



REQUEST FOR BOARD OF ADJUSTMENT AND APPEAL ACTION

DATE: 7/23/2012

ITEM NO: BOA

Department Approval

City Manager Approval

Item Description: Review and approval of Resolution regarding Findings of Fact pertaining to the Board of Adjustment and Appeals affirmation of the Community Development Department's determination that a 160,000 sq. ft. retail use is permitted within the Community Mixed Use District.

1.0 BACKGROUND

1.1 On July 16, the Roseville Board of Adjustment and Appeals convened to hear testimony on two appeals of the Community Development Departments administrative determination that a 160,000 sq. ft. retail use was permitted within the Community Mixed Use District.

1.2 The Board of Adjustment and Appeals received the Planning Commission's recommendation supporting the administrative decision and heard testimony from appellant Ms. Karen Schaffer and Solidarity of West Area Roseville Neighbors (SWARN), as well as other residents of the community. The Board of Adjustment and Appeals also heard testimony from the property owner and the applicants (Wal-Mart) representatives, as well as the Community Development Department.

1.3 The Board of Adjustment and Appeals closed the hearing and discussed the two appeals and their merits.

1.4 The Board of Adjustment and Appeals voted 3-2 to deny the appeals by Ms. Karen Schaffer and SWARN, concluding that the Community Development Department was correct in its determination that a retail development of 160,000 sq. ft. is a permitted use within the Community Mixed Use District and that the Zoning Ordinance is not in conflict with the Roseville 2030 Comprehensive Plan.

1.5 Per the City Attorney's recommendation, the Board of Adjustment and Appeals shall adopt findings of fact regarding their decision.

2.0 SUGGESTED BOARD OF ADJUSTMENT AND APPEALS ACTION

2.1 **BY MOTION, ADOPT** the attached resolution regarding Findings of Fact.

Prepared by: City Planner Thomas Paschke

Attachments: A: Draft Resolution; Findings of Fact.

**EXTRACT OF MINUTES OF MEETING OF THE
BOARD OF ADJUSTMENT AND APPEALS
OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a special meeting of the Board of Adjustment and Appeals of the City of Roseville, County of Ramsey, Minnesota, was held on the 16th day of July 2012 at 6:00 p.m.

The following Members were present: _____;
and _____ was absent.

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

**A RESOLUTION REGARDING THE DETERMINATION OF A PERMITTED USE
WITHIN THE COMMUNITY MIXED USE ZONING DISTRICT**

WHEREAS, on June 8, 2012, the Roseville Community Development Department received a formal request from Wal-Mart Stores, Inc., seeking an administrative zoning decision determining whether the operation of a retail and grocery store at a parcel of land to be platted as Lot 1, Block 1, Twin Lakes 2nd Addition is a permitted use under the City's Zoning Code;

WHEREAS, on June 21, 2012, the Roseville Community Development Department issued a formal administrative zoning decision determining that said retail operation indeed is a permitted use under the applicable portions of the City's Zoning Code;

WHEREAS, on July 2, 2012, the City of Roseville received an appeal of the administrative zoning decision from property owner Karen Schaffer pursuant to Section 1009.08 of City Code;

WHEREAS, on July 2, 2012, the City of Roseville received an appeal of the administrative zoning decision from a property owner collective known as Solidarity of West Area Roseville Neighbors ("SWARN") pursuant to Section 1009.08 of City Code;

WHEREAS, said appeals each sought reversal of the administrative zoning decision from the Board of Adjustments and Appeals on the basis that the proposed land use is not a permitted use under the City's Zoning Code;

WHEREAS, the Board of Adjustments and Appeals conducted a public meeting on July 16, 2012, to hear and receive evidence on the matter from all interested parties, including a recommendation from the Planning Commission, as well as the general public; and,

WHEREAS, the Board of Adjustments and Appeals, upon due deliberation in a public forum, adjudicated the matter on July 16, 2012, by majority vote in favor of affirming the administrative zoning decision of the Community Development Department;

39 NOW BE IT RESOLVED by the Board of Adjustment and Appeals of the City of
40 Roseville, Minnesota, hereby memorializes its conclusion of law and findings of fact as follows:
41

42 Conclusion of Law
43

44 The proposed retail and grocery store at a parcel of land to be platted as Lot 1, Block 1, Twin
45 Lakes 2nd Addition is a permitted use under the City's Zoning Code.
46

47 Findings of Fact
48

- 49 1. The proposed land use conforms to the Statement of Purpose contained within Section
50 1005.01 of the Zoning Code.
- 51 2. The proposed land use conforms to descriptions of permitted uses contained within the
52 Use Chart relevant to a Community Mixed Use District under the Zoning Code.
- 53 3. The proposed land use conforms to the Statement of Purpose for Community Mixed Use
54 Districts under the Zoning Code.
- 55 4. As it is applied to the proposed land use at issue, no conflict exists between the Zoning
56 Code and the Comprehensive Plan.
- 57 5. The proposed land use nevertheless conforms to the City's Comprehensive Plan as it
58 relates to Community Mixed Use designations.
- 59 6. The proposed land use conforms to the Community Business designation as it relates to
60 uses within a Community Mixed Use designation.
- 61 7. The proposed land use conforms to other official controls, guiding documents, and
62 environmental studies such as the Twin Lakes Sub-Area 1 Regulating Plan, the Twin
63 Lakes Business Park Master Plan, and the Alternative Urban Areawide Review.
- 64 8. The analysis performed by the Community Development Department as contained within
65 its administrative zoning decision is generally adopted as proper and prudent as it relates
66 to these Findings of Fact.
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68 The motion for the adoption of the foregoing resolution was duly seconded by Board
69 Member _____ and upon vote being taken thereon, the following voted in favor:
70 and _____ voted against.

71 WHEREUPON said resolution was declared duly passed and adopted.
72

73 *Board of Adjustment and Appeals – Use Appeal*

74 STATE OF MINNESOTA)
75) ss
76 COUNTY OF RAMSEY)

77 I, the undersigned, being the duly qualified City Manager of the City of Roseville,
78 County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the
79 attached and foregoing extract of minutes of a special meeting of said Board of Adjustment and
80 Appeals held on the 16th day of July 2012 with the original thereof on file in my office.

81 WITNESS MY HAND officially as such Manager this 16th day of July 2012.

82 _____
83 William J. Malinen, City Manager

84 (SEAL)
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