

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Agenda Date: 9/12/2016

Agenda Item: 12.b

Department Approval



City Manager Approval



Item Description: Request for approval of a minor subdivision of 1926 Gluek Lane into two parcels (PF16-014)

APPLICATION INFORMATION

Applicant: Brad Koland

Location: 1926 Gluek Lane; Planning District 13

Property Owner: Brad Koland

Application Submission: submitted and considered complete on July 28, 2016

City Action Deadline: November 25, 2016, per Minn. Stat. §462.358 subd. 3b

GENERAL SITE INFORMATION

Land Use Context

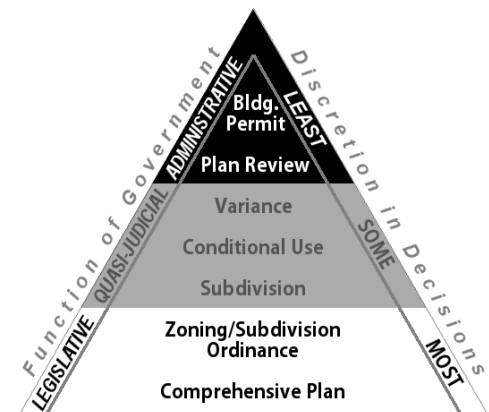
	Existing Land Use	Guiding	Zoning
Site	One-family residential, detached	LR	LDR-1
North	One-family residential, detached	LR	LDR-1
West	One-family residential, detached	LR	LDR-1
East	One-family residential, detached	LR	LDR-1
South	One-family residential, detached	LR	LDR-1

Natural Characteristics: The site has some mature trees, particularly along the front and northern side property line, and is located in an area where periodic surcharges from undersized regional storm sewer infrastructure causes flooding.

Planning File History: July 11, 2016, denial of a similar application; City Council minutes and denial resolution are included with this RCA as Exhibit D

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on subdivision requests is **quasi-judicial**;



the City's role is to determine the facts associated with the request and weigh those facts against the legal standards contained in State Statute and City Code.

PROPOSAL

The applicant proposes to subdivide the existing parcel into two parcels, creating one new parcel for future development of a one-family, detached home. The present proposal represents a revision from a previous application that was denied based on three findings:

- 1) the existing storm water runoff and drainage issues in the area are extreme;
- 2) the proposal does not meet minimum requirements of the City Code for lot width; and
- 3) the additional runoff from the residential development intended for the subdivided parcel might be injurious to other homes in the surrounding neighborhood.

The revised proposal is illustrated in the subdivision sketch plan, and described in the written narrative, included with this report as RCA Exhibit C.

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

SUBDIVISION ANALYSIS

In this case, a minor subdivision application has been submitted instead of preliminary plat and final plat applications because City Code §1104.04.E (Minor Subdivision) provides a Three Parcel Minor Subdivision process to simplify subdivisions that create a total of three or fewer parcels, which are adequately served by public utilities and streets, and which meet or exceed the size requirements of the zoning code. The minor subdivision application requirements in City Code §1104.04.E also specify that the City Council considers a proposal in “sketch plan form.” Because exact, final dimensions of proposed parcels may not be known at the time of application (or because conditions of approval might necessitate changes to the proposed dimensions), the City Council’s action on an application is essentially the review and approval (or denial) of a conceptual proposal—of the approximate locations of the proposed new property boundaries. If the City Council approves a minor subdivision, then the Subdivision Code instructs the applicant to commission the preparation of a survey to formalize the dimensions and legal descriptions of the newly-formed parcels, and to demonstrate that the parcels conform to all of the applicable, standard City Code requirements as well as any conditions of approval.

The intent of the proposed minor subdivision is to locate and orient the new side property boundary such that it:

- achieves a width of at least 30 feet at the rear property line, per the minimum requirement specified in City Code §1103.06.B;
- achieves a width of at least 85 feet, per the minimum requirement specified in City Code §1004.08.B;

- passes at least 6 feet (i.e., the width of the southern half of the required drainage and utility easement centered on the property line) from the paved parking area adjacent to the northern end of the existing principal structure; and

The original proposal figured to be in the range of 90 feet to 100 feet in width near the front of the property, tapering to 30 feet in width at the rear property line. These proposed dimensions met or exceeded the minimum requirements specified in the City Code. In response to the City Council's finding (labeled as finding "2" above) that the previous proposal was not wide enough, however, the presently proposed new parcel would be about 94 feet wide (by the official method of measuring lot width) in the front, and 60 feet wide at the rear property line.

As before, the specific location of the new parcel boundary in this proposal cannot be drawn on the sketch plan with confidence in its accuracy, at this point in the process, because the exact location of the existing paved parking area with respect to the property boundaries cannot be determined from the available data. Nevertheless, the approximate location of the proposed new side property line is being reviewed and, if the City Council approves the proposal (or approves the proposal with some conditions about the location or alignment of the proposed new side property line), the applicant will be required to commission a survey with subdivision details that conform to the approval.

Planning Division staff finds that the proposed minor subdivision satisfies nearly all of the applicable zoning and subdivision requirements; what follows is a brief discussion of requirements that either remain to be met or simply warrant additional discussion.

City Code §1004.08 (LDR-1 Dimensional Standards): Table 1004-3 specifies that interior lots must be at least 85 feet wide, 110 feet deep and comprise at least 11,000 square feet in area. Both proposed parcels are interior lots, and the proposed new property boundary will allow all of them to exceed all width, depth, and area requirements. Following are the proposed approximate width, depth, and area figures:

1926 Gluek Lane

200 ft. – 300 ft. wide *
280 ft. deep
44,000 sq. ft.

Proposed New Parcel

94 ft. wide
290 ft. deep
22,500 sq. ft.

* The City Code specification for measuring parcel width is difficult to apply to parcels of this size with convex front property lines.

City Code §1103.04 (Easements): This section of the code requires drainage and utility easements 12 feet in width, centered on side and rear property lines. The easements are not shown, but the applicant is aware of the requirement and granting the easements should become a condition of approval.

City Code §1103.06.B (Minimum Rear Lot Line Length): As noted previously in this RCA, rear lot lines are required to be at least 30 feet in length. While the proposed new parcel is being designed to exceed this requirement, the remainder of 1926 Gluek Lane will continue to have a rear vertex rather than a rear property line. The existing lot was created in the 1955 *Midway Acres* plat, which predates the adoption of Roseville's Subdivision Code in 1956, and so the substandard rear property line dimension is a legal nonconformity. Because the present minor subdivision proposal does not create a new nonconforming condition, the perpetuation of the

substandard rear property line at 1926 Gluek Lane represents a continuation of the legal, nonconforming condition.

Roseville's Development Review Committee (DRC) met on August 11, 2016, to discuss this application. Beyond the above comments pertaining to the zoning and subdivision codes, the DRC acknowledged that the future development of the new parcel will be subject to all standard City requirements, including those pertaining to grading and storm water management as well as tree preservation and replacement.

Storm water mitigation is not required for a minor subdivision, but the applicant has provided a sketch-level mitigation plan in response to another of the City Council's findings for denial of the previous application (labeled as finding "3" above). The City Engineer has stated that the proposed mitigation of increased runoff created by single-family development of the additional lot could be met based on the site sketch using basins or rain gardens, and that there appears to be adequate space to install basins that would mitigate onsite runoff without impacting the floodway. If such storm water mitigation is required as a condition of minor subdivision approval, Public Works staff would review the storm water BMPs to make sure they were designed adequately and located properly prior to approval of development permits. A maintenance agreement would also be required to ensure it remains functioning. More detailed comments from the City Engineer are included with this RCA as Exhibit E.

PUBLIC COMMENT

Planning Division staff has spoken to a nearby homeowner who continues to be concerned about how new development of a subdivided parcel would exacerbate existing drainage. Two emails, as well as a petition in opposition to the proposed minor subdivision, have also been received; these are included with this RCA as Exhibit F.

The findings of the previous denial (labeled as findings "1" and "3" above) and the public comments suggest that existing storm water moving through this sewer system is problematic during certain rain events, and that introducing additional runoff to this system may be harmful to the properties in this neighborhood. With respect to new storm water contributions from within the Gluek Lane neighborhood, many impervious improvements can be constructed with properly-issued permits and many others can be installed that do not require permits. For instance, about two weeks prior to the September 12 City Council meeting, Community Development staff discovered that a new concrete surface, estimated to be about 2,500 square feet, was being poured at a property in this neighborhood; no permit is required for a patio or tennis court, or whatever the non-driveway paving might be, and the impervious coverage remained below the allowed limit. Thus, with or without the proposed parcel subdivision and its future residential development, current City regulations cannot prevent additional storm water from being added directly to this floodway.

Lastly, it has already been established that the majority of the existing storm water problem is being caused in other locations within this storm water sub-watershed. If the City's position is that any new water that is introduced into this storm water sub-watershed is injurious to this neighborhood, then the City should be very cautious about granting approvals for new impervious surface upstream from this neighborhood, which will ultimately contribute to the flooding problems in this area by increasing the amount of water flowing through the neighborhood, or downstream, where additional storm water will contribute to the flooding problems by further constraining the system's ability to carry storm water away from the area.

131 **RECOMMENDED ACTION**

132 **Pass a motion approving a minor subdivision** of the property at 1926 Gluek Lane into two
133 parcels, based on the comments and findings of this report and input received during the public
134 hearing, subject to the following conditions:

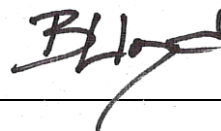
- 135 a. The location and orientation of the new side property line, and the new parcel created for
136 future development, shall be essentially the same as illustrated in the sketch plan
137 reviewed for this application and shall meet all applicable zoning and subdivision
138 standards.
- 139 b. Drainage and utility easements shall be granted in conformance with the standards of City
140 Code §1103.04.
- 141 c. The new side property line and its attendant drainage and utility easements shall be
142 located such that minimum required setbacks are met or exceeded with respect to the
143 existing improvements at 1926 Gluek Lane.
- 144 d. Prior to issuance of development permits for new construction on the approved new
145 parcel, grading, drainage, and storm water mitigation plans shall be designed by the
146 applicant to mitigate onsite runoff caused by the proposed, new residential development
147 without impacting the adjacent floodway, and shall be submitted for review and approval
148 by the City Engineer. Approved storm water mitigation BMPs shall be implemented by
149 the property owner, and the property owner shall enter into a permanent maintenance
150 agreement, upon approval by the City Engineer, to ensure that BMPs are properly
151 maintained and are periodically recertified for proper functionality.

152 **ALTERNATIVE ACTIONS**

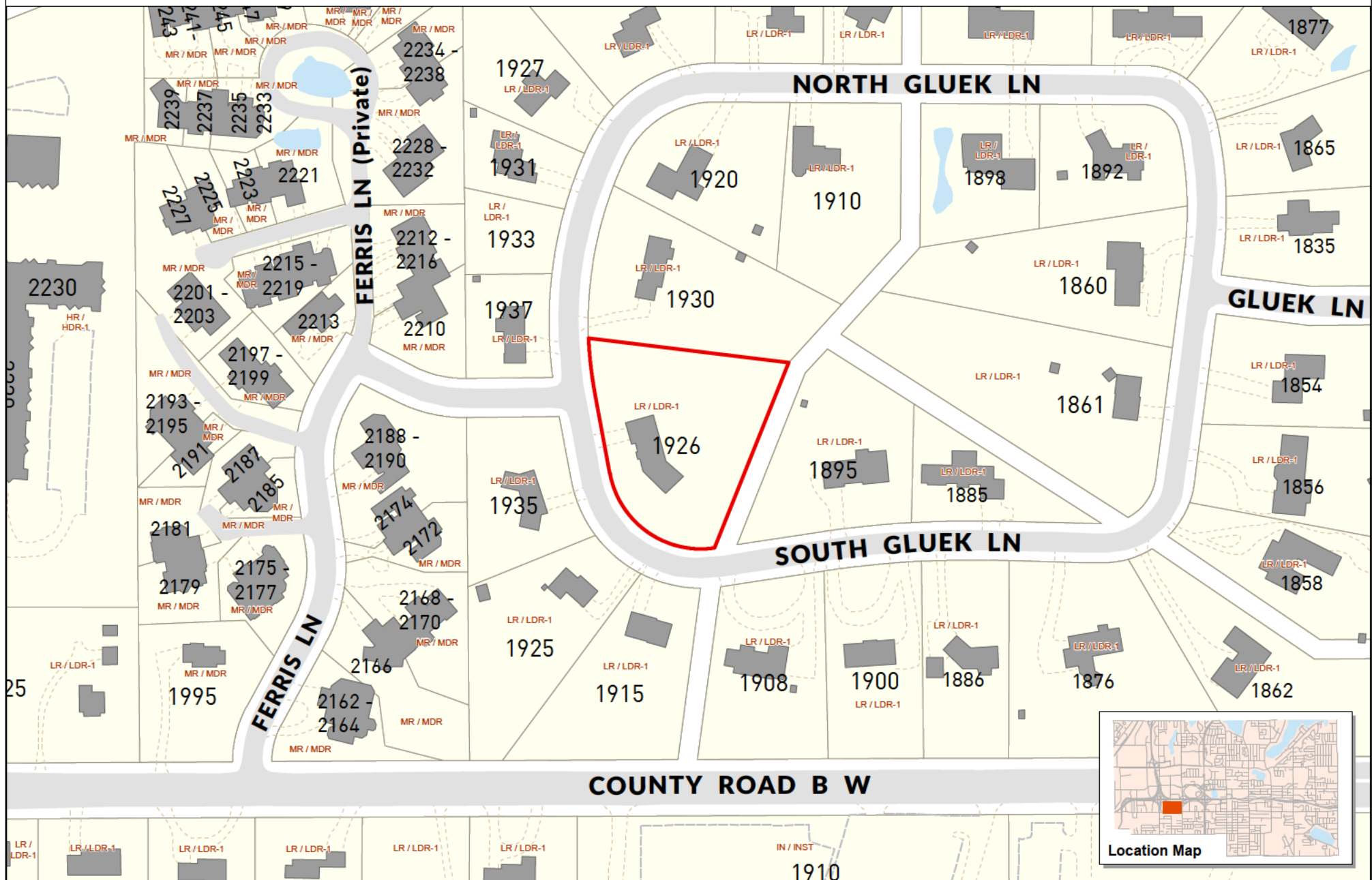
- 153 A. **Pass a motion to table the request for further review of specific information and**
154 **future action.** Tabling beyond November 25, 2016, may require extension of the 120-day
155 action deadline established in Minn. Stat. §462.358 subd. 3b to avoid statutory approval.
- 156 B. **Pass a motion to deny the request.** Denial should be supported by specific findings of
157 fact based on the City Council's review of the application, applicable zoning or
158 subdivision regulations, and the public record.

Attachments: A: Area map D: 7/11/2016 City Council minutes and
B: Aerial photo resolution denying the previous application
C: Subdivision sketch plan E: Public Works memo
F: Public comment

Prepared by: Senior Planner Bryan Lloyd
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bryan.lloyd@cityofroseville.com



Attachment A for Planning File 16-014



ROSEVILLE

Prepared by:
Community Development Department

Printed: July 6, 2016



Site Location

Data Sources

* Ramsey County GIS Base Map (7/5/2016)

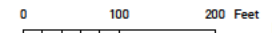
For further information regarding the contents of this map contact:

City of Roseville, Community Development Department,

2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 515-752-7085. The preceding disclaimer is provided pursuant to Minnesota Data Statutes (§§3, Sub. 2 (2000)), and the user hereby agrees to hold the City harmless for any damages, and expressly waives all claims, and releases and defends, indemnifies, and holds harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B for Planning File 16-014



Prepared by:
Community Development Department
Printed: July 6, 2016



Site Location

Data Sources

- * Ramsey County GIS Base Map [7/6/2016]
- * Aerial Data: Surdex [4/2015]

For further information regarding the contents of this map contact:
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0 50 100 Feet



RCA Exhibit C

July 27, 2016

Mayor, Council Members and City Staff
City of Roseville, MN
2660 Civic Center Drive
Roseville, MN 55113

Re: 1926 Gluek Lane Roseville, MN minor subdivision, VERSION II, new application addressing facts of denial for PF16-04.

Dear Mayor, Council Members and City Staff,

Thank you for your time in considering our first application for a minor subdivision of 1926 Gluek Lane.

I listened and understood your denial and the facts supporting the denial of my previous application. I trust you will find the current submittal meets all code requirements and satisfies all facts that supported the denial.

Please find attached two diagrams with relevant information as follows:

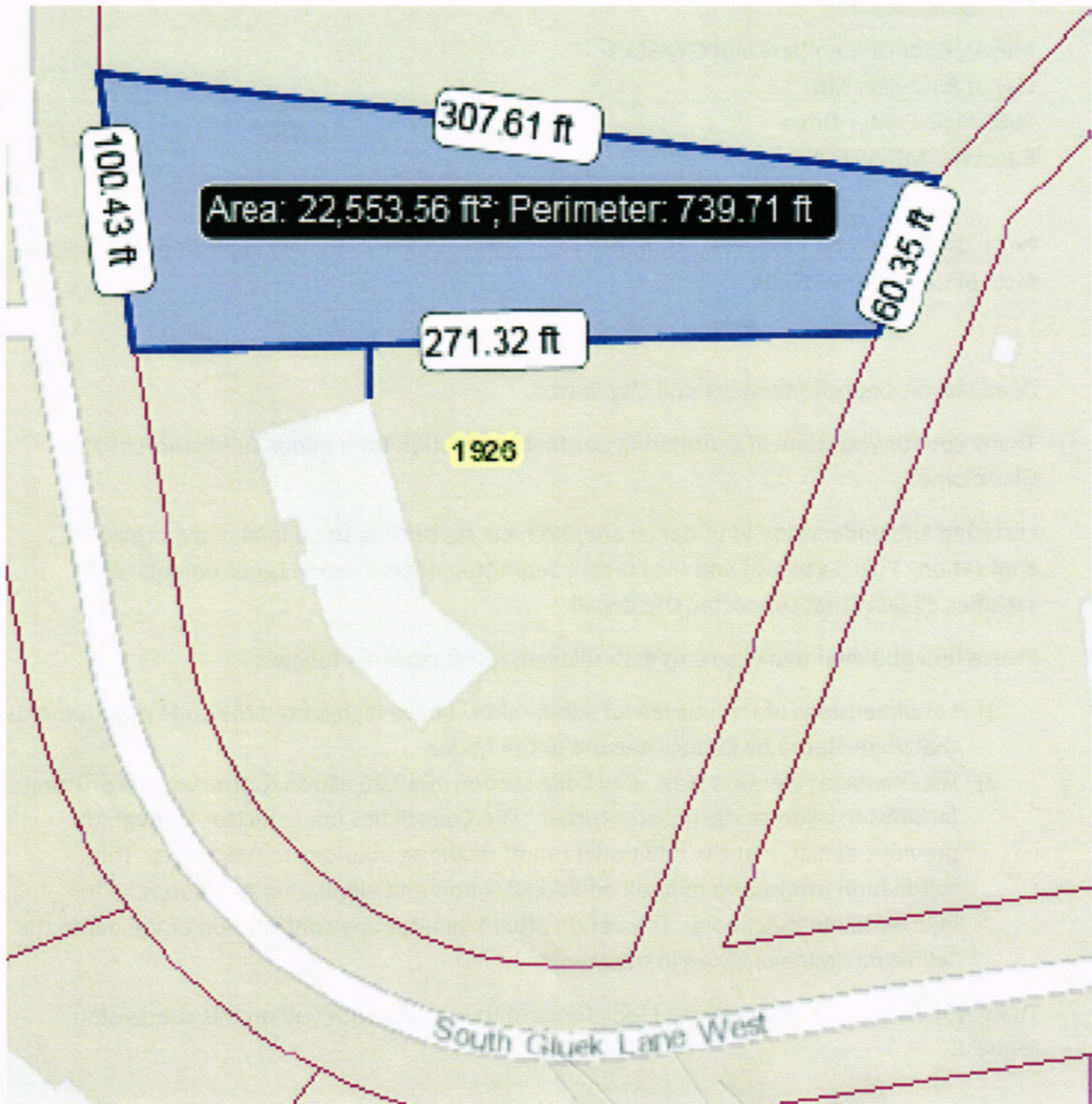
- 1) Lot dimensions of the revised lot subdivision. I have highlighted the code requirements that were stated by Council and are in the Code.
- 2) Lot Drainage retention plan. City code section 1017.26 allows for the use of constructed facilities to address stormwater runoff. The Council has made it clear through the previous denial, that the additional runoff might be injurious to neighbors. This subdivision proposal retains all additional runoff and eliminates any potential for injuries to our neighbors. This action also eliminates any contribution or impact to the "extreme drainage issues in the area".

Thank you for your consideration. I look forward to working with you on this subdivision request.

Regards,
Brad Koland



1) Lot dimensions and area



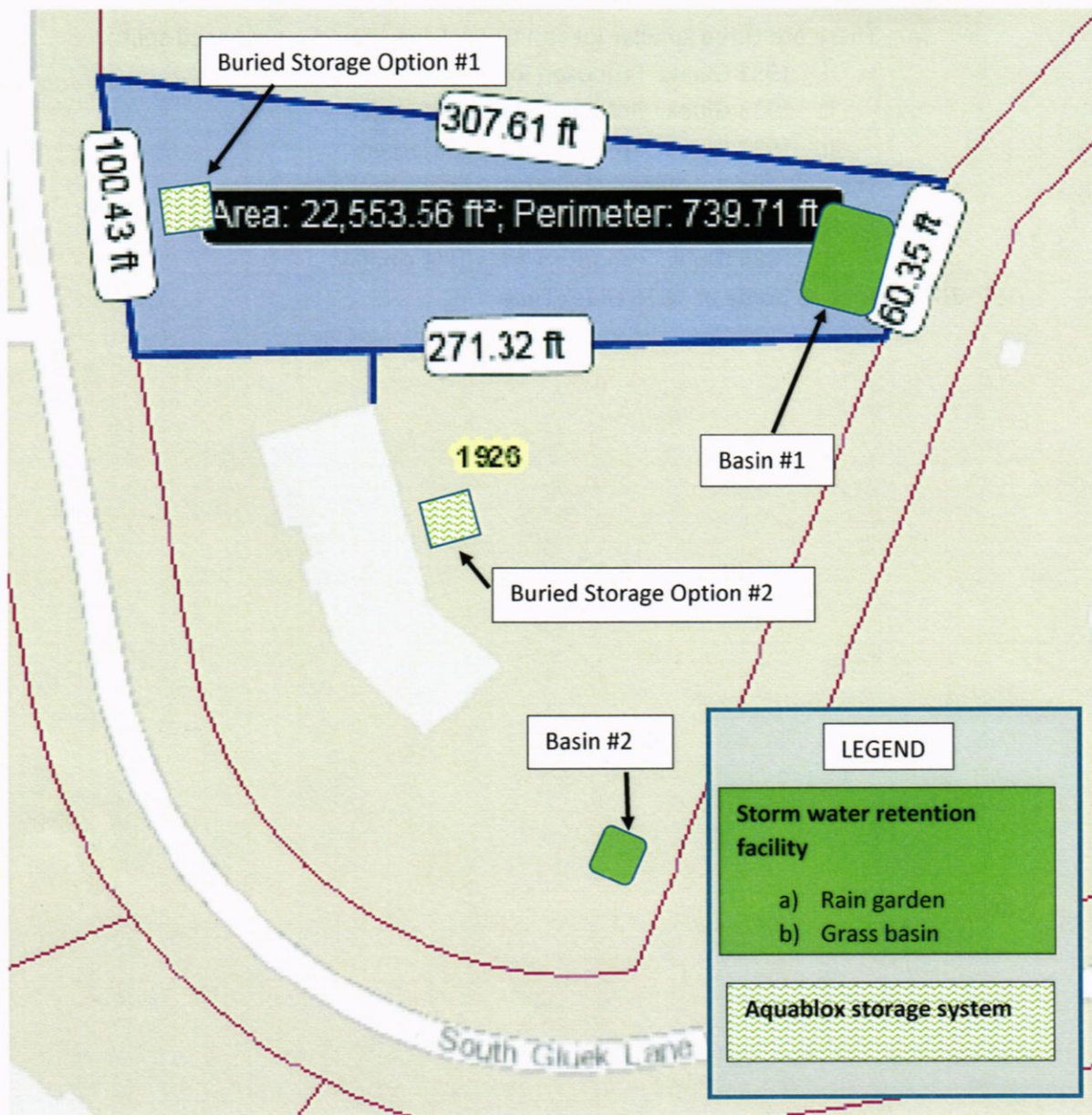
Lot Dimensions and code requirements:

- 1) 1103.06 C. Minimum width of 85' at 30' property setback line. Width = 90'. Conforms to code.
- 2) 1103.06 A1 Minimum width of 30' at rear property line. Width = 60'. Conforms to code.
- 3) 1103.06 A2 Minimum lot length of 110'. Lot minimum length = 270'. Conforms to code.

RCA Exhibit C

- 4) Minimum area – 11,000 sf. Lot size is 22,000 s.f or double minimum size. Conforms to code.
 - a. There are three smaller lots on Gluek Lane than the proposed split:
 - i. 1931 Gluek. Proposed lot is 34% larger
 - ii. 1933 Gluek. Proposed lot is 15% larger
 - iii. 1937 Gluek. Proposed lot is 6% larger
 - b. The next two lots larger than the proposed split are
 - i. 1903 Gluek. Proposed lot is 15% smaller
 - ii. 1885 Gluek. Proposed lot is 15% smaller
- 5) 20' distance to home at 1926 Gluek Lane

2) Lot drainage retention plans



Drainage Proposal:

City Code, 1017.26 allows for the following: "3. *Constructed Facilities:* When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface

drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities.”

The City of Roseville also guides homeowners as follows: *“Property owners can manage stormwater on their property in a variety of way: installing a raingarden, rainbarrel, native planting, and/or stabilizing shoreline. All of these practices can reduce stormwater volume and keep pollutants from entering the storm sewer system.”*

All “additional runoff from the (eventual) residential development” will be impounded onsite for the 24 hour/10 year storm – city design requirement. Once development is planned for the split lot, the increased runoff quantity will be determined on the requirements of the governing Capitol Region (CRWD), Ramsey Washington Metro (RWMWD) or Rice Creek Watershed District (RCWD) – per City Code and retention facilities. The constructed facilities will be designed to accordingly.

The plan above outlines where these constructed facilities may be located. Once split, both lots have adequate space to support a constructed facility. All constructed facilities can reside on the split lot, if that is desired, or it can be split between the two divided lots.

RCA Exhibit D

Request for Approval of a Minor Subdivision at 1926 Gluek Lane into Two Parcels (PF16-014)

Senior Planner Bryan Lloyd briefly summarized this request for subdivision of an existing parcel into two parcels, creating one new parcel for future development for a single-family, detached home, as detailed in the RCA and related attachments presented. Mr. Lloyd noted the actual alignment of the new property line remained pending more detailed survey data, but clarified that the homeowner was interested in tying the setback from the existing pavement edge to the current garage, and any configuration would retain the intent to meet minimum rear property lines for width, depth and square footage. Mr. Lloyd asked that the City Council's review evaluate the general property boundary alignment for conformity with the recently-adopted code amendment for flexibility with lot irregularities.

Addressing the written comment from area property owners (RCA Exhibit D), Mr. Lloyd addressed those highlighted stormwater drainage issues compared with platted areas running throughout the neighborhood, and impacts found from stormwater generated by developments further south (Roselawn Avenue) moving north and surcharges north in several locations of easement/infrastructure areas. Mr. Lloyd noted the written comments were not opposed to either Gluek Lane subdivision application, but just wanted to make sure their concerns were brought forward as either project went through design/permitting phases of construction.

Mr. Lloyd advised that staff recommended approval, subject to those conditions as outlined in the RCA.

With support and questions related to the larger stormwater management for this area from several Councilmembers, Mayor Roe asked the city's engineering staff to address the various issues from the Public Works perspective for drainage in this area and impacts this and the next proposal may create.

Assistant Public Works Director and City Engineer Jesse Freihammer

Regarding both proposals on Gluek Lane, Mr. Freihammer noted there were already significant stormwater issues in that neighborhood; and further advised that the city had been slowly addressing the problem through various projects in recent years, including the stormwater drainage infrastructure improvements at Corpus Christi Church as part of that mitigation. Mr. Freihammer stated these were small incremental steps to eliminate the overall problem; and clarified there was a need to withhold a considerable larger amount of drainage upstream of this area, especially during large rain events, such as that experienced last week that caused flooding in the area.

Not as much with this proposal as the upcoming one, Mr. Freihammer noted both grading and building plans would impact the floodway; but clarified that the next subdivision proposal tonight would most likely have a more significant impact than this application. Mr. Freihammer noted staff's review and approval of those grading plans, as well as that of other jurisdictional regulating agencies, in addressing how current flooding issues are mitigated would serve to address concerns to prevent exacerbating flooding elsewhere or making it worse than currently found. Mr. Freihammer clarified that the problem areas from the negative upstream stormwater impacts were seen with large rainfall events; and as evidenced in the dramatic pictures presented by some residents. However, Mr. Freihammer reiterated that most of the problems were coming from runoff from the south and backing into the stormwater management system rather than from those yards on Gluek developing that much water.

At the request of Councilmember Etten, Mr. Freihammer advised that the majority of the stormwater system is the city's responsibility rather than that of the Metropolitan Council, negating the potential of any assistance or cost-sharing on their part in alleviating the broader situation. Mr. Freihammer advised that a small portion was under Ramsey County's jurisdiction, but the majority was under the city's jurisdiction.

Mayor Roe asked if there had been any discussion about having additional dedicated easements on this proposal on the easterly property line or elsewhere to address that stormwater.

Mr. Freihammer advised that other than traditional easements, at this point additional easements wouldn't gain anything significant without a huge easement to mitigate the issues.

RCA Exhibit D

At the request of Councilmember McGehee, Mr. Freihammer confirmed that the homes in this area were built around the edges, with the entire middle area of the lots basically serving as a wetland. Councilmember McGehee opined that the more those lots were divided up and more impervious surface constructed around the edges, the more water would run off into the wetland, further opining the wetland already appeared beyond capacity during large rain events. Mr. Freihammer clarified that the city's underground stormwater pipe system was under capacity, causing the runoff to surcharge into the wetland during large rain events; but agreed in concept with Councilmember McGehee that the more put into the system, the worse the problem became.

Mayor Roe noted the applicant was present in the audience and available to stand for questions, but sought to make no additional comment beyond staff's report.

Mayor Roe opened the public hearing at approximately 9:22 p.m.

Public Comment

Joint written comment was included (RCA Exhibit D) dated Jun3 28, 2016 from Carl & Charity Willis, 1885 Gluek Lane and Jim & Jan House at 1896 Gluek Lane specific to this request and the next application; both expressing concern for and seeking a clear understanding of stormwater drainage impacts.

Jim King, 1861 Gluek Lane

Mr. King addressed the standing water in the wetland due to last Tuesday's significant rainfall. However, Mr. King took issue with the statement made by Councilmember McGehee, while agreeing any more hard surface will allow more rainwater into the area, but disagreed that adding the proposed concrete driveway would make any difference considering the broader square mile of drainage coming into the wetland from the south. Mr. King also took issue with the perception that the proposal, while agreeing it would add more runoff, but not significantly compared to the broader problems already in the area, and noted the problem was with the existing stormwater system being inadequate to address the larger area draining into it.

Steve McLoon, 1920 Gluek Lane

Mayor Roe agreed to hear comment from Mr. McLoon on both proposals on Gluek Lane.

Mr. McLoon stated he had so many objections to these proposals, especially in light of last week's major rain event, making the road impassible at several locations for a considerable amount of time, and stormwater rising almost to the level of his storage shed. Mr. McLoon stated he had researched the definition of a federal wetland area, and opined this body of water certainly qualified, and further opined the wetland area in the back was only the tip of the iceberg. If adding another 1,000 square feet of roof alone multiplied by two, Mr. McLoon opined would not be inconsequential. Mr. McLoon asked to see a hydrologist's report or have stormwater drainage issues addressed through an Environmental Impact Statement (EIS) for drainage and tree removal that would be lost with either development and the benefit of their leaf canopies. Mr. McLoon noted he and his wife had initially moved to this area from a short distance away due to the amount of tree cover and lack of traffic; and opined that every home constructed would reduce trees and increase traffic. If the rationale of the property owners was based on economics, Mr. McLoon suggested they simply sell their entire property as is and relocate to a property suiting their needs better. As examples, Mr. McLoon opined the recently-constructed home at 1931 Gluek Lane didn't fit the neighborhood at all; and even though his property would support five homes if subdivided, it would also not belong in this neighborhood.

Jim House, 1895 Gluek Lane

Bordering both properties being considered for subdivision tonight, and as a senior member of the neighborhood for over forty years and one of the last original lots as developed for this plat, Mr. House noted there had been other property splits through the years, including subdivision of his lot at one point. Mr. House addressed the easement, culvert and catch basins located in several places, but noted the issue isn't sufficiently addressed through vertical appearance of displayed maps, but rather on a topographical map showing depth and ability to accommodate water in a holding area. Mr. House noted the location of his home was on a fairly high lot, and based on studies when his lot was

RCA Exhibit D

subdivided, the neighbor property was already running two sump pumps in their full basement; and since then other developments had tried to address drainage issues, since the original stormwater system was built (in the late 1950's).

As noted in their written comments, Mr. House advised that they had no objection to the proposed subdivisions, but agreed that some of the points raised by Dr. McLoon were relevant; but more importantly this area was designed around a low area to accommodate water and deal with the flow from the Ramsey County watershed area. Mr. House opined that additional fill would need to be accommodated by additional excavation or water holding capacity, even with a small rain and street flooding experience, if no accommodation was made for that larger square mile drainage need, it would be problematic. Mr. House further opined that anything built would create the need for major excavation of peat and major fill to elevate homes so there were not dramatically below the water level. Therefore, Mr. House further opined that design and building recommendations would need to be complex and in turn costly to address that issue. Mr. House agreed that the size and character of neighborhood lots were important, but not if accommodated appropriately; and if that was the case, he would have no major objections to having a few more neighbors.

Joel Cheney, 2172 Acorn Road

Speaking in general, Mr. Cheney noted he had no specific comments to either subdivision proposal being considered tonight. In moving to Roseville from White Bear Lake in 2002, Mr. Cheney noted he had not considered property in other suburbs such as Brooklyn Park, Brooklyn Center or Crystal, instead preferring the character found in this Roseville neighborhood with large treed lots, windy roads, proximity to both downtowns, and other amenities making Roseville immensely attractive to his family. Mr. Cheney stated that combination of charm and efficiency and convenience was immensely attractive to him. However, the direction the city seemed to be taking with this type of subdivision in the community seemed to be moving toward big box stores, smaller lots, broader tax base, and trees resistant to disease, opining that it was turning Roseville into another community like Brooklyn Center, and he didn't like that trend. Mr. Cheney urged the City Council to look at the broader picture and other suburbs preserving larger lots sizes and their character. While not trying to appear selfish, Mr. Cheney noted there were benefits to Roseville from preserving these types of amenities and asked that they consider that perspective.

Lisa Koland, Applicant and Property Owner at 1926 Gluek Lane

In response to public comments, Ms. Koland addressed several issues. In the staff report, Ms. Koland highlighted lines 88 - 104 specifically addressing some of those raised concerns as part of staff's review. Ms. Koland noted the new parcel would be subject to city codes standards, including grading, stormwater management and tree preservation. Specific to drainage, Ms. Koland referenced line 98 addressing that drainage in some detail. As noted, Ms. Koland referenced the flooding resulting from the larger system and not residential development itself. At the time their project pulls a grading permit, Ms. Koland noted there would be significant review to ensure compliance with code.

Ms. Koland assured her neighbors that their intent was to continue living alongside the divided parcel, and therefore it was also important that there was no flooding issue. Specific to their property as it currently stands, Ms. Koland noted they experienced no catastrophic flooding from rainwater, and it seemed to be centered in another area of Gluek Lane.

While their neighbor Mr. McLoon stated the area proposed for subdivision and development was completely tree filled, Ms. Koland clarified that it was not, and those trees proposed for removal were Cottonwood trees, with the remainder of the parcel formerly holding a large garden space, no longer in place.

From her personal perspective, Ms. Koland agreed their neighborhood was well treed and very enjoyable, and therefore looked forward to letting someone else utilize this portion of their parcel to also enjoy the neighborhood.

At the request of Councilmember Willmus, and with the assistance of Mr. Lloyd, it was clarified by Ms. Koland that the actual measurements and potential location of the home was not yet determined until a

RCA Exhibit D

formal survey was completed. However, Mr. Lloyd addressed proposed subdivision property lines based on city code requirements using the displayed map.

David Knutson, 1854 Gluek Lane

When his parents had moved to this property thirty years ago, Mr. Knutson noted it served as an oasis in the middle of a busy suburb. To now further distribute lot sizes and make them smaller, Mr. Knutson opined completely changed the character of the neighborhood, as the lots continue to be chopped up. Mr. Knutson opined this area was designed with a drainage pond, and not for high density housing. While his parents had now moved into Eagle Crest, Mr. Knutson noted how livid his father had been when hearing about this proposal; and his first response had been to question what legal recourse was available to prevent more subdivisions from happening. Mr. Knutson suggested property owners move somewhere with smaller lots if that was their preference.

Brad Koland, Applicant and Property Owner at 1926 Gluek Lane

Specific to the comments about high density housing, Mr. Koland clarified that this subdivision request represented two lots of just over a half acre and the other just under half an acre respectively, and therefore the high density term was not an appropriate description; when one acre lots are quite common in this area.

Mayor Roe closed the public hearing at approximately 9:46 p.m.

At the request of Councilmember McGehee, Public Works Director Marc Culver advised that a hydrologist had not been consulted as part of this proposal; with Mayor Roe further clarifying that there was no requirement indicated as part of the city's subdivision ordinance.

Councilmember McGehee opined it should only be common sense in this type of situation.

Mayor Roe noted there had also not been any trigger for an EIS; and while there was always the possibility that one or both of those two items could be required, he noted it was not typically part of subdivision consideration and certainly not automatic.

McGehee moved, Laliberte seconded, DENIAL of a MINOR SUBDIVISION of the property at 1926 Gluek Lane into two parcels; ***based on the following findings:***

- ***Runoff and drainage issues in this area are extreme to say the least without more information being known about the proposed subdivision and impacts to current drainage issues; and***
- ***City Code is not being met as recently amended for lots no smaller than 85' in width, making one of the proposed parcels actually an unbuildable lot, as well as not in keeping with existing and adjacent lot sizes within the character of this neighborhood.***

Councilmember Willmus asked staff if the angle of the proposed lot line as it intersected with Gluek Lane created a grey area. Councilmember Willmus noted he had long been a proponent of perpendicular lot lines with the roadway.

Mr. Lloyd stated he didn't think there was any grey area as lot lines were currently proposed. As with the previous application on Acorn Road, Mr. Lloyd noted city code allowed some flexibility by the City Council in the size and shape of lots and their suitability for single-family residential development. While the code prefers nice, rectangular lots easier to understand with property boundaries, Mr. Lloyd noted other subdivision approvals with anomalies; and with these lot lines parallel to existing side property lines, they are allowed even if not within the strict confines of code, as noted in the RCA.

Councilmember Etten stated he would not support this motion to deny, even though he understood the concerns of the neighborhood. Councilmember Etten noted both developments considered so far tonight had existing water drainage issues, and both had been on the city's radar for some time and efforts were being made to address them. Councilmember Etten referenced bids that had come in too high several years ago that would have gone a considerable way to mitigate those issues and subsequent rejection of the bids and a project accordingly. However, Councilmember Etten questioned how the city could hold individual homeowners responsible for additional and minor stormwater

RCA Exhibit D

drainage due to the city's inadequate system. Also since these lots will be double the typical standard size in Roseville for single-family residential lots, Councilmember Etten stated he could not support the motion to deny based on that finding either.

Based on the findings as articulated, and staff's review as noted by Senior Planner Lloyd, Mayor Roe stated he could not support the motion to deny either. Mayor Roe noted the lot conforms with conventional requirements for lot width and area, and stated he was satisfied that the applicant had made the effort to meet requirements of lot lines as recently updated by city code, noting that a lot line parallel to the northerly lot line would also work and could be considered as an option depending on the final survey data. However, as it currently stands, Mayor Roe opined the proposal met minimum requirements for lot lines and setbacks. Mayor Roe further stated that he didn't feel building a home on this site, with any new property or development requirements in place, would constitute a major negative impact to the existing drainage problem; and therefore he didn't find this proposal created an issue in that regard.

Based on the comments made by Senior Planner Lloyd indicating the lot would be suitable on which to build a home, Councilmember McGehee opined that the dimensional width of the lot did not conform to city standards; and she was aware of the City Council having turned down previous and similar applications elsewhere in the city for that same reason. In addition to her prior comments, and the comments made subsequent to her motion, Councilmember McGehee opined how people valued their neighborhoods served as a real benefit to the community, as indicated on the recently community survey, and as commented on by the public tonight. Councilmember McGehee suggested that it seemed when people needed more money one solution was their attempt to divide their lots according to some standard of the city's grid system, and then change the character of a neighborhood for everyone else. Councilmember McGehee stated she personally didn't think that was a valid reason to split lots, and based on calls she had received from other citizens, felt her position was upheld by others. Councilmember McGehee noted there had been some reference by property owners of an understanding when people built their homes or purchased property in this area, there would be no splitting of lots; but noted this apparently hadn't been documented. Councilmember McGehee further opined that Roseville's plan for uniform infill lots that seemed to be underway was short-sighted and wrong. Councilmember McGehee noted the massive water problems already existing that the city didn't have finances nor sufficient easements or access to solve.

Councilmember Willmus stated he would not speak to a property owner's motivation to subdivide their parcels, noting they had the ability to do so to a point. However, Councilmember Willmus opined that point was that any subdivision not be injurious or harmful to other adjacent properties. Based on staff's comments about that drainage, Councilmember Willmus stated he could not say added impervious surface would not harm those adjacent property owners, and therefore he would side with the findings as proposed, and support the motion for denial.

Mayor Roe stated he maybe could be persuaded to support denial based on drainage, but not the finding on whether the parcel meets the city's buildable lot requirements; or parameters for neighborhood character, since there were not standards for such character addressed in subdivision or zoning code. As previously stated, therefore, Mayor Roe advised he could not support denial based on the stated findings.

Roll Call

Ayes: McGehee, Willmus and Laliberte.

Nays: Etten and Roe.

Motion carried.



Public Works Department/Engineering

Memo

To: Mayor and Council
From: Jesse Freihammer, City Engineer
Date: September 12, 2016
Re: 1926 Gluek Lane Proposed Minor Subdivision

The following is a summary of the storm water system in the Gluek Lane area and the potential impacts from the proposed lot split at 1926 Gluek Lane.

The storm water system in the Gluek Lane area is undersized and is subject to frequent flooding. Approximately 200 acres drain north through this area in a City storm sewer system. When the Gluek Lane area floods we have empirical data to suggest that the high water mark is around elevation 957.0. Staff considers areas less than this elevation the floodway and would not support any construction in this location or any grading resulting in filling this low area which could decrease the amount of storage in the floodway.

The existing lot at 1926 Gluek Lane has an overall area of 1.51 acres. Of this only approximately 950 square feet or just over 2% of this lot is in the floodway. The location of the floodway on this property is located in the far north east corner of the parcel. It is also located in the new parcel that would be created. Based on preliminary site plans location of the proposed home or best management practices (BMP's) for stormwater mitigation, the floodway would not be impacted.

In order to ensure that there is no impact to the floodway, staff recommends that a grading and drainage plan be submitted and approved by the City as a condition of the approval of the proposed minor subdivision.

The proposed lot split would result in more storm water runoff. If storm water BMP's were installed such as drainage basins or rain gardens, some of this runoff could be mitigated and the runoff rate could be reduced. The amount of volume and rate reduction would be based on the design of the BMP's. If the overall impervious surface of the lot is less than 30% of the total area of the lot, storm water BMP's are not required by Code. However, if, as part of a proposal by the applicant to mitigate overall storm water impacts, any BMP's were to be installed, staff would require a maintenance agreement to ensure they remain functioning as designed.

RCA Exhibit F

From: [Jan Peterson](#)
To: [RV Planning](#)
Subject: Proposed subdivision on Gluek Lane PIN: 082923410013
Date: Thursday, September 1, 2016 3:54:39 PM

TO: Bryan Lloyd, City Planner

Dear Mr. Lloyd: My name is Jan Peterson and my husband and I live on 1903 Gluek Lane North. We received the notice dated August 31, 2016 that another council meeting will address a second request to subdivide the lot at 1926 Gluek Lane. This request was denied at the July 11, 2016 meeting. Why is valuable city council meeting time being wasted on a second request? We are both opposed to this lot split, as well as the lot split request at 1861 Gluek, for the reasons cited at the July meeting.

Many thanks for doing such a good job as City Planner.

Brad and Jan Peterson

[REDACTED]

Roseville, MN

[REDACTED]

RCA Exhibit F

Bryan Lloyd

From: Carl Willis [REDACTED]
Sent: Wednesday, September 7, 2016 2:57 PM
To: Dan Roe; Jason Etten; Lisa Laliberte; Tammy McGehee; Robert Willmus; RV Planning
Subject: September 12th City Council Meeting - 1926 Gluek Lane Subdivision Proposal
Attachments: FINAL Willis letter to city.pdf; Willis Photo(1) 07052016.pdf; Willis Photo(2) 07052016.pdf; Willis Photo(3) 07052016.pdf; Willis Photos.pdf

To Dan, Jason, Lisa, Tammy, and Bob

Attached is a letter that expresses our concerns about the proposed subdivision at 1926 Gluek Lane. The next three attachments are photos of our backyard on July 5, 2016. The final attachment are photos of our property that we submitted for the July 11 city council packet.

Thank you for reviewing these materials in advance of the next council meeting. Please feel free to call us at [REDACTED] or respond to this email if you have questions or need clarification.

Best Regards

Carl & Charrie Willis
[REDACTED]

RCA Exhibit F

From: Charrie Willis
Subject: FINAL W s etter to c ty
Date: September 7, 2016 at 8:34 AM
To: W s, Car



September 6, 2016

To the City Council of Roseville,

We live at 1926 Gluek Ln and received notification of the request for subdivision of the lot at 1926 Gluek Ln. We feel that due to multiple recent flooding events, no property subdivision or new development on Gluek Ln should be permitted at this time, and the July 11 City Council decision to deny the subdivision request should be upheld.

When considering any reconfiguration to the 1926 Gluek Ln lot, it is necessary to look at the area in the center of Gluek Ln circle where several lots meet. This area is a designated wetland, and is topographically the lowest area. Flooding of this area has occurred multiple times this summer, with water encroaching into backyards. Our house has had storm water reach within 12 feet of our basement windows. (See attached photos from July 5, 2016 and see earlier photos from July 11 City Council agenda.) With grading required for development on the 1926 Gluek Ln property, the edge of the wetland "bowl" could be altered. Even the slightest variation in the edge of this "bowl" could change the way water is held in the center, and result in injury to our property.

The flood of 2005, when Fairview underpass under Hiway 36 was flooded, was considered a 100-year rainfall. Now this same underpass has been flooded multiple times this summer. It can no longer be called a 100-year event. With storm water from areas north of Roselawn all converging into the Gluek Ln wetland, it is not prudent at this time to alter the center area in any way. The rear of the 1926 lot is part of this center area. Tree loss associated with development of the lot would also impact the way storm water runoff occurs in the neighborhood. The City of Roseville, Ramsey County, and State of Minnesota should correct the flooding of Fairview and Gluek Ln prior to any subdivision or future development in the neighborhood.

Sincerely,

Carl and Charity Willis
Carl and Charity Willis





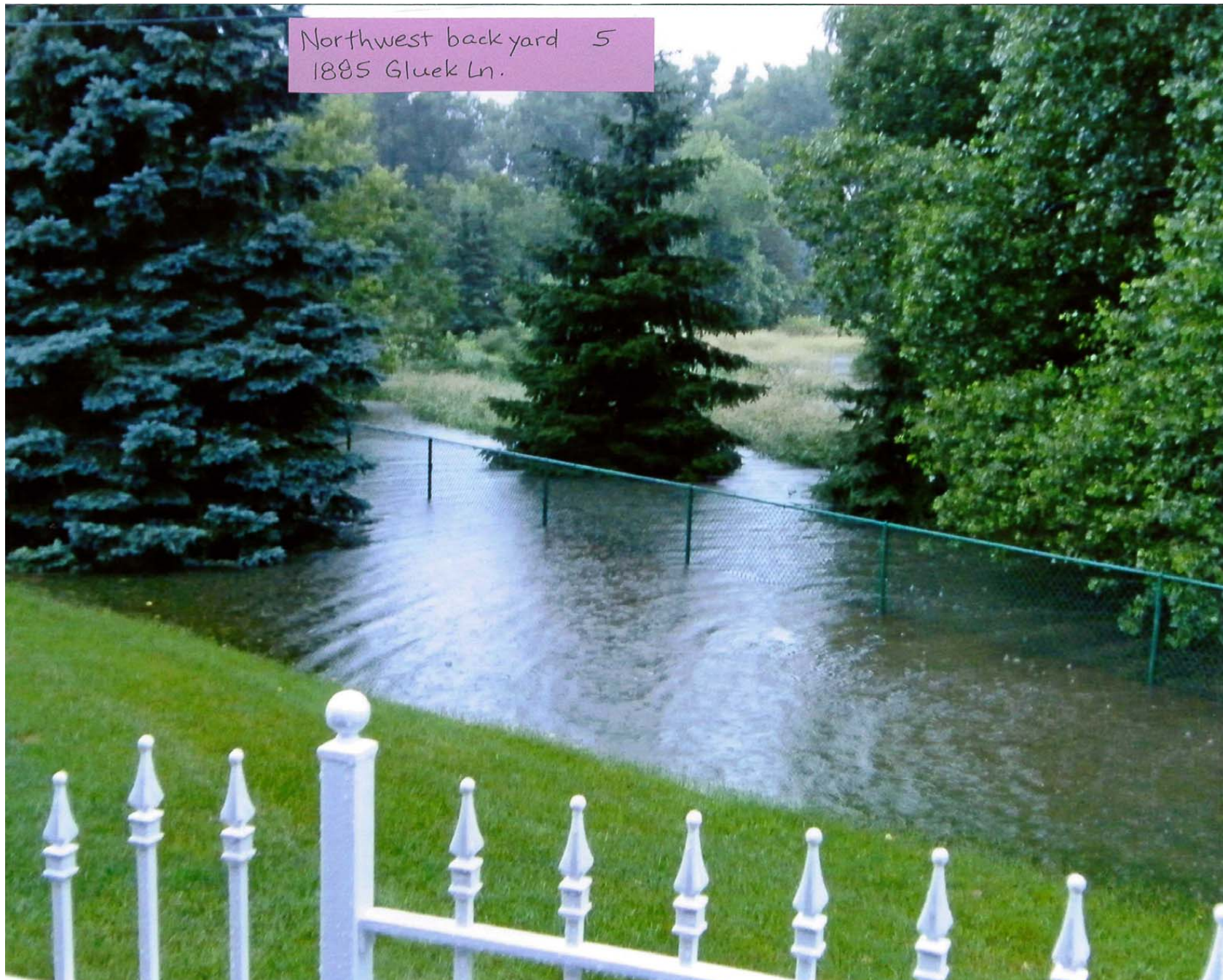














RCA Exhibit F

The following is a list of Gluek Ln residents that signed the attached letter. There are 33 homes on Gluek Ln. Two are vacant. Of the remaining 31 homes, owners representing 19 homes signed in support of the City of Roseville developing and implementing a storm water management plan prior to any further property subdivision in the Gluek Ln neighborhood. Several other residents were concerned about the storm water crisis in the neighborhood but chose not to sign the letter. Three residents were unable to be contacted. Three additional residents were not contacted due to their suspected opposition to this letter.

David Knudtson	1854 Gluek Ln
Mary Knudtson	1854 Gluek Ln
Bill Bossard	1900 Gluek Ln
Robert Stecklein	1915 Gluek Ln
Brad Peterson	1903 Gluek Ln
Jan Peterson	1903 Gluek Ln
Tim Labey	1860 Gluek Ln
Diane Madden	1876 Gluek Ln
Tim Madden	1898 Gluek Ln
Jan House	1895 Gluek Ln
James House	1895 Gluek Ln
James Thompson	1897 Gluek Ln
Ann Thompson	1897 Gluek Ln
Maxine Mundt	1856 Gluek Ln
Carl Willis	1885 Gluek Ln
Charity Willis	1885 Gluek Ln
Anders Rydaker	1886 Gluek Ln
Ewa Rydaker	1886 Gluek Ln
Kurt Sanderson	1865 Gluek Ln
Kristi Sanderson	1865 Gluek Ln
Brenda Bailey-Salmanpour	1862 Gluek Ln
Ali Salmanpour	1862 Gluek Ln
Linda McLoon	1920 Gluek Ln
Steve McLoon	1920 Gluek Ln
John Karvonen	1930 Gluek Ln
Tanya Karvonen	1930 Gluek Ln
Stephana Choong	1910 Gluek Ln
Michael Kwateng	1907 Gluek Ln
Quan Tran	1892 Gluek Ln

September 1, 2016

To City Council of Roseville

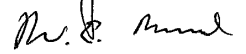
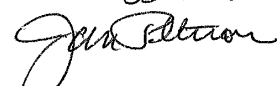
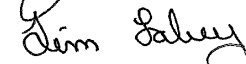
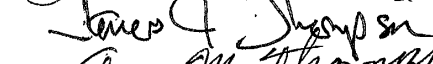
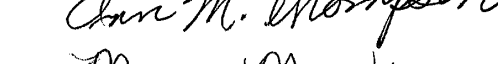
We are residents of Gluek Lane concerned about the frequent flooding in our neighborhood and the associated flooding on Fairview Ave under Highway 36.

With the increased frequency and severity of torrential rainfalls and associated flooding, we feel that it is imperative to address the overall storm water crisis that exists in our area. Gluek Lane and the Fairview underpass have had multiple flooding events over the past several months including property flooding, impassible streets and rescues from flooded automobiles. Events such as the flood of 2005 that were once considered "100 year" aberrations are now regular occurrences.

Gluek Lane has atypical lot configurations around a circle, with numerous backyards meeting in the center, which is topographically the lowest area. Because of this non-standard configuration, a change to any lot on the circle impacts all the residents living around the circle.

We are requesting the City of Roseville to work with the other appropriate agencies to develop and implement an overall storm water management plan using recent rainfall data prior to any further property subdivision and development in the Gluek Ln neighborhood.

Sincerely,

	DAVID KNUDSON	1854 GLUEK
		1804 Gluek Lane
	Bill Bossard	1900 Gluek Ln
		1915 Gluek Lane
	BRAD PETERSON	1903 GLUEK LN. N.
	Jan Peterson	" "
	Tim Labey	1860 Gluek LN
		1876 Gluek Lane
		1898 Gluek Lane
		1895 Gluek Lane
		1895 Gluek Ln
		1897 Gluek Ln
		1895 Gluek Lane
		1856 Gluek Lane

September 1, 2016

To City Council of Roseville

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Sincerely,

Carl and Charity Willis
Arlene Rydalen
Eva Crist
Judy Anderson
Kathy Anderson
Brenda Bailey-Salmanon
Mike Miller
Linda Thirion
Steve McGowan
John Kanner
Sara Kervinen
Stephane Choong
MKwateng
Guan Tran

1885 Gluek Ln
1886 Gluek Ln
1886 Gluek Ln
1865 Gluek Ln
1865 Gluek Ln
1862 Gluek Ln
1862 Gluek Ln
1920 Gluek Lane N.
1920 Gluek Lane N.
1930 Gluek Lane
1930 Gluek Ln
1910 Gluek Lane
1907 Gluek Ln N.
1892 Gluek Ln