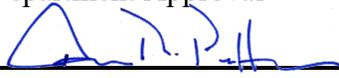


Department Approval



Agenda Section

Public Hearings

Item Description: Request for approval of a preliminary plat to subdivide the subject property into two lots for development of a medical office building and an apartment facility, and for approval of the proposed multifamily structure as a Conditional Use. (PF19-016)

APPLICATION INFORMATION

Applicant: Reuter Walton Development, LLC and TJL Development, LLC

Location: 2720 Fairview Avenue

Property Owner: Pinecone Roseville, LLC

Open House Meeting: N/A

Application Submittal:	Conditional Use Application Received 6/18/2019 Considered complete 6/18/2019	Preliminary Plat Application Received 6/21/2019 Considered complete 6/21/2019
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City Action Deadline:	8/17/2019, per Minn. Stat. 15.99 Extended to 10/16/2016	10/19/2019 , per Minn. Stat. 462.358 subd. 3b
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GENERAL SITE INFORMATION

Land Use Context

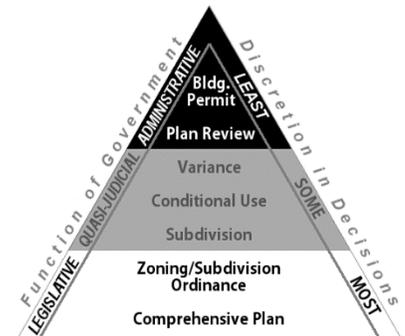
	Existing Land Use	Guiding	Zoning
Site	Outdoor storage of semi trailers	CMU	CMU-3
North	Motor vehicle repair and multi-tenant commercial	CMU	CMU-3
West	Office and medical office	CMU	CMU-3
East	Fleet and industrial uses	CMU	CMU-4
South	Office/showroom	CMU	CMU-4

Notable Natural Features: poor soils and drainage ditch along eastern edge

Planning File History: (1966) PF344: Approval of SUP allowing a motor freight terminal
 (1975) PF940: Approval of variance for sign setback
 (2018) PF18-028: Approval of temporary outdoor storage of semi-trailers as Interim Use

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on subdivision and conditional use requests is **quasi-judicial**.



1 **BACKGROUND**

2 The site was originally developed in 1966 and was occupied by H & W Motor Express and
3 Central Transport, both motor freight terminal uses. In September 2015, the City Council
4 approved the outdoor storage by Big Blue Box of semi-trailers as an Interim Use as the property
5 owner worked to sell the property for redevelopment. In October 2018, Brockman Trailer
6 purchased all trailer assets of Voyd Trailers of Minnesota, which included Big Blue Box, and
7 while the property owner indicated that a redevelopment deal was pending at that time, the
8 continued outdoor storage of semi-trailers was again approved as a renewal of the interim use.

9 On behalf of the property owner, the applicant proposes to remove the existing structure,
10 subdivide the parcel with the proposed two-lot Tareen’s 1st Addition plat, and redevelop the site
11 with a 127-unit, market rate apartment complex on Lot 1 and a 40,000 square-foot, two-story
12 office building, with one floor being occupied by Tareen Dermatology, on Lot 2. The proposed
13 preliminary plat is illustrated in Attachment C, along with other development information. The
14 proposed office development is permitted in the CMU-3 zoning district, and the proposed
15 apartment complex requires approval as a conditional use. This RPCA includes both the analysis
16 of the proposed preliminary plat and the analysis of the proposed conditional use, as well as
17 recommended actions for each application.

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

29 **PLAT ANALYSIS**

30 Roseville’s Development Review Committee (DRC) met on June 27 and July 11, 2018, to
31 review the proposed subdivision plans. Some of the comments and feedback based on the DRC’s
32 review of the application are included in the analysis below, and the full comments offered by
33 DRC members are included with this RPCA as Attachment D.

34 Proposed Lots

35 The proposed Lot 1 is 120,738.33 square feet (i.e., about 1.77 acres) and the proposed Lot 2 is
36 127,558.89 square feet (or about 2.93 acres). There are no minimum area or size requirements
37 for lots in the CMU-3 zoning district.

38 Easements

39 Roseville's City Engineer has indicated that the following easements will be required:

- 40 1. Ten-foot drainage and utility easements will be required at the margins of the proposed
41 parcels pursuant to §1103.03 of the Subdivision Code.
- 42 2. Because City staff is coordinating with the applicant and the Rice Creek Watershed
43 District to culvert the open ditch on the east side of the subject property and improve the
44 corridor with a bike/pedestrian pathway, the existing easement for the drainage ditch
45 should be amended accordingly.
- 46 3. An 8-foot, public bituminous pathway will be required along Fairview Avenue. A public
47 improvement contract will be required for this work, but a pathway easement dedicated to
48 the City will be necessary for portions of the pathway that will be constructed outside of
49 existing easements or right-of-way.

50 Park Dedication

51 This subdivision proposal elicits the park dedication requirement because the subject property is
52 greater than one acre in size and the proposal results in a net increase of development lots. Since
53 the existing motor freight terminal coincides with Lot 2 of the Tareen's 1st Addition plat, City
54 staff has determined that Lot 1 represents the new developable lot. Therefore the park dedication
55 requirement would apply to proposed residential development on Lot 1. Pursuant to review of
56 the proposal at its August 1, 2019, meeting, the Parks and Recreation Commission recommended
57 a dedication of cash *in lieu* of land. At the current rate of \$4,000 per dwelling unit, the proposed
58 127-unit apartment complex would require a park dedication payment of \$508,000, although the
59 actual park dedication obligation will depend on whether the requested conditional use approval
60 (addressed later in this RPCA) is granted for the proposed multifamily development and whether
61 any conditions of approval serve to reduce the number of dwelling units developed.

62 Tree Preservation

63 The tree preservation and replacement plan requirements in City Code §1011.04 provide a way
64 to quantify the amount of tree material being removed for a given project and to calculate the
65 potential tree replacement obligation. The applicant has provided these calculations, and they are
66 included in Attachment C. This preliminary calculation, based on the proposed development of
67 the proposed lots, would elicit the replacement of 120 caliper-inches, and the proposed landscape
68 plans includes 195 caliper-inches of canopy trees, in addition to 50 ornamental trees and seven
69 evergreen trees.

70 Storm Water Management

71 The grading and storm water management plan illustrated in Attachment C addresses the
72 proposed development on the lots as required. Like the tree preservation plan, the storm water
73 management plan reviewed with a plat proposal is not intended to be approved with the plat as
74 the final storm water management plan. Instead, the tree preservation and storm water
75 management plans reviewed with a plat proposal are intended to demonstrate that the standard
76 City Code requirements can be met as the proposed project is implemented.

77 **CONDITIONAL USE ANALYSIS**

78 The Zoning Code requires approval of any residential development of more than three dwelling
79 units in the CMU districts, but the Zoning Code does not establish density limits or other
80 requirements for residential developments in the CMU districts, nor does it establish any specific
81 conditional use approval criteria to review when considering a residential development of four or
82 more dwelling units. It is also worth noting this will be the first time such conditional use
83 requirements is being applied to a proposed residential use in the CMU district. This particular
84 applicant has put a lot of effort in developing highly refined plans in order to begin construction
85 as soon as possible if the requested approvals are granted. While the level of detail in the plans
86 has allowed Planning Division staff to confirm that they satisfy all of the pertinent zoning
87 requirements, staff believes future applications for approval of a multifamily development as a
88 conditional use could be much more conceptual and be no less valid or complete.

89 With this in mind, floor plans, exterior elevations, and other details are included with the
90 materials in Attachment C; while these plans help to illustrate the proposal, the specific details
91 may not be germane to the City’s consideration of the request for conditional use approval. For
92 example, the proposal to build 127 dwelling units on Lot 1 of the plat would result in a
93 residential density of about 46 units per acre, with the particular mix of unit sizes illustrated in
94 the floor plans. There is neither a specified density limit nor a requirement about unit sizes to
95 compare the proposal against, but the number and size of units do influence the number of
96 potential new residents who will drive motor vehicles and use park facilities. Therefore, while
97 the conditional use process might not speak directly to those proposed details, the conditional use
98 process is an opportunity to analyze the potential impacts of those details on the area surrounding
99 the subject property.

100 Nevertheless, §1009.02.C of the City Code does establish a mandate that the City make five
101 specific findings pertaining a proposed conditional use. Planning Division staff has reviewed the
102 application and offers the following draft findings.

- 103 1. *The proposed use is not in conflict with the Comprehensive Plan.* The 2030 Comprehensive
104 Plan does not specifically identify this site for residential development, but Planning Division
105 staff believes the proposal is generally not in conflict with the Comprehensive Plan because:
 - 106 a. It represents the Comprehensive Plan’s broad goals promoting high quality reinvestment.
 - 107 b. The description of the pertinent Community Mixed-Use land use category indicates that
108 “[r]esidential land uses should generally represent between 25% and 50% of the overall
109 mixed-use area.” To date, only about 2.5% of the original Twin Lakes area includes
110 residential development, and the current proposal would increase that to about 4%.
 - 111 c. Among the future land use issues discussed in Planning District 10, residential
112 development is recognized as an important source of support for business development in
113 Twin Lakes.
- 114 2. *The proposed use is not in conflict with any Regulating Maps or other adopted plans.*
115 Planning Division staff has verified that the proposed five-story, market-rate, apartment
116 complex conforms to the Twin Lakes Regulating Plan and the Design Standards set forth in
117 §1005.02 of the Zoning Code as it pertains to building placement. The proposed apartment
118 building will be set forward to address the front yard property line adjacent to Fairview
119 Avenue, and the complex will include both underground and surface parking.

120 3. *The proposed use is not in conflict with any City Code requirements.* Based on the plans that
121 have been received and reviewed thus far, staff have not uncovered any City Code conflicts,
122 and the proposed apartment complex must meet all applicable City Code regulations, or the
123 applicant must secure any necessary variance approvals, in order to receive the required
124 construction permits. Moreover, a conditional use approval can be rescinded if the approved
125 use fails to comply with all applicable City Code requirements or any conditions of the
126 approval.

127 4. *The proposed use will not create an excessive burden on parks, streets, and other public*
128 *facilities.* A traffic study has been completed, demonstrating that the proposed multifamily
129 development on the subject property will have minimal impacts on the roadway network, and
130 indicating that all studied intersections will operate at an acceptable level of service. Please
131 note that the traffic study included with this RPCA as part of Attachment C was prepared
132 based on an earlier, 121-unit iteration of the apartment facility, but the City Engineer has
133 confirmed that the marginal traffic from the additional six dwellings not modeled in the study
134 will not affect the overall conclusions of the study.

135 The dedication of cash *in lieu* of park land required as a component of the proposed plat will
136 ensure that Roseville's parks are able to accommodate the additional need created by the new
137 dwelling units. To further mitigate impacts to public streets and sidewalks, City staff is
138 coordinating with the applicant, and the developer of the 20-acre tract to the east, to provide a
139 private, non-motorized pathway connection through this development, to cross the path
140 constructed on the culvert, so the applicant needs to program such a potential connection in
141 their site plans.

142 5. *The proposed use will not be injurious to the surrounding neighborhood, will not negatively*
143 *impact traffic or property values, and will not otherwise harm the public health, safety, and*
144 *general welfare.* Consistent with the preceding findings, Planning Division staff believes that
145 the proposed multifamily complex, if thoughtfully developed, will be a valuable addition to
146 Twin Lakes, will not create adverse traffic impacts, will positively affect surrounding
147 property values, and will not cause harm to the public health, safety, and general welfare,
148 especially when compared to other uses permitted at the property.

149 PUBLIC COMMENT

150 At the time this RPCA was prepared, Planning Division staff has not received any comments or
151 questions about the proposed plat or apartment complex.

152 RECOMMENDED ACTIONS

153 **A) By motion, recommend approval of the proposed preliminary Tareen 1st Addition**
154 **plat of the property at 2720 Fairview Avenue,** based on the content of this RPCA,
155 public input, and Planning Commission deliberation, with the following conditions:

- 156 a. The applicant shall dedicate 10-foot drainage and utility easements at the margins of
157 the proposed parcels pursuant to §1103.03 of the Subdivision Code.
- 158 b. The applicant shall amend the existing easement for the drainage ditch to account for
159 the culverting of the ditch and the construction of a pedestrian/cycling corridor on top
160 of the culvert.
- 161 c. The applicant shall dedicate pathway easement(s), where necessary, to accommodate
162 the required 8-foot pathway along Fairview Avenue.

163 d. The applicant shall pay a dedication of cash *in lieu* of park land equal to \$4,000 per
164 dwelling unit before the approved plat will be released for recording at Ramsey
165 County.

166 **B) By motion, recommend approval of the proposed apartment complex as a**
167 **conditional use at 2720 Fairview Avenue**, based on the content of this RPCA, public
168 input, and Planning Commission deliberation, with the following condition:

169 a. The applicant shall incorporate a private, non-motorized pathway connection through
170 this development, to cross the path constructed on the culvert.

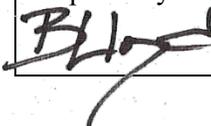
171 **ALTERNATIVE ACTIONS**

172 **A) Pass a motion to table the item for future action.** An action to table must be based on
173 the need for additional information or further analysis to make a recommendation on one
174 or both requests. Tabling beyond October 2, 2019, may require extension of the 120-day
175 action deadline established in Minn. Stats. 15.99 or 462.358 subd. 3b to avoid statutory
176 approval.

177 **B) Pass a motion to recommend denial of the request.** A recommendation of denial
178 should be supported by specific findings of fact based on the Planning Commission's
179 review of the application, applicable zoning or subdivision regulations, and the public
180 record.

Attachments: A: Area map
B: Aerial photo

C: Proposed plans and traffic study
D: Comments from DRC

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