

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Agenda Date: 2/22/2016

Agenda Item: 8.g

Department Approval



City Manager Approval



Item Description: Request for Approval of a Minor Subdivision of the Two Residential Properties into Three Parcels

APPLICATION INFORMATION

Applicant: Oakwood Heights Holding 40652, LLC

Location: 888 – 892 County Road B

Property Owner: Oakwood Heights Holding 40652, LLC

Application Submission: considered complete on January 20, 2016

City Action Deadline: May 19, 2016, per Minn. Stat. §462.358 subd. 3b

GENERAL SITE INFORMATION

Land Use Context

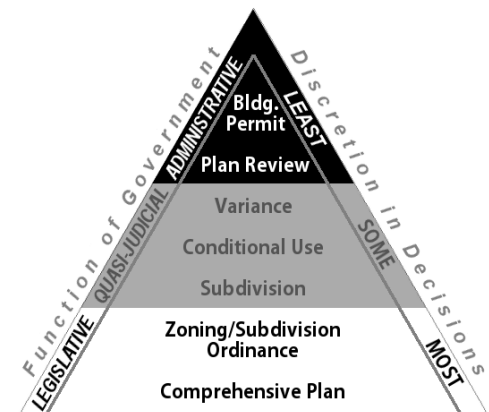
	Existing Land Use	Guiding	Zoning
Site	One-family residential, detached	LR	LDR-1
North	One-family residential, detached	LR	LDR-1
West	One-family residential, detached	LR	LDR-1
East	Water ponding	W	INST
South	One-family residential, detached	LR	LDR-1

Natural Characteristics: The site has many mature trees and steep grades on the eastern side, leading into a City-owned wetland area adjacent to Victoria Street.

Planning File History: none

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on subdivision requests is **quasi-judicial**; the City's role is to determine the facts associated with the request, and weigh those facts against the legal standards contained in State Statute and City Code.



PROPOSAL

The applicant proposes to subdivide the two existing parcels into three parcels for future development of one-family, detached homes. The existing home at 892 County Road B would remain on the proposed Parcel 1. The new Parcel 2 would also face County Road B, and it would comprise basically the northern half of the existing 888 County Road B parcel, plus about 10 feet of the 892 parcel in order to achieve the Subdivision Code's minimum width and area requirements. The southern halves (more or less) of the two existing parcels would be combined as the proposed Parcel 3, which would face Burke Avenue. The proposed subdivision is illustrated in the subdivision survey included with this report as RCA Exhibit C.

When exercising the so-called "quasi-judicial" authority on a subdivision request, the role of the City is to determine the facts associated with a particular request and apply those facts to the legal standards contained in the ordinance and relevant state law. In general, if the facts indicate the application meets the relevant legal standards and will not compromise the public health, safety, and general welfare, then the applicant is likely entitled to the approval. The City is, however, able to add conditions to a subdivision approval to ensure that the likely impacts to parks, schools, roads, storm sewers, and other public infrastructure on and around the subject property are adequately addressed. Subdivisions may also be modified to promote the public health, safety, and general welfare, and to provide for the orderly, economic, and safe development of land, and to promote housing affordability for all levels.

SUBDIVISION ANALYSIS

A minor subdivision application has been submitted in lieu of the preliminary plat/final plat process because City Code §1104.04E (Minor Subdivision) establishes the three-parcel minor subdivision process to simplify those subdivisions "which create a total of three or [fewer] parcels, situated in an area [adequately served by public utilities and streets], and the new parcels meet or exceed the size requirements of the zoning code." The current application meets all of these criteria.

Minor subdivision applications are reviewed primarily for the purpose of ensuring that all proposed parcels meet the minimum size requirements of the zoning and subdivision codes, and that adequate easements and rights-of-way are in place or provided. As a minor subdivision of residential property, the proposal is subject to the minimum lot size, easement, and right-of-way standards established in Chapter 1103 (Design Standards) of the subdivision code. The proposed subdivision and the applicable standards are reviewed below.

City Code §1103.02 (Rights-Of-Way)

Local streets, like Burke Avenue, require 60 feet of right-of-way (ROW). Burke Avenue presently lies mostly within the 30 feet dedicated as the southern half of the ROW, and this section of the subdivision code would require the granting of the remaining 15 feet of the northern half of the ROW from the subject property. While the Public Works Department does not presently have plans to widen or relocate Burke Avenue, all of the subject property's western neighbors—with two exceptions—have dedicated their required share of right-of-way for their respective plats or subdivisions, occurring as recently as 2014.

Two parcels to the west, near the middle of this stretch of Burke Avenue, have been similarly subdivided but have not dedicated Burke Avenue ROW. After reviewing the planning files on these two subdivisions, dating from the 1990s, Planning Division staff believes that proper rights-of-way would've been dedicated but for apparent procedural errors in both subdivision approval processes.

County Road B is classified as an “A Minor Reliever” roadway; as such, §1103.02 does not specify minimum ROW width standard. The current ROW standard for County Road B, however, is 86 feet, so the additional ROW easement will be granted from Parcels 1 and 2 to complete the 43-foot southern half of the County Road B ROW in that location.

City Code §1103.04 (Easements): Drainage and utility easements 12 feet in width, centered on side and rear property lines, are required; the red, annotated easements on the subdivision survey in Exhibit C will meet these requirements.

Water and sanitary sewer mains are located on the property such that they cross both existing parcels and all three proposed parcels. An easement for these utilities also exists but, because the easement inaccurately covers the utilities themselves, the existing easement is to be vacated, and a new easement will be dedicated to resolve the present issue. The proposed utility easement for the sewer and water lines is also identified on the subdivision survey.

Finally, retaining walls were built on the existing parcels to facilitate reconstruction of Burke Avenue at a lower grade some years ago, but the retaining walls are not entirely within easements or right-of-way. The newly-granted Burke Avenue ROW easement will cover the majority of these walls, but additional easements will be necessary to encompass two ends of the walls that protrude beyond the proposed easement area. These easement areas are shown in red, cloud-like shapes on the subdivision survey because the exact size and shape of these easements has not yet been determined; these details can be left for the applicant to determine in conjunction with Public Works staff.

City Code §1103.06 (Lot Standards): Interior lots must be at least 85 feet wide, 110 feet deep and comprise at least 11,000 square feet in area. All three proposed parcels are interior lots, and the parcel boundaries in the proposed subdivision allow all of them meet or exceed all width, depth, and area requirements; proposed dimensions are:

Parcel 1	Parcel 2	Parcel 3
150.03 ft. wide	85.02 ft. wide	235.05 ft. wide
148.44 ft. deep	148.44 ft. deep	123.63 ft. deep
22,270 sq. ft.	12,620 sq. ft.	29,059 sq. ft.

Future development of the new parcels will be subject to all standard City requirements, including those of the recently-adopted tree preservation and replacement ordinance.

At its meeting of February 2, 2016, Roseville’s Parks and Recreation Commission reviewed the proposed minor subdivision against the park dedication requirements of City Code §1103.07 and recommended a dedication of cash in lieu of land. Since the existing land comprises two buildable residential parcels, the proposed three-parcel subdivision would create one new building site. The 2016 Fee Schedule establishes a park dedication amount of \$3,500 per residential unit; for the one, newly-created residential parcel the total park dedication would be \$3,500, to be collected prior to filing approved subdivision documents at Ramsey County.

Roseville’s Development Review Committee (DRC) met on February 4 and 11, 2016, to discuss this application. Beyond the above comments pertaining to the zoning and subdivision codes, the DRC did not have any other comments about the proposal.

PUBLIC COMMENT

At the time this report was prepared, Planning Division staff has not received any comments or questions from the public.

97 **OUTSIDE AGENCY COMMENTS**

98 Ramsey County is the only outside agency whose feedback is required for this proposal, and the
99 County Engineer has confirmed that 43 feet is the correct width for the southern half of the
100 County Road B right-of-way. The eastbound portion of County Road B now has a right-turn lane
101 in front of the existing 888 parcel, and City staff is still waiting to learn whether Ramsey County
102 will allow a new driveway on Parcel 2, or whether access will need to be secured through an
103 easement on Parcel 1. Because of this uncertainty, staff is recommending a condition of approval
104 that a suitable driveway access agreement be recorded if Ramsey County doesn't allow a new
105 driveway access for Parcel 2.

106 **RECOMMENDED ACTION**

107 **Pass a motion approving a minor subdivision** to allow the properties at 888 – 892 County
108 Road B to be subdivided into three conforming parcels, based on the comments and findings of
109 this report and input received during the public hearing, subject to the following conditions:

- 110 a. Parcels 1 and 2 shall grant 10 feet of additional right-of-way easement for County Road
111 B, as proposed on the subdivision survey reviewed with this application, to complete the
112 43-foot southern half of that right-of-way as required by Ramsey County;
- 113 b. Parcel 3 shall grant 15 feet of right-of-way easement for Burke Avenue from what is now
114 the 892 parcel, as proposed on the subdivision survey reviewed with this application, to
115 complete the 30-foot northern half of that right-of-way as required for a local street by
116 City Code §1103.02A;
- 117 c. The applicant shall work with Public Works staff to determine and grant easement(s) that
118 will adequately encompass the portions of retaining walls lining Burke Avenue that are
119 not sufficiently contained within existing or proposed easements;
- 120 d. Drainage and utility easements shall be granted in conformance with the standards of
121 City Code §1103.04, as illustrated on the subdivision survey reviewed with this
122 application;
- 123 e. A utility easement shall be granted, as proposed on the subdivision survey reviewed with
124 this application, to correctly coincide with a distance of 10 feet on either side of the
125 existing water and sanitary sewer mains on the property;
- 126 f. If Ramsey County does not allow a new driveway access to County Road B for the
127 proposed Parcel 2, a permanent access easement shall be granted across Parcel 1, and
128 such easement shall be reviewed by, and have the approval of, the City Attorney prior to
129 filing at Ramsey County;
- 130 g. Payment of the \$3,500 park dedication shall be made by the applicant before approved
131 subdivision documents are released for filing at Ramsey County; and
- 132 b. If the existing detached garage is to be kept with the other existing improvements on
133 Parcel 1, it shall be relocated within the new parcel boundaries to comply with applicable
134 setback and easement requirements by July 1, 2016. Otherwise, the unused structure shall
135 be removed from the property by July 1, 2016.

136 **ALTERNATIVE ACTIONS**

- 137 **A. Pass a motion to table one or more of the items for future action.** Tabling beyond
138 May 19, 2016, may require extension of the 120-day action deadline established in Minn.
139 Stat. §462.358 subd. 3b to avoid statutory approval.
- 140 **B. By motion, recommend denial of the proposed preliminary plat.** Denial should be
141 supported by specific findings of fact based on the City Council’s review of the
142 application, applicable zoning or subdivision regulations, and the public record.

Prepared by: Senior Planner Bryan Lloyd

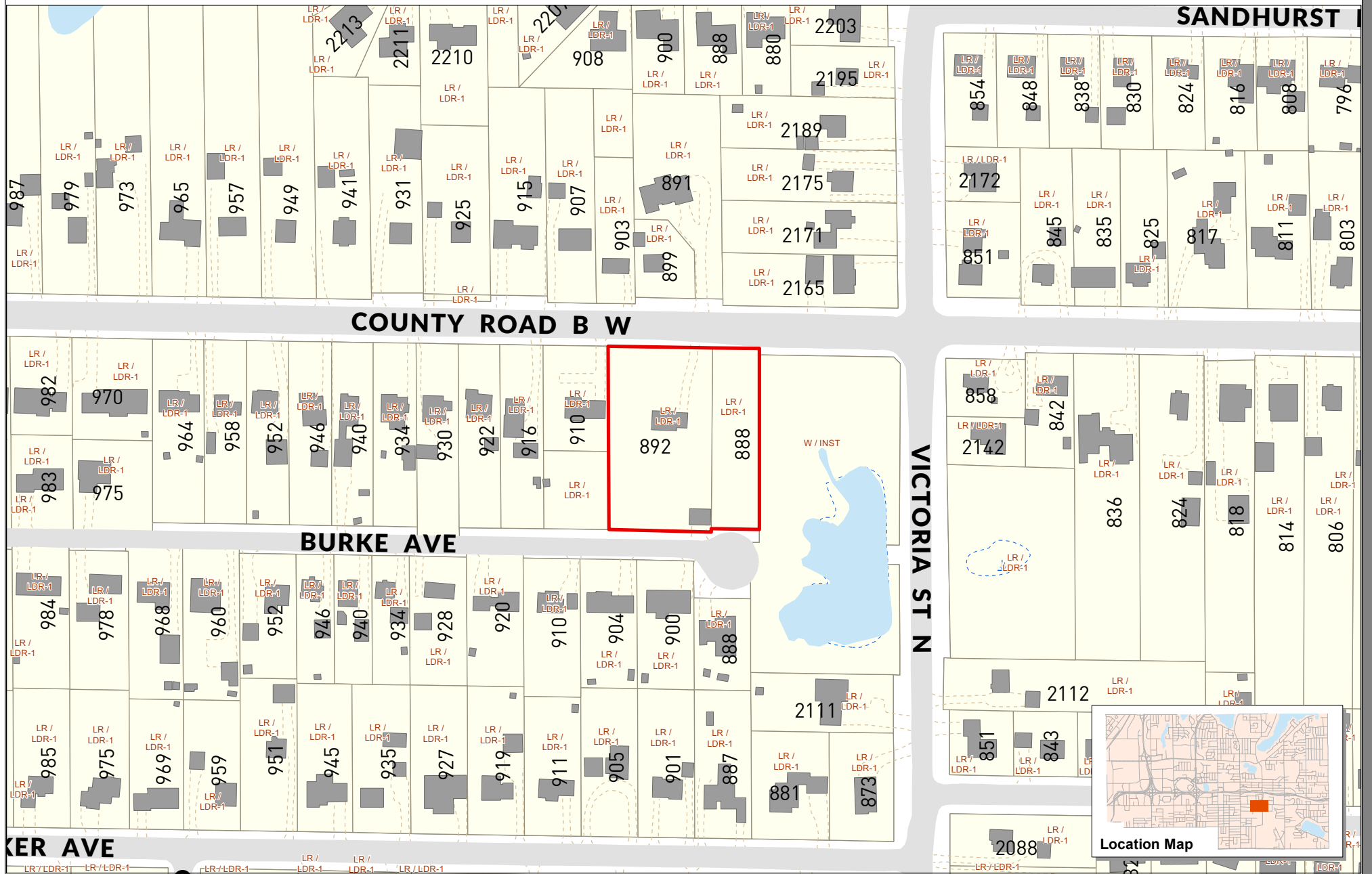
651-792-7073 | bryan.lloyd@ci.roseville.mn.us

Attachments: A: Area map

C: Subdivision survey

B: Aerial photo

Exhibit A for Planning File 16-004



Site Location

Data Sources

* Ramsey County GIS Base Map (2/1/2016)

For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

0 100 200 Feet



Exhibit B for Planning File 16-004



Prepared by:
Community Development Department
Printed: February 9, 2016



Site Location

Data Sources

- * Ramsey County GIS Base Map (2/2/2016)
- * Aerial Data: Surdex (4/2015)

For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

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0 50 100 Feet



APPLICATION FOR THREE PARCEL MINOR SUBDIVISION

January 20, 2016

To: City of Roseville
Community Development and Parks and Recreation Department

From: Oakwood Heights Holding 40652, LLC

Re: Subdivision of 888 and 892 County Road B West, Roseville, MN
PID Nos. 14-29-23-21-0068 and 14-29-23-21-0069

Background

Oakwood Heights Holding 40652, LLC is the owner of two parcels of property located at 888 and 892 County Road B West in Roseville (the "Property") and legally described on the attached Subdivision Survey. The 1.6 acre site is bounded by County Road B to the north, Burke Avenue to the south, single family homes to the west and City of Roseville open space to the east. The Property is 235.05 feet wide and 330.07 feet deep with has 235.05 feet of frontage on both County Road B and Burke Avenue. A 1.5 level single family home accessed from County Road B and a garage accessed from Burke Avenue are currently located on the Property. The Property is currently zoned LDR-1 – Low Density Residential and guided LR – Low Density Residential.

Proposed Subdivision

We are proposing a three parcel minor subdivision of the Property in accordance with the attached Subdivision Survey. The new parcels will be as follows:

1. Parcel 1
 - Includes the existing house and driveway.
 - 150.03 x 158.44
 - 23,765 square feet
 - 150.03 feet of frontage on, and access from, County Road B.
2. Parcel 2
 - 85.02 x 158.44.
 - 13,468 square feet.
 - 85.02 feet of frontage on, and access from, County Road B.
 - We intend to provide vehicular access to Parcel 2 through a shared driveway easement with Parcel 1, meaning there will be no need for an additional curb cut on County Road B.
3. Parcel 3
 - Includes the existing garage.
 - 235.05 x 138.63.
 - 32,578 square feet.
 - 235.05 feet of frontage on, and access from, Burke Avenue.

Each of the proposed new parcels complies with the City of Roseville's Code requirements for Low Density Residential zoning and exceeds the City of Roseville's minimum lot area and lot dimension requirements. It is our intention that the existing home on Parcel 1 will be preserved and that a new single family home will be constructed on Parcel 3. Parcel 2 will remain as a single family lot. There will be no change of zoning as a result of the proposed subdivision and the Property will continue to be used for single family purposes, consistent with the surrounding neighborhood. Appropriate grading, drainage and landscaping plans will be submitted with requests for building permits for each of the new parcels.

Easement Considerations

An existing sanitary sewer main crosses the Property from County Road B on the north to Burke Avenue on the south. City maps show that the sewer main is located in a 20-foot wide public easement. However, the legal description contained in the recorded documents granting the easement is incorrect. The attached Subdivision Survey shows a proposed new sanitary sewer easement to be granted by us to the City of Roseville to ensure that the existing sewer main is properly located in a public easement. The proposed parcels were configured to allow ample building setbacks from the sewer main. Upon approval of the proposed subdivision, we will work with the City of Roseville Public Works Department to draft and record an easement reflecting a correct legal description for the existing sewer main.

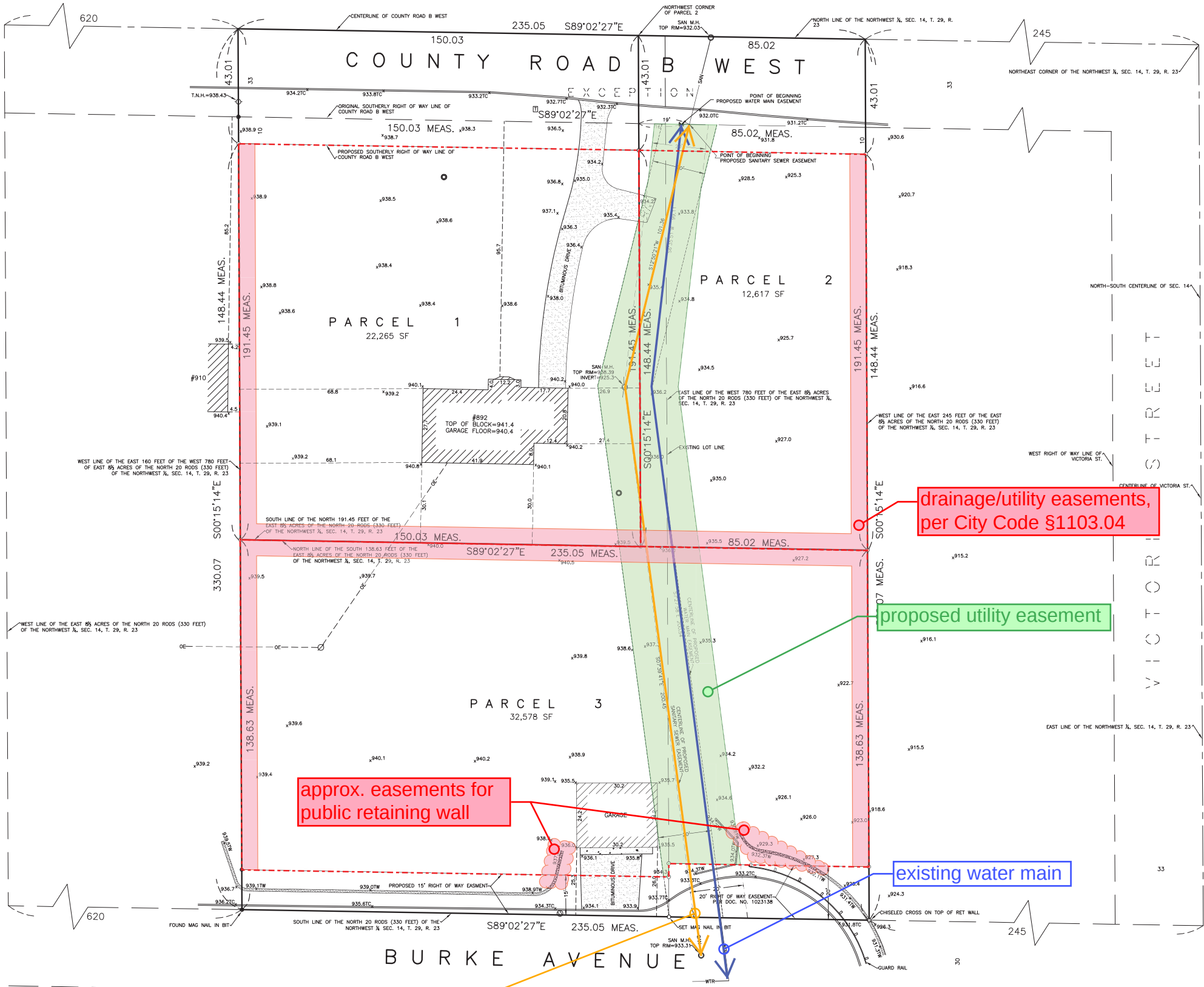
Thank you very much for your consideration of this subdivision request. We believe our request is consistent with the applicable zoning code and the existing neighborhood and will have minimal impact on the surrounding area. We hope you agree.

11409501v1

3 PARCEL MINOR SUBDIVISION SURVEY FOR:
OAKWOOD HEIGHTS HOLDING



SCALE: 1 INCH = 20 FEET



EXISTING PROPERTY DESCRIPTION:

The East 150 feet of the West 780 feet of the East 8 1/4 acres of the North 20 rods of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota.

and

All of the East 8 1/4 acres of the North 20 rods of the Northwest Quarter of Section 14, Township 29, Range 23, except the West 780 feet thereof, also except the East 245 feet thereof, and except the North 33 feet thereof taken for County Road B West, Ramsey County, Minnesota.

PROPOSED PROPERTY DESCRIPTIONS:

PARCEL 1
The East 150 feet of the West 770 feet of the East 8 1/4 acres of the North 191.45 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota, subject to an additional 10 feet of right of way for County Road B West, subject to a sanitary sewer easement as per Exhibit A, and subject to a water main easement as per Exhibit A.

PARCEL 2
The East 85 feet of the West 855 feet of the East 8 1/4 acres of the North 191.45 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota, subject to an additional 10 feet of right of way for County Road B West, subject to a sanitary sewer easement as per Exhibit A, and subject to a water main easement as per Exhibit A.

PARCEL 3
The East 235 feet of the West 855 feet of the East 8 1/4 acres of the South 138.63 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, according to the Government Survey thereof, Ramsey County, Minnesota, subject to a sanitary sewer easement as per Exhibit A, and subject to a water main easement as per Exhibit A.

PROPOSED SANITARY SEWER EASEMENT:

An easement for sanitary sewer purposes over, under, and across 20 feet in width lying within the following described parcels of land:

PARCEL 1
The East 150 feet of the West 770 feet of the East 8 1/4 acres of the North 191.45 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota, as per Exhibit A.

PARCEL 2
The East 85 feet of the West 855 feet of the East 8 1/4 acres of the North 191.45 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota, as per Exhibit A.

PARCEL 3
The East 235 feet of the West 855 feet of the East 8 1/4 acres of the South 138.63 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, according to the Government Survey thereof, Ramsey County, Minnesota, as per Exhibit A.

The centerline of said easement described as follows:

Commencing at the Northwest corner of Parcel 2 of attached Exhibit A; thence South 00 degrees 15 minutes 14 seconds East assumed bearing along the West line of said Parcel 2 a distance of 33.01 feet to the original Southerly right of way line of County Road B West; thence South 89 degrees 02 minutes 27 seconds East along said original Southerly right of way line of said County Road B West a distance of 19.00 feet to the point of beginning; thence South 12 degrees 50 minutes 21 seconds West a distance of 101.36 feet; thence South 07 degrees 39 minutes 41 seconds East a distance of 200.45 feet and there terminating, the sidelines of said easement are to be prolonged or shortened to end at the original Southerly right of way line of County Road B West and the South line of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, according to the Government survey thereof, Ramsey County, Minnesota.

PROPOSED WATER MAIN EASEMENT:

An easement for water main purposes 20 feet in width lying over, under, and across within the following described parcels of land:

PARCEL 1
The East 150 feet of the West 770 feet of the East 8 1/4 acres of the North 191.45 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota, as per Exhibit A.

PARCEL 2
The East 85 feet of the West 855 feet of the East 8 1/4 acres of the North 191.45 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, except the North 33 feet thereof taken for County Road B West, according to the Government Survey thereof, Ramsey County, Minnesota, as per Exhibit A.

PARCEL 3
The East 235 feet of the West 855 feet of the East 8 1/4 acres of the South 138.63 feet of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, according to the Government Survey thereof, Ramsey County, Minnesota, as per Exhibit A.

The centerline of said easement described as follows:

Commencing at the Northwest corner of Parcel 2 of attached Exhibit A; thence South 00 degrees 15 minutes 14 seconds East assumed bearing along the West line of Parcel 2 a distance of 33.01 feet to the original Southerly right of way line of County Road B West; thence South 89 degrees 02 minutes 27 seconds East along said original Southerly right of way line of said County Road B West a distance of 16.00 feet to the point of beginning; thence South 06 degrees 35 minutes 51 seconds West a distance of 99.11 feet; thence South 07 degrees 39 minutes 58 seconds East a distance of 200.54 feet and there terminating, the sidelines of said easement are to be prolonged or shortened to end at the original Southerly right of way line of County Road B West and the South line of the North 20 rods (330 feet) of the Northwest Quarter of Section 14, Township 29, Range 23, according to the Government survey thereof, Ramsey County, Minnesota.

BENCHMARK:

T.N.H. at 910 Burke Ave. Elevation = 941.13.

NOTES:

- All existing building dimensions are measured to the finished siding and not the building foundation.

- The location of all utilities shown are from observed evidence in the field and from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.

I hereby certify to Oakwood Holdings 40652, LLC and All American Title Co., Inc. and their respective successors and assigns that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown, R.L.S. MN REG 15230
Date: 1-25-2016

Legend

- OE --- Overhead Electric
- Telephone Pedestal
- Sanitary Manhole
- Water Shutoff
- Gate Valve
- Concrete Curb
- Timber Retaining Wall
- Keystone Retaining Wall
- x900.0 Existing Elevation
- x900.0TC Top of Curb Elevation
- x900.0TW Top of Wall Elevation
- Found Iron Monument
- Set Iron Monument

existing sanitary sewer main

existing water main

drainage/utility easements,
per City Code §1103.04

proposed utility easement

approx. easements for
public retaining wall