

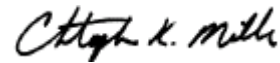
ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: June 13, 2011
Item No.: 11.a

Department Approval



Acting City Manager Approval



Item Description: **Public Hearing to consider request for a variance to the Noise Ordinance to extend construction activity hours at the Rosedale Square Shopping Center, 1601-1675 County Road C, to perform an asphalt overlay on the south half of the parking lot.**

BACKGROUND

The subject site is located at the Rosedale Square Shopping Center, 1601-1675 County Road C.

- Welsh Companies, LLC, has contracted with Minnesota Roadways to complete an asphalt overlay of the south half of the parking lot of the Rosedale Square Shopping Center, 1601-1675 County Road C, and is requesting a variance from City Code Section 405.03.D.
- City Code Section 405.03.D. prohibits construction activities during the hours from 10:00 p.m. to 7:00 a.m. on weekdays. City Code Section 405.04 stipulates that any variance from the noise standards be heard before City Council at a public hearing.
- Due to the parking lot receiving a substantial amount of vehicular and pedestrian traffic during daytime hours, Welsh Companies is requesting the variance. This project involves heavy equipment vehicles operating in the parking lot, and allowing this variance provides for the activity to occur after hours reducing inconvenience to the public and maintaining safe passage in and out of the parking lot.
- The asphalt overlay is proposed to occur sometime between June 20, 2011 and June 30, 2011, from 10:00 p.m. – 6:00 a.m.; and to be completed in two days subject to weather conditions.
- Properties within 500' of this site have been notified of this public hearing.

POLICY OBJECTIVE

Avoiding heavy construction activities during the hours that the shopping center is open will reduce the inconvenience to the public and maintain a safe passage in and out of the shopping center parking lot.

FINANCIAL IMPACTS

There is no direct financial impact to the City of Roseville.

STAFF RECOMMENDATION

Staff feels approval of the variance will reduce the inconvenience to the public and recommends Council review and adopt the attached resolution approving the variance as requested.

REQUESTED COUNCIL ACTION

- Open Public Hearing and take public comment.
- Close Public Hearing.
- Approve resolution for a variance to the Noise Ordinance to allow extension of construction activity hours to perform an asphalt overlay at Rosedale Square Shopping Center, 1601-1675 County Road C, south half of the parking lot, for sometime between June 20, 2011 and June 30, 2011, 10:00 p.m. – 6:00 a.m.

Prepared by: Don Munson, Permit Coordinator

Attachment A- Noise Variance Application
Attachment B - Public Hearing Map
Attachment C - Resolution



COMMUNITY DEVELOPMENT
2660 Civic Center Drive ♦ Roseville, MN 55113
Phone: (651) 792-7080 ♦ Fax: (651) 792-7070

NOISE VARIANCE APPLICATION

CITY CODE SECTION 405.04.D
www.ci.roseville.mn.us



BUSINESS/INDUSTRIAL FEE: \$300

Fee should be made payable to City of Roseville upon submittal of completed application.

VARIANCE REQUIREMENTS

City Code Section 405.04.D states:

Construction Activities: No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas powered machine or other power equipment except between the hours of 7:00 A.M. and 10:00 P.M. on any weekday, or between the hours of 9:00 AM. and 9:00 P.M. on any weekend or legal holiday.

Any person may apply to the City Council for a variance from the requirements of this Chapter prior to doing those acts. The applicant shall provide a certified list of property owners within 500 feet of the site(s) where the activity is to occur. The Council procedure for public hearings shall be as set force in Chapter 108 of this Code. For good cause shown, the City Council may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Council may impose reasonable conditions to it (Ord. 115A, 11-25-1996).

Notice of Public Hearing:

Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

OFFICE USE ONLY	
Date Received:	<u>5/18/11</u>
Receipt #:	<u>241254</u>
Initials:	<u>SK</u>

ROSEVILLE

NOISE VARIANCE APPLICATION COMMUNITY DEVELOPMENT

2660 Civic Center Drive ♦ Roseville, MN 55113

Phone: (651) 792-7080 ♦ Fax: (651) 792-7070

NOISE VARIANCE APPLICATION

1. Property Owner Information:

Company name: KPERS Realty Holding #41
Last name: _____ First name: _____
Address: _____ City/State/Zip: _____
Phone number: _____ Email address: _____

2. Applicant Information: (if different from above)

Company name: Welsh Companies, LLC
Last name: Gilman First name: Jerry
Address: 4350 Baker Rd Suite 400 City/State/Zip: Minnetonka, MN 55
Phone number: 952-897-7812 Email address: jjgilman@welshco.com

3. Address(es) of Property Involved: 1601-1675 West County Road C

4. Zoning Designation: _____

5. Statement of Intent: State exactly what is intended to be done on or with the property which does not conform to City Code requirements.

See Attached Statement

6. Additional Required Information:

7. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: [Signature] Date: 4/28/11
Agent for KPERS Realty Holding #41
Applicant: [Signature] Date: 4/28/11

Noise Variance Application
Statement of Intent
1601 – 1675 West County Road C (Rosedale Square)

Welsh Companies, LLC, as Agent for KPERS Realty Holding #41 has contracted with Minnesota Roadways to complete an asphalt overlay of the Byerly's parking lot. We are requesting to perform the overlay sometime during the period of June 20 – June 30 from 10:00 P.M. – 6:00 A.M. The project is expected to take two days to complete. The intent is to begin June 20, 2011 and end on June 21, 2011 however; the project is subject to good weather.

The Byerly's parking lot has a substantial amount of vehicular and pedestrian traffic during the daytime hours. To complete this project, there will dump trucks, asphalt rollers, bobcats and paving equipment operating in the parking lot. The project will be difficult to complete while there are vehicles and pedestrians in the parking lot. There is also a concern for safety with having this large amount of construction equipment coming and going through the parking lot.

A site plan is included showing the area of the parking lot overlay.

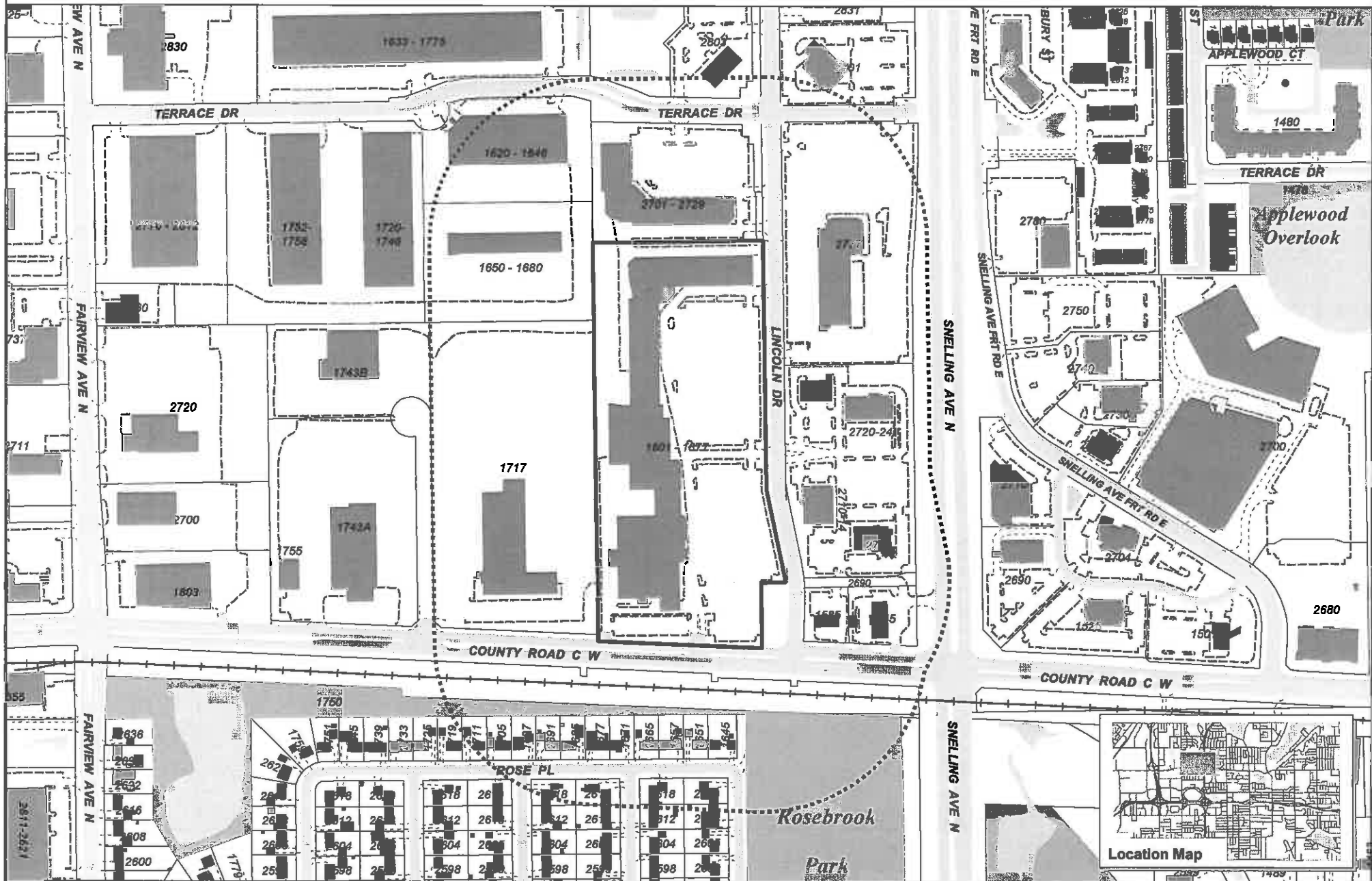
**Rosedale Square Shopping Center
1601-1675 West County Road C
Roseville, MN 55113**



Asphalt Overlay Area

Byerly's Noise Variance

ATTACHMENT B



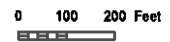
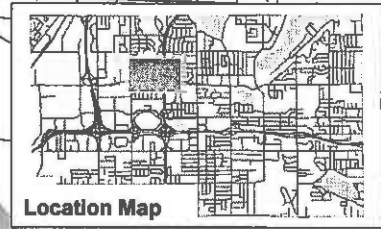
Prepared by:
Community Development Department
Printed: May 10, 2011



Site Location
LR / R1 Comp Plan / Zoning Designations

Data Sources
* Ramsey County GIS Base Map (5/2/2011)
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 651-782-7085. 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.



1
2
3 **EXTRACT OF MINUTES OF MEETING**
4 **OF THE**
5 **CITY COUNCIL OF THE CITY OF ROSEVILLE**

6
7 * * * * *

8
9 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City
10 of Roseville, County of Ramsey, Minnesota was duly held on the 13th day of June, 2011,
11 at 6:00 p.m.

12
13 The following members were present:

14
15 and the following were absent:

16
17 Council Member _____ introduced the following resolution and moved its
18 adoption:

19
20 **RESOLUTION NO.**

21
22 **RESOLUTION REQUESTING A VARIANCE FROM CITY CODE SECTION**
23 **405.03, HOURLY RESTRICTIONS ON CERTAIN OPERATIONS FOR**
24 **ROSEDALE SQUARE SHOPPING CENTER, 1601-1675 COUNTY ROAD C**

25
26
27 WHEREAS, WELSH COMPANIES has requested a variance from City Code Section
28 405.03.D. Construction Activities, which permits construction activities to
29 occur between the hours of 7:00 a.m. and 10:00 p.m. on any weekday, or
30 between hours of 9:00 a.m. and 9:00 p.m. on any weekend or legal
31 holidays; and

32
33 WHEREAS, WELSH COMPANIES has contracted with Minnesota Roadways to
34 perform an asphalt overlay of the south half of the Rosedale Square
35 Shopping Center parking lot, and requested a variance to the City Code for
36 the following dates: during the period of June 20-30, 2011, from 10:00
37 p.m. – 6:00 a.m.. The project is expected to take two days to complete,
38 subject to good weather; and

39
40 WHEREAS, WELSH COMPANIES is requesting this variance for safety reasons.
41 Avoiding heavy construction activities during the hours that the shopping
42 center is open will reduce the inconvenience to the public and maintain a
43 safe passage in and out of the shopping center;

44
45
46

47 NOW, THEREFORE, BE IT RESOLVED, that by the City Council of the City of
48 Roseville, Minnesota, that the variance from City Code Section 405.03,
49 Hourly Restrictions on Certain Operations for Rosedale Square Shopping
50 Center, 1601-1675 County Road C is hereby approved.

51
52 The motion for the adoption of the foregoing resolution was duly seconded by Member
53 _____, and upon a vote being taken thereon, the following voted in favor
54 thereof:
55

56
57 and the following voted against the same:
58

59 WHEREUPON said resolution was declared duly passed and adopted.

Resolution –Variance from City Code Section 405.03, Hourly Restrictions of Certain Operations for Rosedale Square Shopping Center, 1601-1675 County Road C

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 13th day of June, 2011, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 13th day of June, 2011.

William J. Malinen, City Manager

(Seal)