

ROSEVILLE
REQUEST FOR CITY COUNCIL ACTION

Agenda Date: 03/13/17

Agenda Item: 7.c

Department Approval



City Manager Approval



Item Description: Consider Text Amendments to City Code §1009.07 and 1102.01 pertaining to Developer Open Houses Meeting requirements.

BACKGROUND

In May of 2016, the City Council approved a pilot program pertaining to certain aspects of the notification process for the developer open house and certain land use applications. Specifically, the City Council expanded the invitation and public hearing notification processes for Comprehensive Plan Map Change, Zoning Map Change, Interim Use, Subdivision Plat, and the Planned Unit Development to include resident and business renters. These and other items supported in the pilot program were an outcome of the Zoning Notification Task Force.

On January 30, 2017, Planning Division staff communicated the results of the pilot program and discussed the need for an open house application fee for consideration at a later date. The Planning Division also communicated to the City Council the intent to move forward with Code amendments that would address conflict between the current expanded notification procedures and those found in City Code §1009.07 and §1102.01.

PLANNING DIVISION ANALYSIS

Administrative processes that are codified in the City Code can become cumbersome and difficult to implement. This is the case with the existing open house meeting requirements contained in §1009.07 and §1102.01 of the City Code. While the Planning Division finds the requirements listed in §1009.07 and §1102.01 to generally be appropriate for public use, it has determined the codified process is too specific and limits flexibility for a current evolving process.

The following is generally the process for conducting land use/zoning or subdivision open houses in Roseville:

Developer Open House Meetings

Purpose: Certain proposals or applications for development may constitute significant departures from the present or historical use and/or zoning of a property. Prior to submitting an application for approval of an interim use or zoning map change, therefore, an applicant shall hold an open house meeting with property owners in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

30 **Timing:** The open house shall be held not less than 15 days and not more than 45 days prior
31 to the submission of an application for approval of a proposal requiring a developer open
32 house meeting and shall be held on a weekday evening beginning between 6:00 p.m. and
33 7:00 p.m. and ending by 10:00 p.m. (Ord. 1473, 11-10-2014)

34 **Location:** The open house shall be held at a public location (not a private residence) in or
35 near the neighborhood affected by the proposal, and (in the case of a parcel situated near
36 Roseville's boundaries) preferably in Roseville. In the event that such a meeting space is not
37 available the applicant shall arrange for the meeting to be held at the City Hall Campus.
38 (Ord. 1473, 11-10-2014)

39 **Invitations:** The applicant shall prepare a printed invitation identifying the date, time, place,
40 and purpose of the open house and shall mail the invitation to the recipients in a list
41 prepared and provided in electronic format by Community Development Department staff .
42 The recipients will include property owners within the public hearing notification area
43 established in Chapter 108 of the City Code, members of the Planning Commission and City
44 Council, and other community members that have registered to receive the invitations. The
45 invitation shall clearly identify the name, phone number, and email address of the host of the
46 open house to be contacted by invitees who have questions but are unable to attend the open
47 house. The invitations shall also include a sentence that is substantially the same as the
48 following:

49 This open house meeting is an important source of feedback from nearby property owners
50 and is a required step in the process of seeking City approval for the proposed [zoning map
51 change/interim use], and a summary of the comments and questions raised at the open house
52 meeting will be submitted to the City as part of the formal application.

53 **Summary:** A written summary of the open house shall be submitted as a necessary
54 component of an application for approval of a proposal requiring a developer open house
55 meeting. The summary shall include a list of potential issues/concerns and any possible
56 mitigations or resolutions for resolving the issues(s) and/or concern(s). Citizens are also
57 encouraged to submit their own summary of the meeting highlighting concerns/issues and
58 any mitigations and resolutions. A sign-in sheet shall be provided on which citizens may, but
59 are not required, to enter their name and address. The sign-in sheet shall be submitted by the
60 developer with the open house summary. No later than the date of submission of the
61 application the applicant/developer shall be responsible for mailing a copy of the meeting
62 summary to all attendees who provided their names and addresses on the sign-in sheet. (Ord.
63 1473, 11-10-2014)

64 As the City moves away from a developer driven invitation process to a Planning Division lead
65 process, many of the categories articulated will, at a minimum, need to change or be removed to
66 better assist with the current evolving expanded notification process. That said, the Planning
67 staff would note that the original aspiration of the open house meeting was to be conducted with
68 limited staff involvement. This, however, is generally far from how the process occurs. From
69 the basic four lot subdivision, where staff may have contact with the builder/developer about a
70 number of Code nuances such as lot size or configuration, easements, and storm water
71 management, to the far more detailed and involved Planned Unit Development process, staff will
72 always be involved in projects prior to an applicant conducting an open house and making a
73 formal application submittal. Eliminating or clarifying up-front this involvement in the process
74 will be beneficial to citizens understanding the open house meeting process.

Further, the Planning staff has for many years inconsistently implemented directives of the City Council with limited success. These include the addition of area maps, concept development plans, and/or a concept subdivision plan. The staff also, at the request of the Council, has reviewed or crafted a number of open house invitations. Although on its face these items appear to be appropriate or acceptable, they are a departure from the codified requirements of the process

The Division's involvement in the expanded notification process since May has shed some light on a more applicable process and procedures. For instance, the Division will seek a minimum three weeks lead time for an open house request to properly be processed and mailed to citizens. Such a requirement would ensure that the Planning staff could achieve a 10-day advanced notice consistent with the public hearing process. Similarly, with a policy for application deadlines being the first Friday of every month, the Division does not see a benefit to an application submittal of between 15 and 45 days, especially when a PUD could go well beyond 45 days before the Planning Division receives the sketch or concept submittal.

Similar to existing policies, the Planning Division is seeking to adopt a generalized policy framework in place of revised/amended standards articulated in the Code. Staff believes that the existing open house process and anything specifically codified in the City Code will greatly reduce staffs ability to make critical changes in the interest of the community. Below is the procedure for conducting a public hearing. This process does not articulate all the nuances that staff implements from the time we receive an application and determine it to be complete to the time the notice is sent to citizens.

108.01: PROCEDURE FOR CONDUCTING CERTAIN PUBLIC HEARINGS:

A. Hearings: When a public hearing involving the Comprehensive Plan, zoning or subdivision regulations is required by this Code or by a Minnesota statute, the Planning Commission shall hold the public hearing. All parties interested shall be given an opportunity to be heard. The Planning Commission, after citing the reason, may request the City Council to extend the review period for up to 60 days.

B. Notice: Notice of the time and place of such hearing shall be published in the designated legal newspaper no less than ten nor more than thirty days prior to the hearing. In the event the hearing involves a particular parcel of land, mailed notice shall be given by the City to the owner and each of the property owners within 500 feet of the outside boundaries of the parcel and to State, County, and Federal agencies, if applicable. Failure to mail notice or failure of the property owner to receive the notice shall not invalidate the proceedings. (Ord. 1357, 1-14-2008)

C. Council Hearings: The City Council shall hold further hearings using the notice procedure in subsection B of this Section only in the event that such hearings are required by other sections of this Code, by State statute, or because the Planning Commission has failed to hold the required hearing or make a recommendation. If not previously done in response to a Planning Commission request, the City Council may extend the review period for up to 60 days. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or action of the City Council. (Ord. 1175A, 11-25-1996)

Likewise, the application submittal process is also not specifically listed in code. This is a prescribed process that includes an application deadline (Friday of each month), numerous submittal details, and review by staff/committee to determine completeness. The requirements of the interim use process are provided below:

120 **B. Open House Meeting:** Prior to submitting an application for a proposed zoning map change,
121 an applicant shall hold a community open house meeting as described in Section 1009.07 of
122 this Title.

123 **C. Applications:** The owner of property on which a zoning change is proposed shall file an
124 application for approval of the zoning change by paying the fee set forth in Chapter 314 of
125 this Code and submitting a completed application form and supporting documents as set
126 forth on the application form. Complete applications shall be reviewed in a public hearing
127 before the Planning Commission and acted upon by the City Council according to the
128 process set forth in Chapter 108. If a proposed zoning change is denied, an application for
129 substantially the same zoning change on the same property shall not be accepted within 1
130 year of the date of the denial

131 In response to the challenges articulated above, Planning Division is seeking the removal of
132 certain aspects of §1009.07 and §1102.01 pertaining to developer open houses in-favor of a more
133 detailed policy that affords staff flexibility to consider deviations assuming these deviations are
134 not in conflict with the goal of greater public participation. Staff suggests the following items to
135 replace the existing language in §1009.07 and §1102.01 of the City Code (also see Attachment B
136 draft ordinance):

137 **Developer Open House Meetings**

138 **Purpose:** Certain proposals or applications for development may constitute significant
139 departures from the present or historical use and/or zoning of a property. Prior to submitting an
140 application for a Comprehensive Plan Map Change, a Zoning Map Change, an Interim Use,
141 a Subdivision Plat, or a Planned Unit Development ~~approval of an interim use or zoning map~~
142 ~~change, therefore,~~ an applicant shall hold an open house meeting with property owners and
143 renters in the vicinity of the potential development location in order to provide a convenient
144 forum for engaging community members in the development process, to describe the proposal in
145 detail, and to answer questions and solicit feedback.

146 **Applicant Responsibility: The applicant shall be responsible for the following items:**

- 147 • **Completed Open House Form (application)**
- 148 • **Payment of fee and escrow**
- 149 • **Provision of applicable information regarding the project/request**
- 150 • **Provision of the open house location, date, and time**
- 151 • **Required submittal of open house summary upon conclusion of meeting**

152 **General: Please refer to the Open House Meeting Policy that is a component of the Open**
153 **House Form (application) or contact the Community Development Department for**
154 **additional information regarding the process.**

155 The Planning Division will include a more specific scope of the open house process on the
156 application/form similar to other required application processes and offers the following items as
157 the formal open house policy:

- 158 **a** Prior to submitting an application for Comprehensive Plan Map Change, a Zoning Map
159 Change, an Interim Use, a Subdivision Plat, or a Planned Unit Development an applicant
160 shall hold an open house meeting with owners and renters in the vicinity of the potential

development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

b Planning Division staff shall be responsible for all aspects of the open house invitation including, but not limited to, the information contained on the invitation, a map or illustrations, the notice list, and the mailing of all documents regarding the open house.

c The open house shall be held on the subject site or at a public venue near the subject site (preferably in Roseville) as approved by the Planning Division. In the event arrangements cannot be made at or near the subject site, City Hall can be used for the open house meeting.

d The open house should occur between the hours of 5:30 p.m. and 8:00 p.m. as approved by the Planning Division and last a minimum of two hours. Earlier start times could warrant either a longer meeting or two meetings on the same evening.

e The applicant shall be responsible for the following items as a part of the submittal for an open house meeting:

- Completed Open House Form (application)
- Payment of fee and escrow
- Provision of applicable information regarding the project/request
- Provision of the open house location, date, and time
- Submittal of open house summary upon conclusion of meeting to the Planning staff

PLANNING COMMISSION ACTION

On February 1, 2017, the Roseville Planning Commission held the duly noticed public hearing regarding the text amendments and policy statement pertaining to the open house process.

During the presentation and discussion on the proposed changes, Commissioners asked a number of questions of staff regarding the Code required existing process and the proposed more policy based process (Attachment C).

The Commission voted 7-0 to recommend approval of the text amendments and establishment of a policy pertaining to the open house process.

SUGGESTED CITY COUNCIL ACTION

The Planning Division recommends the City Council take the following action regarding the open house process:

- a.** Adopt an ordinance amending §1009.07 and §1102.01 of the City Code per Attachment A
- b.** Adopt a resolution replacing specific language contained in §1009.07 and §1102.01 of the City Code with a policy statement allowing the Planning Division to better manage the open house meeting process.

ALTERNATIVE ACTIONS

- a.** Pass a motion to table the item for future action. An action to table must be tied to the need for clarity, analysis and/or information necessary to make a recommendation on the request.

- 202 **b.** Pass a motion recommending denial of the proposal. A motion to deny must include findings
203 of fact germane to the request.

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Attachments: A. Draft Ordinance B. Draft Resolution
 C. Draft PC minutes D. Ordinance Summary

City of Roseville

ORDINANCE NO. ____

AN ORDINANCE AMENDING §1009.07 OF TITLE 10 ZONING ORDINANCE
AND
§1102.01.B OF TITLE 11 SUBDIVISION ORDINANCE
OF THE ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code, §1009.07 and §1102.01, is hereby amended to eliminate these sections and replace them with a formalized policy to be administered by the Community Development Department's Planning Division;

SECTION 2. §1009.07 is hereby amended as follows:

Developer Open House Meetings

Purpose: Certain proposals or applications for development may constitute significant departures from the present or historical use and/or zoning of a property. Prior to submitting an application for a Comprehensive Plan Map Change, a Zoning Map Change, an Interim Use, a Subdivision Plat, or a Planned Unit Development approval of an interim use or zoning map change, therefore, an applicant shall hold an open house meeting with property owners and renters in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

Applicant Responsibility: The applicant shall be responsible for the following items:

- **Completed Open House Form (application)**
- **Payment of fee and escrow**
- **Provision of applicable information regarding the project/request**
- **Provision of the open house location, date, and time**
- **Required submittal of open house summary upon conclusion of meeting**

General: Please refer to the Open House Meeting Policy that is a component of the Open House Form (application) or contact the Community Development Department for additional information regarding the process.

~~Timing:~~ The open house shall be held not less than 15 days and not more than 45 days prior to the submission of an application for approval of a proposal requiring a developer open house meeting and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m. (Ord. 1473, 11-10-2014)

~~Location:~~ The open house shall be held at a public location (not a private residence) in or near the neighborhood affected by the proposal, and (in the case of a parcel situated near Roseville's boundaries) preferably in Roseville. In the event that such a meeting space is not available the applicant shall arrange for the meeting to be held at the City Hall Campus. (Ord. 1473, 11-10-2014)

~~Invitations:~~ The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided in electronic format by Community Development Department staff. The recipients will include property owners within the public hearing notification area established in Chapter 108 of the City Code, members

of the Planning Commission and City Council, and other community members that have registered to receive the invitations. The invitation shall clearly identify the name, phone number, and email address of the host of the open house to be contacted by invitees who have questions but are unable to attend the open house. The invitations shall also include a sentence that is substantially the same as the following:

This open house meeting is an important source of feedback from nearby property owners and is a required step in the process of seeking City approval for the proposed [zoning map change/interim use], and a summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal application.

Summary: A written summary of the open house shall be submitted as a necessary component of an application for approval of a proposal requiring a developer open house meeting. The summary shall include a list of potential issues/concerns and any possible mitigations or resolutions for resolving the issues(s) and/or concern(s). Citizens are also encouraged to submit their own summary of the meeting highlighting concerns/issues and any mitigations and resolutions. A sign-in sheet shall be provided on which citizens may, but are not required, to enter their name and address. The sign-in sheet shall be submitted by the developer with the open house summary. No later than the date of submission of the application the applicant/developer shall be responsible for mailing a copy of the meeting summary to all attendees who provided their names and addresses on the sign-in sheet. (Ord. 1473, 11-10-2014)

SECTION 3. Section §1102.01.B is hereby amended as follows:

B. Developer Open House Meeting

1. Purpose: Prior to submitting an application for a Preliminary Plat of 4 or more lots/parcels, an applicant shall hold an open house meeting with property owners **and renters** in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

2. Applicant Responsibility: The applicant shall be responsible for the following items:

- **Completed Open House Form (application)**
- **Payment of fee and escrow**
- **Provision of applicable information regarding the project/request**
- **Determined the open house location, date, and time**
- **Required submittal of open house summary upon conclusion of meeting**

3. General: Please refer to the Open House Meeting Policy that is a component of the Open House Form (application) or contact the Community Development Department for additional information regarding the process.

2. Timing: The open house shall be held not less than 15 days and not more than 45 days prior to the submission of an application for approval of a preliminary plat and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m.

3. Location: The open house shall be held at a public location (not a private residence) in or near the neighborhood affected by the proposal, and (in the case of a parcel situated near Roseville's boundaries) preferably in Roseville. In the event that such a meeting space is not available the applicant shall arrange for the meeting to be held at the City Hall Campus.

4. Invitations: The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided

in electronic format by Community Development Department staff. The recipients will include property owners within the public hearing notification area established in Chapter 108 of the City Code, members of the Planning Commission and City Council, and other community members who have registered to receive the invitations. The invitation shall clearly identify the name, phone number, and email address of the host of the open house to be contacted by invitees who have questions but are unable to attend the open house. The invitations shall also include a sentence that is substantially the same as the following:

This open house meeting is an important source of feedback from nearby property owners and is a required step in the process of seeking City approval for the proposed preliminary plat. A summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal application.

5. Summary: A written summary of the open house shall be submitted as a necessary component of a preliminary plat. The summary shall include a list of potential issues/concerns and any possible mitigations or resolutions for resolving the issue(s) and/or concern(s). Citizens are also encouraged to submit their own summary of the meeting highlighting concerns/issues and any mitigations and resolutions. It is encouraged that a list (name and address) of attendees be kept and submitted with open house summary.

SECTION 4. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 13th day of March, 2017.

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

Pursuant to due call and notice thereof, a public hearing was held at the regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, on the 13th day of March, 2017, at 6:00 p.m.

The following members were present:

and the following members absent:

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

RESOLUTION NO.

**A RESOLUTION CREATING AN OPEN HOUSE AND PUBLIC HEARING
NOTIFICATION POLICY FOR THE CITY OF ROSEVILLE**

WHEREAS, City Code §1009.07 and §1102.01.B, establish the open house requirements for applicants when ultimately applying for a Comprehensive Plan Map Change, a Zoning Map Change, an Interim Use, a Planned Unit Development or for a subdivision plat greater than 4 lots; and

WHEREAS, the City Council has directed the Planning Division to take control of the developer open house process so that proper inclusion of expanded notification and appropriate invitation information reaches its audience; and

WHEREAS, the codified open house process contained in §1009.07 and §1102.01.B of the City Code is better served as a policy as it is an administrative process that may continue to be improved upon;

WHEREAS, a City Council approved policy provides the Planning Division general direction on a given set of guidelines and supports the flexibility to implement minor deviation on a case by case basis; and

WHEREAS, City Council supports the following general guidelines to replace the codified open house procedures contained in §1009.07 and §1102.01.B of the City Code:

- a. Prior to submitting an application for Comprehensive Plan Map Change, a Zoning Map Change, an Interim Use, a Subdivision Plat, or a Planned Unit Development an applicant shall hold an open house meeting with owners and renters in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
- b. Planning Division staff shall be responsible for all aspects of the open house invitation including, but not limited to, the information contained on the invitation, a map or illustrations, the notice list, and the mailing of all documents regarding the open house.
- c. The open house shall be held on the subject site or at a public venue near the subject site (preferably in Roseville) as approved by the Planning Division. In the

Attachment B

39 event arrangements cannot be made at or near the subject site, City Hall can be
40 used for the open house meeting.

41 d. The open house should occur between the hours of 5:30 p.m. and 8:00 p.m. as
42 approved by the Planning Division and last a minimum of two hours. Earlier start
43 times could warrant either a longer meeting or two meetings on the same evening.

44 e. The applicant shall be responsible for the following items as a part of the submittal
45 for an open house meeting:

- 46 • Completed Open House Form (application)
- 47 • Payment of fee and escrow
- 48 • Provision of applicable information regarding the project/request
- 49 • Provision of the open house location, date, and time
- 50 • Submittal of open house summary upon conclusion of meeting to the Planning
51 staff

52 NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to
53 approve the above policy statements as a framework for guiding the Planning Division
54 with the developer open house meeting process.

55 The motion for the adoption of the foregoing resolution was duly seconded by Council
56 Member _____ and upon vote being taken thereon, the following voted in favor:
57 _____; and _____ voted against;

58 WHEREUPON said resolution was declared duly passed and adopted.

Extract of the Meeting Minutes of the February 1, 2017, Roseville Planning Commission

a. Project File 0017, Amendment 31: Request by City of Roseville to amend City Code, Chapters 1009.07 and 1102.01 pertaining to developer open house meetings

Chair Boguszewski opened the public hearing at approximately 6:47 p.m.

Two bench handouts were provided, consisting of an updated “Open House Application” and a revised draft ordinance for future City Council consideration entitled, “An Ordinance Amending Chapter 1009.07, Title 10 of the City of Roseville Zoning Ordinance and Chapter 1102.01, Title 11, Subdivision Ordinance”

As detailed in the staff report of today’s date, City Planner Paschke reviewed the proposed continuation of this pilot expanded open house notification program as recently updated with the City Council, and related fee and code changes. At that January 30, 2017 meeting, Mr. Paschke advised that staff was directed to move forward with code amendments to address any conflicts between current code and expanded notification procedures.

At the request of Member Murphy, Mr. Paschke reviewed the process by staff rather than the developer or applicant in mailing the notices, with the developer providing funding to do so via fees. Mr. Paschke advised that staff prepared a welcoming invitation with maps of the project site providing as much detail as possible for the public. Mr. Paschke noted that, when the applicant had done the mailings in the past, often there was insufficient detail, maps or information for the public to understand the actual purpose of the open house. With the city’s Planning Division staff now having undertaken the process, Mr. Paschke reported improved implementation. As an example, Mr. Paschke reviewed the recent Minnesota State Fair application for renewal of their Interim Use for park and ride locations throughout the community; with staff providing detailed information with the invitation to the open house, showing drop off sites and routing information for Fair buses.

Member Cunningham asked if staff had received any pushback by the business community or developers with concerns that they had no control over the open house process.

Mr. Paschke clarified that the applicant/developer retained ownership and control of the open house themselves as far as presentation, information provided and the question/answer time with attendees. Therefore, Mr. Paschke noted there had been no concerns expressed about staff undertaking the other components of the process. In the past, Mr. Paschke noted that staff had provided examples of the invitation to the applicant, even though staff retained final editing rights of the invitations when completed before mailing. However, Mr. Paschke advised that, as per City Council findings a few years ago when staff had been asked to intervene with the notice process, the ordinance stayed in place but staff determined what triggered expanded notification depending on the complexities and/or location of a project, with staff also then taking over the mailing of open house notices to make sure they were done and provided sufficient information.

Using the State Fair mailing as an example, Member Daire questioned the fee, and if it was dependent on the number of open houses held.

Mr. Paschke clarified that applicants were required to provide one fee and escrow to cover administration time, material costs, and postage in processing the open house notices, using the

Fair as an example without knowing the actual cost at that time; it was used as a test case. Mr. Paschke reported that staff had ended up sending notices to 2,200 addressed in Roseville, with costs exceeding the initial fee paid by the Fair, and subsequent additional funds submitted to cover the costs. With funds held in escrow, depending on the actual cost realized in processing the mailed notices, Mr. Paschke advised that if not all funds were used, they would be returned, and if additional funds required, the applicant would submit those monies to the city. Mr. Paschke noted that the city was not interested in making money on the process, only in ensuring city costs were covered by the developer through fees for administrative costs. Once the State Fair mailings were completed, Mr. Paschke advised that staff was then aware of general costs for this type of mailing for future reference; and would be proposing to the City Council fee changes that would be based on that information and reviewed annually as part of the City Council's review and approval of all city fees. At this point, Mr. Paschke clarified that the annual fee amount for this process remains silent in city code, and is addressed in the fee schedule.

As noted by Member Gitzen, Mr. Paschke reviewed the intended striking of Chapter 1102.01 in code to remove that more detailed open house information, which would now be covered on the application form and checklist provided to the applicant/developer; and tied to the fee schedule and open house meeting process itself. With code only providing a general statement, Mr. Paschke noted that the process could be revised periodically as needed and based on actual usage and experiences.

Member Kimble noted staff's intent to provide the details as embedded in the open house meeting policy, as provided in the draft provided tonight (Attachment B); with Mr. Paschke concurring, noting that the City Council had yet to approve the policy, clarifying that this was only a draft at this point, provided in resolution format.

Chair Boguszewski recognized the intent with outlining the process via policy versus needing to change those details via ordinance and requiring a longer process to do so.

Member Bull noted that today's code stipulated the start/stop times for an open house; and as discussed during the comprehensive plan process, it was noted that more residents worked outside Roseville and with the proposed language change for start time from 6:00 to 5:30 p.m., how that would not preclude those residents from attending and participating in an open house.

Mr. Paschke clarified that the intent was simply to provide a broader time range for conducting the two-hour open house, whether it started earlier or not. As an example, Mr. Paschke noted the recent McCarron's neighborhood open house with one open house held in the afternoon and another later in the evening. Mr. Paschke opined that no matter the start time, the intent was to work with individuals throughout the process, and depending on which one of the five different applications were being processes, as to how flexible and open that broader timing range could be.

Community Development Director Collins concurred; and noted the variables available in the open house format; with the developer available for dialogue and to respond to questions; while the actual time for the formal presentation could be adjusted according to the project and timing. Ms. Collins reminded all that the meeting format itself was "open house" that typically provided for coming and going and not an actual sit-down meeting format. Ms. Collins noted that the intent was for the developer and staff to be available to answer questions of those attending.

Member Bull opined that the Planning Commission might understand that intent; however, he stated that he got a lot of comments from the public regarding timing and a general lack of understanding that they could come at any time, apparently creating some confusion on the presentation time.

Mr. Paschke noted that most open houses involve a presentation or information provided on a proposal; with the developer/applicant available over a two-hour time span and available for questions. However, Mr. Paschke advised that staff would clarify what the open house was, and that it was not simply a presentation.

If staff was responsible for the text of the invitations, Chair Boguszewski suggested that they provide a statement clarifying the meeting format, followed by a Q and A period; and if applicable, the presentation could be started later in the meeting for those unable to attend when it immediately started.

Ms. Collins duly noted that suggestion, advising that staff would work with each developer and build that language into their notice accordingly.

Member Bull noted the needed clarification of the codification process, as detailed in the staff report, line 68 and following.

Mr. Paschke noted that, while staff undertaking the process, and not delineated directly in city code, it allows more flexibility for the open house depending on the location of and actual project itself. Similarly with the timing of the open house not before 15 days or after 45 days, Mr. Paschke noted the difficulty with some applications (e.g. Planned Unit Developments – PUD’s) relative to when staff accepts applications (deadline the first Friday of each month) to facilitate staff review and processing, published Public Hearing Notices, and Planning Commission meeting schedules and subsequent approvals by the City Council when applicable, all part of the rationale for timing of open houses in the process as well. Mr. Paschke stated that, it was staff’s findings that, it was difficult to work with that timing and variables, while meeting the 60-day statutory approval and land-use provisions when determined by code that may preclude sufficient timing for open houses and public hearings as required. Therefore, Mr. Paschke clarified that need to anticipate and adjust timing by staff as needed (e.g. PUD application process).

Member Bull questioned how a policy versus city code enforcement would prevail.

Ms. Collins advised that she viewed the administrative portion more effective via a policy versus via ordinance, since it consisted of an administrative task, as with this open house process no longer addressed in city code but via policy to allow some flexibility to ensure it works for a particular project, depending on the scale of that project. Ms. Collins opined that this flexibility allowed for staff to determine if more than one open house was indicated and provided a case by case review of the process.

As noted by Chair Boguszewski, in Attachment B, the City Council would support the “general guidelines” that could be amended on a case by case basis and via policy versus having the process hardwired in city code.

Mr. Paschke concurred, advising that he saw the process as similar to the application processes in place for Interim uses (IU) or Conditional Uses (CU) where everything may not be by city code upfront, due to the variables with each application and therefore not articulated in code but called out specifically in the applications for general requirements, with supplemental

information perhaps required after staff's initial review. While that initial information required or supplemental is not codified, Mr. Paschke noted the way the process was handled as guided in general by city code proved less cumbersome for all involved.

With the language currently addressed in code, Member Bull opined if something fell outside the range of specifications, there was an easy determination to make, allowing for fair treatment of all if something didn't meet city code. If a flexible policy was instead in place, Member Bull opined that it would be hard for the Planning Commission to see if an application fell within that or if it may open the city up to risk or reprisal if all land use applications were not handled the same.

Mr. Paschke clarified that the open house process was not something coming before the Planning Commission initially anyway, and was no different than the IU or CU processes of today.

However, Member Bull noted that the open house was a prerequisite.

Ms. Collins responded that the intended policy was to serve as a baseline for the open house process; and at no point would staff make a determination that there was no need for an open house. Ms. Collins advised that the policy remained what it is, and assured the Commission that the City Council took all of its approved policies very seriously; and this simply allowed them to expand or adjust parameters to capture more participation, not to give a developer an "out." Ms. Collins noted that the applicant still needed to abide by the policy; and also assured the Commission that the city and Community Development staff, as an organization, also took city policies very seriously, similar to the many contracts and professional services agreements in place; all adopted by the City Council and holding all parties accountable.

Member Daire suggested that the intent was to reduce the surprise factor or any proposed development and to inform the public through the open house before the project entered the formal approval process. Member Daire further suggested that this allowed the developer to respond to community concerns and subsequently tailor their formal proposal to not only suit the developer's needs but also those of the community; or in other words an informal process to plumb those immediately affected by a proposed project within the notification area. Then when the formal public hearing and process comes forward, Member Daire noted that the community could then see if their concerns had been addressed or the proposal changed accordingly, or to hear rationale accordingly. Member Daire stated that he had been surprised by the \$1,100 application fee; but was agreeable if it sufficiently covered administrative costs and had been approved by the City Council. Member Daire advised that he had attended three of the five open houses held for the State Fair's IU renewal of their park and ride facilities, and opined that he found the community exceptionally grateful for having an opportunity to review the proposal before it came to the city for review and approval. With the idea being to avoid surprises and have the community review proposals and the developer able to address their concerns before submitting their formal proposal, Member Daire opined that this process was on the right track.

Member Cunningham clarified that the Planning Commission didn't deal with city policy at this level; and on a separate track, the City Council would approve the policy or revise the draft prepared by staff. Therefore, Member Cunningham asked what influence the Commission would or could have on the policy, or what their recourse would be to pressure staff to make any changes they deemed necessary at some point in the future.

Attachment C

Ms. Collins advised that to amend a policy, it would only take a recommendation by the Commission to the City Council. At any time the Commission found a policy was not working for any reason, Ms. Collins asked that staff be alerted, and that input would be directed to the City Council accordingly for their consideration of necessary revisions. Ms. Collins noted that this was part of the intent in making amendments through a resolution to policy versus the lengthy process required to make tweaks, whether minor or major, to city code (ordinance).

Mr. Paschke concurred that it was much easier to work through policy than language codified in city code.

Member Kimble noted a typographical error in Attachment B, line 47, duly noted by staff (Change “determined” to “determine”). Member Kimble asked if developers were aware that part of their submittal requirement was to include the names of those attending and on the sign-in sheet or if staff needed to specify that requirement.

Mr. Paschke advised that as staff reviews the process and required submittals of materials as part of a developer’s application, that included the sign-in sheet, retention of the names of those attending, and a summary of the meeting itself along with providing a copy of that summary to those requesting one as part of their sign-in. Mr. Paschke advised that this documentation would be provided to staff, and that staff would provide those interested parties with a summary of the meeting. Mr. Paschke noted that considerable information through and about the process would be retained, including emails and phone calls received that were related to the project as well; all summarized and sent out to those attending the meeting.

Chair Boguszewski noted the four specific things included as part of the written summary, now revised to include requiring names and addresses; asking how applicants or developers were made aware of those expectations.

Ms. Collins responded that staff could develop a template.

Mr. Paschke responded that staff would see that those expectations were made a part of their application so they clearly understood them. Mr. Paschke noted that many things required by staff in the application process were not necessarily included on the application itself; suggesting that a timeline would probably be added for the open house process and time needed for staff to prepare and process mailed notices, once their form(s) and fees are received, typically three weeks before the scheduled open house. Mr. Paschke assured the commission that staff would include sufficient information with the application to ensure it was clear to the applicant/developer, similar to the checklists of documents or information needed and when they needed to be submitted.

In Attachment B, lines 41 -42, Member Murphy sought clarification as to the public location intended versus a private residence, citing several examples of past open house locations, asking if more specificity was needed.

Mr. Paschke responded that that statement had been created by the City Council, with the goal to get out of the potential of holding an open house in someone’s home, but somewhere in the general vicinity (e.g. community room at a nearby apartment complex; area church; or park building. Mr. Paschke opined that he liked the idea of holding the open house on site if possible, even if in a tent or building on site. However since this may not have been the City Council’s intent, Mr. Paschke suggested broadening those suggested locations; as suggested by Member Murphy to broaden or clarify that statement.

Attachment C

Member Murphy advised that if the statement had been crafted by the City Attorney, he wouldn't question it.

Ms. Collins suggested using language such as "publicly accessible site."

On line 42 of Attachment B, Member questioned if an escape clause that the open house be held on the City Hall campus if no other public space is available. Member Murphy cited an example of the trailer storage in the triangle without a suitable meeting spot.

Mr. Paschke advised that there was a statement elsewhere that if no other suitable location is available, the developer/applicant should use City Hall; but duly noted that request for reiteration of that point as noted by Member Murphy.

Referencing the fairness and fee mentioned by Member Bull, Chair Boguszewski encouraged staff to make that clear in the application that the fee is intended to cover actual expenses and would be charged or reimbursed accordingly at actual cost. If the policy is flexible enough to change, Chair Boguszewski suggested the methodology of the final costs allowed people to know it was an estimate rather than the solid fee.

Ms. Collins advised that an open house application fee would eventually be codified as a secure amount. Ms. Collins noted that the Interim Use renewal for the State Fair had been a unique situation; opining she wasn't aware of any other situations that might require five open houses, with most requiring only one such meeting. Ms. Collins noted that the State Fair IU renewal resulted in 2,200 mailings, again a unique situation, with the \$1,100 fee typically covering staff time for custom-designing notices, including graphics, GIS maps and other information, and processing the mailing itself, all taking time, as well as securing the date of the open house, meaning significant back and forth with the developer.

As noted by Member Gitzen, Mr. Paschke confirmed that the State Fair open house process had proven a good experiment to define the time required of staff; noting it was still an evolving process. Since it is to be implemented as a policy, Mr. Paschke noted that as it continues to evolve, practical experience would indicate changes as needed with the policy revised accordingly.

Member Bull asked why Conditional Use permits are not required to hold an open house.

Mr. Paschke responded that, while a Conditional Uses cover a broad range of residential and commercial options, the City Council had determined as with a variance, no open house would be required for either a Variance or CU application given either could cover a residential and/or commercial application. Mr. Paschke noted the policy for open houses covered comprehensive plan amendments, zoning changes, PUD's and IU's.

Member Murphy advised that was one of the considerations that made the \$1,100 fee palatable for him, that it only applied to commercial and not residential applications.

Member Bull stated that he understood the flexibility of time for an open house; however, he asked staff how they were going to ensure it didn't impede the flexibility of involvement by residents versus accommodating the time for a developer. As a general statement, Member Bull asked how that made things better for citizens.

Mr. Paschke assured the commission that staff would take that into consideration on a case by case basis and whether or not a given situation required longer hours for the open house.

Ms. Collins responded that, if each developer is required to hold an open house, staff retained flexibility with the policy; and could demand more than one open house (e.g. Minnesota State Fair required to hold five open houses for their IU renewal application) versus how the current ordinance read. As far as timing, Ms. Collins stated that she wasn't too concerned, and if a developer had some reason or expectation to start earlier, the open house could then run longer. Ms. Collins noted that the idea was to capture those coming home from work and those able to come later, at their preference, and to gather a broader audience. Ms. Collins advised that staff was putting considerable time into this process, and crafting invitation notices well to encourage as many as possible to show up. If open houses were held at such times where no one showed up, Ms. Collins noted that it was just a waste of time for all involved.

Mr. Paschke opined that the policy in no way took away from the goal to get people engaged in the process; but instead enhanced it and allowed it to be implemented better.

Chair Boguszewski opined that the times served as a general guideline or as a default; but if the applicant wanted to change the times in some way, they would be required to work with staff for their judgment for rationale in starting any earlier.

Ms. Collins concurred, noting that any deviation from the policy would need resolution and the planning file would show the reason for that deviation and rationale for changing the timing.

Chair Boguszewski suggested that, when a summary of the open house was received by the Planning Commission, it would be aware of the time of the open house; and if desired, could open up and examine the record at that time. Chair Boguszewski noted that the process relied inherently on any variances from policy to allow for staff judgment that may be perceived by some as subjective, thus the hesitancy of Member Bull.

Member Bull questioned why the process was codified originally and not considered as a policy at that point.

Mr. Paschke responded that, as per City Council direction, staff was tasked with establishing a process via city zoning ordinance for certain developments, basically at that time the number of PUD's and Subdivisions of more than four lots coming before in considerable number. Mr. Paschke noted the concern was that residents were only finding out about a project at the formal public hearing at the Planning Commission and/or City Council, at which time an internal policy by staff required developers to conduct open house proceedings depending on a project's size, location and the project itself. While the City Council supported that process, they asked that it be formally codified, and was now evolving into this proposed amendment.

Chair Boguszewski closed the public hearing at 7:52 p.m.; none spoke for or against.

MOTION

Member Gitzen moved, seconded by Member Cunningham to recommend to the City Council amendment of Chapters 1009.02 and 1002.01 of Roseville City Code, as per Attachment A (as amended via a bench handout and attached to the staff report dated today's date) to be replaced with a policy statement by resolution (Attachment B), entitled, "A Resolution Creating an Open House and Public Hearing Notification Policy for the City of Roseville;" as detailed in the staff report of today's date; and further amended to correct the typographical error on Attachment B, line 124 (change "determined" to "determine"); with further modification to the policy as discussed tonight taken into consideration prior to presentation to the City Council.

Member Bull stated his preference for the previously City Council codified process via ordinance and having that process very specific with rules to follow for these types of applications. Essentially, Member Bull opined that the city was now doing away with that, creating a flexible policy that would be administered by staff and put more of a burden on staff and their time. Therefore, Member Bull questioned how this benefited citizens in any way.

In response, Chair Boguszewski stated that while he agreed there was more of a burden on staff beyond just the mechanics, he was unsure that the flexibility could be used by the applicant to abuse that flexibility, but instead he found that it would provide yet more transparency to benefit citizens by providing a tool to do so, with it being up to staff to make sure it was used accordingly for the city's benefit versus restricting it. Chair Boguszewski opined that this revision was in keeping with the recommendations of the Zoning Code Task Force consisting of Planning and Community Engagement commissioners, with the goal of improving transparency. Chair Boguszewski opined that by improving transparency and putting that burden on staff, it achieved standardization that was desired and did so in an informative way to reach more people. While at some point down the road it may become clear based on experience that more staff was needed, Chair Boguszewski noted that would then be up to the City Council. Chair Boguszewski stated his support for the motion as it moved toward the Task Force's goal; and he expressed confidence that staff would be diligent not to abuse the process versus improving access for citizens.

Member Bull thanked Chair Boguszewski for his comments, opining that helped him.

Ayes: 7

Nays: 0

Motion carried.

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