially remain for a minimum of twenty years essentially providing an economic incentive for the landowner to retain that legal, nonconforming use in perpetuity. Therefore, Mr. Bilotta advised that staff sought to find an economic incentive for the landowner to seek out less intense uses during that twenty year period and encourage reinvestment in buildings, and as one tenant leaves, find lower intensity tenants to make the use more compatible with adjacent residential properties.

From the City Council's perspective and as a compromise for this planning process, therefore, Mr. Bilotta noted that the CMU zoning designation had been broken into various components providing for less- to more-dense uses depending on their proximity to residential properties; as well as providing for a maximum 35' height limitation for MDR uses to address residential and density restrictions versus taller apartment buildings immediately adjacent to single-family residential designated zoning areas.

Senior Planner Bryan Lloyd arrived at this time, approximately 6:40 p.m.

Specifically addressing a second protest petition, requesting increased height and/or density closer to Cleveland Avenue rather than Fairview Avenue, Mr. Bilotta advised that consideration of that request went through the City Council review and discussion process as well; and as part of that their breaking up of the CMU zoning designation further addressed that density and height issue to have more intensity along County Road C and Cleveland Avenue and then stepping back that intensity resulting in the fourth CMU zoning designation along Terrace Drive North becoming less intense and therefore carrying out the requests voiced in the protest petition. Further, Mr. Bilotta noted that as the zoning designations change, businesses hours are more limited beyond what is done in general in the broader community, which had also come through that City Council process as a consideration with 24-hour businesses.

Further, Mr. Bilotta noted that design standards in these various CMU designations are different than other zoning districts in the community, utilizing form-based codes and regulating plans, differing from other parts of City Code, as the City Council and staff attempt to put a common theme together to match uses.

Using the displayed map, Mr. Bilotta noted further accommodations for height restrictions within 1,000 feet to serve as additional buffers for HDR-1 and HDR-2 zoning designated areas; even though some existing towers in the community (e.g. Rosedale, Snelling Avenue, Lexington Avenue, and along the commercial side of Highway 36) may exceed that but most of the area would be covered in some manner by that 1,000 foot radius in height. Mr. Bilotta reviewed the SW area of Roseville with little height in the proximity of the country club; as well as in the SE corner with that area covered by several large county parks, cemetery uses and lakes (e.g. McCarron's and Owasso), most of those areas which also provided the 1,000 foot buffer from single-family residential properties throughout the city, making it not out of line with and consistent throughout the community, therefore with staff not recommending changes for that standard. As noted in the protest petition, Mr. Bilotta agreed that at the time of the petition, the CMU had no height limitations whatsoever, and given those concerns, staff was proposing height and density limitations. While staff's recommendations do not come out exactly the way they were proposed in the protest petitions, Mr. Bilotta opined that the common themes had been addressed.

Specific to the use table initially reviewed by the City Council, Mr. Bilotta noted that they were not looking at actual text at that point, but more general categories, such as if they were generally supportive of retail in a certain CMU subarea, they staff subsequently turned that into proposed text for the Planning Commission to review. With lots of shades of retail, Mr. Bilotta clarified that the City Council had probably not taken all of them into consideration as possibilities. However, Mr. Bilotta advised that staff thought it best to start with a large list and cut it down versus the other way, with Mr. Lloyd getting into the detail shortly.

With Senior Planner Lloyd pointing out two current HDR zones proposed for changes, Chair Boguszewski clarified if they were changed to CMU-2, the height restriction would be built into the new CMU-1 definition, but not the HDR-1, eliminating the 1,000 foot buffer problem.

Mr. Bilotta clarified that no higher than 2 stories would be allowed within or adjacent to any single-family residential area down to Twin Lakes Parkway where it dead-ends, and then in a straight line form WalMart from the Fireplace Store. Mr. Bilotta further clarified that everything north of that would be less than 2 stories, or not exceeding 35' all the way down to the Fireplace Store.

Chair Boguszewski opined that this would enable development south of Terrace Drive, and by this zoning change, it achieved 2 stories north of County Road C and more intense height and density south.

Mr. Bilotta concurred, noting the additional 100' buffer around Langton Lake for further protections.

While he observed the City Council spending significant time in their consideration of the various subareas and their locations, Chair Boguszewski noted that they did not get into the specificities of each use or their line by line development.

Mr. Bilotta concurred, noting that the City Council provided good and clear direction with each subarea and their dividing characters and the intensity levels for each of the CMU subareas that they'd discussed over several meetings, as well as line by line categories; their overall discussion were broader, especially related to various retail uses.

Chair Boguszewski reviewed the process as staff belabored details and drafted the proposal for the City Council's intentional and thoughtful review, with their general direction given to staff, who then drafted the details for Planning Commission review and subsequent recommendation to the City Council. Therefore, if the Planning Commission recommended additional changes, Chair Boguszewski suggested providing clarity on their rationale in those recommendations since considerable work had already gone into this by the City Council and their direction to staff.

Mr. Bilotta concurred, noting that the City Council had put the broader pieces in place, and then charged the Planning Commission with review of the more minute details and subcategories, especially for retail uses, and their judgments and rationale in making their ultimate recommendations.

Table 1005-5 – Table of Uses for CMU-1, 2, 3 and 4 and General Design Standards
Senior Planner Lloyd noted staff's incorporation of proposed use changes in the table presented at the September 2, 2015 regular Planning Commission meeting for each proposed district, anticipating additional review and changes tonight with time devoted specifically to this and only this issue at this special meeting of the Commission (Attachment C – RPCA dated September 2, 2015, pages 4 – 6).

Mr. Lloyd reviewed those initial changes made by the Commission and their general direction at that time, including corporate headquarters and type of office or general office use.

Discussion ensued on how best to go through the table of uses and various zoning designation subareas, with Chair Boguszewski determining, with consensus of the body that consideration would be given to individual member input for uses only for those not having consensus. Further discussion ensued in how best to highlight those areas to the City Council that were recommended for change and whether or not they are in agreement with those proposed changes or not. While recognizing that the public may wish to offer comment and participate in each use category, Chair Boguszewski ruled that in an effort to keep things moving in a timely fashion, public comment would be heard following the general discussion by the Commission, with any additional changes considered as a result of that public feedback, and prior to voting on the whole issue.

Office Uses

Corporate Headquarters
At the suggestion of Mr. Lloyd, and based on previous Commission discussions, it was the consensus of the body to ***DELETE corporate headquarters as a Permitted (P) use.***

Office Showroom

Mr. Lloyd noted that staff refined this from the existing CMU in consideration of CMU-1's close proximity to LDR neighborhoods, with Neighborhood Business (NB) designated districts throughout City Code intended for areas such, and this use being Not Permitted (NP) in NB designated areas, making sense in CMU-1 designations as well.

At the request of Member Murphy, City Planner Paschke defined "office showroom" as potential a warehouse use with a small showroom and/or office attached (e.g. Renewal by Anderson and Fireplace Store). At the request of Member Bull as to that rationale, Mr. Paschke clarified that CMU-1 is intended to be adjacent to LDR designated areas, with NB intended outside Twin Lakes in similar locations with lower intensity retail uses. However, as staff looked at CMU-1 and geographical similarities to NB, it seemed more prudent to NP office/showroom uses.

Mr. Bilotta noted this came out of the original process in a general way, with staff providing all uses in the previous iteration of the Table of Uses, but noted that the Planning Commission had not reached that point of detailed review at their previous meeting. Mr. Bilotta noted that staff's thoughts were that CMU-1 to some extent and in its proximity to single-family uses in a commercial world, it seemed prudent to treat it in theory similar to that geographical limitation. In response to Chair Boguszewski's question as to why that thinking wasn't applied previously, Mr. Bilotta stated that some was due to the process that went into the City Council's labeling with staff uncomfortable putting a bridge between the City Council and Planning Commission rather than letting the Commission be part of that process rather than staff simply deleting it prior to it coming before the Planning Commission. Mr. Bilotta further clarified that this proposed change from staff would have been brought up to the Commission before moving back to the City Council, but again hadn't been addressed at the September 2, 2015 Commission meeting due to the sizable agenda and time constraints at that meeting.

Member Bull questioned what constituted an "office/showroom," since he envisioned a wide variation of what that could encompass; opining that he'd rather have it be a Conditional Use (CU) to allow Commission review before approved.

Mr. Paschke clarified that a warehouse use typically have loading dock doors versus an office/showroom use that may constitute a square box that may include offices or other areas for display or showroom components, which he considered a distinct difference.

Member Murphy opined that he saw nothing wrong in allowing NP in CMU-1 as staff suggested, if not currently allowed in NB.

Member Bull opined that his general thinking was the long-term ramifications in what is permitted or restricted under the comprehensive plan; noting that to him that meant that CU was the middle ground, that a use may not necessarily be restricted, but not wholly permitted either without a further review.

Member Gitzen concurred with Member Murphy, supporting NP in CMU-1 and NB designations adjoining residential uses.

Member Cunningham admitted she could see both viewpoints on this, but overall supported not only maintaining a buffer but also allowing business development; and opined that she leaned toward staff's recommendation for NP to match the residential concepts.

Further discussion ensued regarding whether or not the office/showroom uses being P in other CMU designations would be determined as cascading and less restrictive.

Clinic, medical, dental or optical

At the request of Member Cunningham, Mr. Lloyd reviewed by those uses were considered P and not C, recognizing them as an appropriate use, but because of specific instances of a particular zoning designation, they may be less appropriate in one or the other spot based on geography and when considering a C it provides an extra level of regulation that allowed additional protection.

Mr. Bilotta noted that this use was common within smaller residential areas as well.

Member Cunningham sated that this seemed to represent a broad use, including urgent care with extended hours versus a regular clinic open during regular business hours. Therefore, Member Cunningham suggested making it CU knowing that the use would typically be approved, but if a facility with extended hours, CU would allow additional conditions to apply.

Mr. Lloyd noted the recent speculative drive-through use coming before the Planning Commission in the recent past, and recognized that without knowing the actual user, a new user could come in if the approval was already in existence; and noted that unless something specific was conditioned in the CU prohibiting that type of use, it may not remain for the long-term as originally intended or permitted.

Member Cunningham noted that, by allowing the use through as C, it also addressed changing uses (e.g. from a regular doctor's office subsequently closing and then open to the potential for an urgent care use with extended hours).

Chair Boguszewski suggested making the hours of operation a condition for approval.

Mr. Bilotta noted that there was no current definition for "urgent care," and if that was the issue, suggested providing that definition versus putting in restrictions if that was the intent of the Commission. Mr. Bilotta noted that this use was coming into a prominence not seen before, and as an example used the current urgent care on County Road B-2 operating as an office while the recently constructed urgent care in Vadnais Heights operating totally differently.

Chair Boguszewski asked if having a separate line use for "urgent care/after hours care" would include free-standing emergency care uses as well.

Mr. Paschke noted consideration being given to extended hours for retail uses and how best to control those; and questioned if that that could or should also apply in this scenario. Also, Mr. Paschke noted that the Twin Lakes Medical facility at Fairview Avenue and County Road C already had an urgent care; and as is currently stands, would therefore apply to CMU and NB designated zoning districts as a P use, which could perhaps carry through for that district as well.

Chair Boguszewski questioned if this applied to CMU-1, would it affect the existing Twin Lakes Medical facility by default.

Mr. Lloyd noted the proposal was to bring those designations out in the land use table, with recommendations from Member Stellmach made at the last meeting to rephrase text in Section f (Table of Allowed Uses), Items 6. a, b, and c (page 16 of 18 in RPCA Attachment C) to limit business hours as applicable and with some consistency.

From the City Council's past discussions, Mr. Bilotta noted considerations of operations between the hours of 4:00 a.m. and 6:00 a.m. and what that meant to specific businesses. For example, Mr. Bilotta questioned if that referred to customers only coming and going, or if it was a software company whose employees worked late or early morning hours, how would it affect them. Therefore, Mr. Bilotta advised that staff had proposed the text as presented on page 16 of the RPCA to address those extended hour activities that would be disruptive and those that may not be disruptive.

Chair Boguszewski suggested concurrence by the Commission with the City Council and staff on those differentials.

Member Bull spoke to bakery uses and their employees and/or customers as another example, with many of their employees coming in at 4:00 a.m. or before to start baking and prepare for a 6:00 a.m. opening to customers. Member Bull questioned if that would be a P use in a CUM-1 designation.

Mr. Bilotta suggested making that more in line with other text related to customers.

As with other businesses of a similar nature, Mr. Paschke noted the difficulty in regulating what occurs inside in the building no matter their use, if not doing external business during all the hours they're in the building.

Mr. Bilotta noted as an example the breweries that may be brewing or changing vats inside a building, which is unknown to the general public or staff; but if they were fielding customers after hours, then that became problematic.

Chair Boguszewski noted that businesses uses disruptive for adjacent residences seemed to be covered in the retail section or restaurant customer text on page 16, and suggested eliminating Item 6.a and make Item 6.b state CUM-1 and CMU-2 districts; or questioned if that was too far out, since the way the text is currently proposed made CMU-2 restrictive.

Member Cunningham opined that CMU-2 as currently written only addressed retail or customer traffic now.

Chair Boguszewski questioned if there was any activity (e.g. movie theater or bakery or other use) with service customers that would not be covered with the exception of internal workers or set up. Chair Boguszewski opined that it did with his recommended text revisions.

Member Bull spoke in support of Chair Boguszewski's suggested text change.

Member Murphy referenced funeral home uses on the next page in the Table of Uses.

Chair Boguszewski clarified that embalming could be done overnight with that use, but no viewing could occur prior to 6:00 a.m.

Member Murphy noted suggested deliveries had to occur 24/7 as "work" arrived at a facility.

Chair Boguszewski suggested further revisions to text with Item 6.b remaining as is, but Item 6.a mimicking current proposed text except in CMU-1 for service and/or restaurant traffic.

Member Murphy further questioned transportation uses (e.g. Metro Transit's Park & Ride Facility) and if parking allowed as now stated, would that be covered in prohibiting limited business hours.

Mr. Lloyd responded that in is a use in NB, staff would have changes to NP in CMU-1.

However, Member Murphy questioned what the example was in defining "essential services."

Mr. Bilotta clarified that that was defined as utility boxes, water towers, telephone lines, gas pipe lines, substations, etc. that just were static.

Mr. Paschke noted that due to their essential nature for customers 24/7, they were subject to maintenance at any time.

Chair Boguszewski noted that those essential services were typically governed by easements or other means, and questioned why they would be included in the table of uses.

Mr. Bilotta clarified that easements controlled their location, but theoretically they would not be allowed in CMU-2.

Member Murphy noted an exception for storage buildings, with Mr. Lloyd advising that this fell into the category of an accessory use (e.g. garden or utility shed for commercial uses) to store lawn or snow care maintenance equipment.

By consensus, the Commission determined that the revised language to Item 6.a and Item 6.b covered concerns expressed; and was recommended for revisions as follows:

Item 6 Limited Business Hours:

a. "In the CMU-1 District, on-site retail, service, and/or restaurant customer traffic [and delivery traffic] is not permitted after 2:00 a.m. and before 6:00 a.m.; such customer traffic in the CMU-2, CMU-3 and CMU-4 Districts is allowed as a CU."

b. "In the CMU-2 District, on-site retail, service, and/or restaurant customer traffic is not permitted after 2:00 a.m. and before 6:00 a.m.; such customer traffic in the CMU-3 and CMU-4 District is allowed as a CU."

Member Murphy questioned if a final decision had been made on "urgent care" uses, whether to create another category for CMU-1 as NP, with P use in CMU-2, 3 and 4.

Mr. Lloyd advised staff would determine if it made sense to add another row as a standard or new use.

Mr. Bilotta concurred, advising that staff now knew the Commission's intent without the Commission having to get too much deeper in the details.

Chair Boguszewski concurred with Mr. Bilotta, noting the Commission's intent to avoid confusion by teasing out the "urgent care" use.

Commercial Uses

Animal Boarding (exclusively indoors)
Member Cunningham noted her concern with potential loud noises with this use if animals were brought outside, it could be at 2:00 a.m., and seemed a larger intrusion for CMU-1 for bordering residential properties which she thought problematic.

Member Bull noted CMU-1 designated areas couldn't have customers between 2:00 a.m. and 6:00 a.m.

Member Paschke clarified that the indoor use functioned strictly indoor, not outside.

Chair Boguszewski noted the noise complaints and/or concerns fielded by the Commission from adjacent residents regarding the former "Woof Room" location, and whether exclusively indoors or outdoors, had come before the Commission as a CU.

Mr. Lloyd clarified that the location had originally been on County Road C in an area also designated as HDR; but further clarified that they also had an outdoor component, with the first approval granted as an Interim Use (IU); and their subsequent relocation to Rice Street with CU approval.

Chair Boguszewski noted that if made CU for CMU-1 areas, it would allow a further level of review.

Member Cunningham requested that it be CU in CMU-1 subareas; which was approved by consensus.

Member Bull questioned why animal boarding/kennel/daycare was included in the old Table of Uses, but not in the new table.

Mr. Lloyd responded that the use was NP in the old CMU Table with any outdoor element, and since the CMU was further expanded into four subareas, it made sense to not allow it in any CMU area. With Chair Boguszewski noting that the use had to be in a Commercial District, ***Member Bull noted that "auto dealer" uses remained in the table even though NP across the board, and expressed his preference for leaving animal boarding/kennel/daycare as an NP on the Table of Uses similarly, and not exclude it to make sure it isn't open for consideration in the future.***

Animal Hospital/Veterinary Clinic
Member Cunningham expressed similar concerns for this use compared to "animal boarding (exclusively indoors) seeking that it also be designated "exclusively indoors" as well.

Member Bull noted only if P, with hours of operation and employee participation at their choice to fit within that guideline if they locate in a CMU area. However, if a veterinarian needed employees to prepare for surgery, that use couldn't fit into a CMU-1 designated area.

Member Cunningham reiterated her preference that both would be NP as that subarea served as a buffer zone and even though an animal lover recognized that use could be more impactful to neighbors, and therefore in seeking a happy medium, suggested CU to allow neighbors to weigh in on any potential uses.

Chair Boguszewski concurred, noting as an example the St. Francis Animal Hospital on Fernwood and Larpenteur that may perform surgery, even though not open after hours or currently serving as an overnight facility. If they wanted to relocate to this subarea, Chair Boguszewski noted if they continued to operate as they currently do, they could relocate here, but if they wanted to change and offer overnight surgery, they could not do so.

Member Murphy stated his preference for leaving it as P use.

By consensus, this category remained as currently shown.

Liquor Store
Chair Boguszewski suggested NP for this buffer zone; with consensus of the body NP for CMU-1 designated areas.

Further discussion ensued as to whether or not to change to NP in CMU-2 subareas with more neighborhood-centered areas and those closer to the lake, while CMU-3 and 4 areas were of less concern; but recognizing the potential for wine shows and/or liquor store addendum's to a grocery store use.

Lodging (hotel)
Member Bull asked why this was designated N NP use in CMU-3 subareas.

Mr. Lloyd and Mr. Bilotta could not recall specifically the rationale for this, but suspected it may be based on City Council input and the thinking that hotels tended to gravitate to major roads.

Member Murphy opined that he thought of hotels more in CMU-4 areas.

Member Bull noted they had the same height restrictions as CMU-3 or CMU-4 areas; with Mr. Lloyd noting that this was consistent with the remainder of CMU-2, 3 and 4 height restrictions outside the buffer area.

By consensus, the Commission determined to revise the use to P for CMU-3 to match CMU-4 designations.

Mortuary/Funeral Home
Member Bull suggested CU across the board to ensure what type of business was involved (e.g. crematoriums), opining the industry may be significantly different five years from now.

At the request of Member Murphy, Mr. Paschke clarified that a crematory is not permitted in a mortuary use.

While not understanding the business in totality, in his review of text and definitions, Member Murphy stated that he saw no reason to make it a CU, given standard hours of operation and delivery of bodies already addressed, with peak traffic only during viewing times and usually not disruptive in nature.

Mr. Paschke noted two such existing uses were located in very close proximity to residential properties (e.g. off County Road B and Dale Street in HDR zone) and one off Hamline Avenue and Commerce Street by the Macy's Home Store).

Consensus of the Commission was to leave it as a P use.

Motor Fuel Sales (Gas Station)
By consensus, the Commission changed this to NP for CMU-1 designations.

Motor Vehicle Rental/Leasing
Member Murphy questioned if this use was addressed by Item 6 on page 16 as previously addressed.

Mr. Lloyd agreed that it was presumably and involved dropping off vehicles versus running automobiles; with Mr. Paschke clarifying that unless operating near an airport, there generally wasn't much traffic noise from rental uses.

Chair Boguszewski opined that he could see the entire motor vehicle section moving to NP for CMU-1.

Movie Theater
At the suggestion of Member Murphy, the body decided by consensus to make this a NP use in CMU-1 designated areas.

Outdoor Display
At the request of Chair Boguszewski, Mr. Lloyd advised that the term referred to mulch outside hardware stores as an example versus flashing signs.

Outdoor Storage, Inoperable Vehicles/Equipment
At the request of Member Cunningham, Mr. Lloyd advised that the term referred to something like a repair shop; but since there wasn't one as a P use, it should probably be made NP across the board, which was agreed to by consensus of the body for CMU-1, 2 ,3 and 4 designated areas.

With Members Bull and Cunningham questioning if a trailer stored on a lot, since inoperable, fell into that category, Member Murphy clarified that they were actually operable by hooking them up to a vehicle, similar to those on Fairview Avenue, with no flat tires and all licensed, thereby making them essentially all operable.

Parking
At the request of Member Cunningham, Mr. Bilotta defined it as the principle use (e.g. parking structure or surface lot by payment); with Member Bull noting and Mr. Bilotta confirming that in CMU-1, they would have to restrict access between 2:00 a.m. and 6:00 a.m. Mr. Bilotta noted that the intent is to differentiate between surface and structured parking by trying to minimize large surface lots in all CMU Districts.

Restaurants (Fast Food) and Restaurants (Fast Food with Drive-through)
Chair Boguszewski suggested fast food uses be NP in CMU-1 due to additional traffic generated.

Member Bull suggested CU all the way across all CMU designations, or at a minimum NP in CMU-1, then CU in CMU-2, 3 and 4 designated areas.

Mr. Paschke didn't disagree with the logic, but noted an example of a strip mall having a Subway franchise; and clarified that the key is that drive-through vehicle traffic is dramatically different between these two uses, with a definite distinction provided in City Code not by type by generically.

As an example, Mr. Bilotta noted that the recently opened "Grateful Table Bakery" would fall within the fast food definition.

Member Murphy noted the proposed restaurant use south of the new hotels by the Metro transit Park & Ride ramp, and while not sure if it is intended as a fast food use, opined that it didn't seem to be close to residential areas or intended to generate large traffic or noise issues.

Mr. Paschke clarified that, if a restaurant was not a full service, sit down use, theoretically it fell into the fast food category, such as Davanni's use suggested as an example by Chair Boguszewski, falling into that full service, sit down category.

Given that distinction, Chair Boguszewski suggested balancing that use with NP for CMU-1, 2 and 3, with CMU-4 P use.

At the request of Member Murphy as to his rationale, Chair Boguszewski noted it added an additional buffer.

Member Murphy noted the buffer area around Langton Lake for pedestrian access.

Member Cunningham offered her support of Chair Boguszewski's suggestion.

Member Bull noted that drive-through uses could essentially be walk-through uses as well.

By consensus, the uses were designated as NP for CMU-1, CU for CMU-2, P for CMU-3 and P for CMU-4 designated areas.

At the request of Member Murphy as to rationale in defining restaurants by fast food or drive through, Mr. Paschke noted that the City had not supported drive-through restaurant uses in the Twin Lakes Redevelopment Area for at least fifteen years; and while it may remain in theory on the books, the intent was to limit the volume of additional vehicles for restaurants with a drive-through. Mr. Paschke noted that the CMU does permit fast food, so designating the use as a CU was fine.

Vertical Mixed Use

Mr. Lloyd clarified that this category provided customer focused uses on the ground floor and residential or office uses above. While not currently in the land use table, but could be considered in the future in NB designations, Mr. Lloyd noted that a visual example would allow for a two story building with residences above. Currently, Mr. Lloyd advised that this use was under the dwelling use for multi-family upper stories in mixed use buildings, which are allowed in Regional Business (RB) but not west of Rosedale Center, with similar uses allowed in RB districts.

If defined by offices or residences above the first floor, Chair Boguszewski asked if, as an example, that would permit day care centers on the ground floor with apartments or condos above; and whether the intent was to protect the CMU-1 from HDR use with apartments or condo's not falling into the single-family category.

Mr. Bilotta noted that the 35' height limitation would come into play; and could allow for a first floor day care and one floor of apartments above, or artists' lofts, which should not problematic.

Member Bull expressed his interest in seeing that as a CU in CMU-1 and CMU-2 designations, which was agreed to by consensus of the body.

Industrial Uses

Limited Production/Processing

With the considerable amount of residential neighborhood feedback the Commission had received related to the Vogel Mechanical use, Member Cunningham expressed her struggles with this category, whether from that specific issue or with the general use itself.

Mr. Bilotta noted that, since the Vogel Mechanical limited production use remained yet to be initiated, it was impossible to say it is or is not working, since it's not yet there. Mr. Bilotta clarified that what was happening was a lot of issues getting to the conditions and that process, with the limited production/processing serving as a lightning rod right now. Using another example in that immediate neighborhood (e.g. Head Cycling), Mr. Bilotta noted that their production of carbon fiber rims wasn't even known to the neighborhood, with them opening up in February and starting manufacturing shortly thereafter, without incident. Mr. Bilotta further clarified that the test is in whether that particular use in a multi-tenant building, with an office next door, had any impact to those other operations or interfered with neighboring tenants in that same multi-tenant building with a dividing wall; with the sign being that there should be no impact and should also be invisible to the outside world as anything other than an office use. Mr. Bilotta cautioned the Commission not to base their decision-making or build city code on the Vogel issues.

To further differentiate, Mr. Bilotta noted that a desired component of the Twin Lakes Redevelopment Area was for high-tech, head of household jobs, or incubator uses for such business start-ups; and since those desired uses keep coming up, and remain desirable, Mr. Bilotta noted the further desire to transition from current warehouse buildings (e.g. trucking terminals) to get to the results for neighborhood business uses. If dealing with a small dental office that starts bringing production or processing in, as an example, Mr. Bilotta opined that it would be a totally different situation than office, but could be argued to be limited production and processing; but given the nature of the business, having the use permitted with CU allows a deeper dig into this type of use versus blanket approval without any review by the Commission and allowing it to see their process and business operation, which usually will prove nothing remarkably different than an office use.

At the request of Member Bull, Mr. Paschke confirmed that a CU stayed with a property as long as they continued to meet the conditions as applied upon initial approval.

By contrast, Mr. Lloyd noted that if a different type of use in limited production/processing was indicated, it would require a new CU approval.

Mr. Bilotta concurred, noting that if not complying with the CU conditions, the City would become involved in enforcement action against the property and against that use.

Chair Boguszewski agreed with Mr. Bilotta's advisement that this situation is not about the Vogel Mechanical use.

Member Cunningham concurred that it was a fair assessment, but admitted that the fact that the use is a NP in Neighborhood Business (NB) still bothered her and that lack of consistency.

Mr. Lloyd clarified that the limited production/processing definition by use was not included in the beginning of this version of the zoning code as adopted in 2013, and even not addressed entirely in 2010's initial rezoning process; but was introduced at that time as a use and refined in zoning code form that point on, but probably not considered by district, but most likely as a response to a specific proposal.

Chair Boguszewski noted that would certainly create the current sequential incongruities found at this time.

Mr. Bilotta noted that many instances staff was becoming aware of as they visited community business enterprises where this use was occurring without any prior knowledge of staff or the City, as well as with differences in front and back operations, especially within the biotech side, which was being seen more and more but not involving gigantic pieces of equipment as required in the past for that type of industry.

Mr. Paschke also noted the various uses requiring a small clean room for that industry.

Member Cunningham, and with consensus of the Commission, agreed to leave this use as currently recommended on the Table of Uses.

Residential Family Living

Accessory Dwelling Unit
At the request of Chair Boguszewski, Mr. Lloyd defined this as a typical mother-in-law apartment.

Live-work Unit
Similar to the comments of Member Bull regarding vertical mixed uses, Mr. Paschke clarified this as internal living quarters behind or above a retail use; and confirmed for Member Cunningham that the work unit would still need to abide by other use requirements of code.

Chair Boguszewski questioned how standards on occupancy limits would apply to avoid sweat shop units or other issues.

Mr. Bilotta advised that, while live/work units didn't often come up as a use, given their uniqueness, the Commission may want to consider them as CU versus long-term guessing at this point.

In response to Member Bull's example in CMU-3 and 4 designations being more restrictive, Mr. Lloyd advised that they would remain accessory uses to the principle single-family use and would not be allowed where that other primary use is not allowed.

By consensus, the Commission decided to leave these designated uses as currently shown on the Table of Uses.

Manufactured Home Park
Chair Boguszewski expressed his surprise that this use is allowed at all in the city. As an example, Chair Boguszewski questioned the consequences in changing to CMU designation the former HDR and MDR designations to make this use NP all the way through.

Mr. Bilotta advised that there is a state law regarding that use and they have to be allowed where multi-family units are allowed. Given the fact that staff has considerable research to do on this use before offering their recommendations to or expecting the Commission to spend too much time on it, Mr. Bilotta suggested that staff seek a ruling before proceeding further with this use.

In an effort to save time, Chair Boguszewski suggested, if staff discovers the Planning Commission has the authority to make this NP all the way across CMU-1, 2, 3 and 4 designations, consensus of the body was to do so depending on the results of staff's research.

Number of Dwelling Units
Member Bull asked for the differentiation between multi-family upper stories from mixed use buildings.

Mr. Lloyd advised that it didn't vary; noting that they are listed in the Table of Uses today as per City Council discussion, and even though their breakdown had been discussed, in the revised table they need not differ. Specific to manufactured home park designations coming out of those other districts, Mr. Lloyd noted that did require a more formalized land use.

Consensus of the Commission was to combine uses in the table as discussed.

<u>One-family Attached (duplex or twin home) AND One-family attached (town home or row house)</u>
At the request of Member Cunningham, Mr. Lloyd clarified that twin home always had 2 units; while there were some parallels in 3 or more units, but instead of stacked there were various iterations possible; with a duplex similar to a single-family home and related to the LDR concept.

Based on previous discussions tonight, Member Cunningham questioned if the will of the neighborhood was to desire more homes but clean-up of a site wasn't feasible, if someone wanted to build a one-story duplex of single-family home, why would that be a bad thing.

Discussion ensued regarding the definition of and number of construction variables for units.

Member Murphy refocused discussion on the location of this CMU designated area, noting it was a transition area and proposed residential uses would run into issues with tiers and height restrictions, and while residential uses may sound good on the surface, he opined that he wasn't sure if anything favorable would be accomplished for smaller family structures or units in the long-term based on the other permitted uses in this CMU designation.

Chair Boguszewski concurred, referencing the bigger picture and intent for this CMU area, not as a primary residential development as stated by Member Murphy, but potentially incorporating such a use within the broader intent for the CMU and meeting the goals of the comprehensive plan for the Twin Lakes Redevelopment Area. However, if that is the case, Chair Boguszewski asked why any of these potential uses by their very definitions are P in the CMU area, opining that to him they seemed to be reluctantly hanging on to P such a residential use when the whole point was not to do so.

Mr. Bilotta clarified that, in a number of mixed use projects, it wasn't unusual to have housing as a component of a development, and actually allowing a transition for that use into an office/retail use that works well.

As an example, Chair Boguszewski questioned if an example would be that of the Grand/Excelsior Development in the City of St. Louis Park with mixed use development of brownstones in a walkable neighborhood, or another example near the urban Guthrie Theater Redevelopment Area.

Mr. Bilotta agreed those were both good examples and their intent was similar to providing a buffer to the CMU.

Planning Commissioners decided they would retain these uses as currently shown on the Table of Uses.

<u>One-family Detached</u>
Chair Boguszewski admitted he was having difficulty considering this use left in at all.

Mr. Bilotta clarified that the use came out of City Council discussions in their consideration that if someone wanted to clean-up the property in an area overlooking Langton Lake Park in one viable corner and within that 100' lower height area, it may not be a bad idea; and similar to CMU-1 extended down, that use had remained as noted. While admitting this use would be somewhat different than the original intent for CMU, Mr. Bilotta stated that was their rationale in allowing a one-family detached home use only in that specific area.

Chair Boguszewski admitted it would only be possible on the western side of Langton Lake and represented one of the last remaining properties in Roseville allowing a view of the water; which he further admitted could be attractive. Whether relevant or not, with it being a potential use and conditioned as noted, Chair Boguszewski offered his support of that use as shown on the Table.

Member Murphy, while opining it seemed like tortured rationale, agreed that he could see the potential.

Residential Group Living

Mr. Lloyd advised that assisted living facilities, nursing homes, and other state-licensed facilities were all based on state requirements, thus their status as CU on the Table, since they could not be treated the same or put within the same category based on state statute and depending on the number of units involved.

Student Housing
At the request of Chair Boguszewski, Mr. Bilotta defined student housing as built by an institution and the differentials of college offices off the campus setting

Civic and Institutional Uses

Elementary/Secondary School
At the request of Chair Boguszewski, Mr. Lloyd clarified that charter schools would be in the same category versus a private art or music school defined under the category of Commercial Uses and defined accordingly, with the intent in the CMU for lower intensities, and minimum acreage allowed for a larger school at 15 acres.

Places of Assembly
Member Murphy noted that these were P uses under all categories, yet there were not typically on the tax rolls. Member Murphy stated his understanding in the effort to maximize this area was the intent to keep properties on the tax rolls and thus not allowing larger schools, but questioned what was accomplished in allowing places of assembling under current recognitions.

Mr. Billota clarified that was not how they were distinguished; and noted that in the past these facilities were defined as churches, but the Supreme Court had ruled that they couldn't be treated any differently than any other gathering place (e.g. V.F.W. Hall) as had been addressed using the Village of St. Anthony case law with a union hall or golf course moving to use as a temple.

Mr. Lloyd advised that in discussions in 2008 or before, there had been a request to change zoning from RB to allow for church use – or places of assembly; with the Planning Commission and City Council determining at that time to allow that use in any CMU district, whether productive or not; and thus it was shown in the Table of Uses accordingly.

To be transparent, Mr. Paschke noted that you could have uses in Twin Lakes similar to any business district that can be removed from the tax rolls; and this allows any place of assembly not matter where and across the board in all districts; and did not take into consideration whether they were taxable uses or tax exempt uses that would involve getting into federal issues as well.

Chair Boguszewski stated he understood the dynamics and was fine with the designation; and personally did not want to seem or be interpreted as promoting any back door discrimination as to an entity's tax status.

Member Bull questioned if allowing it as a CU in CMU-1 would address foot or vehicular traffic.

Mr. Bilotta advised that great care would be needed with conditioning any such approvals.

By consensus, the body chose to change CMU-1 to CU approval.

Theater/Performing Arts Center
By consensus, the body shared the same thoughts for this use as with the previous use, changing it to CU for CMU-1 designated areas.

Accessory Uses, Buildings, and Structures

Bed & Breakfast Establishment
Chair Boguszewski questioned this definition, and how it could be deemed a seasonal use.

Mr. Lloyd addressed the potentials, including a roomer or boarder (e.g. during the Minnesota State Fair) that may not need regulatory approval; with Mr. Bilotta noting that traditional bed and breakfast facilities are typically old homes converted as such; and in this case would not be applicable but would involve new construction only.

Given discussions on previous uses for town homes, etc., Chair Boguszewski questioned why this was then listed as NP all the way through CMU designations.

Mr. Bilotta admitted that technology may be destroying this potential use long-term, but given possible uses in this classification, he was unsure how to regulate them in the future.

Given that rationale, and without knowing ahead of time, Chair Boguszewski opined that you would be out of compliance no matter what; and therefore suggested P use; with Member Bull suggesting CU across the board.

By consensus, the Commission determined that this use should be CU across all CMU designated areas.

Communication Equipment (TV, shortwave radio)
Member Bull questioned if this use could potentially interfere with residential neighborhoods.

Mr. Paschke and Mr. Lloyd responded that this use needs to operate within their own frequency via short-wave or cell towers and therefore didn't interfere and typically didn't create problems for adjacent properties.

Unlike the Shoreview towers referenced by Member Murphy, Mr. Paschke noted that they were different than this use would allow, with these uses typically residential antenna of 20' to 25' in height with any additional height clearly CU.

Mr. Bilotta further noted that these are accessory structures, not the principle use, with short wave operations governed under federal regulations.

Day Care Family/Group Home
At the request of Chair Boguszewski, Mr. Bilotta noted this as an accessory use was intended as a less-intensive use compared to the daycare center uses defined in commercial areas; and considered for home use, not commercial uses.

Drive-throughs
At the request of Member Murphy differentiating this from restaurant uses, Mr. Lloyd advised that the City Council chose not to ban them outright in case a bank or pharmacy use may be acceptable in the CMU versus a fast food restaurant use, thus their recognition of them as CU in CMU-3 and 4 designated areas.

Based on 2010 discussions, with banks and other uses being considered without having to go through the CU process, Mr. Paschke advised that it was concluded at that time that ALL drive-throughs should go through the CU process, thus requiring a separate line for each consideration, no matter their intended use.

Gazebo, Arbor, Patio, Play Equipment
Member Bull noted there may be a need to know size, occupancy, etc. for CMU-1 districts.

Mr. Paschke responded that the rationale is to take into consideration impacts to adjacent residential properties as applicable; and to ensure consistency with current code requirements where permitted across the board, and defined as accessory structures by nature. At the request of Chair Boguszewski, Mr. Paschke agreed this could include restaurants with outdoor patios or arboretums or play lots as an accessory use, but small compared to a giant city or county park.

Consensus was to leave this as currently stated in the Table of Uses.

Storage Building
At the request of Member Cunningham, Mr. Lloyd clarified that this did not include a rent-a-storage unit use, but as noted by Mr. Paschke would be an accessory category and use only, such as used for storage of lawn or snow maintenance equipment versus a larger facility incorporated into the main building itself.

Telecommunications Tower
Mr. Lloyd reiterated that this would be different than communications equipment and an accessory use to the main structure (e.g. AT & T Tower).

Temporary Uses

Portable Storage Containers
At the request of Member Cunningham, Mr. Lloyd clarified that this would relate to pod rentals for short-term storage (e.g. moving, construction storage during renovation, etc.).

Upon further discussion, Mr. Bilotta noted the need for staff to define "temporary."

End of Table of Uses Discussion

Chair Boguszewski summarized discussions to-date related to limited business hours, height restrictions and how those fit together.

As asked at a previous meeting by a neighbor, Member Cunningham asked how the number of stories for height regulations looked in reality.

Mr. Bilotta advised that the issue with height being regulated is whether light, air and shading is facilitate, rather than whether a 2-story building 80' tall is the same as a building with a number of floors; and if regulating stories, essentially you were trying to regulate intensity to some degree. While that option may work, Mr. Bilotta opined this method had proven most effective and efficient and addresses multiple considerations as to the height of floors in an apartment building, how underground parking impacts a structure; and how other parking becomes a regulating factor in determining the number of units and/or size of the building's footprint related to other factors being regulated.

Based on the history of City Code, Mr. Paschke noted various problems encountered in using the number of stories versus height; with the 2010 rewrite of zoning code and design standards moving strictly to feet, which was becoming fairly consistent with most municipalities to address feet versus stories and making it easier to regulate, while still allowing some flexibility with building design and considering grade.

Regulating Plan

Senior Planner Lloyd reviewed the background and history of the current regulating plan, and proposed changes presented tonight as a culmination of public input meetings, City Council discussions and planning processes over the last year, resulting in the City Council's subsequent direction to staff to initiate amendment to the Comprehensive Land Use Plan Map, amending zoning text and maps accordingly in the Twin Lakes Redevelopment Area. Details of the proposed changes and references to the public references for this discussion were provided in the staff report dated September 2, 2015.

Mr. Lloyd advised that shortly after the 2010 zoning code adoption, CMU Districts were written beyond the regulating plan and map, and as previously discussed tonight, further expanded by form and map, and indicated in the existing and proposed comprehensive land use plan maps included in the staff report (RPCA Attachment A). Mr. Lloyd advised that staff had replicated and repeated themes as appropriate where no current regulating plan was in place to-date, especially in the area east of Fairview Avenue, with amenities and themes carried out for greatest consistency.

Community Development Director Paul Bilotta noted different design standards now in place and attempts to pull the entire district together in mixed use consistency of form, not use. Mr. Bilotta reviewed the east side of Fairview Avenue, indicating little change with Terrace Drive and County Road C in place, but also picking up similar treatments at the four corners at Fairview Avenue and Terrace Drive for similarity, and showing a potential roadway between County Road C and Terrace Drive as highlighted on the displayed map, as indicated historically with 2 cul-de-sacs planned and requiring major redevelopment. Mr. Bilotta noted that this would include and recognize significant challenges on Lincoln Drive by the Byerly's strip mall; and if a developer came through to revitalize that area, this improvements would be the initial starting point for discussions unless they proposed something different that proved better than current proposed plans. Mr. Bilotta noted that the goal was to improve existing traffic issues and anticipated increased vehicles in that area.

At the request of Chair Boguszewski, Mr. Bilotta advised that the Planning Commission was being asked to review and recommend approval of these amendments to address current design standards, essentially pushing buildings out to prominent corners and adjusting parking accordingly to meet those urban design standards going forward for development and/or redevelopment in the Twin Lakes Redevelopment Area.

At the request of Member Murphy, and using RPCA Attachment C regulating maps on pages 8 and 9 of the staff report, Mr. Bilotta reviewed the specific area around Langton Lake with a walkway and bicycle path recorded in greenway requirements going forward and over the Metropolitan Council's sewer interceptor easement, intended to be turned into an amenity as a requirement versus an arbitrary negotiating point for future redevelopment proposals.

Mr. Lloyd further clarified those legends on the maps generally identified as required park connection areas allowing access into the park and reserving that access as a requirement in those areas for future development proposals.

Noting the potential reintroduction of Planned Unit Development (PUD) uses in this redevelopment area, Chair Boguszewski questioned if the Table of Uses would then be amended, and asked if during that process any potential uses may conflict or need further amendment for use of a PUD.

Mr. Bilotta advised that, if PUD's are reintroduced, it would require the City to work with an applicant, since they are of a legislative nature like rezoning processes and this regulating map, with a similar process for PUD applications, which would probably only need to occur if a road was moved from one location to another. If other plans were indicated to achieve desired design standards, Mr. Bilotta suggested it may move to a PUD at that point since that made the most sense within that realm.

With form-based planning dealing with mass, size, setbacks, distance from curb, etc. with considerable debate on those issues in the past, Chair Boguszewski asked if the intended goal remained to control and manage that planning for positive aesthetics as building locations and parking are established, whether at the street or if the building mass was stepped back if so indicated. Chair Boguszewski noted his preference to fulfill and regulate the intended goals of form-based planning while allowing developers some flexibility in their designs.

Mr. Bilotta concurred, noting that recent examples were the hotel developments in this area, and while their final plans are no longer 100% what they original submitted, changes were made to relate to the remainder of the community and increased pedestrian experiences, allowing walkability and connectivity to parks, or a plaza effect such as in window placement to avoid a warehouse look. While these design standards are not onerous, Mr. Bilotta noted that those standards provided a better fit to avoid pedestrian barriers.

City Planner Paschke further noted the location of main entries that may not necessarily be on the public frontage but rather in the parking lot interior, but having those frontages on sidewalks or public streets and how building placement and design achieved that, allowing developers to sharpen their deigns to meet city code requirements and articulate them accordingly.

Regarding park dedication lines indicated on the map, Member Murphy asked what their presence or absence meant for potential developers in the area; noting that he understood the intent, but questioned what it meant in this proposed text amendment as an additional requirement of developers.

Mr. Bilotta advised that it was intended to serve as more of an alert to developers before they got to the point of Letters of Intent or the application process itself, that they initiate working with the Parks & Recreation Commission on that piece of their development proposal, rather than an after the fact surprise or issue. Mr. Bilotta reasoned that if developers were aware up front, they could design their project differently, knowing that defined location for a park.

Regarding the northern area referenced, Mr. Paschke advised that the City had already purchased most of the park area with the exception of Mt. Ridge Road, with that elevation not suitable for building, and therefore included on the regulating plan map. Mr. Paschke advised that the other park location closer to County Road B is a grove or mature trees not within the park

area, but beneficial for the City to purchase to create a greater buffer in that area. Mr. Paschke noted this would be addressed with potential future dedications if and when projects came forward.

Recess

Chair Boguszewski recessed the meeting at approximately 9:18 p.m. and reconvened at approximately 9:24 p.m. and invited public comments or questions at this time.

Public Comment

Lacy Kapaum, 1840 County Road C-2 West
Ms. Kapaum sought clarification on the 2:00 a.m. timeframe and how that had been established; opining that Midnight is late enough if a use is adjacent to residential areas. Ms. Kapaum stated that she didn't feel comfortable with the proposed 2:00 a.m. time and potential negative impacts to residential properties from increased traffic and noise.

Mr. Lloyd advised that the time was mostly tied into the hours restaurants or breweries would be allowed to serve alcohol, as controlled by state statutes.

Also, Ms. Kapaum asked about the Table of Uses line item for "lodging/motel" being changed to P (permitted) in CMU-3 designated districts, and the rationale for that change. Ms. Kapaum noted that it such a use was permitted on Fairview Avenue, it would generate a lot of traffic in and out at times, when there was already a considerable amount of lodging traffic occurring. Ms. Kapaum stated her opposition to that and asked if the Commission would consider making that a CU or another option.

Chair Boguszewski responded that if and when a hotel would be proposed, traffic studies would be part of the approval process; and also noted that just because a use was permitted, didn't mean a 1,000 room hotel would occur, given the other code considerations to be considered.

Mr. Lloyd concurred that a traffic analysis may be part of the approval process, but not necessarily so, he advised that other setback and regulating plan requirements would constrain any potential development in practical ways depending on what the use was and where it was proposed to be located.

Ms. Kapaum asked if CU could be considered by the Commission for further protections; with Chair Boguszewski responding that the Commission would consider it as part of their discussion following public comment.

Regarding the concern regarding hours, Member Bull asked if Ms. Kapaum was addressing those pertaining to CMU-1 designated areas or across the board in all subareas.

Ms. Kapaum responded that CMU-1 was her specific concern due to the evening traffic along Fairview Avenue already evidenced; and her concern that adding more traffic at that hour would be a hardship for residents along Fairview Avenue.

Lisa McCormick
Ms. McCormick expressed appreciation for the work being put into this issue.

For clarification purposes, Ms. McCormick asked if there was any correlation between the number of stories and feet, making a general assumption of 10' equaling one story. As Mr. Bilotta had referenced the petitions submitted by residential neighbors to this area, Ms. McCormick noted the height restriction sought at 35' for MDR designated areas specifically to limit the type of units considered. However, and as a point of reference, Ms. McCormick expressed concern in how that would translate into practical reality across the CMU subareas. Using the Vogel Mechanical parcel as an example, and location of their back parking lot only 50' from residential neighbor properties, Ms. McCormick opined that was very close proximity, and based on her recollection of City Council discussions, she thought the intent was to change zoning to CMU and keep it consistent with existing uses moving forward. Ms. McCormick went through her list of multi-tenant uses and manufacturing/industrial uses in the immediate area, noting the great variety of uses; but since all of those buildings were one-story buildings, for consistency, asked that height restrictions be limited to one-story as long as not residential and the CMU-1 remain consistent

with existing uses and building heights, opining that those existing buildings still had a long life expectancy.

In conjunction with CMU-3 designated areas, Ms. McCormick noted that the proposed distance was 300' from residential areas rather than the original 1,000' discussed. Upon her review, Ms. McCormick stated she saw only one area for potential development within 1,000' and that was along Fairview Avenue, thus the neighborhood's request for height restrictions, since in this area proposed for rezoning, the only area impacted would be along Fairview Avenue. As an example, if one story indicated 10', Ms. McCormick noted that a 6-story building could be developed 300' from residential properties; and while this may be found in some places in Roseville, she noted that this area provided no buffer, no mature trees, and was in an area with flat topography. Ms. McCormick stated that she would appreciate a more graduated approach for height in CMU-1 and CMU-3 designated areas.

Using the genesis of her initial list as a reference and uses taken from the existing CMU Table of Uses, Ms. McCormick stated that her impression had been that those uses suggested in January 2015 discussions were incorporated into that list, but sought clarification if that was true or if this list of uses now being proposed had been generated after that planning session.

Other than specific items (e.g. corporate headquarters and vertical mixed use) not previously listed in the CMU Table, Mr. Lloyd advised that the list of uses was a result of the January planning session. Mr. Lloyd further advised that those uses listed by Ms. McCormick generally came from the CMU district, but some had been generalized for that discussion, while others (e.g. residential uses) had been expanded in this hybrid model for finer differentiation than current code addressed. Mr. Lloyd noted that those uses highlighted during tonight's discussion had been intentionally brought forward as potential areas generating more interest or concern and more discussion-worthy than some other uses.

Ms. McCormick noted that her curiosity arose from her understanding from the January planning session and those first broad strokes presented to residents in the neighborhood and understanding they would be further refined, and how the current Table of Uses had subsequently been developed. Ms. McCormick noted her need to clarify that; and expressed appreciation for the Commission recommending restricting some uses. However, in CMU-1, Ms. McCormick opined that there remained a great variety of uses when only two parcels were involved; citing as an example the "mortuary" use.

Discussion ensued about the parcels involved in this zoning designation, with Mr. Lloyd clarifying that additional parcels were included in the CMU-1 subarea on the west side of Fairview Avenue as well; clarifying for Ms. McCormick that she was perhaps referring to only the east side of Fairview Avenue.

Ms. McCormick stated that she was referencing the whole CMU designation, no matter the number of parcels involved; opining that she would like to see the uses pared down, noting that those uses particularly catching her attention included: parking, mortuary, vertical mixed use, community center, place of assembly and theater, performing arts center, and any others having similar and specific characteristics. Since the total impact of Twin Lakes Parkway remains an unknown, Ms. McCormick opined that it was fair to say that it would result in increased traffic on Terrace Drive and concentrated at times that may become problematic depending on the number of lanes. Ms. McCormick stated that she would prefer all those uses listed as NP (Not Permitted), as well as others, depending on potential traffic generated and their hours of operation.

After having heard the Commission's discussion tonight and their revisions to the Table of Uses, Chair Boguszewski sought clarification from Ms. McCormick as to what she was specifically calling out.

Ms. McCormick responded that she concurred with the comments of Ms. Kapaum regarding hours, noting that she had a number of college students living in her neighborhood and they were often disruptive during the summer, on weekends, or if partying. Ms. McCormick advised that she didn't feel she could complain until after 1:00 or 2:00 a.m. given current code allowances, but for those getting up early in the morning, only 4 hours of guaranteed quiet time wasn't really sufficient. Given those uses she had previously mentioned, in addition to current uses for existing

buildings along Terrace Drive, Ms. McCormick noted they all had loading docks, and suggested further incorporation of code restrictions or accommodations, such as no truck traffic on the north side of those buildings after 7:00 p.m. Ms. McCormick further noted the need to use care in limited processing uses in office uses that may have large trucks coming in with deliveries, dumpsters, and other concerns needing to be addressed for these uses when adjacent to residential properties.

With previous discussions and the definition for "large format retail" uses, Ms. McCormick opined that 100,000 square feet may be excessive, and referenced a use she had presented in the past and most current sites in the Twin Lakes Redevelopment Area, distinguishing uses between 80,000 and 100,000 square feet, including related parking issues.

While not irrelevant, Chair Boguszewski noted that parking was mandated by square footage for retail or other types of operation; and a store so large that it would outstrip the capacity of the site to accommodate it would not be permitted, thus providing another safeguard. In addition, Chair Boguszewski noted the only subarea allowing large format retail was CMU-4 by CU.

Mr. Paschke further noted that each proposal would be based on the actual use, noting there could be an office, warehouse or retail uses at 100,000 square feet, with each having a different ratio for parking requirements specific to that use.

Ms. McCormick expressed appreciation for that correction.

Specific to the road proposal connecting County Road C with Terrace Drive, Ms. McCormick sought clarification as to whether that had previously been discussed and planned for and when it had been approved.

Mr. Paschke responded that it had been discussed, with map designation originally taking place back in the 1980's, and Mr. Lloyd concurring, noting that other alignments had been considered as well.

Mr. Bilotta noted that such planning involved putting a concept out there, and originated from the Public Works/Engineering Department as part of discussions with adjacent property owners. Mr. Bilotta noted that current road rights-of-way didn't provide clarity on that design element, but long-term planning could include Hershel as a cul-de-sac with another bulb on Terrace Drive for connection. However, Mr. Bilotta further noted that there hadn't been significant study done by the Public Works/Engineering Department at this time, thus the "concept" status only as a beginning discussion point with future developers looking at that area. Mr. Bilotta advised that he anticipated future developers may also question that potential roadway, but that didn't eliminate its potential inclusion for discussion purposes at a minimum. Mr. Bilotta further noted that a regulating plan was often adjusted, and may or may not be warranted as detailed uses and traffic studies come forward. However, Mr. Bilotta noted that the area between Fairview Avenue and the back side of the Byerly's strip mall represented a large geographical area without any cut-throughs that now push traffic out to the edges, and anticipated that may prompt a considerable amount of discussion over time for Fairview and Lincoln Avenues, with the potential for alleviating concerns over time. Again, Mr. Bilotta reiterated that this is only a concept and at this time did not go beyond simply being shown on a map, with potential consideration for connecting the area at some point in time. However, Mr. Bilotta reiterated that no traffic studies had been done or plans put in place, with the Planning Commission the first step in considering such a concept and providing feedback as to its merits or drawbacks. If the Planning Commission so directed, Mr. Bilotta advised that staff could revise the regulating map to delete that aspect if they thought it was inappropriate, but again reiterated that this is the initial discussion at this point.

Ms. McCormick expressed appreciation for that further background information; and asked that, if that is the case, that aspect be tabled. With the update to the Comprehensive Plan in the not too distant future, Ms. McCormick suggested it may be more appropriate for more discussion and consideration at that point.

Ms. McCormick reiterated that their residential neighborhood was quite concerned about the impact of Twin Lakes Parkway and improvements planned east of Fairview Avenue, including increased traffic on Terrace Drive causing disruption to the neighborhood to the north and their

ability to access connecting roads. Ms. McCormick noted that the neighborhood was currently dependent on County Road C and Snelling Avenue for their everyday access needs; and with existing traffic issues on Snelling Avenue and County Road C-2, depending on when those improvements occur and how they impacted traffic flow, it had the potential to add more traffic on Terrace Drive.

Ms. McCormick noted that the neighborhood had also asked to have more upfront input rather than being presented with a concept that appeared to be a "done deal." Given the City Council's and staff's often-stated interest in improving the trend for more community involvement and discussion, Ms. McCormick asked that the concept for changes to Terrace Drive be removed from the proposed regulating map and be considered for incorporation as part of the comprehensive plan update discussion.

Zach Crane, 2968 Marion Street
Mr. Crane advised that he had attended the January planning session and in continuing to observe the process, expressed appreciation for the work done by the City in getting residents involved and receiving their comments. Mr. Crane opined this had been a herculean effort and commended the Commission and staff for their efforts in obtaining public feedback.

Mr. Crane advised that one concern he had before tonight's meeting was that there didn't seem to be enough consideration for potential developers or businesses and their needs. However, Mr. Crane expressed his pleasant surprise that concertive efforts had gone into potential businesses and the neighborhood as well. Mr. Crane thanked staff and the Commission for their deliberate consideration moving Roseville forward.

Having moved into Roseville in the fall of 2013, Mr. Crane admitted he was not close to this neighborhood other than driving through it to get home or visit an area business, but not doing so on a daily basis. Mr. Crane advised that his interest, as was that of his neighbors, in making sure Roseville looks like a reasonable place to do business without too many traps for developers to fit into a small open slot. Mr. Crane simply asked that this remain a consideration for those interested in investing in Roseville and in their review of City Code and whether their locating here made sense.

Based on his personal observations, Mr. Crane opined that one area that may have been slighted in the past was discussion about merging residential and commercial areas, suggesting that he viewed it more as commercial property creating a buffer for a residential neighborhood versus the neighborhood trying to create a buffer for commercial areas, which could lead to inconsistent results. As an example, Mr. Crane noted under the old CMU, an auto shop or repair use may be permitted, but now was only permitted in CMU-2 subareas, making it look more like the attempt was being made to create generally commercial/industrial areas of the city into residential uses. Mr. Crane stated that his preference would be that the city continue to be cautious and provide consistent representation. Mr. Crane note that, since the initial listening session, the city had not received input from businesses and even though they attended those initial listening sessions, asked that the city not forget their input at that time. Again, Mr. Crane thanked staff and the commission for their work, the amount of time spent on this, and what they had accomplished to-date.

Chair Boguszewski closed the public comment portion of the meeting at approximately 9:57 p.m.; with no one else appearing to speak.

Individual Commissioner Position Statements

Chair Boguszewski
Chair Boguszewski spoke in support of not tabling action tonight, but opined that, at this point, he saw it as the Planning Commission's duty to forward their recommendations to the City Council. Chair Boguszewski noted that this action was not final approval, but a recommendation to the City Council for their approval, with additional opportunities for community comment at the City Council level through the process. While the City Council may ultimately decide to delay action for reasons of their own or to incorporate it with the comprehensive plan update discussion, Chair Boguszewski reiterated that the Commission's job was to move this forward tonight.

Speaking in general, Chair Boguszewski opined that the city has done a good job of outreach to get the public involved with a variety of opportunities to attend, speak and comment; but at some point decisions needed to be made. Chair Boguszewski opined that the city needed to balance residential and business-community needs whether or not that balance is perceived accurately by both sides.

Specific to this issue, Chair Boguszewski recognized that it may be scary to some people, but also asked that they keep in mind that the whole intent is to allow development but to not do so in a way that will be harmful to what the community already has in place, nor to residents and neighborhoods. Chair Boguszewski noted that not all potential uses were going to occur, with the overall list of uses perhaps seeming overwhelming and frightening, but further noted that some development should and will happen. Given the checks and balances already in place, Chair Boguszewski opined that these revisions were a good start and other details would be addressed project by project. Again, just because a use is permitted, Chair Boguszewski noted there are other regulations in place that need to happen and that would address many of the neighborhood concerns.

For clarification purposes, Chair Boguszewski noted that the depth from existing residential properties to CMU-1 designated areas was 400' which he found a pretty good distance, representing approximately 3 narrow blocks of width. Therefore, Chair Boguszewski questioned if he would necessarily agree with extending it further and reduce permitted uses in CMU-3.

Chair Boguszewski referenced the recently-constructed fire station on Lexington Avenue as an example for height and designed with setbacks and other features falling within the regulating plan and form. From his personal perspective, Chair Boguszewski stated he didn't find that height to stick out or overshadow the residential properties across Lexington Avenue. Chair Boguszewski further stated his agreement in keeping the 35' height restriction and using footage versus stories as the guide, opining that could work with other things already in play for development projects.

Regarding the concern expressed during public comment about the potential for a hotel development as a permitted use in CMU-3 designated areas, Chair Boguszewski opined that he still considered that it would be buffered sufficiently. While recognizing the visceral restrictions to some uses listed in the Table brought up by Ms. McCormick, Chair Boguszewski offered his willingness to listen if any individual commissioners wished to bring discussion forward or re-address any of those uses already discussed and agreed upon by consensus during discussion tonight. However, Chair Boguszewski opined that from his perspective, enabling vertical mixed use was at the heart of this plan and to get that urban feel, originating with the classic use for small businesses on the ground floor with residential use above that. Therefore, Chair Boguszewski opined that he couldn't see striking that, and especially since CMU-4 designation is already only permitted as a CU on the boundary of larger roads as well, seeing no reason to pull it out unless there was a consensus to do so.

Regarding the hour issue, Chair Boguszewski questioned if there was a need to look at any specific issues brought up that would prompt rewriting text in Section 6.a, or changing the 2:00 a.m. to something earlier. From his perspective, Chair Boguszewski opined that the bottom line was that there were sufficient checks and balances in place overall for any potential use that protections were in place for neighborhoods while allowing attractive development to occur with minor tweaks perhaps needed from time to time going forward.

<u>Member Gitzen</u>
Member Gitzen stated that when first reviewing the Table of Uses and four sections, he didn't think there were enough gradients. However, after further review and discussion, Member Gitzen stated that, from a general perspective, he was comfortable with the balance achieved.

<u>Member Bull</u>
Member Bull concurred for the most part with the comments of Chair Boguszewski. On uses, Member Bull stated that he weighed restrictions on hours of operation, employment and deliveries, as addressed in CMU-1 designated areas sufficiently through a combination of permitted, not permitted or conditional use differentials.

Member Bull stated his confidence in the balance the Commission and staff had achieved in considering businesses and residents in the nature of surrounding areas; and expressed his further confidence in the gradients in each CMU subarea as now refined.

Specific to height, Member Bull stated he thought the restrictions of 35' and 65' were adequate, noting that not all potential uses and projects would come in at those maximum heights.

Regarding the 100,000 square foot delineation, Member Bull opined that he didn't have sufficient expertise beyond staff's guidance to-date; but remained comfortable with that provision.

Member Cunningham

In terms of the Table of Uses itself, Member Cunningham expressed confidence in tonight's discussion. Member Cunningham noted that she took or attempted to take into account public input as part of discussions and her decision-making. While understanding the comments made by the public and their points of reference, Member Cunningham expressed her comfort level with the Table of Uses.

Member Cunningham stated that her two remaining objections involved hours of operation in the CMU-1 designated areas, and also admitted she still struggled with the 35' height in smaller areas, and then jumping to 65'. Member Cunningham agreed that the 2:00 a.m. closing time could create more problems adjacent to residential neighborhood; and asked the Commission to reconsider that time. Member Cunningham stated that her height preference would be a maximum of 35' across the board, but recognized there probably wasn't a majority of consensus on the Commission to do so.

Chair Boguszewski stated that was his rational in mentioning the 400' distance, which he found more than sufficient.

Chair Boguszewski offered to talk about hours of operation further if Member Cunningham had a recommendation in how best to change it.

Member Murphy

Member Murphy agreed with the summaries of his colleagues. While discussing the matrix of uses, Member Murphy advised that he tried to keep in mind written and oral comments received to-date and taking into consideration his perspective if he lived on the other side of the fence from a CMU-1 or CMU-3 designated area.

Member Murphy further stated his comfort with the 35' height restriction, opining that was easier to measure consistently rather than using a story measurement.

Member Murphy stated that he shared Chair Boguszewski's comments regarding the intensity of vertical mixed uses, and as an example referenced Long Lake and single-family uses or apartments and condominiums, and heights, opining that he was comfortable with the height restrictions as proposed.

Regarding hours of operation, Member Murphy offered his willingness to see if another solution was evident, even though he wasn't displeased with the 2:00 a.m. and 6:00 a.m. restrictions, he could be persuaded to pare it down further if sufficient rationale was provided as a basis to do so. In CMU-1 designated areas, Member Murphy stated his support of the permitted uses being reduced to address any potential noise issues during that timeframe, while recognizing there may be other incidental traffic from Fairview Avenue, Terrace Drive or simply those traversing the community.

Further Discussion on Hours of Operation

Chair Boguszewski offered Member Cunningham an opportunity to offer suggested changes in time for CMU-1 as currently reflected in Item 6.a (page 16) for recommended revised text as the narrative prior to the Table of Uses.

As her rationale in suggesting a change, Member Cunningham opined that businesses in the CMU-1 designated area abutting residential properties may be intrusive, and if it was intended to serve as a buffer zone, having a business operate until 2:00 a.m. was excessive. As an example, with residential neighborhoods typically winding down at 10:00 a.m., if a restaurant use was

located on the Vogel Mechanical property and not closing until 2:00 a.m., it could prove disruptive, as well as other potential uses.

Chair Boguszewski stated he would be much more uncomfortable with a 10:00 p.m. restriction, using as an example, people just getting wound up after dinner or a movie by 10:00 p.m. While he may be willing to consider a Midnight tor 1:00 a.m. closing time, Chair Boguszewski stated he would find a 10:00 p.m. closing too restrictive, noting that Target is open until 11:00 p.m.

Member Bull admitted he frequently utilized stores later in the night.

Member Cunningham respectfully asked Member Bull to consider how that might impact him if that was immediately adjacent to his backyard.

Member Murphy noted other CMU areas with 2:00 a.m. as the closing time as well.

Member Bull expressed his concern in limiting business opportunities interested in coming into Roseville if the regulations were too restrictive and whether than may keep potential users from exploring those areas.

Chair Boguszewski asked, if the time was pulled from 2:00 a.m. back to Midnight, depending on the nature of a potential use or business, asked staff if there was a variance process that would apply, with staff responding that would be an option and an appropriate route to consider.

Member Bull agreed that a variance process may be appropriate; however, if a business was considering locating in Roseville, would they review restrictions first noting that additional step in the process.

Chair Boguszewski opined that they would probably look at the park dedication fee and other fees as the first step that may deter their interest.

While understanding the various points made by her colleagues, Member Cunningham opined that, if they wanted it to work, they'd come forward; but reiterated if CMU-1 is intended to be a buffer zone, a business operating until 2:00 a.m. was not a buffer and questioned if that type of use was therefore desirable in this location anyway.

Chair Boguszewski suggested, in the newly rewritten Item 6.a, that it be changed from 2:00 a.m. to Midnight, and otherwise mimic Item 6.b related to delivery traffic.

Member Bull sought clarification as to whether the intent of Chair Boguszewski was also to restrict employee time as well in Item 6.c as well.

Mr. Lloyd clarified that this section was the one raised via e-mail by Member Stellmach and discussed at the previous meeting regarding various issues, some of which were maybe being stumbled over now. By breaking up Sections 6.a, b and c, Mr. Lloyd advised that in thinking about retail or non-retail uses over the course of a day, his attempt had been to break them down. However, in retrospect, Mr. Lloyd suggested perhaps an additional section 6.d that addressed both retail and non-retail businesses for CMU-1 designations, and another for each of the other district designations rather than as currently written. Mr. Lloyd sought clarification from the Commission as to whether they wanted to include customer or non-customer traffic as part of those provisions as well.

Based on previous discussion, Chair Boguszewski responded that the restriction was for customers or others coming in, not necessarily workers (e.g. a baker can arrive on site, but not welcome the public until a later time).

Mr. Bilotta suggested restricting customers and deliveries as applicable per CMU designation area. Mr. Bilotta stated that staff would refine the language to address the time differences and restrictions per tonight's discussion (e.g. Midnight versus 2:00 a.m.).

Chair Boguszewski sought consensus for revising language for CMU-1 designated areas for customers, deliveries and external traffic from 2:00 a.m. to Midnight.

Member Murphy stated he was inclined to consider a 1:00 a.m. restriction.

Member Bull noted that would address a potential use such as a pizza delivery shop.

Member Murphy suggested making the time part of the CU process or a different column for time restrictions beyond midnight. Member Murphy questioned the need to run every potential use through a variance process by trying to micro-manage them.

To be fair, Chair Boguszewski opined that this would not apply to a thousand businesses, and if the intent is specific to this particular zone, perhaps those adjacent residential properties would like a pizza delivery use operating in their district and operating with fewer restrictions.

If they wanted to operate late at night, Member Cunningham observed that they could do so in other CMU zones.

After further discussion, by consensus, the Commission agreed to support a Midnight restriction for CMU-1 designated areas.

MOTION (five-sevenths vote required)
Member Boguszewski moved, seconded by Member Murphy to recommend to the City Council approval of the proposed COMPREHENSIVE LAND USE PLAN MAP CHANGE; based on the comments, findings, and conditions contained the project report dated September 2, 2015; *and as amended as previously noted in tonight's discussion.*

Ayes: 5
Nays: 0
Motion carried.

MOTION (Simple majority vote required)
Member Murphy moved, seconded by Member Bull to recommend to the City Council approval of the proposed ZONING MAP CHANGES as presented; based on the comments, findings, and conditions contained the project report dated September 2, 2015; *and as amended as previously noted in tonight's discussion.*

Ayes: 5
Nays: 0
Motion carried.

4. Adjourn

Chair Boguszewski adjourned at 10:24 p.m.

Etten moved, Willmus seconded, authorized the Police Department to issue and administer the presumptive penalty as set forth in City Code, Section 302.15, for on-sale license holders with a first violation within thirty-six (36) months consisting of a minimum penalty of a $1,000 fine and a one (1) day suspension on a date to be determined at the discretion of the Police Chief.

Roll Call
Ayes: McGehee, Willmus, Etten and Roe.
Nays: None.

c. **Request by City of Roseville for Approval of Amendments to the 2030 Comprehensive Plan and Zoning Code Pertaining to Various Properties with the Twin Lakes Redevelopment Area**

As part of the revised RCA, staff provided as a bench handout a highlighted Table 1005-5 showing uses proposed for each Community Mixed Unit (CMU) District as a result of and reflecting them most recent Planning Commission recommendations.

As detailed in the RCA and attachments dated October 26, 2015, Senior Planner Bryan Lloyd clarified that a unanimous vote of the available City Council present tonight was needed for comprehensive plan amendment. Mr. Lloyd reviewed these rezoning and text modifications initially resulting from public feedback in January and February and subsequent City Council discussions through June of 2015, with staff then directed to return to the Planning Commission for their final review and recommendation to the City Council. With few exceptions noted from Planning Commission deliberations, Mr. Lloyd stated the table of uses should look similar to the direction of the City Council and their previous discussions.

Revised Regulating Plan (RCA Exhibit C)

In response to the written comments received from Launch Properties, Mr. Lloyd addressed the potential future roadway location, Herschel Street, with the currently mapped potential cul-de-sac not having sufficient rights-of-way but sketched in for possible future consideration. Mr. Lloyd clarified that if and when a future redevelopment needing traffic relief may need that road, the intent was simply to reserve that potential location. Mr. Lloyd further clarified that at that time, a simple zoning text change to amend the Regulating Plan to remove or redesign the road connection could be undertaken.

At the request of Mayor Roe, Mr. Lloyd discussed the Table of Uses and its evolution reflected from Planning Commission discussions and public testimony at the Public Hearing.

Mr. Lloyd reviewed the highlights, using the bench handout, and referencing Planning Commission meeting minutes. Mr. Lloyd noted that the 24-hour land use became problematic on the Table of Uses, and had been broken out into text

to address business hours in more detail as shown on page 4 of RCA Exhibit C outlining various restrictions in each CMU designated district involved.

Regarding tonight's process and in an effort to keep discussions and subsequent formal actions organized Mayor Roe focused that discussion on specific areas as noted. Mayor Roe respectfully asked that the City Council focus their interest on questions at this point and avoid making personal position statements at this time.

Comprehensive Plan Designation of the Current High Density Residential (HDR) area north of Terrace Drive and corresponding section west of Fairview Avenue to Community Mixed Use-1 (CMU-1)
With no questions of the City Council for staff, Mayor Roe opened up public comment on this specific area.

Public Comment

Lisa McCormick, 2850 Wheeler Street
Ms. McCormick sought clarification if this proposed comprehensive plan amendment needed approval of the Metropolitan Council with Mayor Roe confirming that it did.

At the request of Councilmember McGehee, Mayor Roe advised that if the Metropolitan Council did not support the proposed change, the City Council would need to go back to the drawing board.

McGehee moved, Etten seconded, adoption of Resolution No. 11269 (Exhibit B) entitled, "A Resolution Approving an Amendment to the Comprehensive Land Use Plan Map from High Density Residential (HDR) to Community Mixed Use (CMU) at 2805 – 2837 Fairview Avenue, 2830 Fairview Avenue, and 1633 – 1775 Terrace Drive (PROJ0026)."

Roll Call (Super Majority)
Ayes: McGehee, Willmus, Etten and Roe.
Nays: None.

Regarding the next step in the process, Mayor Roe advised that staff would formally submit this proposed change to the Metropolitan Council and applicable adjacent municipalities for their review and approval.

Zoning Ordinance Changes
Before taking action to change zoning of other Twin Lakes properties, Mayor Roe suggested having a discussion on the zoning ordinance changes themselves, as he opined that it would not make sense to change zoning until it was determined what the appropriate zoning would be based on the Table of Uses, Regulating Map, etc.

Table of Uses

Councilmember Willmus suggested reviewing those items on the Table of Uses that had changed from previous City Council discussions and subsequent Planning Commission action, specifically related to CMU-1 and have further discussion at this point as related to uses he considered not overly-intensive.

As an example, Councilmember Willmus questioned that Planning Commission's rationale in their change for "office showroom" from permitted (P) to non-permitted (NP).

Mr. Lloyd provided examples typically associated with this type of use (e.g. Renewal by Anderson, the Tile Shop) both having higher amounts of commercial traffic with contractors than a typical office use adjacent to a single-family neighborhood.

Councilmember Willmus also questioned rationale in changing "restaurants, fast food" while recognizing concerns with drive-throughs, when he considered this use category he thought of a Subway or Leeann Chin franchise use, asking staff if that was a fair characterization with Mr. Lloyd responding affirmatively. Councilmember Willmus noted that the City Council had originally considered that type of use as P, with anything including a drive-through as NP, and sought the Planning Commission's rationale in suggesting this change as noted on the Table.

Mr. Lloyd advised that it was mostly related to a more rapid and higher customer turnover concern than a traditional restaurant would have, thereby making it less desirable in a CMU-1 district.

At the request of Councilmember Willmus, Mayor Roe advised that it was NP in Neighborhood Business (NB) designated districts.

In questioning this change, Councilmember Willmus stated as an example the strip mall at Lexington and Larpenteur Avenues backing up directly to single-family residential. Mayor Roe, with concurrence from Mr. Lloyd advised that the area referenced was actually in a Community Business (CB) designated district.

Related to "motor vehicle repair, auto body shop," Councilmember Willmus referenced a current use in this area, Village Transmission, and noted if Planning Commission recommendations were followed it would make this use legal, non-conforming.

Mr. Lloyd responded that was true, as well as another current use in the area for foreign car repair, but clarified that use was not changed from previous City Council discussions.

Councilmember McGehee expressed her agreement with the Planning Commission on the "restaurant, fast food" use, but stated she was not in agreement with

on the "office showroom" use recommended change based on heavy contractor or customer use, she was not in agreement. Based on her personal observation and experience with other communities, Councilmember McGehee cited several examples of typical uses from a tire shop with low volume customers compared to uses that would have that higher customer turnover.

Mayor Roe pointed out that his initial take on this use was to reference the NB designation which was NP; and suggested that may require revisiting depending on the City Council's determination in the CMU to avoid inconsistencies.

Councilmember McGehee stated that she had not cross-referenced NB designated districts with the proposed CMU designation, and asked what other similarities or comparisons Mayor Roe had found that were currently proposed to be P in CMU-1 that were NP in NB designations.

Actually, Mayor Roe stated that he had only researched those consistencies or inconsistencies as a check if the Planning Commission recommended changes from original City Council discussions and had not done more exhaustive research than that. However, Mayor Roe spoke in support of NP for "office showroom" uses in CMU-1.

Specific to "lodging (hotel)" uses, Councilmember Willmus noted, and Mr. Lloyd confirmed," that the City Council discussions had only looked at those as permitted uses in CMU-4 districts, while the Planning Commission had amended the Table of Uses to include them as P in CMU-3 designated districts.

Under "Civic and Institutional Uses," Councilmember Etten referenced "place of assembly" suggested by the Planning Commission to move from P to Conditional (C) and noted staff's comment of those discussions in how to limit or structure if and when appropriate in CMU-1 districts.

Mr. Lloyd explained that it was important to recognize this use as much broader than a place of worship, and basically hinged on the potential number of people assembling in those facilities, whether for worship or an unrelated purpose (e.g. theater/performing arts) considering if and how higher traffic volumes would be addressed if outside the conventional business hour parameters, thus the rationale to move it to C to provide a contextual review of a given location if and when such a use came forward and on a case-by-case basis.

Under "Accessory Uses, Buildings and Structures" and "drive-through" uses specifically under that category in the Table of Uses, Councilmember Etten referenced the Planning Commission's discussion in their meeting minutes of September 17, 2015, page 9, lines 430-431 (RCA Exhibit A – page 45 of 60) suggesting it made more sense to have that listed under "restaurant" uses only.

Mr. Lloyd and City Planner Paschke agreed and confirmed it made more sense under restaurants.

Moving back to"place of assembly" uses, Mayor Roe noted if comparing that with NB, that use was P not C, and from his point of view the original City Council intent was to make that use P and therefore was unsure of the rationale in applying conditions.

In general for a discussion of drive-throughs, Councilmember McGehee referenced current language and goals of the comprehensive plan in having this area and CMU be more pedestrian and bicycle friendly to the greatest extent possible. Councilmember McGehee opined that the more encouragement for drive-throughs in this area, the more it discouraged that goal and suggested keeping that goal in mind.

Specific to the "outdoor storage, inoperable vehicles/equipment" use, Councilmember Willmus noted the City Council's original designation as C across all CMU designations, with the Planning Commission amending that to NP, questioning if that would impact "motor vehicle repair" uses accordingly.

Mr. Lloyd advised that it would not affect it any more than the "motor vehicle repair" shop being designated NP with existing repair shops becoming legal, nonconforming uses.

Mayor Roe suggested the need to follow-through on those two uses.

At the request of Councilmember McGehee, Mr. Lloyd provided a definition of stand-alone "parking" as a use on land without an affiliated store or use (e.g. hired parking lot for nearby stores or paid parking lot) resulting in more surface parking in contrast to a structured parking scenario or the shared parking encouraged in the Twin Lakes Redevelopment area.

At the further request of Councilmember McGehee, Mayor Roe clarified that this use did not refer to semi-trailer parking, but various types of vehicles of a more transient type accessing businesses or nearby activities.

Mr. Lloyd concurred that it was transient versus long-term storage, and thus the rationale for designating that use as C across all CMU designations.

In conclusion, Mayor Roe suggested revising "office showroom" from the Planning Commission's recommended designation of NP to P in CMU-1 districts. For consistency with the NB district, Mayor Roe suggested "liquor store" use be designated as P in CMU-1 districts. Mayor Roe noted that "liquor store" uses were C in the NB district at nodes where streets intersect, while recommended as P in CMU-1 districts, stating he could go either way depending on his colleagues.

Specific to "restaurant, fast food" uses, Mayor Roe suggested moving that use to P in CMU-2 rather than the Commission's recommendation for C, but was open to either C or P in CMU-1 districts, while recognizing that this use was NP in NB for comparison purposes. Mayor Roe finally stated that he thought "places of assembly" uses should be P in all CMU districts.

Councilmember Etten agreed with Mayor Roe on his suggestions, with the exception of his suggestion to include the "motor vehicle repair" use as P in CMU-3 and CMU-4 districts.

Specific to that and for comparison, Mayor Roe stated that it was a C use in CB districts and P in Regional Business (RB) districts.

Councilmember McGehee stated she'd support "office showroom" as C for CMU-1 rather than P, but was flexible while finding it a big leap for the Planning Commission's recommendation to move from NP to P in that district.

Councilmember Willmus sought clarification that the intent suggested was to move "motor vehicle repair" to P in CMU-3 and CMU-4 districts; with Councilmember Etten agreeing with that suggestion, with that use being NP in CMU-1 and CMU-2 districts, with Mayor Roe noting that applied to related "outdoor storage" uses as well.

Regarding "motor vehicle repair, auto body shop" uses, specifically for body shops, Councilmember McGehee suggested making a further distinction since there seemed to be more issues related to noise and/or fumes.

Councilmember Etten noted those things happened in a controlled indoor environment to meet regulations for Minnesota Pollution Control Agency (MPCA) conditions and controls.

Specific to Councilmember McGehee's concerns for "motor vehicle repair" and outdoor storage issues, Community Development Director Paul Bilotta advised that some cities separate out those two uses; and suggested going forward leaving it as NP but directing staff to look at the broader issue in the future (e.g. heavier repair or auto bodies, outdoor storage of inoperable vehicles) or to address repair versus storage that would be a bigger focus discussion. However, Mr. Bilotta noted that now everything would become a legal, nonconforming use anyway.

Councilmember McGehee spoke in support of that further evaluation to provide more background information.

Mayor Roe suggested considering that review more broadly within other districts as well.

To clarify Mr. Bilotta's suggestion, Councilmember McGehee questioned if the intent was to take the "motor vehicle" uses as recommended on the Table of Uses as presented, and when staff returns with additional information, further amendment could be made at that time.

Mayor Roe clarified that would be the case if that further information indicated those uses listed as NP or C now were later decided by the City Council as needing to be less stringent in the future.

Hours of Operation Table of Uses Text (Section F - RCA Exhibit A – page 22 of 60)

Councilmember McGehee questioned why the Planning Commission recommended changing the hours for Item 6 for limited business hours from 12:00 midnight to 2:00 a.m. Councilmember McGehee spoke in support of their rationale in allowing employees to work inside but not serve customers in retail establishments.

Mayor Roe clarified that, as proposed other than in the CMU-1 district, the hours are until 2:00 a.m. anyway.

Councilmember McGehee questioned if that didn't only apply to bars or establishments already permitted to open that late or future uses desiring that permission.

Mr. Lloyd advised it was informed by customer uses that can be open but applied to any customers-generating land use (e.g. eating, shopping) and would fall under that same 2:00 – 6:00 a.m. time limitation.

Councilmember Willmus asked staff what other zoning districts beyond CMU had similar restrictions on hours of operation.

Mr. Lloyd advised that it was not restricted elsewhere, with overnight snow clearing and deliveries addressed specifically for commercial activities in areas near or adjacent to residential neighborhoods, but not specifically addressing their hours of operation. Mr. Lloyd clarified that employees could still be working in those customer-based uses, but there were no restrictions in other districts.

Councilmember Willmus questioned if snow removal wasn't exempt from the city-wide noise ordinance.

Mr. Lloyd stated that it might be, with some restrictions in CB (Har Mar Mall) but would typically be addressed by the city as part of zoning versus noise nuisance regulations.

If this was not regulated in other areas of the city, Councilmember Willmus questioned why it was proposed for regulation in CMU districts.

Mr. Lloyd responded that the idea had resulted from the January/February public input sessions and neighborhood petitions, and subsequently discussed with the City Council and informed the approach to differentiate between 24-hour retail and not 24-hour uses in the land use table. However, as he previously stated, when inserting that into the proposed Table of Uses, Mr. Lloyd noted that it became problematic to explain specific regulations and had prompted it being called out in the text as presented and proposed.

Councilmember Willmus questioned how it was practically enforced.

At present, Mr. Lloyd advised it was and would be challenging since Community Development staff was not available by phone 24/7, with the Police Department therefore serving as the first line of enforcement with subsequent follow-up by Community Development then following-up for compliance issues when returning within normal business hours.

Councilmember McGehee advised that she had brought this up previously not just in this instance, but when brought forward in public discussion over two years ago and again recently, that there was a strong sentiment in the community for a midnight closing time for most businesses, even though it wasn't a big issue right now. As an example, Councilmember McGehee noted that Target and Byerly's were open until midnight, which she thought were the only existing businesses in the community open until then but not longer. Councilmember McGehee opined that it seemed reasonable to her to consider that midnight requirement city-wide to provide some relief to residents living nearby those commercial businesses.

Councilmember Etten stated he was concerned, barring a broader discussion, that this proposed text and hours or operation requirements created a different policy in CMU than across the city, opining that it should be the same throughout the community. Councilmember Etten noted there were standards already addressed in city code for garbage pick-up and deliveries to protect neighborhood time frames that should be continued, and he found to be working for the most part as now handled.

Councilmember McGehee concurred with the comments of Councilmember Etten in that this restriction or hours should not only be in the Twin Lakes area, but needed a broader, citywide discussion. As an example, Councilmember McGehee opined there were other uses besides shopping that could conceivably go beyond 2:00 a.m., and even if not a current use, needed to be considered in that broader discussion for possible future uses.

Public Comment

Lacy Kapaun, 1840 County Road C-2 West

Ms. Kapaun expressed her discouragement in hearing these City Council comments in thinking a commercial use adjacent to a residential use was a good idea. While understanding the desire for a citywide theme, Ms. Kapaun noted the reality of businesses in a residential backyard or adjacent to homes that seemed of no concern to the City Council, opining she could not understand that rationale.

From her personal perspective, Ms. Kapaun noted that her daughter's bedroom is right there, and whether or not vehicles coming in and out of businesses were employees or customers, it didn't matter and she found it frustrating that the City Council was not seeing the residents' perspective or having to deal with it on a daily basis. Ms. Kapaun stated that the residents had put a lot of time and effort in communicating with the City Council what they would and would not like, but felt those concerns were not being addressed when they were considering a 2:00 a.m. closing time for businesses next to a residential neighborhood. Ms. Kapaun stated she was speechless and frustrated and was about to give up on the City Council when those concerns were apparently not coming across at all.

Brooke, Tosi, 1766 Millwood Avenue
From a general perspective, Ms. Tosi opined that the point brought up by Mr. Bilotta was crucial, and if the City Council made the uses P now it would be hard to change and make them NP or C to restrict things more. Ms. Tosi spoke in support of a broader discussion in the future, but for now, asked that the City Council make it C to allow a case-by-case review in each situation to allow the city to look at any uses whether based on dream or nightmare scenarios.

Lisa McCormick, 2850 Wheeler Street
On the Table of Uses itself, Ms. McCormick stated that based on her confusion she had clarified with Mr. Bilotta the distinctions in CMU-2 and CMU-3.

Specific to lodging uses being changed to NP in CMU-2 but P in CMU-3, Ms. McCormick expressed her concern about hotels coming along Fairview Avenue; opining that use would be more appropriate if situated in CMU-4 with CMU-2 serving as a more logical extension of that district and representing a much more developable area. Ms. McCormick opined that such a potential use along Fairview Avenue caused her more concern based on height and other possible ramifications from that type of use.

Regarding mortuary or funeral home uses on the Table for CMU-1, while not opposed to that use, Ms. McCormick expressed concern with future traffic situations and potential further congestion on Terrace Drive (e.g. funeral processions) and with the intersection of Lincoln Drive, expressing her preference for C to evaluate that use if and when it came forward.

Specific to hours of operation, Ms. McCormick expressed appreciation for Councilmember Willmus' question about what was allowed in other areas. Ms.

McCormick stated that she had performed that search personally, and in RB districts for nighttime activities, rather than the hours stipulated from 12:00 midnight to 6:00 a.m. and limiting activities, she suggested consistency across the City and restricting those hours between 10:00 p.m. and 6:00 a.m. citywide.

Under City Code, Section 1005.07, Item H. (standard for nighttime activities), Ms. McCormick noted there was no provision that it was not included in CMU districts and asked if that could be provisionally added.

Ms. McCormick stated she had also clarified with Mr. Bilotta where the RCA talked about zoning code protections for nuisance noises (Section 1011.11 or 12), it again referenced service hours between 10:00 p.m. and 6:00 a.m.

Ms. McCormick noted that the original "ACI" building now housing "Bridging, Inc." was actually two parcels in the 1990's and now combined as one parcel; and when approved had conditions listed for activities and loading activities, which she recalled to be no later than 8:00 p.m. Therefore, Ms. McCormick asked that the City Council consider moving to the 10:00 p.m. to 6:00 a.m. hours of operation to be consistent with the remainder of city code.

Councilmember McGehee sought clarification for hours of delivery in current city code versus that referenced by Ms. McCormick.

Mayor Roe suggested if that was the standard for hours of delivery it be used in this part of code as well.

Ms. McCormick suggested it include snow removal, deliveries and other activities.

Dan Regan, Principal, Launch Properties, Reco Real Estate, LLC, 1875 Highway 36 W in Roseville, part-owner of a twenty-one acre parcel between Byerly's and Fairview Avenue
Mr. Regan provided written comment in the form of an email to City Manager Trudgeon dated October 23, 2015, ***attached hereto and made a part hereof****, entitled "Proposed Regulation Plan Map Changes;"and specifically addressing a proposed "flexible future road" connection between County Road C and Terrace Drive that bisected their property.*

As a developer of properties across the Twin Cities, Mr. Regan opined the suggestion by Mr. Bilotta related to auto repair uses currently NP was good from his perspective, noting that most city codes had distinctions addressing and defining major and minor auto repair uses. Mr. Regan noted that major auto repairs were typically permitted in retail areas, trending by national retailers (e.g. tires changed while waiting or shopping nearby) where clean replacements could be accomplished quickly. At the other end of the spectrum, Mr. Regan noted it would in-

volve a vehicle being dropped off for several days (e.g. Maaco's body shops) and such a use wasn't typically permitted in dense retail commercial trade areas unless grandfathered in for a long time, but were now typically found in light industrial areas. As a developer, Mr. Regan opined that would provide a good distinction, and further noted that such uses were built to a higher standard today than in the past and provided much cleaner operations and should be considered in the Table of Uses. Mr. Regan suggested in CMU-3 and CMU-4 districts, they be kept away from residential areas if traffic is a concern; but from a practical issue, he reported that was where those businesses wanted to be, particularly in the CMU-4 area.

Mr. Regan reported he was seeing a lot of demand from tenants for small coffee shops (e.g. 2,500 square feet) with a drive-through capability for 6-7 cars, usually allowing one minute per car for an order (e.g. Starbuck's, Caribou) without creating much of a problem. Mr. Regan further reported that Dunkin' Donuts was projecting sixty franchises in the near future across the metropolitan area, and he didn't not see such a use being called out specifically, but suggested there be some kind of distinction made between such a coffee shop and a more intense use such as McDonalds.

While recognizing that it made all the sense in the world to respect residential neighbors adjacent to businesses, specific to a clause restricting or minimizing snow removal in those areas, Mr. Regan noted that in reality that wasn't always practical or reasonable. As an example, as the HealthEast preferred developer, Mr. Regan noted that his leases required he meet a certain criteria for snow removal to keep their patients safe, which depending on snowfall amounts or frequency in any given winter, may require constant removal which could realistically be 24-hour operations and asked that that the City Council take that into consideration in deliberating uses and restricting hours or operation.

Councilmember Willmus asked that the City Council take action on the Table of Uses and Hours of Operation before action on the Regulating Map.

Table of Uses (continued)
Referencing the staff notes detailed in the RCA, discussion ensued for those uses under consideration with Mayor Roe leading from previous discussion tonight.

Office Showroom
Mayor Roe noted this was proposed as NP in CMU-1 and P in all other CMU districts based on Planning Commission recommendations, with the City Council discussion tonight indicating they preferred P in all four CMU districts.

Councilmember McGehee stated she was tempted to leave it as recommended for NP based on the comments of Mr. Bilotta and until staff provides additional information.

Councilmember Etten stated he was comfortable with C but could not support NP.

Councilmember Willmus stated he would support that use as C.

Without objection, the Table of Uses was revised to show "office showroom" use in CMU-1 districts as C.

Animal Boarding (exclusively outdoors) – additional category 9RCA, page 2, line 47)
Mayor Roe noted that this was designated C in RB and other parts of city code, but NP in NB districts and sought feedback if there was any interest in changing it from NP across the board.

The consensus was to leave the use as currently proposed exclusively NP in all CMU districts.

Liquor Store
Mayor Roe noted this use was proposed by the Planning Commission as NP in CMU-1, seeking interest in changing it to C to be consistent with NB districts, but offering his personal support as NP as recommended by the Commission.

Councilmember Etten stated he was comfortable with C depending on its size.

Councilmember Willmus stated his support for C.

Without objection, this use was changed to C in CMU-1 districts.

Lodging
Without objection, this use was revised to return to NP in CMU-3 districts.

Motor Fuel Sales (gas station)
Without objection this use was changed from C to NP in the CMU-1 district.

Movie Theater
Without objection this use was changed to in CMU-1 with other CMU districts.

Outdoor Storage, Inoperable Vehicles/Equipment
As previously noted, this discussion will be put off until a broader discussion can be held including motor vehicle repairs, with it left NP across the board as currently proposed.

Restaurants, Fast Food
Having attended the Planning Commission when this was discussed, Councilmember Willmus noted there was a tendency to blend this and "fast food with drive-through" together. Councilmember Willmus stated he was not opposed to

allowing restaurants in CMU-1, but noted the City Council's original thought was to allow them as P across the board; and while he could support P or C, he would like to retain that option in CMU-1 districts.

As a point of reference, Mayor Roe noted they were shown a C in CMU-2 and would not be inconsistent if shown as C in CMU-1 districts; but he suggested it would be inconsistent to show them as P in CMU-1.

Councilmember McGehee stated she would prefer them as proposed, as NP in CMU-1 and C in CMU-2 districts.

Councilmember Etten stated he was fine with it as C in CMU-1, and would agree with P in CMU-2, but could also agree with C in CMU-2 districts as recommended by the Planning Commission.

For the CMU-2 district, Mayor Roe stated he was more comfortable with C in both CMU-1 and CMU-2 districts.

Without objection, the Table was revised to show C in both CMU-1 and CMU-2 districts.

Vertical Mixed Use
Councilmember Willmus noted that at previous discussions of the City Council, they had proposed NP for CMU-1 based on height concerns; stating therefore he'd want to retain NP in CMU-1 districts.

Councilmember Willmus and Mayor Roe agreed it made sense to revise it to leave it NP in CMU-1.

Without objection, the Table was revised to show C in the CMU-1 district.

Place of Assembly
Mayor Roe stated his comfort with either P or C in CMU-1 depending on what kinds of conditions were applied or based on trips generated.

Councilmember McGehee also noted conditions could apply to size or height issues as well as parking lot traffic depending on the type of assembly.

By consensus, the City Council decided to leave this as C in the CMU-1 district.

Theater/Performing Arts Center, Transit Centers, and Park and Ride Facilities
Without objection, Councilmembers agreed with the recommendation of the Planning Commission as stated.

Hours of Operation

Mayor Roe opined that the philosophical trouble was in attempting to be more restrictive in CMU districts than in other areas of the community. Historically, Mayor Roe recalled that this originally came up as a result of the Har Mar Shopping Center and its proximity to the adjacent residential neighborhood, but recognized it created enforcement issues 24/7. Mayor Roe stated that he'd be comfortable in not putting these restrictions in CMU districts at all and leaving the existing restriction in current city code to apply citywide. Mayor Roe clarified that this was not because the City Council wasn't listening to people, but needed to put things in perspective for the entire city. Mayor Roe opined that since similar restrictions were not provided for residents adjacent to Har Mar Mall as an example and until the City Council addressed that citywide he suggested leaving current restrictions in place for CMU as with the remaining community districts.

Councilmember McGehee stated she saw this CMU-1 district significantly differently based on the roads around it and proximity of commercial to residential compared to the buffer between Har Mar Mall and adjacent residents on the back side. In spite of that buffer, Councilmember McGehee noted that during the winter, a number of complaints were received, as well as at other times of the year as well even with that screening that would not be possible in this area to replicate. Councilmember McGehee opined that it was important to consider the proximity between commercial and residential in CMU-1 on the west side of Fairview Avenue adjacent to the park, where she would not personally like this kind of view. From that standpoint, Councilmember McGehee reiterated that she did not consider CMU-1 comparable to the Har Mar area geographically or physically to provide residents sufficient protection.

As an example, Councilmember Etten used the Larpenteur and Lexington Avenue situation as similar and falling under the same citywide considerations for 10:00 p.m. to 7:00 a.m. regulations, as also with NB and CB.

Mayor Roe noted it applied to all commercial districts adjacent to residential uses.

Councilmember McGehee stated she was happy with that for addressing deliveries, but the City needed to do better with customers that were close to residential areas.

Councilmember Etten provided examples in other areas that were similar to potential uses in CMU-1 districts.

Councilmember Willmus echoed the comments of Mayor Roe and Councilmember Etten, opining if hours of operation were going to be addressed or made more restrictive, it needed to be done citywide and beyond what was already in place. From that perspective, Councilmember Willmus spoke in support of the comments of Mayor Roe.

Without objection, Mayor Roe concluded removing business hour restrictions at this time for CMU districts for future and further consideration.

Ordinance, Section 1010.10 (Definitions), RCA Exhibit C – page 1 of 18)
Mr. Lloyd noted the changes made to the definition of "retail, large format," reporting they were the same as previously proposed by the City Council and that the Planning Commission had not recommended any further changes.

Regulating Map (West Side – RPCA Attachment A – page 5 of 60))
As detailed in the RCA, lines 16 – 32), Mayor Roe noted the height regulation included in the stormwater pond area, opining his intent had originally been to go further east of the city-owned property for the restriction.

Councilmembers Etten, McGehee and Willmus agreed with the mayor's recollection.

By consensus, staff was asked to revise the map regulating accordingly and as displayed by Mr. Lloyd during this discussion.

Regulating Map (East side of Fairview)
Proposed Flexible Roadway
Mayor Roe suggested, instead of showing the sketch to include a proposed roadway without regard to significant terrain issues, a representation be made via map showing ggeneric interior roadways for the whole block and frontage managing a flexibility on potential location elsewhere rather than putting the city in a position by showing a road that may not be wanted or needed.

Councilmember Willmus agreed with Mayor Roe, opining that before the city got to the point of showing roadways on maps, it needed considerable more community and City Council discussion. Councilmember Willmus clarified that from his perspective there was no intent by this body or the Planning Commission to look at connecting Herschel from Terrace Drive to County Road C; and would require a lot more discussion before even getting to that point.

In context, Mr. Lloyd advised that the proposed sketch was intended as suggested by Mayor Roe, and simply included to ensure there was awareness for any future developers to be aware of the potential need for a roadway somewhere if found necessary, and the location shown on the sketch indicated the most likely arrangement it might suggest. Mr. Lloyd noted that it was similar to the "wavy lines" shown on the map representing park dedication land the city might be interested in for the future in those areas; and only intended as a general representation but not intended to be a statement for adoption as part of the Twin Lakes development plan.

Councilmember McGehee stated she would prefer it not to be included or represented in any way in an effort to avoid confusion and/or create any rigidity of thinking, as well as those issues brought forward in the written comments from Launch. Councilmember McGehee opined this plan was not formulated enough yet to show any preliminary representations.

By consensus, staff was directed to at a minimum not show any connection, and leave the cul-de-sac as it is now and shown as right-of-way.

Pedestrian Connection(s)

Councilmember McGehee stated her similar preference that such a connection not be shown until planned out in more detail or to possibly change a developer's thought process about what and where to work around.

Councilmember Willmus agreed.

By consensus, staff was directed to remove any pedestrian location at this point.

Mayor Roe noted that this would require additional discussion in the future even with removing those lines sketched on and included in the regulating map to connect pedestrians on Terrace Drive.

Councilmember McGehee asked how much of the regulating map in Exhibit C had or had not been incorporated at this point. Councilmember McGehee stated her impression was then and now that at some point there was no regulating map, only design aspects. Based on that impression, Councilmember McGehee expressed concern that the community may misinterpret what was actually included in the regulating plan and map (e.g. urban design up to the sidewalk).

Mr. Lloyd clarified that there had never been any formal City Council action taken to remove the regulating plan from current code.

In light of this CMU discussion, Councilmember McGehee stated her interest in forwarding that review process versus ending up being hamstrung on other things that may or may not be desired.

Mayor Roe stated that he had been supportive of the regulating plan and continued to be satisfied with the text as currently written.

Councilmembers Willmus and Etten stated they had no problem with it either.

Specific to any misconceptions, Mr. Bilotta reported that when the regulating plan was discussed, it was simply a rezoning issue and any developer coming forward, with or without a Planned Unit Development (PUD) discussion, would create a bridge between the intent of the regulating plan and actual development realities.

As an example, Mr. Bilotta used the Herschel connection, noting a developer could come in with a completely different concept and regulating plan for the City Council to evaluate legislatively for potential rezoning and conditional adoption accordingly.

Councilmember McGehee stated that was the clarification she was seeking, especially with two properties in this area in excess of twenty acres that she didn't want to be impacted in the grid system.

Public Comment (Regulating Map, Text)

Lisa McCormick

Ms. McCormick sought clarification as to whether or not the City Council intended to discuss heights; and also noted they had not addressed her previously concerns related to "mortuaries" as a use in the Table of Uses.

Specific to height, Ms. McCormick asked if there had been any heights requests at 65' driving that increase, expressing her concern with height on the south side of Terrace Drive and consistent with concerns raised in one of the neighborhood petitions requesting a height restriction within 1,000' of a residential area. Ms. McCormick referenced one staff presentation of a map showing a 1,000' buffer around multi-family homes across the city, but specific to her neighborhood, they were looking only at addressing this Twin Lakes CMU district affecting them, and only potentially applying to the area along Fairview Avenue along the south edge of the current Hagen parcel, for 1,000' along that line as she indicated on the displayed map. Ms. McCormick stated that this request was in part because it the proposed height of 65' seemed such a significant jump and would block sunlight as well as having other ramifications, and asked that the City Council give that request due consideration.

For those not living in the area, Ms. McCormick used the EagleCrest facility as an example and the negative impacts for adjacent single-family residents in their previous and now current views. Ms. McCormick used as another example, Councilmember Etten's reference to the Palisades Apartment complex, another multi-family use abutting a single-family area. However, if looking at topography, Ms. McCormick noted there were 200' between those higher buildings and single-family residential as well as it having a lot of tree cover; therefore not comparable to the area north of Terrace Drive and not having the same tree cover, topography or space. If the City Council chose to limit height in CMU-3 or extended it further than the 300' currently in CMU-1, Ms. McCormick opined that didn't even extend through the entire district, and could result in the south side of Terrace Drive having a building of six stories adjacent to single-family residential.

Lacy Kapaun, 1840 County Road C-2 West

Using the previous Sherman development proposal involving a taller development, Ms, Kapaun opined that a big element of development was related to height since there was only so much space available for a building footprint. Ms. Kapaun noted that a large development in the area would also create a bigger demand for resources and noted the large number of residents in this area who had expressed concerns about the height of that former development, which would have fit into this regulating plan at a 65' height. Ms. Kapaun noted that a lot of uses didn't require that kind of height that wasn't generally seen in Roseville; and expressed her personal preference for a height restriction closer to 45' that would still increase beyond the current 35' restriction.

Marie Butner, 1651 Stanbridge
Ms. Butner reported that the back end of Eagle Crest was actually 50', which had been a shock to those adjacent single-family residents when they had been promised it would not exceed 30' which it was in the front but had been storied to 50' in the back due to having been built on a hill. Ms. Butner stated this had really affected those six single-family neighbors on Stanbridge, and hoped something similar didn't occur in the Twin Lakes area.

Mortuary/Funeral Home Use
Councilmember Willmus suggested C for mortuary uses in CMU-1, offering his support rather than as currently recommended as P.

In cross-referencing with NP, Mayor Roe noted it was P, but offered his support for C in CMU-1 districts.

Councilmember McGehee stated that would make it equivalent to the "place of assembly" use designations.

By consensus, the Table of Uses was revised to designate C for mortuary/funeral home uses in CMU-1.

Height
Councilmember Willmus stated he considered sufficient steps had been taken to have controls in place to address height concerns, noting the importance to consider the distance from single-family to CMU-1 in excess of 300'; with staff verifying the accuracy of that range between 300' to 400'. At the northern boundary of CMU parcels, Councilmember Willmus stated he had no concern for solar access with a building of greater height based on the distance being significant enough to provide those protections and therefore not sharing in the concerns expressed during public comment and in past citizen petitions related to this concern.

Councilmember McGehee stated her preference to support 800' or 1000' for CMU-1 on the other side but not across the entire CMU district, allowing the op-

portunity for a stepped building in that location on the side closest to CMU-1 at a lower height and recognizing the residents' desire to keep that height lower and further back from CMU-1.

Councilmember Etten stated that with the scale just shown being 400' from the neighborhood including the street, and therefore expressed his comfort with the heights as proposed, and essentially providing more coverage and protection than found in other spots.

Mayor Roe reiterated the previous City Council discussion allowing a 100' buffer around Langton Lake and then stepping that height restriction back. While originally looking at a broader adjacency for CMU-1 north, Mayor Roe noted that in reality you couldn't divide one part of a parcel from another, and therefore supported the 35' height restriction in that buffer area, but remained comfortable with the 65' height restriction elsewhere as proposed.

By consensus, the height restriction of 65' was retained.

Etten moved, Willmus seconded, enactment of Ordinance No. 1483 (Exhibit C) entitled "An Ordinance Amending Roseville City Code, Title 10, Amending Certain Zoning Text, Eliminating the Existing CMU District, and Creating CMU-1, UMU-2, CMU-3 and CMU-4 District;" ***as amended based on the above-referenced discussions.***

Roll Call
Ayes: McGehee, Willmus, Etten and Roe.
Nays: None.

McGehee moved, Etten seconded, enactment of Ordinance Summary No. 1483 (Exhibit E) entitled, "An Ordinance Amending City Code, Title 10, Amending Certain Zoning Text, Eliminating the Existing CMU District, and Creating CMu-1, CMU-2, CMU-3 and CMU-4 Districts."

Roll Call (Super Majority)
Ayes: McGehee, Willmus, Etten and Roe.
Nays: None.

Etten moved, McGehee seconded, enactment of Ordinance No. 1482 (Exhibit D) entitled, "An Ordinance Amending Roseville City Code, Title 10, Changing Zoning Designations of Certain Real Property Currently Comprising the Community Mixed-Use District;" ***involving only the area displayed in orange on the map for CMU-1, CMU-2 and CMU-4, excluding CMU-1 until approved by the Metropolitan Council.***

Roll Call
Ayes: McGehee, Willmus, Etten and Roe.

Nays: None.

Specific to the next step in the process, Mr. Lloyd reported that once the comprehensive plan change was approved by the Metropolitan Council, a proposed zoning amendment would be brought forward to rezone the proposed CMU-1 district to be consistent with zoning.

Recess

Mayor Roe recessed the meeting at approximately 9:03 p.m., and reconvened at approximately 9:10 p.m.

d. Request by the City of Roseville for Approval of an Amendment to the 2030 Comprehensive Plan Pertaining to Property at 3253 and 3261 Old Highway 8

City Planner Thomas Paschke briefly reviewed this request as detailed in the RCA dated October 26, 2015, including public comment (Attachment C) received to-date included as attachments to the staff report. Planning Commission minutes of their October 7, 2015 meeting were provided as a bench handout and attached to the staff report with Mr. Paschke noting the Planning Commission's recommendation of the comprehensive plan change from HDR to MDR on a vote of 6 to 1.

Mr. Paschke further noted that neither property owner of parcels 3253 (John p. Henz Trust) and 3261 (Thomas Ranello) Old Highway 8 were supportive of changing from HDR to MDR.

Public Comment

One additional public comment was received in writing from Rita Moe, 3077 Lydia Court, dated October 26, 2015 in support of the change to MDR, ***attached hereto and made a part hereof.***

John Runquist, Trustee of the John P. Henz Trust, 3253 Parcel

Mr. Runquist opened his remarks by expressing his wonderment as to how this issue had gotten to this point again after past Planning Commissions had recommended and a past City Council had voted to change this zoning and comprehensive plan guidance to its current status, which had subsequently been ratified by the Metropolitan Council.

As Trustee of the John Henz estate since Mr. Henz' death in 2005, Mr. Runquist had provided his written comments originally presented to the Planning Commission, and now included in the public comment attachments (Attachment C) as part of the record. Mr. Runquist referenced those written comments and history of the parcels, development processes, adjacent townhome development, and approval of the Roseville Planning Department staff at the time a previous development plan had been submitted, but unfortunately had not come to fruition.

As part of adjacent Woods Edge Townhome development, Mr. Runquist noted encroachment into the Henz property, causing serious damage to the property without any compensation of that error, with the need to address those encroachment and drainage issues due to that error.

ORDINANCE NO. 1483

AN ORDNANCE AMENDING TITLE 10 OF THE CITY CODE, AMENDING CERTAIN ZONING TEXT, ELIMINATING THE EXISTING CMU DISTRICT, AND CREATING CMU-1, CMU-2, CMU-3, AND CMU-4 DISTRICTS

The City Council of the City of Roseville does ordain:

Section 1. The Roseville City Code is hereby amended as follows:

§1001.10 Definitions

RETAIL, LARGE FORMAT: Where retail building size is regulated, a large format retail use is a stand-alone, single-tenant retail structure with a gross floor area of 100,000 square feet or more, distributed on one or more stories. This includes interior space that may be leased to third-party financial, clinical, or other service providers accessible to customers within the large format retail store, but does not include typical multi-tenant retail centers or regional malls that may comprise gross floor area of more than 100,000 square feet.

§1003.01 Districts

For the purpose of the Zoning Ordinance, the City is divided into the districts specified in this Section.

B. **Commercial and Mixed Use Districts**
NB, Neighborhood Business District
CB, Community Business District
RB, Regional Business District
~~CMU, Community Mixed Use District~~
CMU-1, Community Mixed Use District-1
CMU-2, Community Mixed Use District-2
CMU-3, Community Mixed Use District-3
CMU-4, Community Mixed Use District-4

Chapter 1005

SECTION:

§1005.03 Table of Allowed Uses

Table 1005-1 lists all permitted and conditional uses in the commercial and mixed use districts.

A. Uses marked as "P" are permitted in the districts where designated.
B. Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
C. Uses marked as "NP" are not permitted in the districts where designated.
D. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.
E. Combined Uses: Allowed uses may be combined within a single building, meeting the following standards:
   1. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
   2. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
   3. Nonresidential uses are not permitted above residential uses.

Table 1005-1	NB	CB	RB-1	RB-2	~~CMU~~	Standards
Office Uses						
Office	P	P	P	P	~~P~~	
Clinic, medical, dental or optical	P	P	P	P	~~P~~	
Office showroom	NP	P	P	P	~~P~~	
Retail, general and personal service*	P	P	P	P	~~P~~	
Commercial Uses						
Animal boarding, kennel/day care (indoor)	P	P	P	P	~~P~~	Y
Animal boarding, kennel/day care (outdoor)	NP	C	C	C	~~NP~~	Y
Animal hospital, veterinary clinic	P	P	P	P	~~P~~	Y
Bank, financial institution	P	P	P	P	~~P~~	
Club or lodge, private	P	P	P	P	~~P~~	
Day care center	P	P	P	P	~~P~~	Y
Grocery store	C	P	P	P	~~P~~	
Health club, fitness center	C	P	P	P	~~P~~	
Learning studio (martial arts, visual/performing arts)	C	P	P	P	~~P~~	
Limited production and processing-principal	NP	NP	NP	P	~~NP~~	
Limited warehousing and distribution	NP	NP	NP	P/C	~~NP~~	Y
Liquor store	C	P	P	P	~~P~~	
Lodging: hotel, motel	NP	P	P	P	~~P~~	
Mini-storage	NP	P	P	P	~~NP~~	
Mortuary, funeral home	P	P	P	P	~~P~~	
Motor fuel sales (gas station)	C	P	P	P	~~C~~	Y
Motor vehicle repair, auto body shop	NP	C	P	P	~~C~~	Y
Motor vehicle rental/leasing	NP	P	P	P	~~NP~~	Y

Table 1005-1	NB	CB	RB-1	RB-2	~~CMU~~	Standards
Motor vehicle dealer (new vehicles)	NP	NP	P	P	~~NP~~	
Movie theater, cinema	NP	P	P	P	~~P~~	
Outdoor display	P	P	P	P	~~P~~	Y
Outdoor storage, equipment and goods	NP	NP	C	C	~~NP~~	Y
Outdoor storage, fleet vehicles	NP	P	P	P	~~NP~~	Y
Outdoor storage, inoperable/out of service vehicles or equipment	NP	C	P	P	~~C~~	Y
Outdoor storage, loose materials	NP	NP	NP	NP	~~NP~~	
Pawn shop	NP	C	C	C	~~NP~~	
Parking	C	C	C	C	~~C~~	
Restaurant, Fast Food	NP	P	P	P	~~P~~	
Restaurant, Traditional	P	P	P	P	~~P~~	
Residential Family Living						
Dwelling, one-family attached (townhome, rowhouse)	NP	NP	NP	NP	~~P~~	
Dwelling, multi-family (3-8 units per building)	NP	NP	NP	NP	~~P~~	
Dwelling, multi-family (upper stories in mixed-use building)	P	P	NP	NP	~~P~~	
Dwelling, multi-family (8 or more units per building)	C	NP	NP	NP	~~P~~	
Dwelling unit, accessory	NP	NP	NP	NP	~~C~~	Y
Live-work unit	C	NP	NP	NP	~~P~~	Y
Residential - Group Living						
Community residential facility, state licensed, serving 7-16 persons	C	NP	NP	NP	~~C~~	Y
Student Housing	NP	P	P	P	~~NP~~	Y
Nursing home, assisted living facility	C	C	C	C	~~C~~	Y
Civic and Institutional Uses						
College, or post-secondary school, campus	NP	NP	P	P	~~P~~	Y
College or post-secondary school, office-based	P	P	P	P	~~P~~	Y
Community center, library, municipal building	NP	NP	P	P	~~P~~	
Place of assembly	P	P	P	P	~~P~~	Y
School, elementary or secondary	NP	NP	P	P	~~P~~	Y
Theater, performing arts center	NP	NP	P	P	~~P~~	Y
Utilities and Transportation						
Essential services	P	P	P	P	~~P~~	
Park-and-ride facility	NP	P	P	P	~~P~~	

Table 1005-1	NB	CB	RB-1	RB-2	~~CMU~~	Standards
Transit center	NP	P	P	P	~~P~~	
Accessory Uses, Buildings, and Structures						
Accessory buildings for storage of business supplies and equipment	P	P	P	P	~~NP~~	Y
Accessibility ramp and other accommodations	P	P	P	P	~~P~~	
Detached garage and off-street parking spaces	P	P	P	P	~~P~~	Y
Drive-through facility	NP	C	C	C	~~NP~~	Y
Gazebo, arbor, patio, play equipment	P	P	P	P	~~P~~	Y
Home occupation	P	NP	NP	NP	~~P~~	Y
Limited production and processing	P	P	P	P	~~P~~	
Renewable energy system						
Swimming pool, hot tub, spa						
Telecommunications tower						
Tennis and other recreational courts						
Temporary Uses						
Temporary building for construction						
Sidewalk sales, boutique sales						
Portable storage container						

(Ord. 1405, 2-28-2011) (Ord. 1427, 7-9-2012) (Ord. 1445, 7-8-2013) (Ord. 1469, 06-09-2014)

§1005.07 Community Mixed-Use (CMU) Districts

A. Statement of Purpose: The Community Mixed-Use Districts ~~is~~ are designed to encourage the development or redevelopment of mixed-use centers that may include residential, office, commercial, park, civic and institutional, utility and transportation, park, and open space uses. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The CMU ~~District is~~ districts are intended to be applied to areas of the City guided for redevelopment ~~or~~ and may represent varying degrees of intensification with respect to land use, hours of operation, or building height.

1. The CMU-1 District is the most restrictive mixed-use district, limiting building height and excluding the most intensive land uses, and is intended for application to redevelopment areas adjacent to low-density residential neighborhoods.

2. The CMU-2 District is less restrictive, being open to a wider variety of land uses and building height, and is intended to provide transition from higher-intensity development to parks and other natural areas.

3. The CMU-3 District is intended for moderate intensity development, suitable for transitions between higher and lower intensity districts.

4. The CMU-4 District is a more intensive mixed-use district, intended for areas close to high-traffic roadways and large-scale commercial developments.

B. Regulating Plan: ~~The~~ CMU ~~District~~ districts must be guided by a regulating plan for each location where it is applied. A regulating plan uses graphics and text to establish requirements pertaining to the following kinds of parameters. Where the requirements for an area governed by a regulating plan are in conflict with the design standards established in Section 1005.02 of this Title, the requirements of the regulating plan shall supersede, and where the requirements for an area governed by a regulating plan are silent, Section 1005.02 shall control.

1. Street and Block Layout: The regulating plan defines blocks and streets based on existing and proposed street alignments. New street alignments, where indicated, are intended to identify general locations and required connections but not to constitute preliminary or final engineering.

2. Street Type: The regulating plan may include specific street design standards to illustrate typical configurations for streets within the district, or it may use existing City street standards. Private streets may be utilized within ~~the~~ CMU ~~District~~ districts where defined as an element of a regulating plan.

3. Parking

    a. Locations: Locations where surface parking may be located are specified by block or block face. Structured parking is treated as a building type.

    b. Shared Parking or District Parking: A district-wide approach to off-street parking for nonresidential or mixed uses is preferred within the CMU districts. Off-street surface parking for these uses may be located up to 300 feet away from the use. Off-street structured parking may be located up to 500 feet away from the use.

    c. Parking Reduction and Cap: Minimum off–street parking requirement for uses within the CMU districts may be reduced to 75% of the parking requirements in Chapter 1019 of this Title. Maximum off-street parking shall not exceed the minimum requirement unless the additional parking above the cap is structured parking.

4. Building and Frontage Types: Building and frontage types are designated by block or block face. Some blocks are coded for several potential building types; others for one building type on one or more block faces.

5. Build to Areas: Build to Areas indicate the placement of buildings in relation to the street.

6. Uses: Permitted and conditional uses may occur within each building type as specified in Table 1005-~~01-~~5, but the vertical arrangement of uses in a mixed-use building may be further regulated in a regulating plan.

(Ord. 1415, 9-12-2011) (Ord. 1467, 04-21-2014)

E. Twin Lakes ~~Sub-Area 1~~ Regulating Plan Map:

Figure 1005-1: Twin Lakes Regulating Plan Map, west of Fairview Avenue

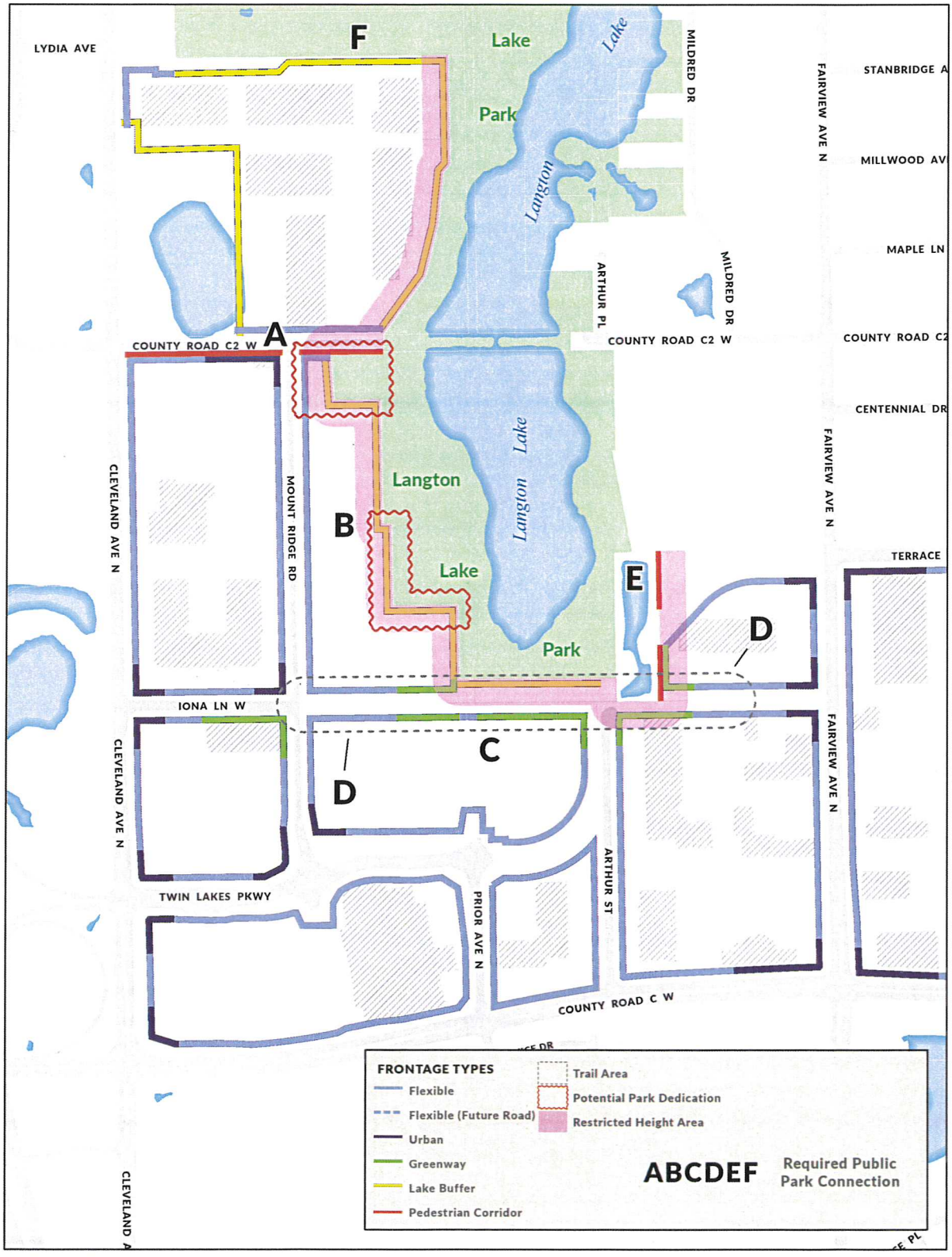
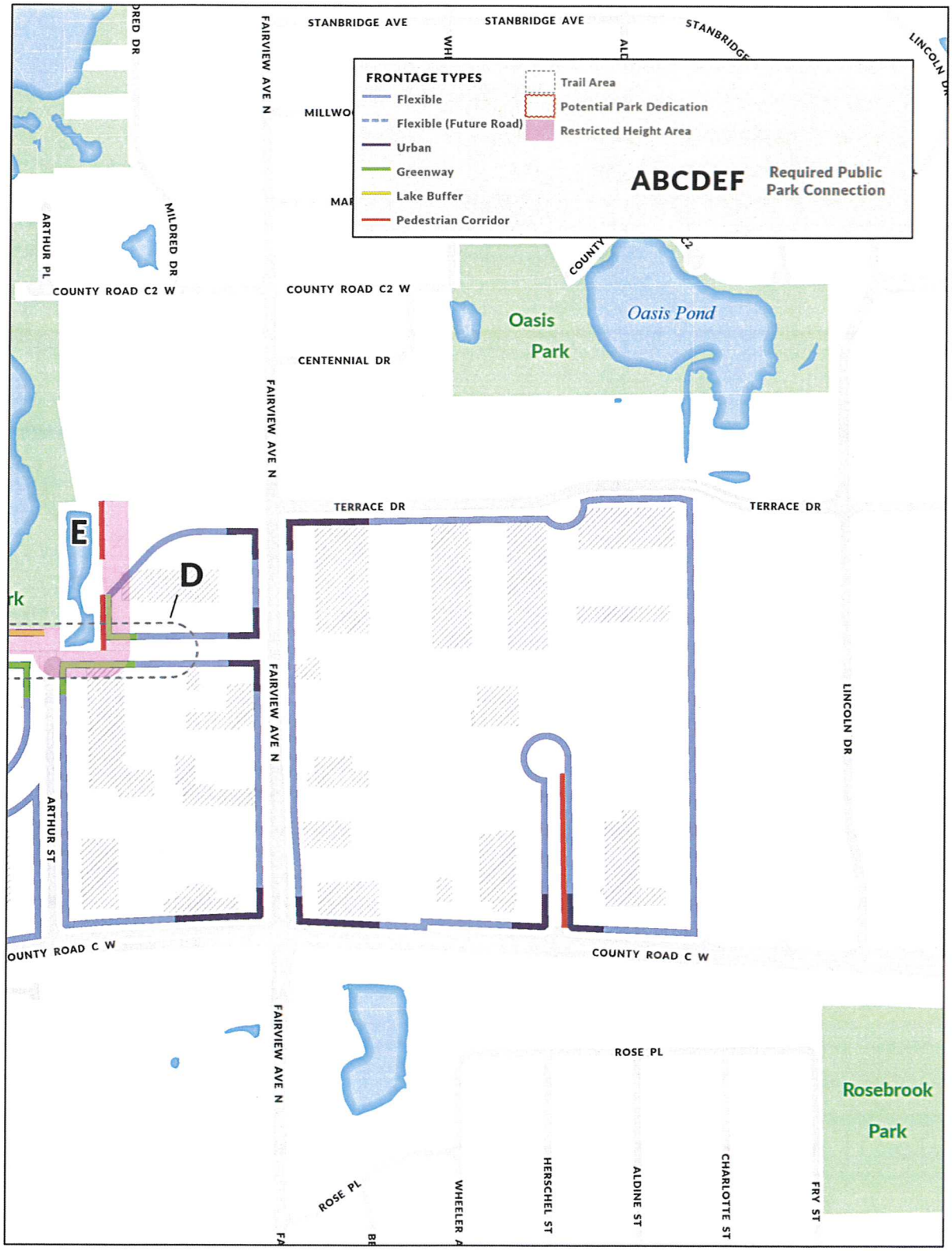


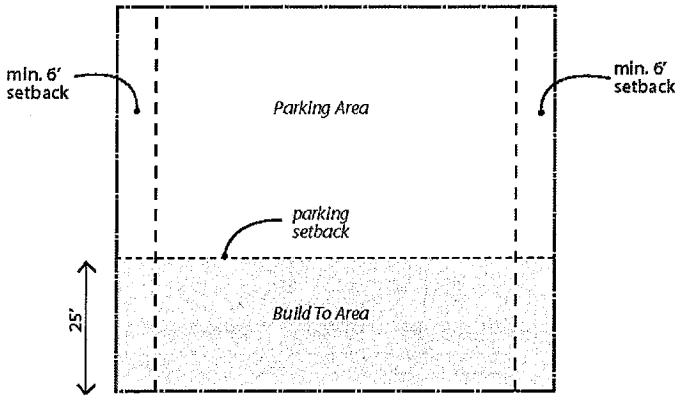
Figure 1005-2: Twin Lakes Regulating Plan Map, east of Fairview Avenue



1. Greenway

Frontage a.

Siting



i. Build To Area

A) Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the Build to Area.

B) At least 90% of the lineal Build To Area shall be occupied by the front facade of the building.

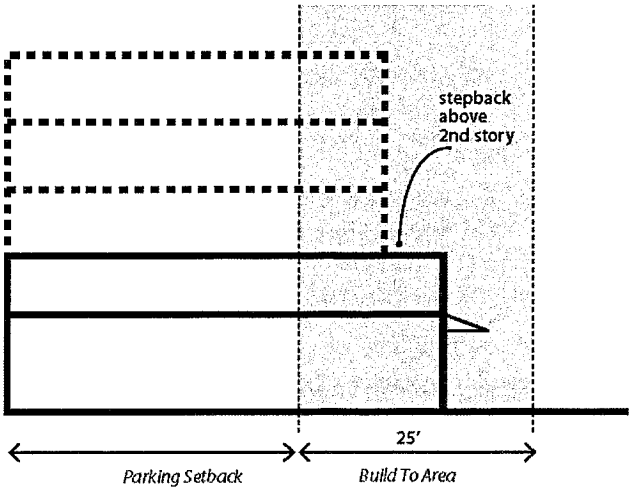
C) Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.

b. Undeveloped and Open Space

i. Lot coverage shall not exceed 85%.

ii. Undeveloped and open space created in front of a building shall be designed as a semi- public space, used as a forecourt, outdoor seating, or other semi-public uses.

c. Building Height and Elements



i. Ground Floor: Finished floor height shall be a maximum of 18" above sidewalk.

ii. Height is ~~not~~ limited to 35 feet in the CMU-1 district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

iii. Facade

A) The primary facade (facades fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

B) Blank lengths of wall fronting a public street or pedestrian Connection shall not exceed 20 feet.

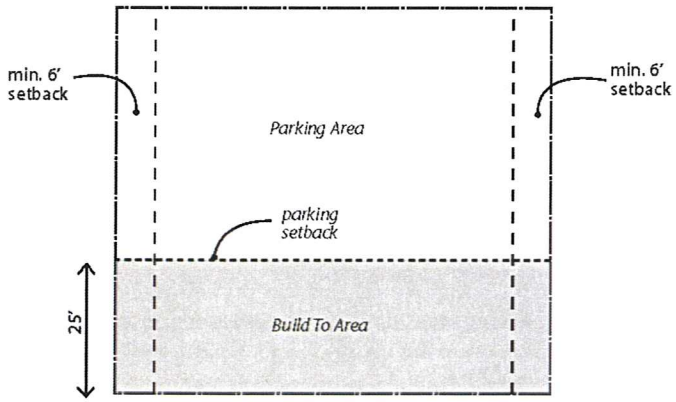
C) Building facades facing a pedestrian or public space shall include at least 30% windows and/or entries.

D) All floors above the second story shall be stepped back a minimum of 8 feet from the ground floor facade.

iv. Entries: Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 50 feet along the Greenway Frontage.

2. Urban Frontage

a. Siting



i. Build To Area

A) Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the Build to Area.

B) At least 50% of the lineal Build To Area shall be occupied by the front facade of the building.

C) Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.

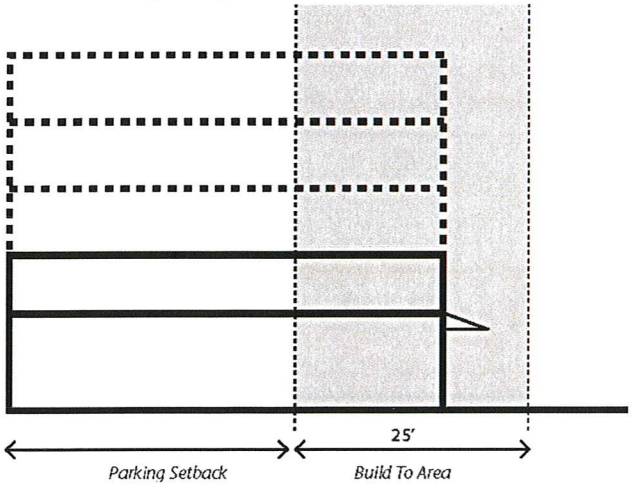
D) If a building does not occupy the Build To Area, the parking setback must include a required landscape treatment consistent with Sections 4 and 5 below.

ii. Undeveloped and Open Space

A) Lot coverage shall not exceed 85%.

B) Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.

b. Building Height and Elements



i. Height is ~~not~~ limited to 35 feet in the CMU-1 district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

ii. Facade

A) The primary facade (facade fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

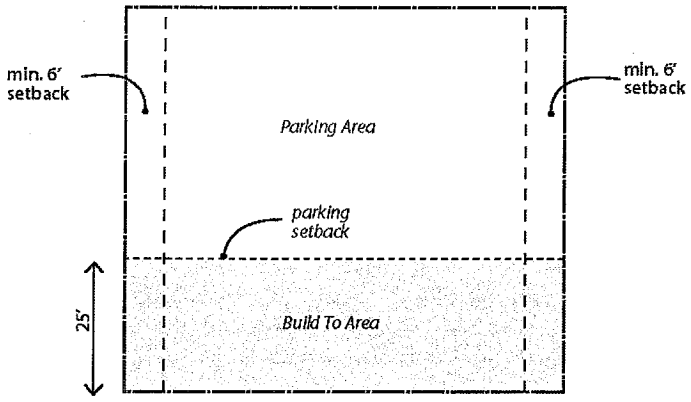
B) Blank lengths of wall fronting a public street or pedestrian connection shall not exceed
30 feet.

iii. Entries: Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 100 feet along the Urban Frontage.

3. Flexible

Frontage

a. Siting



i. Build To Area

A) Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the parcel, but building placement is preferred in the Build To Area.

B) Building placement is preferred in the Build To Area. If a building does not occupy a Build To Area, the parking setback must include a required landscape treatment consistent with Sections 4 and 5 below.

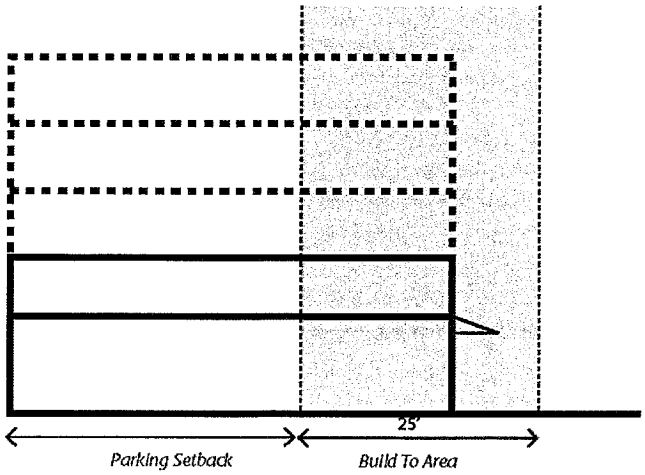
C) On Flexible Frontage sites located at or near pedestrian corridors or roadway intersections, where building placement is not to be in the build-to area, the City will require additional public amenities or enhancements including, but not limited to, seating areas, fountains or other water features, art, or other items, to be placed in the build-to area, as approved by the Community Development Department.

ii. Undeveloped and Open Space

A) Lot coverage shall not exceed 85%.

B) Undeveloped and open space created in front of a building shall be designed as a semi- public space, outdoor seating, or other semi-public uses.

b. Building Height and Elements



i. Height is ~~not~~ limited to 35 feet in the CMU-1 district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

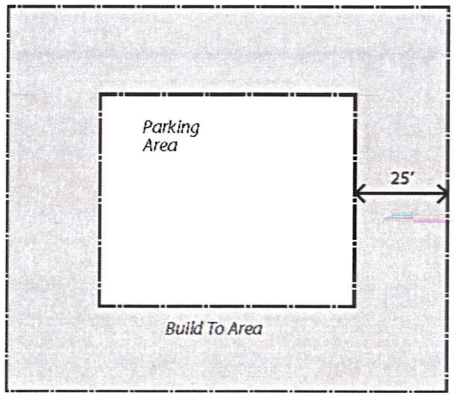
ii. Facade

A) Blank lengths of wall fronting a public street or pedestrian connection shall not exceed
30 feet.

B) The primary facade (facade fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

iii. Entries: Entries shall be clearly marked and visible from the sidewalk.

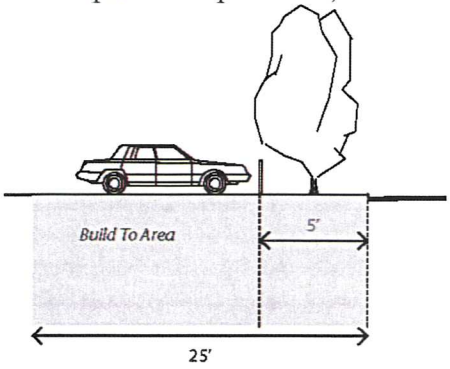
4. Parking



a. Parking shall be located behind the Build To Area/parking setback line.

b. Driveways and/or curb cuts are not allowed along the Greenway Frontage.

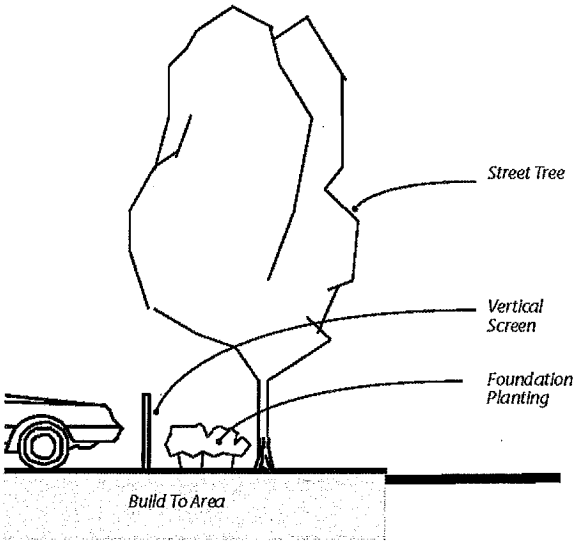
c. Parking Within the Build To Area: Where parking is allowed within the Build To Area, parking shall be set back a minimum of 5 feet from the property line, and shall be screened by a vertical screen at least 36" in height (as approved by the Community Development Department) with the required landscape treatment.



d. Parking Contiguous to Langton Lake Park: Parking on property contiguous to Langton Lake Park shall be set back a minimum of 15 feet from the property line. The setback

area shall be landscaped consistent with the requirements of Section 1011.03 of this Title.

5. Landscaping



a. Greenway Frontage: 1 tree is required per every 30 linear feet of Greenway

Frontage b. Urban and Flexible Frontage

i. 1 tree is required per every 30 linear feet of Urban and/or Flexible Frontage.

ii. Parking Within the Build To Area: If parking is located within the Build To Area, the required vertical screen in the setback area shall be treated with foundation plantings, planted at the base of the vertical screen in a regular, consistent pattern.

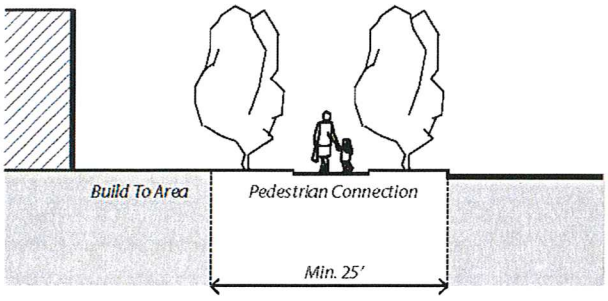
6. Public Park Connections
Each pedestrian corridor identified below shall be a minimum of 25 feet wide and include a paved, multi-use path constructed to specifications per the City of Roseville. Each pedestrian connection shall also contain the following minimum landscaping:

x 1 3-caliper-inch tree for every 20 lineal feet of the length of the pedestrian corridor. Such trees shall be hardy and urban tolerant, and may include such varieties as red buckeye, green hawthorn, eastern red cedar, amur maackia, Japanese tree lilac, or other variety approved by the Community Development Department.

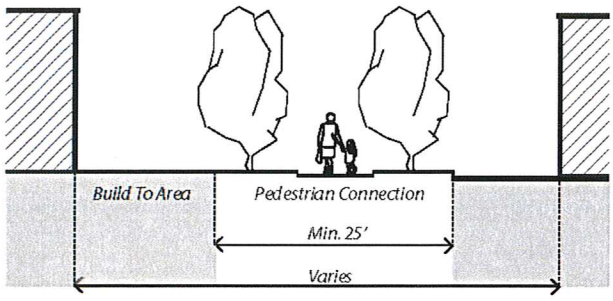
x 12 5-gallon shrubs, ornamental grasses, and/or perennials for every 30 lineal feet of the pedestrian corridor. Such plantings may include varieties like hydrangea, mockorange, ninebark, spirea, sumac, coneflower, daylily, Russian sage, rudbeckia, sedum, or other variety approved by the Community Development Department.

All plant materials shall be within planting beds with wood mulch.

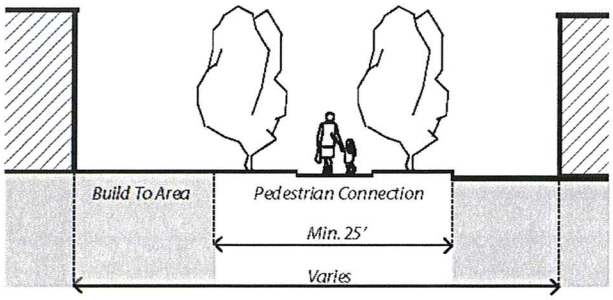
a. County Road C2 Connection: A pedestrian corridor shall be built that connects adjacent properties to the Langton Lake Park path.



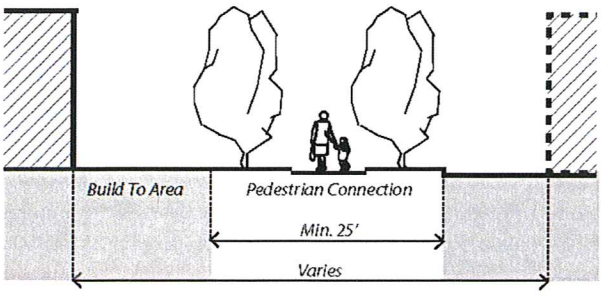
b. Langton Lake Park/Mount Ridge Road Connection: A pedestrian corridor shall be built that connects Mount Ridge Road to the Langton Lake Park path.



c. Langton Lake Park/Prior Avenue Connection: A pedestrian corridor shall be built that connects Prior Avenue to the Langton Lake Park path.



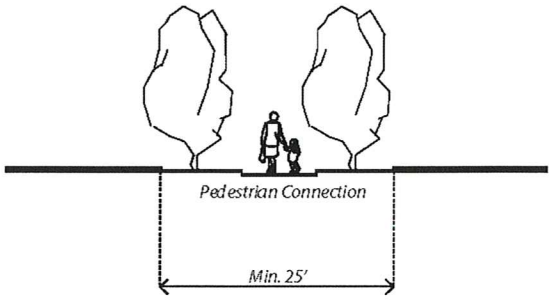
d. Iona Connection



i. A pedestrian corridor shall be built that connects Mount Ridge Road to Fairview Avenue, intersecting with Langton Lake Park and Twin Lakes Parkway.

ii. The pedestrian corridor shall take precedent over the Build To Area. In any event, the relationship of buildings to the pedestrian corridor shall be consistent with the required frontage.

e. Langton Lake Connection: A pedestrian corridor shall be built that connects the adjacent properties to Langton Lake Park path.



(Ord. 1403, 12-13-2010) (Ord. 1415, 9-12-2011) (Ord. 1467, 4-21-2014)

F TABLE OF ALLOWED USES

Table 1005-5 lists all permitted and conditional uses in the CMU-Twin Lakes Districts.

1. Uses marked as "P" are permitted in the districts where designated.
2. Uses marked with a "C" are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
3. Uses marked as "NP" are not permitted in the districts where designated.
4. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.
5. Combined Uses: Allowed uses may be combined within a single building, meeting the following standards:
   a. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
   b. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
   c. Nonresidential uses are not permitted above residential uses.

Table 1005-5	**CMU-1**	**CMU-2**	**CMU-3**	**CMU-4**	**Standards**
Office Uses					
Clinic, medical, dental, or optical	P	P	P	P	
General	P	P	P	P	
Office showroom	C	P	P	P	
Commercial Uses					

Table 1005-5	CMU-1	CMU-2	CMU-3	CMU-4	Standards
Animal boarding (exclusively indoors)	C	P	P	P	Y
Animal boarding (outdoors)	NP	NP	NP	NP	
Animal hospital/veterinary clinic	P	P	P	P	Y
Bank/financial institution	P	P	P	P	
Club or lodge, private	P	P	P	P	
Daycare center	P	P	P	P	Y
Grocery store	P	P	P	P	
Health club/fitness center	P	P	P	P	
Learning studio (martial arts, visual or performing arts)	P	P	P	P	
Liquor store	C	P	P	P	
Lodging (hotel)	NP	NP	NP	P	
Mini-storage	NP	NP	NP	NP	
Mortuary/funeral home	C	P	P	P	
Motor fuel sales (gas station)	NP	C	C	C	Y
Motor vehicle rental/leasing	NP	C	C	C	Y
Motor vehicle repair, auto body shop	NP	NP	NP	NP	Y
Motor vehicle dealer (new vehicles)	NP	NP	NP	NP	
Movie theater	NP	P	P	P	
Outdoor display	P	P	P	P	Y
Outdoor storage, equipment and goods	NP	NP	NP	NP	Y
Outdoor storage, fleet vehicles	NP	NP	NP	NP	Y
Outdoor storage, inoperable vehicles/equipment	NP	NP	NP	NP	
Outdoor storage, loose materials	NP	NP	NP	NP	
Parking	C	C	C	C	
Pawn shop	NP	NP	NP	NP	
Restaurants, fast food	C	C	P	P	
Restaurants, fast food w/ drive-through	NP	NP	NP	NP	
Restaurants, traditional	P	P	P	P	
Retail , general and personal service	P	P	P	P	
Retail, large format	NP	NP	NP	C	
Vertical mixed use	NP	C	P	P	
Industrial Uses					
Laboratory for research, development and/or testing	C	P	P	P	
Light industrial	NP	NP	NP	NP	
Limited production/processing	C	P	P	P	
Limited warehousing/distribution	C	C	C	C	Y
Manufacturing	NP	NP	NP	NP	
Warehouse	NP	NP	NP	NP	
Residential Family Living					
Accessory dwelling unit	P	P	NP	NP	Y
Live-work unit	P	P	P	P	Y
Manufactured home park	C	C	C	C	
Multi-family (≥3 units/building)	C	C	C	C	
One-family attached (duplex or twinhome)	NP	NP	NP	NP	

Table 1005-5	CMU-1	CMU-2	CMU-3	CMU-4	Standards
One-family attached (townhome or row house)	P	P	P	P	
One-family detached	C	C	NP	NP	
Residential - Group Living					
Assisted living	C	C	C	C	
Nursing home	C	C	C	C	Y
State licensed facility for 1 - 6 persons	C	C	C	C	Y
State licensed facility for 7 - 16 persons	C	C	C	C	Y
Student housing	NP	NP	NP	NP	
Civic and Institutional Uses					
College, campus setting	NP	NP	NP	NP	Y
College, office setting	P	P	P	P	Y
Community center, library, municipal building	P	P	P	P	
Elementary/secondary school	NP	NP	NP	NP	Y
Hospital	NP	NP	NP	NP	
Place of assembly	C	P	P	P	Y
Theater/performing arts center	C	P	P	P	Y
Accessory Uses, Buildings, and Structures					
Accessibility ramp/other accommodations	P	P	P	P	
Bed & breakfast establishment	C	C	C	C	
Communications equipment (TV, shortwave radio)	P	P	P	P	Y
Day care family/group family	P	P	NP	NP	Y
Detached garage/off-street parking	P	P	P	P	Y
Drive-throughs	NP	NP	C	C	Y
Gazebo, arbor, patio, play equipment	P	P	P	P	Y
Home occupation	P	P	P	P	Y
Renewable energy system	P	P	P	P	Y
Roomer/boarder	P	P	P	P	Y
Storage building	P	P	NP	NP	Y
Swimming pool, hot tub, spa	P	P	P	P	Y
Telecommunication tower	C	C	C	C	Y
Tennis/other recreational court	P	P	P	P	Y
Temporary Uses					
Temporary building for construction purposes	P	P	P	P	Y
Sidewalk sales, boutique sales	P	P	P	P	Y
Portable storage container	P	P	P	P	Y
Utilities/Transportation Uses					
Essential services	P	P	P	P	
Park-and-ride facility	NP	P	P	P	
Transit center	NP	P	P	P	

Section 2. Effective Date. This ordinance amendment to the City Code shall take effect upon the passage and publication of this ordinance.

Passed this 26th day of October, 2015.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

_____
Patrick Trudgeon, City Manager