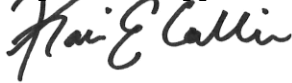


REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **10/24/16**

Agenda Item: 10.a

Department Approval



City Manager Approval



Item Description: Consider Text Amendments to Chapter 1004 and 1005 of the City Code pertaining to High Density Residential (**PROJ0039**).

BACKGROUND

The Planning Division and the City Council met on three occasions to review and discuss possible resolutions to concerns raised over high density residential project density, building height, and building setbacks. The Council also expressed concerns regarding HDR adjacency to Low Density-1 and 2 and Medium Density Residential Districts. On August 15, 2016, the City Council indicated support for certain text amendments to Table 1004-6 and other possible amendments to dimensional standards tables in the Commercial and Mixed-Use Districts and the Employment Districts chapters of the City Code. The Council directed the Planning Division to proceed through the zoning text amendment process.

PLANNING COMMISSION ACTION

On October 5, 2016, the Planning Commission held the duly noticed public hearing regarding the subject zoning text amendments (Planning Commission report detailing all text amendments is included as Attachment A). No citizens addressed the Commission, but Commissioners did have a few questions of the Planning staff (PC minutes Attachment B – not available as of packet printing).

Commissioner questions centered on clarification on the proposed text changes to Tables 1004-6, 1005-2, 1005-3, and 1005-4 of the Roseville Zoning Code and a slight change to subheading “d” in Table 1004-6 that would read as follows, “**Building height over 45 feet and under 65 feet requires a CU in the HDR-1**”.

The Planning Commission voted 6-0 to recommend approval of the requested text amendments to Tables 1004-6, 1005-2, 1005-3, and 1005-4 including the Commission suggested modification.

SUGGESTED CITY COUNCIL ACTION

Adopt an ordinance (including proposed language by the Planning Commission) amending Tables 1004-6, 1005-2, 1005-3, and 1005-4 of the Roseville Zoning Code as provided on Attachment C.

ALTERNATIVE ACTIONS

- a. Pass a motion to table the item for future action.
- b. By motion, recommend denial of the proposal.

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

Attachments: A. PC report

B. PC minutes

PROJ0039_TextAmendments_102416

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C. Draft Ordinance

D. Summary ordinance

**Request For Planning Commission Action
Public Hearings**

Agenda Date: 10/05/16

Agenda Item: 5a

Item Description: Public hearing regarding proposed Text Amendments to
Chapter 1004 of the Roseville Zoning Ordinance.

BACKGROUND

On May 23, 2016, the Roseville City Council denied a request by Good Samaritan Society to change the zoning of 1415 County Road B from High Density Residential-1 (HDR-1) to High Density Residential-2 (HDR-2) to allow a 62-unit, 3-story senior living-facility to be built on the subject property. This denial prompted the Planning Division to review the Zoning Code to determine possible ways to address Council's concerns pertaining to density, building height, and building setbacks for projects proposed adjacent to residential areas zoned low-density (see Attachment A).

On July 25, 2016, the Planning Division presented its thoughts and ideas to address the concerns expressed by the Council at the May 23 meeting. Specifically, the Division recommended that a conditional use (CU) process be established in the HDR-1 and HDR-2 districts to address density concerns. The Division also recommended against amending the recently adopted Planned Unit Development (PUD) ordinance. The Council agreed amending the PUD ordinance was not the best route and directed the Planning Division to look into other ways to address building height and setback requirements for projects adjacent to residential areas zoned low-density (see Attachment B).

On August 15, 2016, the Planning Division sought final direction from the City Council regarding HDR-1 and HDR-2. In its proposal, the Planning Division continued to recommend using the CU to address density increases in the HDR-1; to establish density limits in the HDR-2; and to address building height in both HDR-1 and 2. While Council supported staff's recommendations, they also sought further clarity and uniformity on side- and rear-yard building setbacks in all zoning districts adjacent to LDR and MDR districts (see Attachment C).

The Planning Division spent considerable time discussing an appropriate amendment process to address Council concerns. In the end, the Division landed on amendments to Table 1004-6, Table 1005-2, Table 1005-3, and Table 1005-4, which would make it possible for the CU process to address most of the Council's concerns. Specifically, the CU process affords the City greater flexibility to review and, if needed, place conditions on density, building height, and setbacks to mitigate negative impacts to the surrounding area.

CODE AMENDMENT CONSIDERATIONS**DENSITY**

Regarding density, the Planning Division discussed a few possible options that would afford increased density in the HDR-1 districts, establish a base density, and help manage density in the HDR-2 districts. The proposal the Division brought forward supports using the CU process to allow density increases from 24 to 36 units per acre in the HDR-1 district and to allow projects with more than 36 units per acre to be built in the HDR-2 district (see Table 1004-6).

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum density	24 Units/net acre ^b		None <u>36 Units/net acre ^c</u>
Minimum density	12 Units/net acre		24 Units/net acre

b. Density in the HDR-1 district may be increased to 36 units/net acre with approved conditional use.

c. Density in the HDR-2 district may be increased to more than 36 units/net acre with approved conditional use.

BUILDING HEIGHT

Regarding additional concerns expressed by Council members pertaining to building setbacks and building height, the City Planner reviewed the 1995 City Code to see how residential district dimensional standards were previously outlined. Attachment D shows both the 1995 residential districts' building height and setback requirements and the 2010 Zoning Code building height and setback requirements for Residential Districts, Commercial and Mixed-Use Districts, and Employment Districts.

Although setbacks vary district to district, the main difference between the 1995 requirements and those currently in effect is the building-forward concept. Setbacks are similar in the residential districts but reduced or eliminated for front and street side-yards in the commercial, office, and industrial districts in favor of design standards that address placement of buildings and parking lot design and location. Rear- and side-yard setbacks in most all commercial, office, and industrial districts are heightened when the building/lot lies adjacent to LDR-1 or LDR-2 property or just residential properties.

To address building height concerns, the Planning Division proposes requiring a CU for buildings over 45 feet high in the HDR-1 district and over 65 feet high in the HDR-2 district. Currently the maximum height in the HDR-1 is 65 feet high and in the HDR-2 district it is 95 feet high (see Table 1004-6).

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum building height	35 Feet	65 45 Feet ^d	95 65 Feet ^e

d. Building height over 45 feet requires a CU in the HDR-1

e. Building height over 65 feet requires CU in HDR-2

RESIDENTIAL SETBACKS

Regarding setback requirements, the Council asked staff to look at establishing the following setback requirements for all districts:

- Side yard: 10 feet or 50% of building height (whichever is greater)
- Rear yard: 20 feet or 50% of building height (whichever is greater)

In order to see if the values proposed by the Council would result in the desired outcome, Planning Division staff applied the Council's suggested standards to a number of scenarios and has the following analysis for each district.

FOR HDR-1 AND HDR-2

Current regulations for side-yard building setbacks in the HDR-1 and HDR-2 districts when these sites lie adjacent to LDR-1 and LDR-2 are 20 feet in HDR-1, 20% of the building height in HDR-2, and 10 feet from all other uses. Current rear-yard setbacks are 30 feet in HDR-1 and 50% of the building height in the HDR-2. Additionally, the Community Development Department is also allowed to increase or decrease these setbacks based on surrounding land uses.

In the HDR-1 district, where the current side-yard base setback is 20 feet, applying the uniform values proposed by the Council would reduce the minimum setback requirement until the building reached 40 feet, which is when the 50% of building height would be triggered. In a rear yard there is no net benefit to establishing the setback with a “50% of building height” requirement because the permitted building height cap is proposed at 45 feet, which would result in 22.5 foot setback compared to the existing 30 foot setback.

In the HDR-2 district, the existing percentage requirement of 20% of the building’s height for interior lot setbacks is not as robust as the uniform values proposed by Council. In this case, using the proposed rear-yard setback would establish a base setback of 20 feet, which is greater than the existing requirement for buildings up to 40 feet tall; the remainder of the proposed requirement is the same as the existing.

Based on the preceding analysis, Planning Division staff recommends using a hybrid of the existing standards and the Council’s proposed standards (see Table 1004-6).

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Minimum side yard building setback			
Interior – <u>adjacent to LDR-1, LDR-2, and MDR</u>	8 Feet (end unit)	20 feet, <u>or 50% of building height, whichever is greater</u> when adjacent to Ldr-1 or Ldr-2 10 Feet, all other uses	20% Height of the building <u>10 feet or 50% of building height, whichever is greater</u> ^a
<u>Interior – adjacent all other districts</u>	<u>8 Feet (end unit)</u>	20 feet, when adjacent to Ldr-1 or Ldr-2 10 Feet, all other uses <u>10 feet or 50% of building height, whichever is greater</u>	20% Height of the building <u>10 feet or 50% of building height, whichever is greater</u> ^a
Corner	15 Feet	20 Feet	20% Height of the building ^a
Minimum rear yard building setback	30 Feet	30 Feet	50% Height of the building <u>20 feet or 50% of building height, whichever is greater</u> ^a

COMMERCIAL MIXED USE DISTRICTS: NEIGHBORHOOD BUSINESS (NB), COMMUNITY BUSINESS (CB), AND REGIONAL BUSINESS (RB)

In these districts the existing minimum setback when adjacent to a residential boundary is 10 feet for the side yard and 25 feet for the rear yard.

Setback adjacent to residential boundary	NB, CB, and RB districts
Side yard	10 feet from residential lot boundary
Rear Yard	25 feet from residential lot boundary

In the NB and CB districts adding the “50% of building height or greater” requirement would provide increased side-yard setback when proposed buildings are over 20 feet in height. With heights limited to 35 feet and 40 feet respectively, the existing 25 foot rear-yard setback is greater than the proposal so no additional requirements would be needed.

In the RB district, with a maximum building height of 65 feet, adding the “50% of building height or greater” requirement would provide additional side-yard setback when proposed buildings are over 20 feet in height. Similarly, the 50% requirement is only triggered when a building is proposed at more than 50 feet and the current base setback is 25 feet.

Given this analysis, Planning Division recommends the following amendments to Tables 1005-2, 1005-3, and 1005-4.

Table 1005-2 - NB Dimensional Standards	
Minimum lot area	No requirement
Maximum building height	35 feet
Minimum front yard building setback	No requirement
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet or 50% of building height, whichever is greater , from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

Table 1005-3 - CB Dimensional Standards

Minimum lot area	No requirement
Maximum building height	40 Feet
Front yard building setback (min. - max.)	0 To 25 feet ^a
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet <u>or 50% of building height, whichever is greater,</u> from residential lot boundary ^b Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

- a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.
- b Unless greater setbacks are required under Section 1011.12E.1. of this Title.

Table 1005-4 - RB Dimensional Standards

Minimum lot area	No requirement
Maximum building height	65 feet; taller buildings may be allowed as conditional use
Minimum front yard building setback	No requirement (see frontage requirement below)
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet <u>or 50% of building height, whichever is greater,</u> from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet <u>or 50% of building height, whichever is greater,</u> from residential lot boundary 10 feet from nonresidential boundary ^a
Minimum surface parking setback	5 feet

- a Unless greater setbacks are required under Section 1011.12 E.1. of this Title.

COMMUNITY MIXED-USE (CMU)

The recently adopted changes to the Community Mixed-Use (CMU) district with the Regulating Plan controlling placement of buildings lists the minimum side-yard setback of 6 feet. The CMU does not currently differentiate between residential and non-residential districts or uses. The Regulating Plan also does not provide a minimum rear-yard setback and there is no table of dimensional standards. Planning Division staff is not proposing any changes to the CMU district that increases or established side-and rear-yard setbacks.

EMPLOYMENT DISTRICTS

The Planning Division also analyzed the minimum side- and rear-yard setback requirements in the Employment District, which includes Office/Business Park (O/BP) and Industrial (I) zoned properties and concluded that an existing minimum setback of 40 feet for both side and rear yards is best suited to address potential impacts adjacent to residential uses. Planning Division staff is not recommending any text amendments to the Office/Business Park or Industrial districts.

PUBLIC COMMENT

At the time this report was prepared, Planning Division staff has not received any communications from members of the public about the proposal.

SUGGESTED PLANNING COMMISSION ACTION

Based on public comments and Planning Commissioner input, recommend approval of the amendments to Tables 1004-6, 1005-2, 1005-3, and 1005-4 of the Roseville Zoning Code as provided on Attachment E.

ALTERNATIVE ACTIONS

- a. Pass a motion to table the item for future action.
- b. By motion, recommend denial of the proposal.

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

Attachments: A. CC minutes 05/23/16 B. CC minutes 07/25/16
 C. CC minutes 08/15/16 D. Setback chart
 E. Proposed text amendments to various tables

EXTRACT OF THE MAY 23 ROSEVILLE CITY COUNCIL MEETING MINUTES

14. Business Items (Action Items)

a. Request for Approval to REZONE the Property at 1415 County Road B from High Density Residential-1 (HDR-1) to High Density Residential-2 (HDR-2) District

City Planner Thomas Paschke reviewed this rezoning request by Good Samaritan Society as detailed in the RCA for their owned parcel at Albert Street and County Road B, in the proximity of Target One, Perkins Restaurant and TCF Bank.

Mr. Paschke noted that the request was precipitated on the applicant's desire for a 62-unit senior affordable housing facility that wouldn't work on the property given current size requirements under HDR-1 zoning. Mr. Paschke noted that this project, to be financial feasible, required a greater density to achieve. Mr. Paschke advised that he had plans available for the proposed project, but clarified that they were not part of this rezoning consideration. Mr. Paschke noted the Planning Commission had unanimously recommended approval, along with staff's recommendation for approval.

At the request of Councilmember McGehee, Mr. Paschke revised impervious coverage and maximum allowable height for HDR-1 and HDR-2 zoning districts as follows.

	HDR-1	HDR-2
Impervious Coverage	75%	85%
Maximum Height	65'	95'

Mr. Paschke clarified that there were other differences in the two designations, including setbacks and other items as they related to Table 1004.06, with any development bound by the city's main design standards including any and all multi-family development.

Under either HDR-1 or HDR-2, Councilmember Willmus asked if placement of the building itself would be subject to the "building forward" design, and asked if so, which intersection would it be pushed toward.

Mr. Paschke stated the building would be closest to the Albert Street and County Road B intersection.

As a long-term consideration and discussion for the City Council, Councilmember Etten noted that current setbacks for HDR-2 were very limited, and while understanding the increased density, he opined it was significantly less than setback requirements in HDR-1, with no apparent specificity for extra setbacks adjacent to low density residential (LDR) zoned areas. Councilmember Etten expressed concern with potential impacts to neighboring areas and how best to adjust the current code for future projects.

29 When reviewing the traffic study, Councilmember McGehee asked Mr. Paschke if staff had
30 consulted with the Public Works Department, noting current traffic issues already along that
31 entire area.

32 Mr. Paschke advised that the traffic study had indicated no alerts for development scenarios
33 up to 250 units, and while making some suggestions, indicated nothing major.

34 Councilmember McGehee noted that, by changing this zoning designation from LDR-1 to
35 LDR-2, a project could actually significantly exceed 62 units.

36 Mr. Paschke confirmed that a project could do so, with nothing stopping a higher density
37 project under LDR-2 zoning designation, and allowing for a much denser project on the site,
38 thus the traffic study requirement as part of the application process.

39 In these types of situations, when particular requirements of a district appear to be
40 problematic for development, Mayor Roe asked staff if they looked at zoning to a higher use
41 to accommodate that development or if consideration was given (e.g. text amendments)
42 changing components of the zoning district itself.

43 Mr. Paschke responded that staff had not looked at text amendments for the zoning district,
44 and opined he wasn't sure if staff was overly concerned about requirements built into the
45 code or design standards, since the goal was to balance the ordinance with city code (e.g.
46 design standards, setbacks, parking, etc.) to achieve overall compliance. Mr. Paschke stated
47 he wasn't aware of any discussion about one being more problematic than another; and when
48 accepting the application to go to a greater density to accommodate extra units on the site,
49 the building would still have been placed on the same location based on current code
50 requirements.

51 When redoing the zoning code in 2010, and not requiring any additional setbacks, Mayor
52 Roe opined that may have been the context for adding HDR-2 amongst higher intensity
53 uses. Mayor Roe suggested that maybe wasn't a concern at that time, but language was
54 added for staff to be able to consider greater setbacks for those types of developments if they
55 are proposed next to less intense uses.

56 City Manager Trudgeon concurred with that context. Specific to Mayor Roe's suggestion for
57 a text amendment versus rezoning, Mr. Trudgeon suggested caution and further review of
58 that, since the concern in creating HDR-2 was that this type of density wasn't recommended
59 citywide, but only at very specific locations and to serve as a vehicle for greater density on
60 each project's merits versus a general text amendment. Mr. Trudgeon stated he would not
61 advise a text amendment, but would advise keeping review on a case-by-case basis.

62 **Applicant Representatives, Construction Consultant Nathan Kraft with Good**
63 **Samaritan Society; and Enrico Williams, Kaas Wilson Architects, Bloomington, MN**

64 Mr. Kraft reported that financials for this type of affordable senior housing project indicated
65 a minimum of sixty units would work, with this current model seeking 62 units. Mr. Kraft
66 reiterated Good Samaritan's intention that there was no intention of moving toward any
67 higher density than those 62 units.

Mr. Williams noted that the design of the proposed building actually follows HDR-1 zoning with the only exception that of density and pervious versus impervious areas, at 50%. Mr. Williams advised that the proposed structure was intentionally kept under the maximum height requirements, with setbacks were within HDR-1 guidelines as well.

At the request of Councilmember McGehee, Mr. Williams advised that the maximum number of units in HDR-1 was 40 units according to acreage; and were insufficient to make the project affordable.

At the request of Mayor Roe, Mr. Williams clarified that the proposed one-bedroom units were between 650-700 square feet; and the two bedroom units were approximately 950 square feet, with no larger units intended.

Mayor Roe asked if potential long-term future use of the facility would allow easy combination of smaller units or if that would not be architecturally feasible, or if the units could be reconfigured to market rate units.

Mr. Williams stated, at this preliminary stage of design, he was unable to answer that question as to how feasible that may be.

For the benefit of the developer, Mayor Roe noted that the City Council was struggling with short- and long-term use and number of potential units allowed in HDR-2 zoning designation indefinitely, or 35 years from now when the property may redevelop once again, especially the potential for higher density HDR in that area.

Public Comment

Amanda Kappes, Policy Coordinator for Metro Interfaith Council on Affordable Housing (MICAH)

Similar to her comments at the Planning Commission's public hearing on this request, Ms. Kappes spoke in support of this housing in Roseville; and reiterated the goals of the Metropolitan Council and City of Roseville for increased affordable housing units in the community. Ms. Kappes noted that the senior population was, and was projected to continue, as the fastest growing population in Minnesota, and in great need of affordable housing options.

Gary Kwong, 1700 Fry Street, Falcon Heights, MN

Similarly to his comments at the Planning Commission public hearing, Mr. Kwong provided a brief history of his own family and their housing needs. Mr. Kwong spoke in support of this request, and the amenities available in Roseville to retain a stable residential base and allow current residents to move into this type of housing and remain loyal to their community and their familiarity with it.

Councilmember McGehee stated her dilemma was similar to that of Mayor Roe. While happy to have affordable housing for seniors, and 40 units would be nice, the potential for additional traffic in this already congested area was problematic for her. Councilmember McGehee reiterated that she wasn't against the project, but with rezoning under current HDR-2 zoning designation indefinitely and the concern with higher density in the area.

Councilmember Willmus stated that he shared some of those concerns, but questioned staff as to the date the application was received compared to when the City Council approved the Planned Unit Development (PUD) ordinance.

Mr. Paschke clarified that the PUD ordinance was approved after receipt of this application; and while the city could request that the developer go through the PUD process, he questioned if the project would actually qualify.

Councilmember Willmus agreed with Councilmember McGehee's statements, and those made by Councilmember Etten earlier; and noted that his concern wasn't the proposed project in front of him but the fact the City Council needed to be cognizant of what could be the most intense use on that site, especially with HDR-2 zoning designation.

If the project were to return under the PUD ordinance, Councilmember Etten asked staff if the applicant's proposed 50% versus 75% to 80% impervious coverage would work in favor of the applicant.

Mr. Paschke advised that staff would need to review all PUD criteria to see what the developer was bringing to the table, not just specific to density, but if they could actually achieve the bar to begin the PUD process, which was long and drawn out, and had strict limitations on who could come forward to begin that process for a PUD on any site, including this one.

Councilmember Etten opined this was an important development for the community, and something currently lacking, since a lot of multi-family senior housing was available in Roseville, but not from an affordable standpoint. With HRD-2 zoning on this site and its proximity abutting LDR on two sides, Councilmember Etten reiterated his concern in rezoning the property.

Mayor Roe noted the current designation in the Zoning Table of Uses with two distinct categories with varying characteristics for each: group living and family living with a certain number of units. Mayor Roe referenced discussion during the time of the proposed development on County Road B and Cleveland Avenue and traditional rental property with a lower number of larger units and more amenities. Mayor Roe suggested looking at that type of scenario and two types of living categories for this type of application as well: traditional family living rental units in HDR and a second category for group living that is more specific and regulated such as this; with a line added to the Table of uses for property standards distinguishing maximum density for each category. Mayor Roe noted this would allow for more site-specific consideration for either type of category if applicable, and may prove an easier and quicker solution than the PUD process.

Councilmember McGehee stated her opposition to such a solution, since it would become applicable across the board based on the table already existing. Councilmember McGehee opined that this development proposal was a good fit for the PUD process; and if the PUD ordinance recently adopted was already found to have insufficient flexibility to consider a project such as this, a text amendment to the PUD ordinance seemed a simpler thing to accomplish, allowing the City Council to make a determination on this and future cases. Councilmember McGehee noted the support for this type of project in the community, but also noted the need for conditions applicable to a 62-unit development but not applicable citywide; addressing this specific site without changing the rules for the entire community.

151 In response, Mayor Roe stated that he was personally supportive to change the rules across
152 the board for this type of use, since it had come up on several occasions with a need for more
153 density on a site and not necessarily adding a lot of other issues to surrounding properties.
154 Mayor Roe expressed his concern in having a developer need to jump hoops or meet
155 standards for a PUD simply to gain a little more density.

156 Councilmember Willmus stated his concerns with amending the Table that may have long-
157 term applications and affect how this or any facility may change over the life of the
158 infrastructure in place. Councilmember Willmus noted the frequency of seeing apartments
159 constructed as market rate and then converting to condominiums, creating his concern in
160 amending the Table with such specificity as suggested by Mayor Roe.

161 Mayor Roe noted that these units were smaller and not as appealing for conversion, which
162 could be a further consideration as well.

163 Mr. Paschke questioned whether this could qualify as group living under state statute; and
164 noted the proposed financing from various agencies to develop this as affordable senior
165 housing and the specific regulations for that financing.

166 Mayor Roe agreed that his suggestion may not suffice since he had incorrectly thought this
167 proposal was for an assisted living type facility, and not for afford-able senior housing which
168 is what is actually proposed. Mayor Roe thanked staff for setting him straight and withdrew
169 his text amendment suggestion.

170 As a point of information, City Manager Trudgeon noted that the PUD ordinance, specific to
171 density, allowed for only up to a 10% increase in residential density, and with 42 units
172 allowed, that would only increase units by another 4 units for a total of 46 units. Mr.
173 Trudgeon noted that the developer had already stated that their proposal wasn't feasible for
174 anything under 60 units.

175 Councilmember McGehee spoke in support of tabling this request pending further
176 investigation of how to make it work short- and long-term. Councilmember McGehee noted
177 that this site was ideal for seniors to access amenities without driving; and she spoke in favor
178 of this location, but not as HDR-2 zoning designation.

179 Mayor Roe noted the options included tabling or extending, depending on the land use
180 review deadline and process.

181 Councilmember Willmus noted the review process could be extended by the City Council in
182 writing for up to 60-days.

183 City Attorney Gaughan agreed, as per state statute, the City Council has the ability to extend
184 the review period, as long as their specific reasons for the extension are provided to the
185 applicant in writing.

186 From a staff perspective, Mr. Paschke stated that he was unaware of any easy process to
187 accomplish what the City Council appeared to be seeking, whether timing was involved or
188 not. Mr. Paschke advised that a number of things would need to be analyzed and taken into
189 consideration to patch in a text amendment as discussed, or for any other process. Mr.
190 Paschke noted that a number of area residents attended the developer's open house but had
191 not subsequently shown up at the public hearing at the Planning Commission; and suggested
192 that may be an indication of their lack of concern with the development. While

understanding concerns with future development or redevelopment, Mr. Paschke opined that it would not be possible to get a density of 250 units on this site even under today's city code, opining any development would be well below that number of units and may look dramatically different than this proposed development (e.g. parking and the structure itself), but still be subject to the same limitations. Mr. Paschke recognized a significant amount of fear he was hearing from the City Council about the potential for increased density, but stated he could not see any density as high as the 250-units addressed in one of the traffic study scenarios.

Councilmember McGehee opined that those residents attending the open house weren't thinking long-term or ramifications if this proposed development didn't come to fruition, especially if the city was left with a parcel zoned HDR-2 and its implications.

Willmus moved, McGehee seconded, DENIAL of the HDR-2 rezoning request based on the findings that the intensity of such zoning use could result in a greater overall density, height and setbacks on that site, making it a concern due to its proximity to surrounding single-family properties.

Councilmember McGehee spoke to the points made by Councilmember Willmus and in agreement with them. Councilmember McGehee expressed her interest in having the applicant and city planning staff work on ways to make this type of development work for the developer and the city, through some other method than rezoning the parcel to HDR-2.

Councilmember Laliberte admitted she was struggling with this, but concurred with her colleagues: that it was a good proposal and a good addition for Roseville, but created discomfort for her in the build forward design standards resulting in a very tall building right up along the road.

Mayor Roe clarified that city code would require that the building be set back 30' from the street.

Councilmember Laliberte stated she was in favor of a project like this in Roseville, but not with the potential intensity of use on this parcel in the future. Councilmember Laliberte stated she was open to other potential scenarios, but in this case, she would support the findings in the motion.

Councilmember Etten asked staff if there was a way to put a maximum on a structure in HDR-2 zoning, as it related to underground and/or surface parking.

Mr. Paschke responded that it would depend on the size of the units and community space and other amenities of the facility, all project-dependent. On this particular site, Mr. Paschke stated that he could not define a specific maximum density.

Mayor Roe spoke in opposition to the motion to deny the rezoning request, while understanding the findings and concern about future development or redevelopment on the parcel if this project doesn't move forward. However, if the project doesn't move forward, Mayor Roe noted the City still retained the option to change HDR-2 requirements or initiate its own rezoning of the property. If the City Council is of the mind that this appears to be a solution for this project going forward, but concern remains that some other development may push the HDR-2 requirements, there is in the code already a footnote available to help mitigate the situation. Mayor Roe stated that he was more uncomfortable with this

discussion than with other potential paths (e.g. PUD process or his suggested text amendment) and therefore would oppose the motion.

Councilmember Etten stated he was in agreement with Mayor Roe. While supporting the reasons stated for denial, Councilmember Etten opined that Mr. Paschke's point about the maximum potential density that could develop and Mayor Roe's point that if this development proposal fell through, the City could move to reinstate HDR-1 zoning, it was sufficient for him to note that this was such an important project for Roseville, he would oppose the motion to deny.

Councilmember McGehee spoke in support of the motion to deny in the hopes that the city would work with the developer to come up with a solution to make the project work.

Councilmember Laliberte stated that this ongoing discussion had swayed her and she would oppose the motion to deny. At the request of Councilmember McGehee as to her rationale in doing so, Councilmember Laliberte noted that the fear factor seemed to be a potential for 250 units, creating her original hesitation in supporting the project; and since it appeared not to be feasible, the overall need for and nature of this particular project is important to the community.

Roll Call

Ayes: Willmus and McGehee.

Nays: Laliberte, Etten, and Roe.

Motion failed.

Etten moved, Laliberte seconded, enactment of Ordinance No. ____ (Attachment G) entitled, "An Ordinance Amending Title 10 of Roseville City Code, Changing the Zoning Designation of Certain Real Property;" rezoning the property addressed at 1415 County Road B from HDR-1 to HDR-2 District.

Councilmember Etten noted that he would appreciate other ways to make the project work outside rezoning, he had been convinced that the parcel was small enough that the feared 250 units could not be developed, negating that potential great negative as being unrealistic given current code restraints.

Councilmember Willmus expressed his concern with the overall height of the proposed building to those adjacent single-family parcels; and stated his continued opposition to the rezoning request. Had the rezoning request not been successful, Councilmember Willmus opined that the PUD process could have sufficed, with little effort on the city's part. Councilmember Willmus opined that the City Council was being shortsighted and taking the easy road out especially with long-term implications for the area in doing so.

Councilmember Laliberte asked Councilmember Willmus what path he saw going forward in proposing the PUD process at this stage.

Councilmember Willmus stated his preference to revisit the PUD ordinance. Councilmember Willmus stated that he had no issue with the developer's proposed 62 units; but explained that his issue was that potential project that could occur. Councilmember Willmus noted that he wasn't implying that this developer is going to change their proposal, but noted that they

could market this parcel as HDR-2 without developing their proposed project; and there would be nothing the city could do.

Councilmember McGehee stated her only concern was that if the PUD ordinance is so restrictive it can't be used to facilitate a project like this that was sorely needed in Roseville and serving the population needing this type of housing at this favorable location, then something was wrong with that PUD ordinance. Councilmember McGehee agreed with Councilmember Willmus that the City Council was being shortsighted.

For clarification purposes, and for the benefit of Councilmember McGehee, Councilmember Etten identified several HDR-2 areas in Roseville at this time. Councilmember Etten noted City Manager Trudgeon's information about the actual 10% increase in units available with the PUD ordinance process if applicable; and questioned if that was applicable or the more significant increase of 30% or more in density, that may open the door to other implications, including through the PUD process.

Mayor Roe suggested this PUD ordinance discussion be a separate debate outside this rezoning request.

Mayor Roe noted that a text amendment to the PUD ordinance would require a public process and public hearing before the Planning Commission followed by the developer subsequently applying for and staff analyzing that application and then the approval process. While it may sound simple, Mayor Roe suggested it may not be so given a number of mitigating factors (e.g. size of property, parking, stormwater management, etc.). Mayor Roe noted that staff currently has the ability to require greater setbacks given adjacent uses; and also the City Council has the ability to re-designate zoning back to HDR-1.

Councilmember McGehee opined that this give and take is certainly germane to this rezoning request, and that it would be inappropriate for Mayor Roe to push forward the motion and arguing only his point of view.

Mayor Roe duly noted Councilmember McGehee's comment; but clarified that the City Council is not here to discuss the PUD process, but the motion currently before the body.

Councilmember Laliberte stated she was not concerned if there were a few extra steps needed for the PUD process to evolve; opining that was less a concern for her than doing what was right on this parcel. Councilmember Laliberte stated she would vote to pursue the PUD process if it resulted in a better product no matter the time required to reach that goal.

Councilmember Laliberte withdrew her second to the motion.

Mayor Roe seconded the motion and restated the motion was to approve the rezoning request.

Roll Call

Ayes: Etten and Roe.

Nays: Willmus, Laliberte and McGehee.

Motion failed.

313 Councilmember Laliberte moved, McGehee seconded, reconsideration of the motion to
314 DENY the rezoning request as previously stated.

315 **Roll Call**

316 **Ayes:** Willmus, Laliberte and McGehee.

317 **Nays:** Etten and Roe.

318 **Motion carried.**

319 **Roll Call (Original Willmus/McGehee Motion to DENY based on findings, now under**
320 **reconsideration):**

321 **Ayes:** Willmus, Laliberte and McGehee.

322 **Nays:** Etten and Roe.

323 **Motion carried.**

324 City Attorney Gaughan advised that a resolution memorializing the findings for denial would
325 be prepared and presented at the next meeting of the City Council.

326 Interim Community Development Director Collins noted staff's sensitivities with HDR
327 zoning; and advised that staff would look at those during the comprehensive plan update and
328 how PUD fit with that.

329 Councilmember Willmus suggested a more immediate review by staff of the current PUD
330 ordinance. Councilmember Willmus noted the value of this type of project and community
331 housing needs supported a text amendment, with components as suggested by
332 Councilmember Etten, to the PUD ordinance.

333 Without objection, staff was so directed.

334 While admitting it may require a longer process, Councilmember Willmus opined the
335 important thing was to ultimately get this right.

336 Ms. Collins advised that, if the applicant was still interested, staff would walk them through
337 the process.

Extract of the July 25, 2016 Roseville City Council Meeting Minutes

a. Discussion Regarding High Density Residential (HDR) Housing Districts and the Planned Unit Development (PUD) Process (PROJ0039)

Mayor Roe introduced this item and recognized City Planner Thomas Paschke for up update based on past discussions and direction to staff from the City Council. As detailed in the RCA, Mr. Paschke reviewed the current HDR and PUD processes and issues, and outlined several potential options for consideration by the Planning Commission for recommendation to the City Council (page 2, lines 31-34). Mr. Paschke advised that staff felt these revisions addressed the two areas of concern and allowed more flexibility in HDR-1 and HDR-2 to address those issues.

Specific to the PUD issue and possible amendment to increase density, Mr. Paschke noted lines 36 – 86 addressed staff's analysis related to senior and other housing. Mr. Paschke cautioned that staff thought this may have intended consequences, and therefore at this time, could not support revisions as noted.

Interim Community Development Director Kari Collins noted the purpose of tonight's discussion was to gather the objectives and outcomes the City Council would like to see for HDR proposals (e.g. senior housing classifications as lower impacts); and whether they thought the Conditional Use (CU) process addressed any and all uses, if done on a case by case review. As mentioned by Mr. Paschke, Ms. Collins noted the proposed PUD text amendment pending Planning Commission review and recommendation and City Council approval that would include density language and increase it to 30%. However, Ms. Collins noted this also involved the acreage component that also may need amending, but advised staff was seeking which option the City Council found more to accomplish the desired outcomes it was seeking (from 24 to 36 units as outlined in the proposed draft at 50% versus 30%). Assuming the CU allow up to 50%, Ms. Collins noted it could also be a percentage not necessarily that high, but subject to discussion by the City Council to address mitigation and cost versus benefit analyses.

Mr. Paschke agreed, noting that a subsequent traffic study and case by case review during the CU process may determine that an increase up to 36 units may not work, while something in between may be more preferable and thus recommended rather than the maximum number of units per acre.

At the request of Councilmember Willmus, Mr. Paschke confirmed the maximum building height would remain the same.

Specific to the Good Samaritan proposal and rezoning request that brought this discussion forward, Councilmember Willmus advised his concern was whether or not that was the highest and best use for those parcels. Councilmember Willmus stated he still struggled with that, and therefore wasn't sure if staff's recommendation to move from 24 to 36 units per acre sufficed, without also addressing a maximum building height and design considerations. For reference, Councilmember Willmus stated he wasn't interested in seeing a duplication of the situation at 6800 Xerxes Avenue in Edina, MN; with single-family residential use on one side of the street and 65' to 70' buildings directly across the street. Councilmember Willmus noted the impacts for solar access for those single-family properties; stating the real issue for

him was the overall height and proximity of this type of use to surrounding single-family residential and what those existing neighborhoods would be faced with. Councilmember Willmus questioned if increasing units per acre addressed either of those variables.

Mayor Roe noted, with confirmation from Mr. Paschke, the 30' setback from the side property line that would remain in effect. At the request of Mayor Roe, Mr. Paschke confirmed that there was no HDR-2 zoned parcels yet built upon, but several zoned accordingly. Therefore, Mayor Roe noted any development would need to request rezoning from the city to add height over the 65' in the HDR-1 zone.

Councilmember McGehee noted the existing PUD process now in place, and stated her lack of interest in changing it, since it changed across the entire city, not just for one parcel. Councilmember McGehee noted the city had a history of doing that spot rezoning, which she was not supportive of. However, Councilmember McGehee questioned the best option for a site and desirable project such as the Good Samaritan project where it provided needed housing stock, and whether it was possible to provide a CU for this particular parcel and specify the number of units sought by the developer with appropriate height and setbacks addressed. Councilmember McGehee opined she found their site plan and overall layout reasonable; but struggled with how to specify CU running with the land and to what extent to ensure it conformed with no more than 48 units and the proposed overall building footprint and height, specific to a CU.

Mayor Roe clarified that staff's recommendation was to change the number of units per acre, with all other zoning requirements for HDR-1 and HDR-2 districts remaining unchanged. Mayor Roe noted the Good Samaritan project met all zoning requirements for HDR-1 except the number of units per acre; and this proposed revision attempted to address that, while not changing any other standards already met. Mayor Roe opined that if the City Council wanted a CU to apply more restrictions on other elements, it sounded more like a PUD process to change density.

Mr. Paschke noted the PUD process, up to 36 units in the case of the Good Samaritan project, would serve to limit that project to a certain number of units on the site and other conditions that would run with the property. Mr. Paschke noted the majority of the project met most other HDR-1 conditions.

At the request of Mayor Roe, City Attorney Gaughan clarified that any conditions reasonable related to and pursuant to the CU process and the actual project itself allowed the City Council some latitude and direction under the PUD process to include more ancillary conditions as indicated, and as noted "reasonable" and already within the city's PUD language ordinance.

Mayor Roe clarified the reasons for concern and rationale in looking at PUD's was the notion of providing all other changes when looking to address a particular proposal that met all other requirements of HDR-1, other than rezoning for units per acre, as with the Good Samaritan project. However, Mayor Roe noted that discussion opened up other discussions related to height and setbacks on the site that would follow the property in perpetuity. Therefore, Mayor Roe suggested the city keep the rest of the zoning parameters in place, and allow for no density in CU versus the PUD process; noting that wasn't relevant to this proposal; and therefore suggested not putting that into play in this situation when considering density per acre.

Councilmember McGehee agreed; and questioned if there was a specific reason to bump up HDR-1 and HDR-2 units per acre.

Mayor Roe advised that the reason was to clearly define the number of units at a maximum of 36 units to avoid an infinite number, and as confirmed by Mr. Paschke, anything else would fall under the PUD process.

Under those circumstances, Councilmember McGehee stated her satisfaction with the proposal at 36 units, allowing the Good Samaritan project to reach their preferred goal.

Discussion ensued between Mayor Roe and Councilmember Willmus related to two different zoning categories for a 30% increase in HDR-1 at 36 units per acre. Councilmember Willmus advised he wasn't supportive of HDR-1 at 36 units, and expressed interest for HDR-2 zoning to look at a unit cap per acre; as well as tweaking setback requirements.

Councilmember Etten expressed his appreciation for the latitude this allowed the City Council. However, Councilmember Etten stated one remaining concern was how this worked with the single-family buffers in LDR-1 and LDR-2 zoning for density, referencing the HDR chart and setback requirements based on where they're located for HDR-1 and HDR-2; questioning if the same could be done for height.

Mr. Paschke agreed that could be done, suggesting a 10' allowance for increased density in both districts.

Councilmember Etten stated that would alleviate some of his concerns; and agreed with the setbacks for HDR-2, which were now often significantly less than those found in HDR-1; with no allowances whether next to LDR-1 or LDR-2 zoned properties; and without that protection, higher density remained problematic from his perspective.

Mr. Paschke advised that staff would need to further review those requirements and how they fit with overall design standards in city code, and what could be accomplished with setbacks.

Mayor Roe noted there were other sections of code that dealt with adjacency to single-family parcels, maybe not across the street, but those directly adjacent.

Ms. Collins noted the subscript in the RCA below Table 1004-6 (page 2) addressing dimensional standards.

Mayor Roe noted there were less setback requirements for HDR-1 districts placed in or around Regional Business designations or more intense uses with greater height allowed. Since there isn't anything currently being built on HDR-2 zoned parcels, Mayor Roe noted this allowed the ability for the City Council to look at every proposed HDR-2 parcel next to single-family parcels. Mayor Roe noted this may have been the rationale for setting it up that way and may make sense for some parcels while not with others, all unknown at this point; and allowing future City Councils the discretion to make those changes accordingly. For this specific Good Samaritan project, Mayor Roe opined HDR-1 was what worked for this parcel; and suggested HDR-2 may be part of the comprehensive plan update discussion and MDR and HDR process within the community, providing broader discussion and more public input.

Discussion ensued related to the CU process and ability of the City Council to make decisions on a case by case basis and as part of public health, safety and welfare considerations to review surrounding land uses.

Specific to the calculations for the Good Samaritan project, if around 30%, it would allow for 33 plus units, not much different than the requested 36 units; and suggested that number was appropriate for this particular proposal.

Councilmember Etten stated his preference to think about this more broadly, and not change the chart (page 2) for just this specific project, but to address the building height concern at a maximum of 50' to 55' when adjacent to LDR-1 and LDR-2 parcels. Councilmember Etten opined that may satisfy both needs and give more latitude for the city.

Mayor Roe clarified that there was no recommended change to the chart tonight; and agreed he would like to see height restrictions addressed in code; and preferred that this recommendation come back to the City Council after further refinement and research of those items noted by staff before going through the Planning Commission process with that additional information included.

Mayor Roe also asked that an increase to 36 units per acre be looked at through the CU lens for other properties recently under discussion and deviation from HDR-1 for their specific acreage. If the City Council wants to make this change and CU approval, if it was found that 80% of those other properties fell within that range, Mayor Roe opined that it would provide helpful information within that context and for subsequent discussion.

Without objection, Mayor Roe directed staff to review city code setback language, building height related to adjacencies, and capping units per acre at 36 without conditions and specific to subsequent HDR-1 discussions.

Councilmember McGehee asked if there was a way to simply tweak the PUD ordinance for those projects offering much in terms of amenities and material, to allow a 10% increase in residential density depending on the number of site amenities included. Councilmember McGehee noted once the increase in density was specified at 30% for the PUD, it would be binding and run with the property in perpetuity. Councilmember McGehee stated she saw that as an alternative route to the CU.

Mayor Roe suggested making the PUD increase potential consistent with the CU potential, with the developer having the option to pursue either route for additional density preferences, based on other considerations as a trade-off. Mayor Roe further suggested, if just a density issue, the developer could follow the PUD process, but noted further discussion may occur on that specific issue during subsequent discussion of the City Council when this item returns in the near future.

Councilmember McGehee opined she saw that as a value-added path in the PUD process; but stated she wasn't sure if there was a 10% increase allowed in the context of current requirements; and suggested those discussions be held all-inclusively.

Councilmember Laliberte stated her preference to talk about existing weaknesses in the PUD process, especially since that work was so recently completed; and may need a fresh look to determine if it was working as originally intended. Councilmember Laliberte agreed with tonight's discussion, and agreed with one last review before it went to the Planning Commission. Councilmember Laliberte clarified her rationale in voting against this

originally, seeking that this closer attention to potential inadvertent weaknesses could be addressed.

Councilmember Etten stated his approval in having this come back, both or either topic. Councilmember Etten noted if the PUD allowed up to a 50% increase and review of each specific case for other features, he was fine; but stated he wasn't interested in changing the bulk of current provisions.

Mayor Roe clarified he was seeking discussion, not personally advocating; but wanted to further think about both avenues.

Mayor Roe thanked staff for bringing this additional information forward and their thoughtful approach in doing so.

Extract of the August 15, 2016 Roseville City Council Meeting Minutes

b. Discussion Regarding High Density Residential (HDR) Housing Districts and the Planned Unit Development PUD) Process

Interim Community Development Director Kari Collins provided an update, based on past City Council discussions, on text amendments for HDR-1 and HDR-2 dimensional standards, density greater than 24 units per acre, adjacencies to other land uses, building height, and setbacks.

City Planner Thomas Paschke referenced the RCA seeking feedback on staff's broader look at other district setbacks and dimensional standards as adopted prior to and in the 2010 zoning code changes (Attachment C). Mr. Paschke further referenced page 2 of the RCA specific to density increases and possible building heights addressed as conditional uses. Additional information was provided on specific multi-family housing units, their zoning, number of units per acre and specific addresses for HDR-1 and HDR-2 as well as several Community Business (CB) zoned areas.

Discussion included 167 total sites shown with approximately 20% to 30% of those currently pre-existing nonconforming in general.

From his perspective, Councilmember Willmus opined that, as the city seeks to increase density per acre, it seemed out of character with what the city had done over time, and asked that the City Council note that.

At the request of Mayor Roe, Ms. Collins confirmed that all privately-owned condos were included in the overall HDR count of 167 sites.

Councilmember Laliberte asked Ms. Collins to provide a list of all 167 parcels in list form in addition to their location via maps. Councilmember Laliberte expressed appreciation for the map in the packet detail showing the HDR-1 and HDR-2 locations in proximity to single-family residential uses.

With many things already having come off the table through design-forward requirements as an example, Councilmember McGehee asked what result staff was seeking from this discussion. From her perspective, Councilmember McGehee opined that some aspects of PUD were not looking for greater density, but precluding some interesting design possibilities and flexibility. Councilmember McGehee stated she had always questioned the reality of setbacks (e.g. balconies not being included). Councilmember McGehee opined there were several issues she'd like to address, but she wasn't sure if they were necessarily specific to the direction staff was seeking.

Mr. Paschke clarified that balconies were typically setback from building foundations under current code provisions.

Mayor Roe noted the areas of focus were as outlined in the RCA: greater density per acre, with staff recommending the CU approach, setbacks, adjacency issues, and building forward design. Mayor Roe suggested building forward design seemed more of a comprehensive plan discussion and suggested it be deferred for a more holistic community input process. Mayor Roe suggested further discussion was needed regarding setbacks and adjacencies, as well as unit density being addressed if all other requirements are met.

Councilmember Willmus stated he wasn't sure if all issues were as segregated as the City Council would like them to be. Specific to increased density, Councilmember Willmus noted the proposed process laid out under CU didn't really accomplish what he was looking for: greater protection for adjacent properties dependent on what is written in the comprehensive plan and city code. Councilmember Willmus stated that was his issue; and advised he didn't want to see a potential balcony 15' from a right-of-way adjacent to single family homes. Councilmember Willmus opined that this could be accomplished by review of city code and the comprehensive plan in some of those areas. Councilmember Willmus noted, for example, when a building forward design adjacent to another parcel pushed the building forward toward the street or an intersection, he was concerned with how that impacted the right-of-way at the property line, whether across the street or next door, and issues of scale that come into question for him with higher buildings and their balconies looking down on single-family homes.

Councilmember McGehee agreed that the other issue with setbacks bumping up against single-family uses and the potential for only a 10' separation and with additional height looking into those residential back yards. Councilmember McGehee stated her intent with the PUD process was to invite interesting uses of spaces, and cooperation on sites and design; while this appeared to put a restriction on the city with the density issue. Councilmember McGehee stated that specific areas of interest from her perspective and over and above the list of PUD qualifications included site amenities and flexibility (e.g. underground parking) and while recognizing that this affects these designated properties citywide, she was concerned about waiting for completion of the comprehensive plan update and potential for another development to come forward between now and then.

Mayor Roe noted there were current zoning standards and PUD codes in place that the city had spent considerable time in addressing their detail and criteria. If the consideration was whether or not to increase density by 10%, Mayor Roe advised that he had some additional questions. In previous discussions, Mayor Roe noted the specific Good Samaritan proposal met all HDR-1 requirements with the exception of unit density. Mayor Roe asked if there was a way to accommodate that development without the PUD process or a less expensive or easier process for the developer.

Mr. Paschke advised that a larger issue than that, with there being nothing unique about the Good Samaritan proposal, was that the PUD process is considered the last option in the tool box. From just a density perspective and tweaking that one area, Mr. Paschke opined was not in the city's best interest. While it didn't change that project on its face, Mr. Paschke advised it still didn't achieve all the goals and aspirations for the PUD other than changing one item to qualify it under listed criteria.

In other words, Mayor Roe noted the project didn't meet any notable number or any tradeoffs that the city looked for in the PUD process, with concurrence by Mr. Paschke.

Ms. Collins opined that current code was subjective enough that it could fit anything in overarching goals, but as far as the PUD process, the intent was to obtain a unique proposal where you're leveraging out-of-the-box standards for creative or superior design. In the case of the Good Samaritan proposal, Ms. Collins noted it was proposing an HDR use on an HDR site, and just sought a little greater density. Ms. Collins opined that would most often be the case; but when staff was looking at options, it sought to look at the city holistically to see where the most benefit was and address density through the CU not only for the Good Samaritan site alone.

Councilmember McGehee stated her absolute agreement with staff's decision on that point. However, Councilmember McGehee stated she was hoping the city's position wasn't that PUD was the last possible implement in the tool box, but hoping it was a positive that could be presented. Councilmember McGehee agreed she found nothing exciting in the Good Samaritan proposal, representing a standard development proposal on a standard lot and providing increased housing stock. To allow that project with a CU seems fine for her, but Councilmember McGehee reiterated her preference to encourage more creativity.

Councilmember Etten stated his appreciation for this approach, addressing density but also if including the height condition as suggested by staff, it provides the city more control. With the current 65' building height allowed, Councilmember Etten noted if conditioning the setback, adjacency and height to single-family homes, it provided the ability to deal with concerns of those residents while still allowing for a reasonable project. Councilmember Etten stated he wasn't concerned with the building forward concept 30' back from the road right-of-way, opining it didn't crowd the road, using the Lexington Apartments as an example, and accomplished moving the parking behind and building forward. Councilmember Etten noted another example was the new Sienna Green building that looked good but changed the character in a positive way.

Councilmember Willmus stated the area of primary concern to him was corner lot situations and potential of 20' setback on the other street frontage versus 30'. Councilmember Willmus noted another concern is if deviating significantly from code to achieve increased setback, did it create a problem with current design standards embedded in the comprehensive plan.

Mr. Paschke responded that the comprehensive plan didn't include specific numbers, and only addressed placement in general terms. Mr. Paschke advised that the regulation is what is established in city code. From his personal perspective, Mr. Paschke stated is the city moved too far back from the 30' setback, it no longer achieved building forward and developers would use that additional 40' or 50' for more than green space.

Councilmember Willmus reiterated that he was not a fan of the building forward design in every case, even though sometimes it may be fine. Overall, Councilmember Willmus stated he was looking for greater flexibility. If the Good Samaritan site was adjacent to big box retail, Councilmember Willmus noted it would be of less concern to him than when adjacent to homes on a side street. Councilmember Willmus opined he found it hard to consider that flexibility while maintaining citywide standards. Councilmember Willmus stated he'd like to think controls were in place for heights with a PUD, but admitted he still had concerns with setbacks of 20' on corner lots, and would like front yard setbacks increased slightly as building height increases.

Mr. Paschke noted in Community Mixed Use Districts (CMU) when adjacent to a greenway area or other areas, the upper stories had to be set back further. Mr. Paschke suggested that could be explored through this process as well and would result in creating less of a mass.

Mayor Roe noted that would be in line with his thoughts as he reviewed the chart in Attachment C. Mayor Roe stated he didn't have as much concern with MDR parcels, but suggested consistency with single-family considerations, and suggested language such as: "greater of X feet or 50% of building height as setback adjacent to single-family residential." Mayor Roe stated his interest in also talking about that related front yard setback.

Councilmember Willmus spoke in support of the ratio as suggested by Mr. Paschke, the higher you go, the more you're required to step the building back.

Without objection, Mayor Roe noted that the council directed staff to use the CU process for density above 24 units per acre for HDR-1 multi-family buildings and CU for heights above 45', including stepping back setbacks when adjacent to single family uses, applying the ratio, and associated language for stepping back for corner and street setbacks referencing LDR-1, LDR-2, and MDR as well for consistency.

Regarding design standard language, Mayor Roe questioned if the Good Samaritan proposal met those requirements, based on location of their primary entrance and how it was to face one of two streets, but instead faced their parking lot. Mayor Roe stated some of those things helped him with the 30' setback, and this was not an urban design building forward, but as the 2010 code language was intended to address related to avoiding a "sea of asphalt" between the street and building. Mayor Roe opined that the challenge was to find something between urban design that placed buildings up against a sidewalk that was of little interest to the city with few exceptions, but also to move away from past developments with a huge parking lot in front of a building.

Councilmember McGehee asked Ms. Collins to bring ideas forward for better looking parking lots that could address some of the city's existing aesthetically displeasing parking lots, including sustainable parking lots and landscaping features.

Mayor Roe noted this had come up with the 2010 zoning improvements and former standards, while presenting a challenge in what triggered meeting those new standards and the expense involved with those improvements.

Mr. Paschke agreed, noting this also was at the heart of requirements versus suggestions and not attempting to stifle redevelopment if a BMP was required for all projects, and balancing desired outcomes and realities for developers and property owners.

Ms. Collins noted this was an area to give consideration to in the EDA homework about environmental design and financing tools.

Specific to primary street frontage in the Good Samaritan proposal, Councilmember Willmus asked if that could be accomplished by the primary drive requirement in city code.

Mr. Paschke responded that it could not, as the Good Samaritan proposed building would have its primary frontage on County Road B, as that called out the most pedestrian traffic area as called out specifically in city code versus how a parcel is addressed and addressed in a sidebar of the definition for a primary street.

Mayor Roe noted language about corner lots and how they primary street was addressed in that context; and asked that staff review both sections to make sure code was not contradictory.

Without objection, Mayor Roe clarified for staff that the council directed them to adjust the maximum unit density to 36 units/acre and maximum height for HDR-2 to 65' with anything over that requiring a CU.

Ms. Collins reviewed the next step in the process to use tonight's City Council input to formulate text amendments by staff to present to the Planning Commission and subsequent public hearing for recommendation to the City Council for final decision-making.

Mayor Roe clarified direction for staff that adjacencies and setbacks would impact HDR, but also all commercial and office and industrial districts as well, duly noted by Ms. Collins. Without objection, Mayor Roe noted this would allow the same standards to apply for adjacencies throughout city code text. Mayor Roe noted this applied to adjacencies to LDR and MDR uses in city code versus adjacencies to other residential uses.

Pre 2010 Code

Zoning District	R-3/R-3A	R-4/R-5	R-7
Dimensional Standards			
Building Height	30 feet	30 feet	unlimited
Front Yard Setback	30	30	50**
Side Yard Setback	15	15*	40***
Rear Yard Setback	30	30	40***
Setback Adj Residential	none	none	

* - requires setback equal to 15 feet or $\frac{3}{4}$ height of building, whichever is greater.

** - requires an additional foot of setback for each foot of building height over 75 feet.

*** - requires an additional $\frac{1}{2}$ foot of setback for each additional foot of building height over 75 feet.

2010 Code

Zoning District	MDR	HDR-1	HDR-2	NB	CB	RB	CMU	O/BP	I
Dimensional Standards									
Building height	40 feet	65 feet	95 feet	35 feet	40 feet	65 feet**	35/65 feet	60 feet**	60 feet
Front yard setback	varies*	30	10	none	0-25	none	0-25	varies	30
Side yard setback	varies*	10	20% bldg. height	10	none	none	none	10	10
Rear yard setback	varies*	30	20% bldg. height	10	10	10	none	10	20
Setback adj residential	none	20	50% bldg. height	10 side 25 rear	10 side 25 rear	10 side 25 rear	none	40	40

* - setback varies based upon the placement of the building and type of parking lot design between building and public street.

** - greater height allowance with approved CU

Planning Division recommended Text Amendments to Tables 1004-6, 1005-2, 1005-3, and 1005-4.

B. Dimensional Standards:

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum density	24 Units/net acre b		None 36 units/net acre c
Minimum density	12 Units/net acre		24 Units/net acre
Maximum building height	35 Feet	65 45 Feet d	95 65 Feet e
Maximum improvement area	75%	75%	85%
Minimum front yard building setback			
Street	30 Feet	30 Feet	10 Feet
Interior courtyard	10 Feet	10 Feet	15 Feet
Minimum side yard building setback			
Interior— <u>adjacent to LDR-1, LDR-2, and MDR</u>	8 Feet (end unit)	20 feet, <u>or 50% of building height, whichever is greater</u> when adjacent to Ldr-1 or Ldr-2 10 Feet, all other uses	20% Height of the building <u>10 feet or 50% of building height, whichever is greater a</u>
<u>Interior – adjacent all other districts</u>	8 Feet (end unit)	20 feet, when adjacent to Ldr-1 or Ldr-2 <u>10 feet or 50% of building height, whichever is greater, all other uses</u>	20% Height of the building <u>10 feet or 50% of building height, whichever is greater</u>
Corner	15 Feet	20 Feet	20% Height of the building a
Minimum rear yard building setback	30 Feet	30 Feet	50% Height of the building 20 feet or 50% of building height, whichever is greater a

- a. The City may require a greater or lesser setback based on surrounding land uses. (Ord. 1411, 6-13-2011); (Ord.1405, 2-28-2011)
- b. **Density in the HDR-1 district may be increased to 36 units/net acre with approved conditional use.**
- c. **Density in the HDR-2 district may be increased over 36 units/net acre with approved conditional use.**
- d. **Building height above 45 feet requires a CU in the HDR-1**
- e. **Building height over 65 feet requires CU in HDR-2**

NB Dimensional Standards

Table 1005-2	
Minimum lot area	No requirement
Maximum building height	35 feet
Minimum front yard building setback	No requirement
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet <u>or 50% of building height, whichever is greater</u> , from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

CB Dimensional Standards

Table 1005-3	
Minimum lot area	No requirement
Maximum building height	40 Feet
Front yard building setback (min. - max.)	0 To 25 feet ^a
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet <u>or 50% of building height, whichever is greater</u> , from residential lot boundary ^b Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

- a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.
- b Unless greater setbacks are required under Section 1011.12E.1. of this Title.

RB Dimensional Standards

Table 1005-4	
Minimum lot area	No requirement
Maximum building height	65 feet; taller buildings may be allowed as conditional use
Minimum front yard building setback	No requirement (see frontage requirement below)
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet or 50% of building height, whichever is greater, from residential lot boundary 10 feet from nonresidential boundary ^a
Minimum surface parking setback	5 feet

a Unless greater setbacks are required under Section 1011.12 E.1. of this Title.

City of Roseville

ORDINANCE NO. _____

AN ORDINANCE AMENDING TABLES 1004-6, 1005-2, 1005-3, AND 1005-4 OF
TITLE 10 ZONING ORDINANCE OF THE ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to modify high density residential project density, building height, and building setbacks adjacent to Low Density-1 and 2 and Medium Density Residential Districts.

SECTION 2. Table 1004-6 is hereby amended as follows to address net residential unit density:

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum density	24 Units/net acre ^b		None <u>36 Units/net acre ^c</u>
Minimum density	12 Units/net acre		24 Units/net acre

b. Density in the HDR-1 district may be increased to 36 units/net acre with approved conditional use.

c. Density in the HDR-2 district may be increased to more than 36 units/net acre with approved conditional use.

SECTION 3. Table 1004-6 is hereby amended as follows to address building height in High Density Residential-1 and 2 Districts:

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum building height	35 Feet	65 45 Feet ^d	95 65 Feet ^e

d. Building height over 45 feet and under 65 feet requires an approved conditional use in the HDR-1

e. Building height over 65 feet requires an approved conditional use in HDR-2

SECTION 4. Table 1004-6 is hereby amended as follows to address building setbacks when projects lie adjacent to Low Density Residential 1 and 2, and Medium Density Residential zoning districts:

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Minimum side yard building setback			
Interior – <u>adjacent to LDR-1, LDR-2, and MDR</u>	8 Feet (end unit)	20 feet, <u>or 50% of building height, whichever is greater</u> when adjacent to Ldr-1 or Ldr-2 10 Feet, all other uses	20% Height of the building <u>10 feet or 50% of building height, whichever is greater</u> ^a
<u>Interior – adjacent all other districts</u>	<u>8 Feet (end unit)</u>	20 feet, when adjacent to Ldr-1 or Ldr-2 10 Feet, all other uses <u>10 feet or 50% of building height, whichever is greater</u>	20% Height of the building <u>10 feet or 50% of building height, whichever is greater</u> ^a
Corner	15 Feet	20 Feet	20% Height of the building ^a
Minimum rear yard building setback	30 Feet	30 Feet	50% Height of the building <u>20 feet or 50% of building height, whichever is greater</u> ^a

SECTION 5. Table 1005-2 is hereby amended as follows to address building setbacks when projects lie adjacent to a residential lot boundary:

Table 1005-2 - NB Dimensional Standards	
Minimum lot area	No requirement
Maximum building height	35 feet
Minimum front yard building setback	No requirement
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet <u>or 50% of building height, whichever is greater</u> , from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

SECTION 6. Table 1005-3 is hereby amended as follows to address building setbacks when projects lie adjacent to a residential lot boundary:

Table 1005-3 - CB Dimensional Standards	
Minimum lot area	No requirement
Maximum building height	40 Feet
Front yard building setback (min. - max.)	0 To 25 feet ^a

Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet or 50% of building height, whichever is greater, from residential lot boundary ^b Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

- a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.
- b Unless greater setbacks are required under Section 1011.12E.1. of this Title.

SECTION 7. Table 1005-4 is hereby amended as follows to address building setbacks when projects lie adjacent to a residential lot boundary:

Table 1005-4 - RB Dimensional Standards	
Minimum lot area	No requirement
Maximum building height	65 feet; taller buildings may be allowed as conditional use
Minimum front yard building setback	No requirement (see frontage requirement below)
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet or 50% of building height, whichever is greater, from residential lot boundary 10 feet from nonresidential boundary ^a
Minimum surface parking setback	5 feet

- a Unless greater setbacks are required under Section 1011.12 E.1. of this Title.

SECTION 8. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 24th day of October, 2016.

City of Roseville

ORDINANCE SUMMARY NO. ____

**AN ORDINANCE AMENDING TABLES 1004-6, 1005-2, 1005-3, AND 1005-4 OF TITLE
10 “ZONING CODE” OF THE ROSEVILLE CITY CODE**

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on November 24, 2016:

The Roseville City Code, Title 10, Zoning Code, has been amended to modify high density residential project density, building height, and building setbacks adjacent to Low Density-1 and 2 and Medium Density Residential Districts.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, City Manager