



**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, June 2, 2021 – 6:30 p.m.**

*Pursuant to Minn. Stat. 13.D.021, Planning Commission members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.*

- 1 **1. Call to Order**  
2 Chair Kimble called to order the regular meeting of the Planning Commission meeting at  
3 approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.  
4
- 5 **2. Roll Call**  
6 At the request of Chair Kimble, City Planner Thomas Paschke called the Roll.  
7
- 8 **Members Present:** Chair Kimble; Vice Chair Michelle Pribyl, and Commissioners  
9 Michelle Kruzal, Tammy McGehee, Karen Schaffhausen, Erik  
10 Bjorum and Emily Leutgeb.  
11
- 12 **Members Absent:** None  
13
- 14 **Staff Present:** City Planner Thomas Paschke, Senior Planner Bryan Lloyd,  
15 Community Development Director Janice Gundlach and  
16 Department Assistant Staci Johnson.  
17
- 18 **3. Approve Agenda**  
19
- 20 **MOTION**  
21 **Member Pribyl moved, seconded by Member Kruzal, to approve the agenda as**  
22 **presented.**  
23
- 24 **Ayes: 7**  
25 **Nays: 0**  
26 **Motion carried.**  
27
- 28 **4. Review of Minutes**  
29
- 30 **a. May 5, 2021 Planning Commission Regular Meeting**  
31
- 32 **MOTION**  
33 **Member McGehee moved, seconded by Member Leutgeb, to approve the May 5,**  
34 **2021 meeting minutes.**  
35
- 36 **Ayes: 7**  
37 **Nays: 0**  
38 **Motion carried.**

39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84

**b. May 13, 2021 Planning Commission Special Meeting**

**MOTION**

**Member McGehee moved, seconded by Member Kruzel, to approve the May 13, 2021 meeting minutes.**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

**5. Communications and Recognitions:**

**a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

**b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

Chair Kimble asked if staff has had any updated regarding meeting in person or hybrid meetings.

Ms. Gundlach believed he City Council is talking about in person meetings in July and maybe even their second meeting in June. She thought a lot of it depended on if the Governor is going to extend the emergency and she thought there was some discussion about extending it an additional thirty days. She thought the Planning Commission should prepare to return in person as early as the July meeting.

**6. Public Hearing**

**a. Consideration of a Request for a Conditional Use to Allow an Outdoor Pet Exercise Area in Conjunction with a Dog Daycare at 2216 County Road D (Tower Glen) (PF21-005)**

Chair Kimble opened the public hearing for PF21-005 at approximately 6:40 p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on June 21, 2021.

City Planner Paschke summarized the request as detailed in the staff report dated June 2, 2021.

Chair Kimble asked if there were any tenants of the development of the retail center that had any comments or questions.

85 Mr. Paschke indicated he was not aware of any. Staff has not received any letters,  
86 phone calls or emails.

87  
88 **Public Comment**

89  
90 No one came forward to speak for or against this request.

91  
92 Chair Kimble closed the public hearing at 6:49 p.m.

93  
94 **Commission Deliberation**

95  
96 None.

97  
98 **MOTION**

99 **Member Pribyl moved, seconded by Member McGehee, to recommend to the**  
100 **City Council approval of a Conditional Use to allow an Outdoor Pet Exercise**  
101 **Area in Conjunction with a Dog Daycare at 2216 County Road D (Tower Glen),**  
102 **based on comments, findings, and the condition provided as part of the RPCA**  
103 **dated June 2, 2021 (PF21-005).**

104  
105 **Ayes: 7**

106 **Nays: 0**

107 **Motion carried.**

108  
109 **b. Consider a Request for a Conditional Use to Allow a Drive-Through for a**  
110 **Proposed Panda Express at 2030 Twin Lakes Parkway (PF21-004)**

111 Chair Kimble opened the public hearing for PF21-004 at approximately 6:50 p.m. and  
112 reported on the purpose and process of a public hearing.

113  
114 City Planner Paschke summarized the request as detailed in the staff report dated June  
115 2, 2021.

116  
117 Mr. Eric Abeln, Heights Venture Architects, addressed the Commission regarding the  
118 proposed drive-through for Panda Express.

119  
120 Chair Kimble thanked Mr. Abeln for the renderings and thought it looked like a really  
121 nice Panda Express. She asked if the Commission had any questions for the  
122 applicant.

123  
124 Member Leutgeb asked for clarification on the circulation plan. It looked like the  
125 only designated pedestrian crossings are only accessible by stair.

126  
127 Mr. Abeln indicated the path coming from Twin Lakes Parkway and also from the  
128 Walmart, which connects to the right-of-way are ADA accessible sidewalks and will  
129 have railings, if needed on the sides and these are not by stairs. The level area to the  
130 parking lot and the crossings of the drive-through are regular and accessible.

131

132 Member Pribyl indicated if there was any consideration for having outdoor seating in  
133 the lawn area between the building and the trash area.

134  
135 Mr. Abeln explained there was talk about putting a patio out front but felt that the  
136 proximity to the road and the elevation might not work to be a really enjoyable  
137 experience. If this were a level site to the road with the urban fabric where there  
138 could be a sidewalk cafe that might be a different story but given that it is elevated, it  
139 may not get as much use. Typically the seating areas are not put in the back by the  
140 trash areas and no visual connection to the dining area.

141  
142 **Public Comment**

143 No one came forward to speak for or against this request.

144  
145 Chair Kimble closed the public hearing at 7:17 p.m.

146  
147  
148 **Commission Deliberation**

149 None.

150  
151  
152 **MOTION**

153 **Member Pribyl moved, seconded by Member Schaffhausen, to recommend to**  
154 **the City Council approval of a Conditional Use to allow a drive-through for a**  
155 **proposed Panda Express at 2030 Twin Lakes Parkway, based on the submitted**  
156 **site and development plans, subject to the condition in the RPCA dated June 2,**  
157 **2021 (PF21-004).**

158  
159 **Ayes: 7**

160 **Nays: 0**

161 **Motion carried.**

162  
163 **c. Request for Preliminary Approval of a Major Plat to Subdivide the**  
164 **Development Site into 11 Lots for Single-Family, Detached Homes at 2395**  
165 **County Road B and 2224 Eustis Street (PF21-003)**

166 Chair Kimble opened the public hearing for PF21-003 at approximately 7:19 p.m. and  
167 reported on the purpose and process of a public hearing.

168  
169 Senior Planner Lloyd summarized the request as detailed in the staff report dated June  
170 2, 2021.

171  
172 Member Schaffhausen noted even though there is an area of wetland it appears to be  
173 the owners' property, she wondered if that was correct.

174  
175 Mr. Lloyd explained that was correct, up to a point. There are provisions intended to  
176 protect wetlands. Even though the wetland is a part of the private property, there are  
177 restrictions on what is allowed, in terms of use or development of that property.  
178 There are provisions in the shoreland and wetland section of the Zoning Code as well.

179 The wetland does not occupy that much of the existing parcel or any of the proposed  
180 lots so the lot sizes in the staff report are really just the lot sizes and are not affected  
181 at all by the presence of that wetland.

182

183 Member Schaffhausen indicated the long road that is considered the driveway, that  
184 was shown in the original proposal, was supposed to be worked on to negate that so  
185 people would not have a driveway right behind them. She asked if they were looking  
186 at the potential of actually having to have a road in some way, shape or form behind  
187 the residents, which is counter to what she thought was already discussed in the City  
188 Council meeting.

189

190 Mr. Lloyd explained this is a matter of semantics to some extent. It is worth pointing  
191 out that the existing residential driveway is, at least, partially in the same location.  
192 There is nothing about the City Council's Ordinance from last fall that was meant to  
193 prohibit a residential driveway from being in a location that the current one is or even  
194 one that is proposed. Because there is nothing in the Zoning Code or in the recently  
195 adopted Ordinance about where streets can be located as well as there being nothing  
196 in the Subdivision Code that identifies for them when is something a street and when  
197 is it not, that is why over the winter, primarily, staff from various departments  
198 formulated a definition for themselves. Staff's policy on this is that a shared  
199 driveway is an acceptable thing if it is not more than one fifty feet in length and does  
200 not serve more than three lots for single family detached homes.

201

202 Member Leutgeb wondered regarding realignment of Eustace and County Road B, if  
203 that is already in City plans or was that only wrapped up in that proposal.

204

205 Mr. Lloyd did not believe that would have been a project taken on by the City in a  
206 Capital Improvement Plan or something like that. Because the roadway does not  
207 need to be aligned in that fashion, the City can consider the proposal that this  
208 applicant has made to realign them in a way that conforms in all ways to any public  
209 street. That provides some additional area for the applicant to develop into these lots  
210 and frankly the park land and facilitates a development here.

211

212 Member McGehee asked what triggers the Planning Staff in bringing these items to  
213 the Commission and then what triggers the sixty and one hundred and twenty days.

214

215 Mr. Lloyd explained the submittal of a complete application for something like this  
216 plat proposal is a thing that initiates the statutory timeline of one hundred twenty days  
217 to review, an action timeline in the case of a subdivision like this. It is the thing that  
218 obligates staff to be working toward a resolution to that application approval or denial  
219 of it in the end. He noted this applicant has been working with the City Staff for  
220 some time now, not only on the previous application in 2020 but also on refinements  
221 and iterations of this one. Staff has provided quite a bit of feedback along the way. If  
222 staff had more discretion about when or what to bring forward to the Planning  
223 Commission, staff may well have had the leverage or authority to require some of  
224 these changes that staff is suggesting before coming to a public hearing, but staff is  
225 obligated to respond to the application that is submitted.

226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272

Member McGehee asked why is it that impervious coverage is not a part of the plat review.

Mr. Lloyd explained the plat itself is only about the property boundaries, easements and rights-of-way. Certainly the impervious coverage, the intended development pattern is all important information for the review of this. The building pads are not platted and are not on the legal document that was filed with Ramsey County to establish property boundaries. This is unlike a planned unit development where it is an all-encompassing development review and setback, and impervious surfaces could be regulated. This is a plat that is being designed to conform to the existing zoning standards.

Member McGehee asked at what point and is there such as thing as a site review anymore in this process.

Mr. Lloyd explained that has been happening with the Engineering and Public Works Departments, reviewing the storm water management plans, the street design. It is also happening with the Community Development staff when it comes to the setbacks and impervious coverage.

Member McGehee indicated the Planning Commission is getting things before permits are signed off on, before the tree preservation specialists come, etc., and sometimes that is not even complete when it moves forward to the City Council. She wondered at what point, is it that the City is working on this, when in fact the City does not have much of this information. She asked if staff had any further information about the wetland, which seems to have been subject to reduction and filling and so on.

Mr. Lloyd indicated it is outside of his expertise to know much about wetlands, but he was under the impression from his colleagues in the Public Works and Engineering Department that the wetlands boundary represented on this plan, he believed, is identical to the wetland boundary that has been accepted an approved by the Watershed District. Any proposed filling or adjustments to the wetland boundaries would be done in accordance with the legal procedures that relate to those. In spite of what the historical circumstances of this wetland might be, the wetlands today is delineated on these plans and is what is regulated by the wetland protection regulations.

Mr. Lloyd explained the Planning Commission and City Council do not have a role in formally reviewing the engineering plans, the development plans of each parcel. The role of the Planning Commission and City Council with a preliminary plat application is to review the boundaries to ensure that the project is continuing along lines that are consistent with code requirements, but it is up to staff to ensure that the tree preservation details are correct and tree preservation plans are being properly implemented to ensure that storm water management plans and erosion control and everything else is properly done and executed. It is not that a formal review is not

273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319

being done, it is just that it is not the role of the Planning Commission and City Council to do that formal review.

Member McGehee explained the Planning Commission had a fairly clear idea that they did not think it was appropriate, along with staff, to have an extensive shared driveway and staff has come up with some solution in the absence of a more clear definition by the City Council but it seems that staff has spent a tremendous amount of time with this particular developer and it does not seem to her that many of the suggestions and problems that were identified initially have really been taken into account by this developer. It seems that staff has worked really hard, and the developer seems to persist in wanting to put more on this land than it really can hold. If the developer were to put the road down further so that there was back yard to back yard there, there would not be this problem, but the developer also would not be able to squeeze as many lots in there. She wondered at what point, does staff indicate tabling this or have the developer start over and deny this because so far she did not see any indication that this developer has taken into account the several things' staff identified such as the road, the cul-de-sac, road length, irregular lot sizes that poke into the existing wetlands. She asked for some background on this.

Mr. Lloyd explained in fairness to the applicant, he is clearly designing a shared driveway, accessing the eastern side of the site and there is nothing codified that says what is a street and what is a driveway. This applicant knows what staff's recommendation is and what staff's policy is on this. Staff kept the applicant apprised of the process of arriving at those metrics, but this is a staff effort to understand what the difference is between a street and a driveway and that has not yet been tested by the Planning Commission or City Council. Similarly, there is the provision about similar regular lot shapes that are appropriate and suitable for residential development that is amorphous provision in the Subdivision Code that does not have a lot of tests. Staff can say that this does not meet the spirit of those requirements, but it is not for staff to approve or deny anything. Staff is obligated to facilitate the review and resolution of a land use application, such as been submitted, and staff cannot tell the applicant to change these things, or it will not move forward. This is the proposal that this applicant is bringing forward and this is the one the City has to respond to and in the process probably arrive at some institutional certainty about what is the limit of a shared driveway, what are acceptably irregular lot shapes, and the provision also acknowledges that if you are not starting with a clean, regularly shaped parcel of land, it is very difficult to get regular, simple, lot shapes out of it.

Member Pribyl asked if the Commission tables this and the applicant addresses staff's concerns and it comes back with another laundry list of items that need to be addressed, how would the Commission move this forward. She wondered what the process is.

Mr. Lloyd explained the process and indicated if the Commission sees that progress has been made towards something that looks like it could be approved, perhaps at that time a recommendation to approve it with some conditions could be appropriate or it

320 could be tabled again identify new issues the Commission would like to see changed  
321 or if the proposal comes back and does not look anymore promising, it can be denied.  
322 He noted the Commission does not need to table this, it could be moved forward to  
323 the City Council for either approval or denial as well.

324  
325 Mr. Todd Ganz, Integrity Land, addressed the Commission on recommended  
326 changes.

327

328 **Public Comment**

329

330 Mr. Cal Ross, 2118 St. Croix Street, indicated he has listened with absolute  
331 fascination over the gymnastics that have been done verbally requesting a rezoning,  
332 which the neighbors were told by the developer back than that this was the most  
333 efficient way and if he had to come back and had to go with single family the  
334 development would have more than that and he guessed the developer did not lie.  
335 What he is seeing is some of the most incredible language he has ever seen. Words  
336 like problematic, requires more detail, conceptually acceptable, a lot of discretion.  
337 He indicated he still does not know what happened with requesting the rezoning that  
338 now it is not applicable and now the developer is going to go with eleven lots with  
339 future detached property and then future lots even after that. When this was started, it  
340 went to the Parks Commission, Planning Commission and to the City Council and he  
341 thought he could speak for everyone in his neighborhood that not a single person is in  
342 favor of this project. The City Code was sited for starters, under the Title 10, which  
343 talked about developing in a neighborhood and what to anticipate from it. Title 10  
344 states they are supposed to protect the public health, safety, peace, comfort and  
345 convenience, prosperity, and general welfare. It also states they are supposed to  
346 protect and enhance the character, stability, and vitality of the residential  
347 neighborhoods, as well as the commercial. They are also supposed to promote  
348 orderly development and redevelopment and assist implementation of the  
349 Comprehensive Plan. The Comprehensive Plan talks about how the City looks to  
350 develop and protect all of the property and natural resources the City has. What he  
351 has seen in here so far is the verbal gymnastics that is being spoken. There are not  
352 longer roads but driveways, private drives. All of the residents on St. Croix still have  
353 a road on the back of their lots. No matter what it is called, it is still a road. What he  
354 just gleaned, information he did not have, is when the developer stated they are going  
355 to leave four feet for a water drain on the east side of that driveway, which means all  
356 of that surface and everything else is going to drain toward existing lots. There is no  
357 drainage plan in place for that. He stated as he goes down the list of the things that  
358 were talked about, first and foremost, this is a delineated wetland. He cannot figure  
359 out why no one in the Planning Department has required that an environmental  
360 impact study be done. He wondered how the wetland is going to be affected. He  
361 noted that is the only wetland on this end of Roseville. This is not something that was  
362 put in for water storage, this wetland has been there for a long time. He explained  
363 another thing he would like to address is the diminishing of property values and the  
364 safety. He urged the Commission to vote this project down.

365



366 Mr. Tom Dunwell, 2253 St. Croix Street, stated looking at the big picture, he did not  
367 see the developer mentioning anything about satisfying the neighbors who have to  
368 live with this aftermath, and this is a disaster of a plan. He wondered about the  
369 private driveway on the east side of the lot which is serving four or five houses and  
370 how is it being maintained. He wondered if it is paved and has curb and gutter. The  
371 same thing goes for the wetland. The primary goal is to preserve the wetland and  
372 major trees on that property. He did not see how the property can be graded for  
373 houses and not knock them all down. The developer talks about preserving trees  
374 along the east side of the private road which are not worth savings. There are a lot of  
375 huge, beautiful trees on the property, and they are not going to be saved. He  
376 indicated tree preservation is important to them and should be important to everyone.  
377 He also wondered if this would have a homeowner's association and is it a  
378 requirement. He asked if the property along Eustis the owners of the wetland. He  
379 also asked who will maintain all of the wetland and how will they prevent all of the  
380 runoff from the yards going into the wetlands. He stated there are too many houses  
381 with screwing property lines. He recommended the Commission deny this plan and  
382 be done with it. This property can be developed with three to five lots, maximum.  
383

384 Ms. Nancy Nelson, 2151 Fulham Street, explained she is a block away from this  
385 property. She was looking at one of the pictures staff put up showing a rendering  
386 where some of the houses will be and her map from the open house shows a fifty-foot  
387 encroachment in which some of the homes look like they will be encroaching on that.  
388 She assumed there has to be some sort of border from the setback to the actual  
389 building for wetlands. She assumed there is a border between the wetlands and where  
390 a building can be actually built. This is an association of all the houses and most  
391 associations hire companies to spray their lawns with chemicals and cut the grass and  
392 she did not see any plans for the runoff not going into the wetlands and killing what  
393 wildlife there is there. She wondered if the City has to change Eustis Street to be  
394 straight rather than the little curve it has right now, how much money will it cost the  
395 City to straighten out that road so there is a perpendicular corner between Eustis and  
396 County Road B and there are still semi-trucks coming down County Road B and she  
397 did not know if they could turn around in that area. She thought in order to settle this  
398 and other issues the Planning Commission needs to go to the City Council and have  
399 them do a definition of what is a driveway, a road, and a private road so that there is a  
400 clear definition that the City Staff can go by to make the recommendations or denials  
401 of different things. She thought there needed to be a definition to start with. There  
402 are a lot of things unknown with this development and the first step is to get some  
403 definitions made and go from there.  
404

405 Mr. Tim Lundin, 2151 Fairways Lane, stated he has a corner lot, so he sees all of the  
406 traffic that comes down. He thought Ms. Nelson covered a lot of his concerns and  
407 everyone is concerned about preserving this area as a natural area. This is a unique  
408 pocket of wildlife with deer and turkey and coyotes and a lot of other mammals. One  
409 of his biggest concerns is with multiple semi-trucks coming down the road or cars  
410 that are lost and not being able to turn around. He wondered how a turn around could  
411 be removed and he thought there needed to be some clarification in the plan after the  
412 turn around is taken out.

413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459

Chair Kimble noted in the staff report there is a homeowners association requirement for this development.

Mr. Lloyd explained there is not anything in City Code that spells out what a street is, what is a driveway, where is the transition from one to the other which is why staff has created sort of a policy on that with a finite length and a number of lots being served. It is for the Planning Commission and City Council to make some recommendations and decisions that might be in line with staff's policy or might be different in some way, more restrictive or less restrictive, that is something that still needs to play out whether that is something that goes through a Code amendment process to define that or simply done in practice just by the decisions that are made. With respect to the streets, the developer would be doing the reconstruction, removing the existing street segments, grading things appropriately, installing new street segments according to the City's specifications for these public streets. He indicated he did not know the answer or the resolution to the question of where people will turn around. He knew that was one of the considerations in this whole project and one the Public Works and Engineering staff is more intune with than he was. With respect to the wetland setback, some of the shapes on the site plan, parts of those polygons that represent home development are actual building footprints and some of them are patio areas. Both of those kinds of improvements have different setback requirements. Structures themselves, do need to be fifty feet from the delineated boundary of the wetland. Paved surfaces, like patio, can be as close as thirty feet from the delineated boundary of the wetland. There are some parts of those represented building areas, represented improvement areas that are not actually structures but surfaces like patios that can be within fifty feet of that wetland boundary.

Mr. Ganz reviewed how the association will be managed. He noted they have designed are little catch ponds that are on the west side of lots two, three, four, five and six that has been shown to the Rice Creek Watershed District. These will catch the flow coming off of the lots and will be part of the maintenance done by the association. He indicated there is no ground water in the area, all of the water that is in the wetland is coming from the street and from the ground when it rains.

Chair Kimble asked if this project is at the scale to require and Environmental Impact Statement (EIS).

Mr. Lloyd explained that was correct, an EIS is not simply careful analysis of what impacts might be to natural features like a wetland. Careful attention is being paid by multiple jurisdictions and levels of Government to those impacts. The EIS is a very particular review that is reserved for the most intensive projects and this project would be far below the thresholds for anything like that.

Mr. Tom Collins, Design Engineer for the project, indicated regarding the private driveway length, if in fact the Council is going to put a maximum length on a private driveway, he would request that it be considered to be lengthened from the 150 feet.

460 The minimum front yard width of a lot is 85 feet. Two times 85 feet is 170 feet so  
461 there is not way three lots would be allowed to use a shared driveway. The Code  
462 requires a turn-around on a cul-de-sac whenever the length of a street is 200 feet so he  
463 would request, if in fact, there is going to be a maximum length that it be revised to  
464 200 feet versus 150 feet, which would allow at least for the three driveways that the  
465 staff has reported to be allowed for a shared driveway.

466

467

Mr. Paul Nockleby asked for an explanation how a 1937 photograph of this area  
comports with the State. This is a stormwater, not a natural watershed.

468

469

470

Mr. Lloyd explained if he understood Mr. Ganz comments correctly, his statement is  
that there is not any ground water creating any wetland at other times of year than  
when rainwater might flow from the surrounding land to this low area of elevation.  
He indicated he did not know anything about the climate of weather in 1937, prior to  
those photographs but it seems entirely likely under that scenario that there may have  
been a lot of snow that winter, depending on what time of year the photographs were  
taken, and or rain in the weeks or months leading up to the time that the photographs  
were taken that could well have led to the accumulation of the wetland that is visible  
there.

471

472

473

474

475

476

477

478

479

480

Mr. Nockleby indicated 1936 and 1937 were some of the driest years ever in  
American history, resulting in the Grapes of Wrath story that John Steinbeck wrote.  
This was a very dry year without any rain to speak of in the Midwest, just a dustbowl.  
If there is a photograph from July 1, 1937 that shows wetland, that is very likely not  
stormwater. He indicated he was going to dispute the assertions by nonprofessionals  
and anyone who has not studied the climate science from that period who will assert  
that this is not a natural groundwater area. Mr. Ganz is trying to build homes that will  
impact everyone in the area, and he is telling the Commission that it is something it is  
not. He asked the Commission to deny this.

481

482

483

484

485

486

487

488

489

Chair Kimble closed the public hearing at 9:00 p.m.

490

491

### **Commission Deliberation**

492

493

494

Member McGehee indicated given the hour she would like to make a motion because  
she reviewed all of the materials and options before the meeting and listened rather  
carefully and she thought she would agree with some of the initial questions raised by  
Member Pribyl and also she was unimpressed with the ease at which the developer  
believes that he can make the corrections and adjustments and as an environmentalist  
and someone that knows a great deal about tree and tree preservation, she was  
unimpressed with his address on that particular topic and she also felt very strongly  
about the fact that he never addressed the question raised by another individual about  
runoff of fertilizers and pesticides from lawns into the wetland. She thought that City  
Staff has spent a tremendous amount of time and she thought the outstanding issues,  
including turnarounds including parks with now streets through them to accommodate  
emergency vehicles are just too many things to keep kicking the can down the road.  
She would move to deny based on the list provided by staff of outstanding things and

495

496

497

498

499

500

501

502

503

504

505

506

507 add to that the issue of the turnaround, the road through the park, the protection of the  
508 trees, runoff of pesticides into the wetland, the odd shaped lots, etc.

509

510 **MOTION**

511 **Member McGehee moved, seconded by Leutgeb, to deny the preliminary plat**  
512 **based on the following findings:**

- 513 • **The list of Staff-recommended conditions related to needed plat revisions**  
514 **is too vast, such that full compliance cannot be envisioned.**
- 515 • **Testimony by the developer, and his representative, suggests he is**  
516 **unwilling to resolve outstanding compliance issues related to the private**  
517 **driveway and emergency access.**
- 518 • **The proposal would cause the removal of too many trees.**
- 519 • **The realignment of County Road B and Eustis, and elimination of the**  
520 **existing turnaround, has the potential to create unnecessary traffic in**  
521 **nearby neighborhoods.**
- 522 • **Development discussions of the subject property have been ongoing for**  
523 **nearly 20 months with no clear resolution to-date.**
- 524 • **The stormwater plans appear insufficient to mitigate the negative**  
525 **impacts of runoff containing household herbicides, pesticides, and**  
526 **fertilizers into the nearby wetland.**

527

528 Mr. Lloyd noted there is not a road proposed through the park parcel. The existing  
529 driveway runs in that location but there is no proposal to continue a driveway or any  
530 kind of road through the park parcel.

531

532 Member McGehee explained she referred to Mr. Ganz' remark for emergency  
533 vehicles and that he would put some special materials in there so the vehicles could  
534 drive through there.

535

536 Mr. Ganz explained the fertilizer and runoff goes into a catch pond; it does not go  
537 directly into the storm pond that is there.

538

539 Member McGehee indicated the water that runs through rocks is not going to filter  
540 out pesticides and fertilizers and the way Mr. Ganz described the catch basin, it is not  
541 an infiltration basin, it is a silt basin and those are two very different things.

542

543 Mr. Ganz explained it is a silt basin with a silt fabric inside the rock and then  
544 currently what is there right now is sending all of the garbage off the street directly  
545 out into the wetland. The way he is designing it changes how the water is going to go  
546 into that wetland. He noted he has been asked to make this better, so the wetland  
547 survives, looks better and lasts another hundred years. He indicated that is the way  
548 the watershed has asked him to do this, and he was not trying to do it in a bad way.

549

550 Member McGehee agreed to disagree with Mr. Ganz because the silt basin is not  
551 going to do that. She understood how the road runoff works in the City of Roseville  
552 and she also understood the distance of that wetland from the road and the infiltration  
553 possibilities on the way there and she thought there were ways to improve it, but she

554 thought the plan Mr. Ganz' has added fertilizer and pesticides in an area where it does  
555 not exist now and does not have easy access to that wetland and whether there is a silt  
556 screen or not, it is not going to change whether those pesticides and chemicals get  
557 into the wetland.

558  
559 Mr. Ganz indicated he did sixteen soil borings out there and two of them were up  
560 against the wetland and they went down fifteen feet and there is no water in the  
561 ground out there and because of the soil that is there they cannot do an infiltration  
562 there right now. The only way they can do an infiltration in that area, because of the  
563 soil that is there is if you dig down ten feet, fill it with rocks and put sand on top of it  
564 with grass on top of that so water can flow through the grass, down through the rocks  
565 and down through the ground. The soil that is there is not an infiltration, it is a point  
566 zero two type of infiltration soil.

567  
568 Chair Kimble appreciated Mr. Ganz' comments but would like to go just to  
569 discussion by the Planning Commission going forward.

570  
571 Member Pribyl indicated one of her biggest concerns is if this is tabled it will end up  
572 in a slightly different place in another month and partly based on some of the big  
573 concerns, including the biggest one for her is defining this road versus shared  
574 driveway that seems to be a pretty wide difference of opinion on what that is and she  
575 was not sure how the current staff position, definition would be enforced or  
576 enforceable going through the Planning Commission and City Council moving  
577 forward.

578  
579 Mr. Lloyd indicated there are a couple of avenues for an answer, one is if the  
580 Commission recommends approval of the subdivision proposal, such as this, with a  
581 condition and then the City Council takes action on that. Ultimately the City Council  
582 is the arbitrator in the end. He noted personally he did not feel like there is difficulty  
583 in enforcing any standard.

584  
585 Member Kruzel thought there seemed to be multiple issues with this plat, one being  
586 the driveway road, the wetlands seem to be very controversial and wondered if there  
587 was a way to get an in depth, independent study done on what would happen and  
588 what is going on with that and she also thought the Commission needed to listen to  
589 the neighbors.

590  
591 Chair Kimble indicated whether the wetland is created naturally or stormwater, it is  
592 governed the same by the City and the Watershed. She explained she was not  
593 negating the concerns about the wetland but there are definitions and controls and not  
594 staff just deciding on its own whether it is.

595  
596 Member Bjorum indicated regarding the motion, he knew there has been some history  
597 with this area and a little bit of back and forth and that this is the second time around.  
598 He was willing to say there is a benefit of the doubt and willing to push the  
599 recommendations that staff has put forth and beholden the developer to the required  
600 setbacks, lot requests, this street length. He thought the wetland was a big deal and

601 what is being proposed now is pretty over developed for an area this large with the  
602 geographical issues it has. He thought with regulating some of these areas and  
603 adjusting the street to meet the requirements that the City has set forth, he thought  
604 there was the ability to achieve some developments here without destroying the  
605 neighboring properties. He was sure if he were willing to fully deny this right off the  
606 bat and would like to give some of the benefit of the doubt to the developer who  
607 seems to have some thought put into how this wetland is handled and has done some  
608 research. He would agree with Commission McGehee that pesticides and things like  
609 that is going to be caught all together in a silt basin, but he appreciated that there is  
610 some research put into that by the developer. He was willing to give the benefit of  
611 the doubt and push back for the developer to fix this stuff and come back. He noted  
612 the 150-foot road for him is not a driveway and frustrates him when he sees that on  
613 there. If the developer is willing to go back and review the requirements the City has  
614 set forth and the City establishes the driveway standard going forward and the  
615 developer can meet that then he would be willing to review this again.

616  
617 Chair Kimble indicated she would support the motion of denial. The fact that this is  
618 not an enormous piece of land and the fact that discussions have gone on for twenty  
619 months without a resolution is concerning to her. There are plenty of issues that staff  
620 has identified that she thought are issues that could have been resolved before now  
621 and are not. She did think there is a way to deal with runoff, there are all kinds of  
622 mechanisms and controls and is not the first time there has been development next to  
623 a wetland and there are ways to deal with that. The other thing of transparency that  
624 she would like to say is there are always two sides to this. As a neighbor, she could  
625 understand the concerns an if she lived there it would be really hard but on the flip  
626 side, somebody owns this land, it is zoned and is developable and they have a right to  
627 develop it. At some point, she thought there is going to come before everyone a  
628 proposal that makes sense that might not be three single family homes. She did not  
629 think this particular preliminary plat is one that she can support.

630  
631 **Ayes: 7**  
632 **Nays: 0**  
633 **Motion carried.**

634  
635 **7. Adjourn**

636  
637 **MOTION**  
638 **Member Kruzel, seconded by Member Schaffhausen, to adjourn the meeting at**  
639 **9:29 p.m.**

640  
641 **Ayes: 7**  
642 **Nays: 0**  
643 **Motion carried.**

644  
645