

REQUEST FOR CITY COUNCIL ACTION

DATE: **09/20/2010**

ITEM NO: 12.e

Department Approval



City Manager Approval



Item Description: Request by the Planning Division to Amend the Comprehensive Plan – Land Use Designation for 70 properties in Roseville that were incorrectly or inadvertently guided during the Comprehensive Plan Update process and to Rezone the same 70 properties accordingly. **(PROJ0017)**.

1.0 BACKGROUND

1.1 On August 4, 2010 the City Council continued the action of the subject request because the Mayor was not present and being a land use decision the required a 4/5 majority vote the Council felt the request should be considered by the full Council. The City Council also requested that the anomaly slides be batched together .

1.2 On July 12, 2010, the City Council directed the Planning Division to begin the process to correct 70 inappropriate and/or incorrect Comprehensive Plan - Land Use Designations that the Planning Staff has located as a part of it Official Zoning Map update process.

1.3 On July 29, 2010, the Planning Division held the required open house pertaining to the 70 anomaly properties. The Division provided background information on the need for the changes and discussed with individual property owners their specific correction. A summary of the resident comments are attached (Attachment B).

2.0 ANOMALY PROPERTIES

2.1 To better understand the need to establish an appropriate land use designation and zoning, the Planning Division has created separate or groupings of lots/parcels on individual slides. These “attachments” identify each the lot/parcel and the existing/proposed Comprehensive Plan – Land Use Designation as well as the existing/proposed Zoning classification.

3.0 PLANNING COMMISSION ACTION

3.1 At the duly noticed public hearing, the City Planner indicated to the Planning Commission that the Planning Staff held the required open house on the land use designation and zoning changes on July 29, 2010, which meeting was well attended. At the open house the Planning Staff provided specific information to citizen regarding their parcel or parcels of interest. The City Planner added that the notes from the open house were attached for the Planning Commission’s information.

3.2 Chair Doherty asked that the City Planner go over each of the slides provided in the packet individually and, if there were any questions or comments, that those citizens could address the Commission and/or City Planner at the time the slide was being reviewed.

30 3.3 The City Planner noted that after further consideration, two small properties near South
31 McCarron's Boulevard and adjacent to Tamarack Park will be guided right-of-way
32 (ROW) versus Park/Open Space as the sheet indicates. The City Planner indicated that
33 these parcels along with others currently identified as right-of-way are used by some of
34 the neighboring property owners to access their yards and, should that continue, the Park
35 designation would be inappropriate. A couple of residents did address the Commission
36 on this particular correction, seeking that the land area (both parcels) be designated right-
37 of-way.

38 3.4 Also during the presentation, a number of citizens addressed the Commission and City
39 Planner asking questions and seeking additional information regarding why the change
40 was being made. The general statement provided to most all citizens was that each
41 property has been determined to be guided in the current Comprehensive Plan incorrectly
42 or inappropriately and that the Planning Division needs to correct these properties so that
43 the guiding and zoning are consistent with one another, thus meeting State Statute
44 requirements.

45 3.5 The Planning Commission recommended approval (5-0) of the 70 proposed
46 Comprehensive Plan - Land Use Designation changes and appropriate/applicable
47 rezoning as amended by staff during the presentation (two parcels near Tamarack Park).

48 **4.0 STAFF COMMENTS/RECOMMENDATIONS**

49 4.1 After the City Council meeting of August 4, 2010, the Planning Division met with the
50 City Attorney to further discuss whether it was appropriate to guide a select few single
51 family homes as Park and Open Space in the Comprehensive Plan. The City Attorney
52 has determined that because the City has no immediate intention to acquire any of the 18
53 properties, that keeping them guided as Park and Open Space would prohibit reasonable
54 use of the property and as a result the property owner may have an inverse condemnation
55 claim against the City (Attachment F).

56 4.2 The Roseville Planning Division recommends that the City Council approve
57 Comprehensive Plan - Land Use Map Amendments for the 70 anomaly properties as
58 indicated on the attached slides. The rezoning of each parcel will appear on the revised
59 Official Zoning Map which will be brought forward in October/November for final
60 approval.

61 **5.0 SUGGESTED CITY COUNCIL ACTION**

62 **ADOPT A RESOLUTION APPROVING COMPREHENSIVE PLAN – LAND USE MAP**
63 **AMENDMENTS FOR 70 PROPERTIES IN ROSEVILLE.**

64 **Prepared by: Thomas Paschke, City Planner**

Attachments: A: Anomaly Slides
B. Open House Comments
C: Draft PC Minutes
D. Resolution
E. Gunner Petersen Letter
F. Attorney Opinion

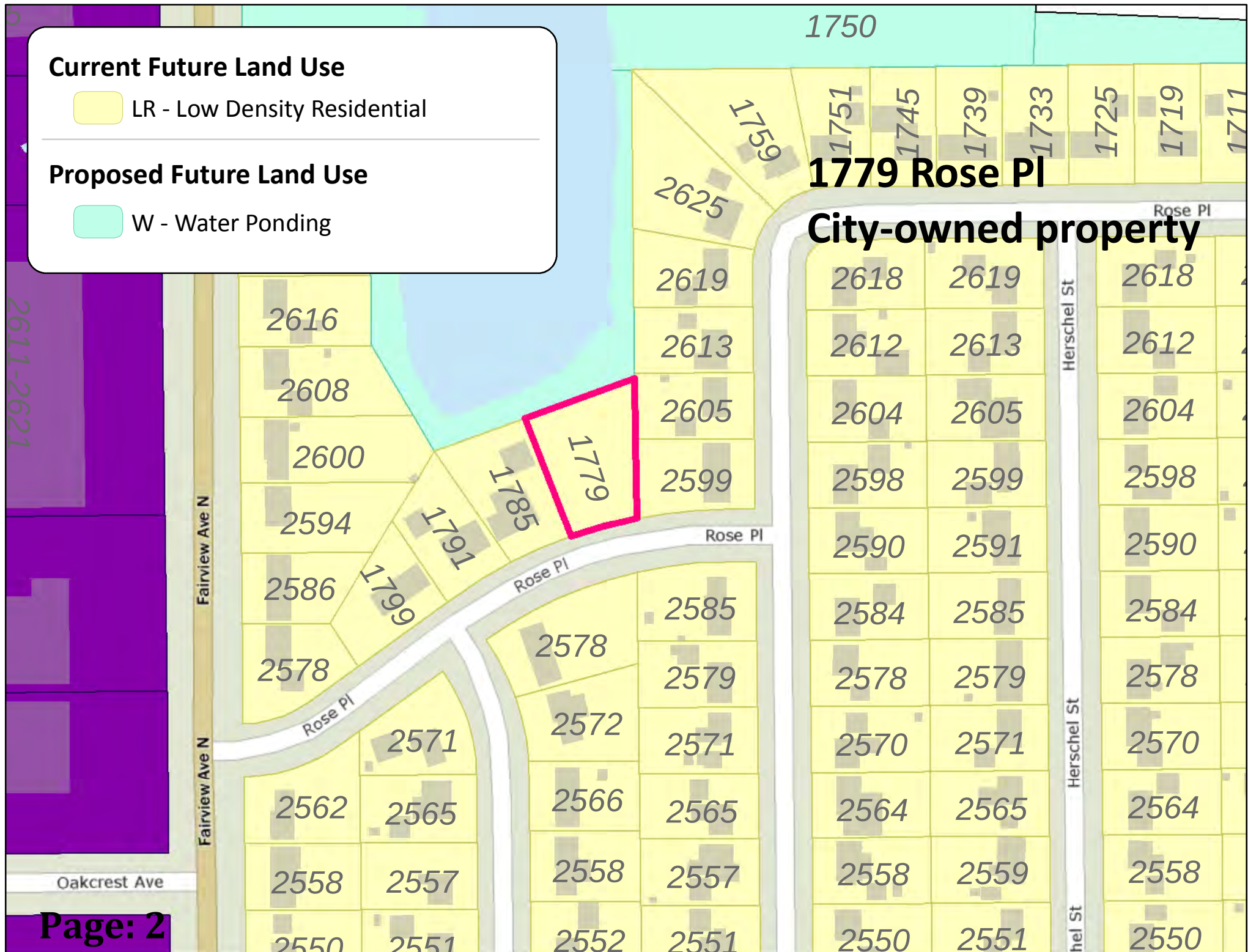
The 23 properties on pages 2-22 have been deemed to be inappropriately guided **Low Density Residential** in the 2030 Comprehensive Plan.

Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 W - Water Ponding

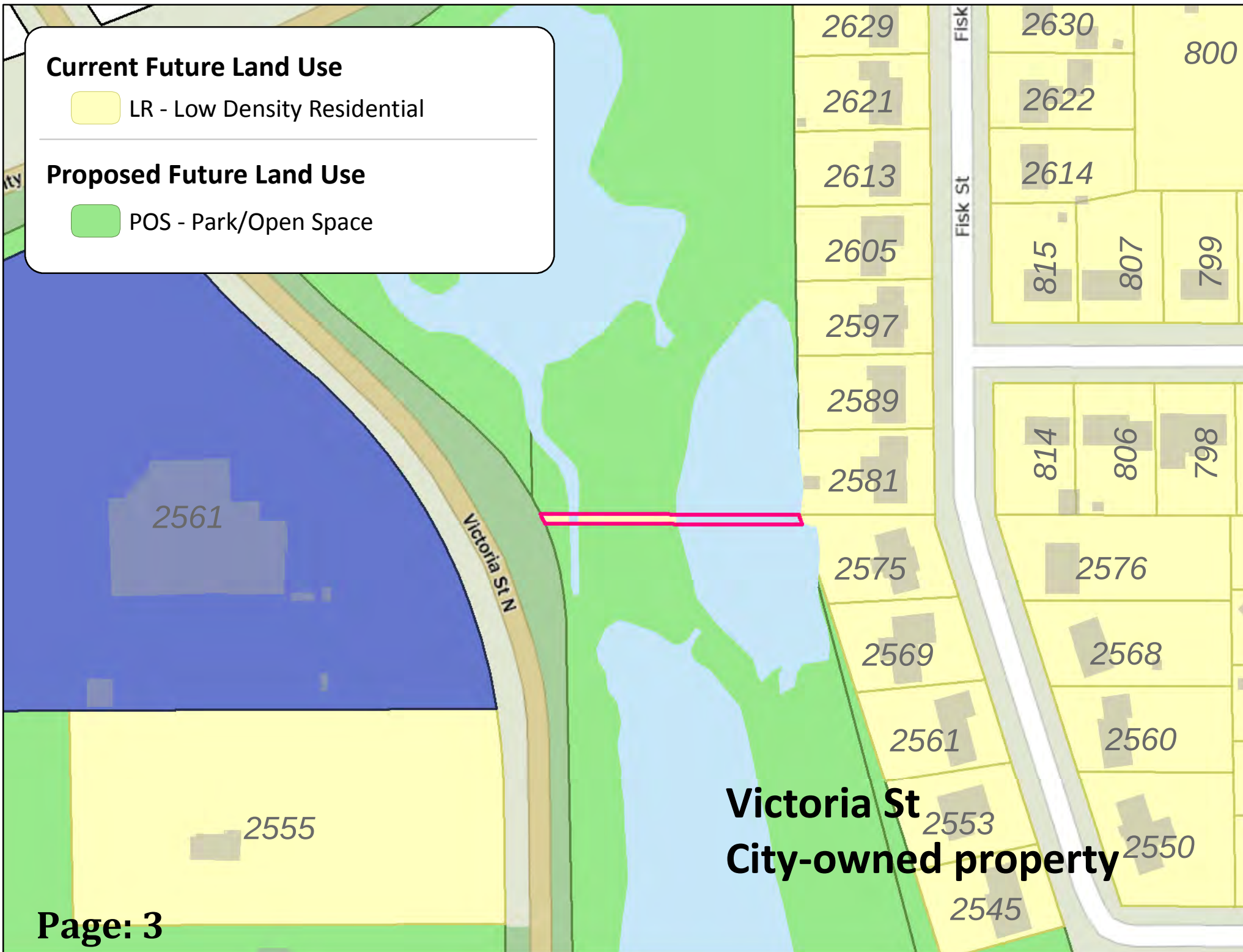


Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 POS - Park/Open Space



Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 NB - Neighborhood Business

2201 Lexington Ave
Small business

Current Future Land Use

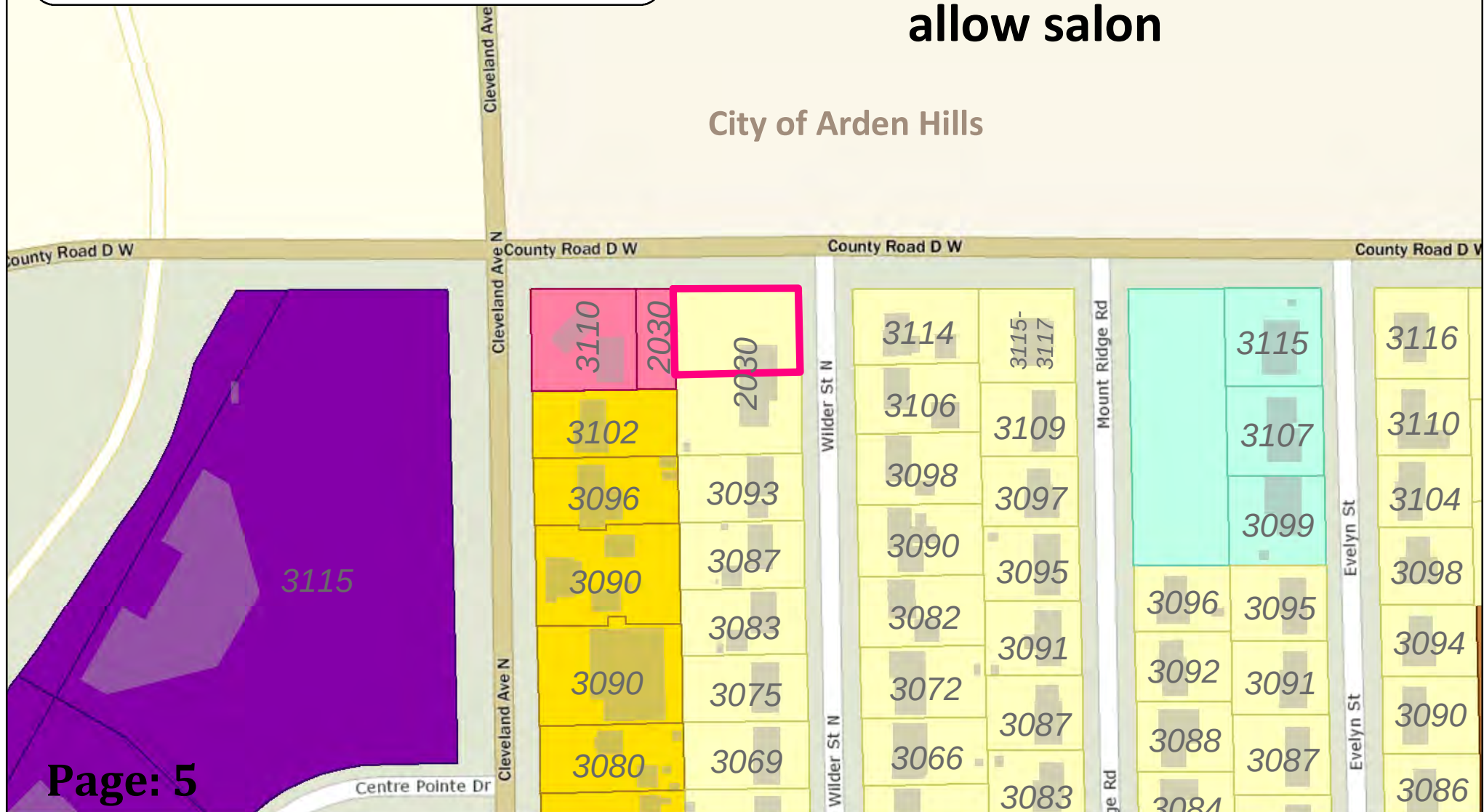
 LR - Low Density Residential

Proposed Future Land Use

 NB - Neighborhood Business

2030 County Road D
Half of property zoned
business in 1970s to
allow salon

City of Arden Hills



Current Future Land Use

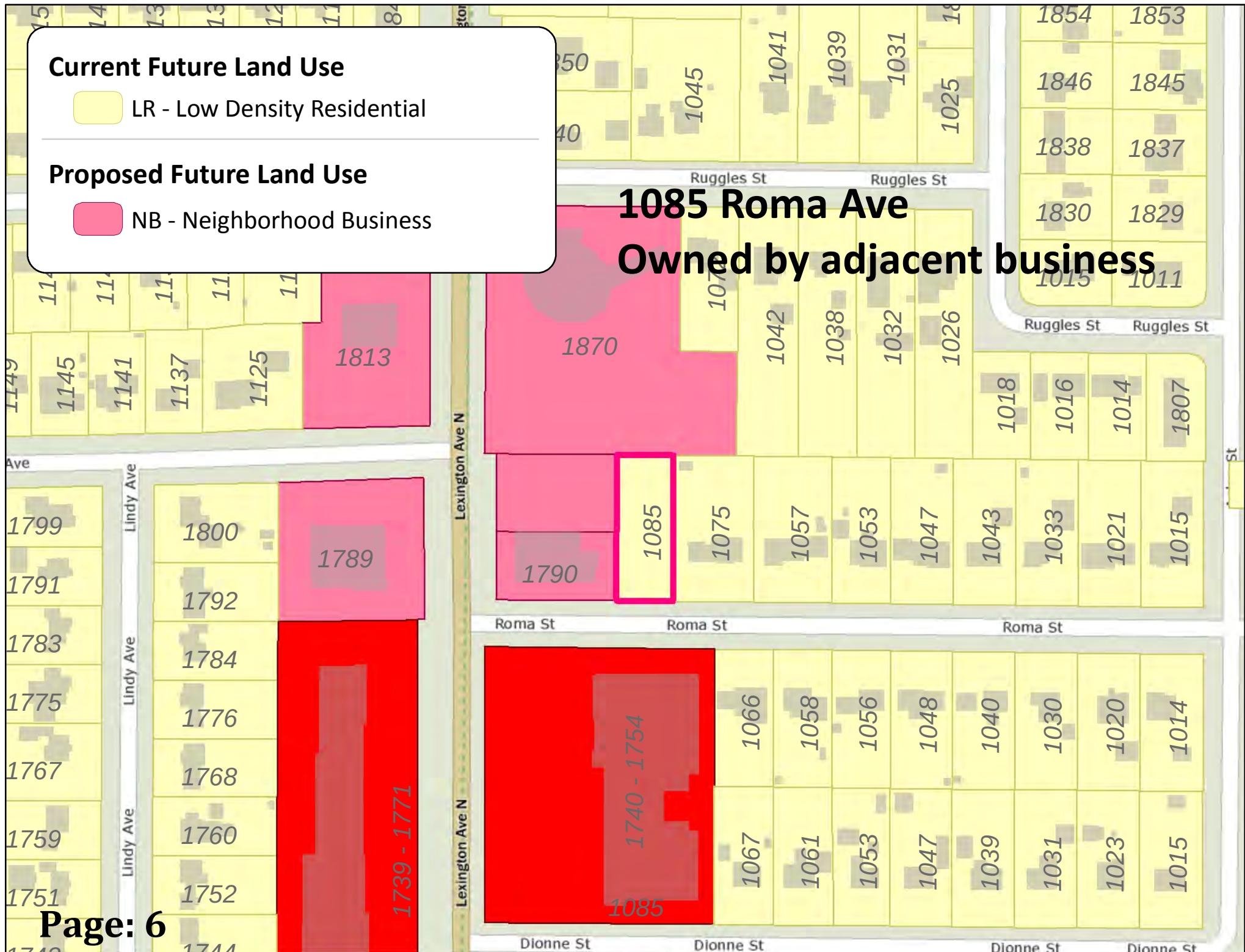
 LR - Low Density Residential

Proposed Future Land Use

 NB - Neighborhood Business

1085 Roma Ave

Owned by adjacent business



Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 ROW - Right of Way

Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 ROW - Right of Way

Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

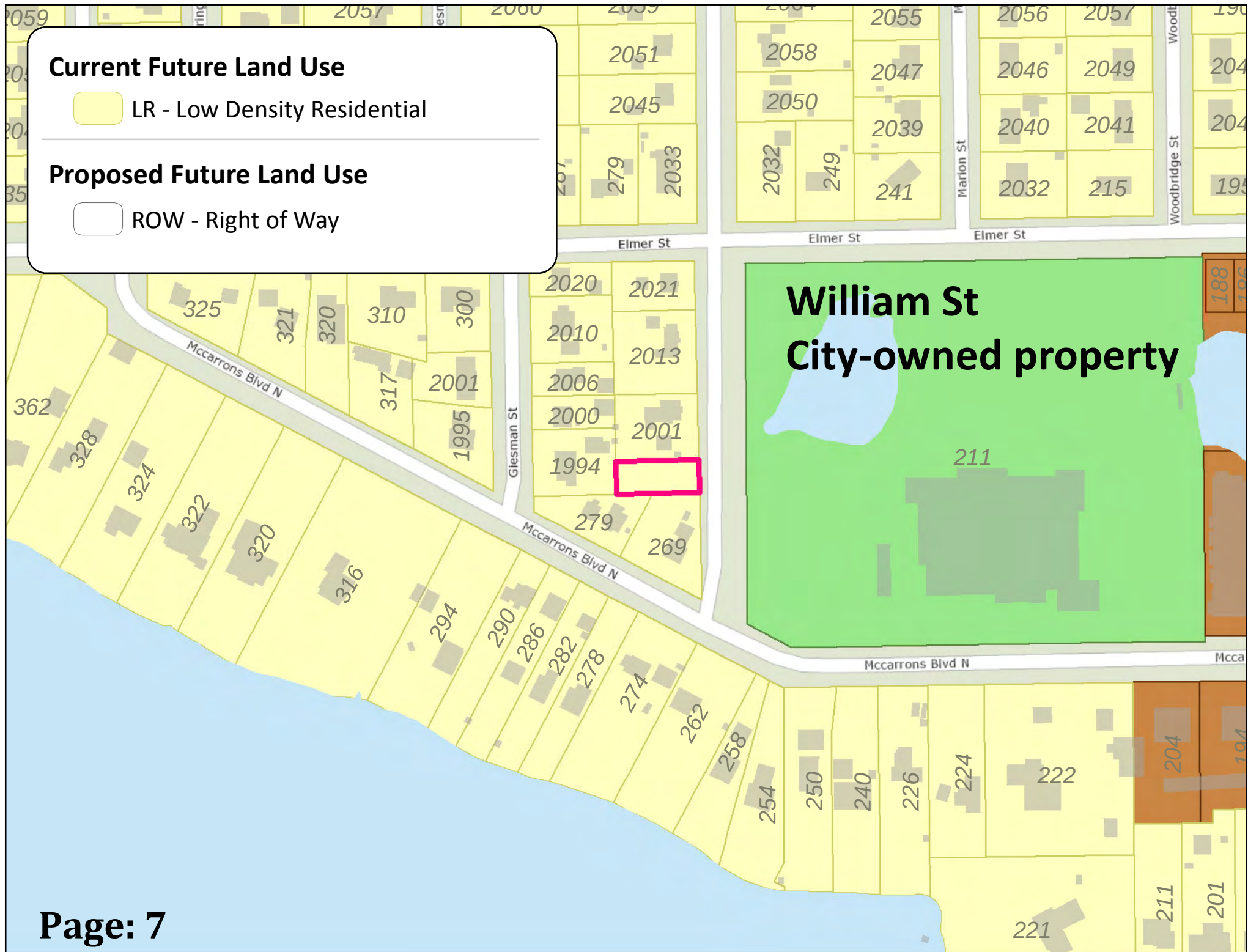
 ROW - Right of Way

Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 ROW - Right of Way



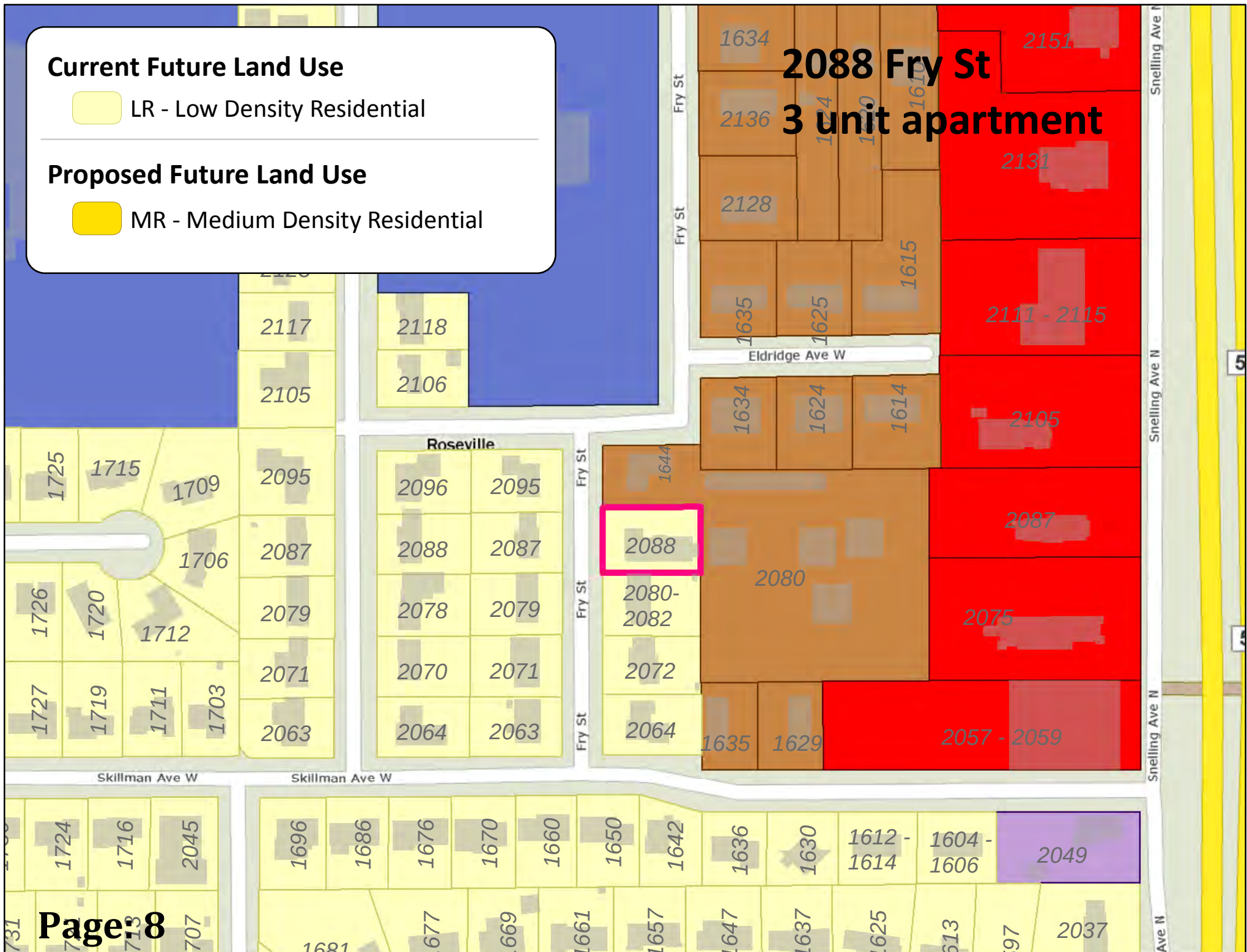
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 MR - Medium Density Residential

2088 Fry St
3 unit apartment



Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 0 - Office

2211 Hamline Ave
Office building

Page: 9

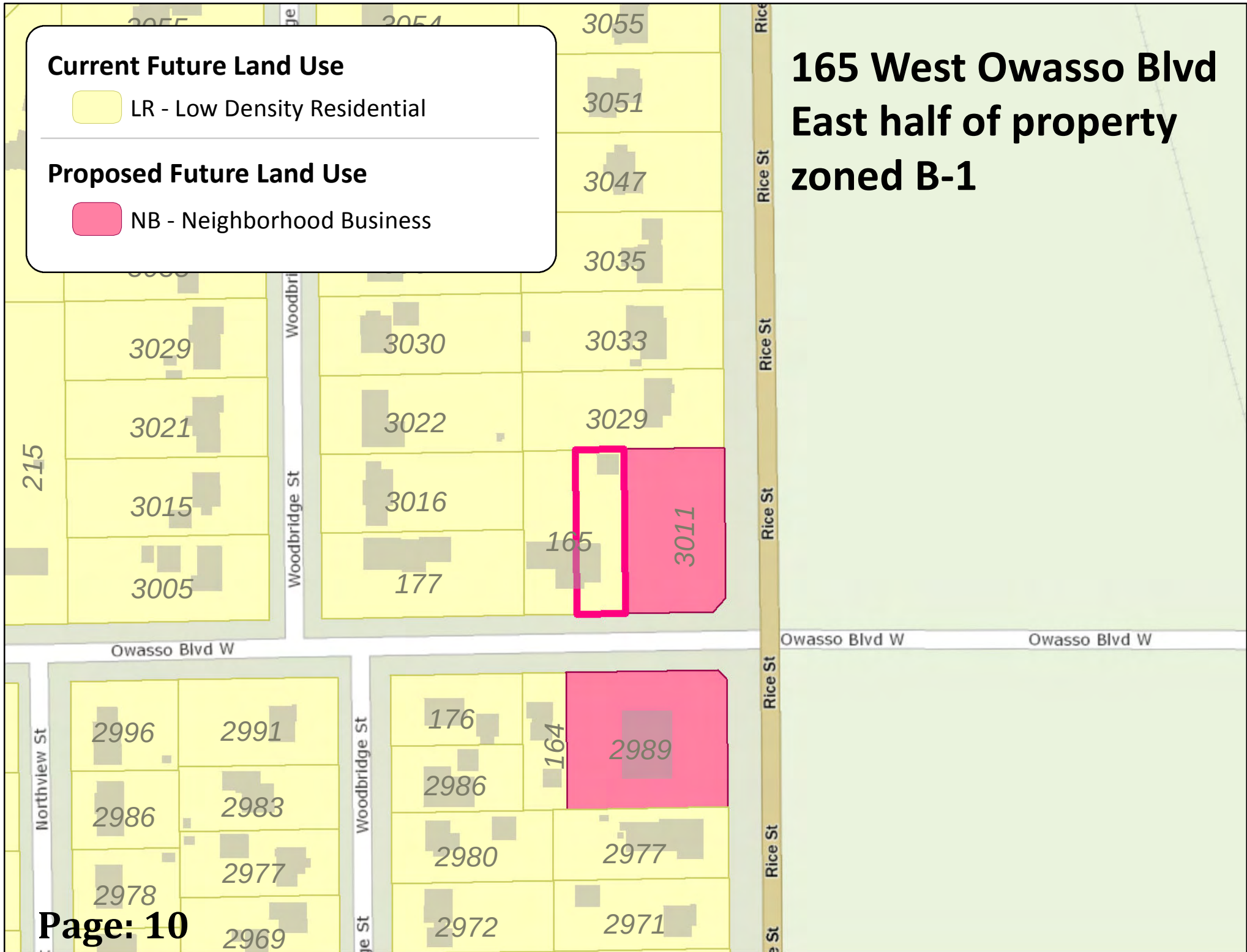
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 NB - Neighborhood Business

**165 West Owasso Blvd
East half of property
zoned B-1**



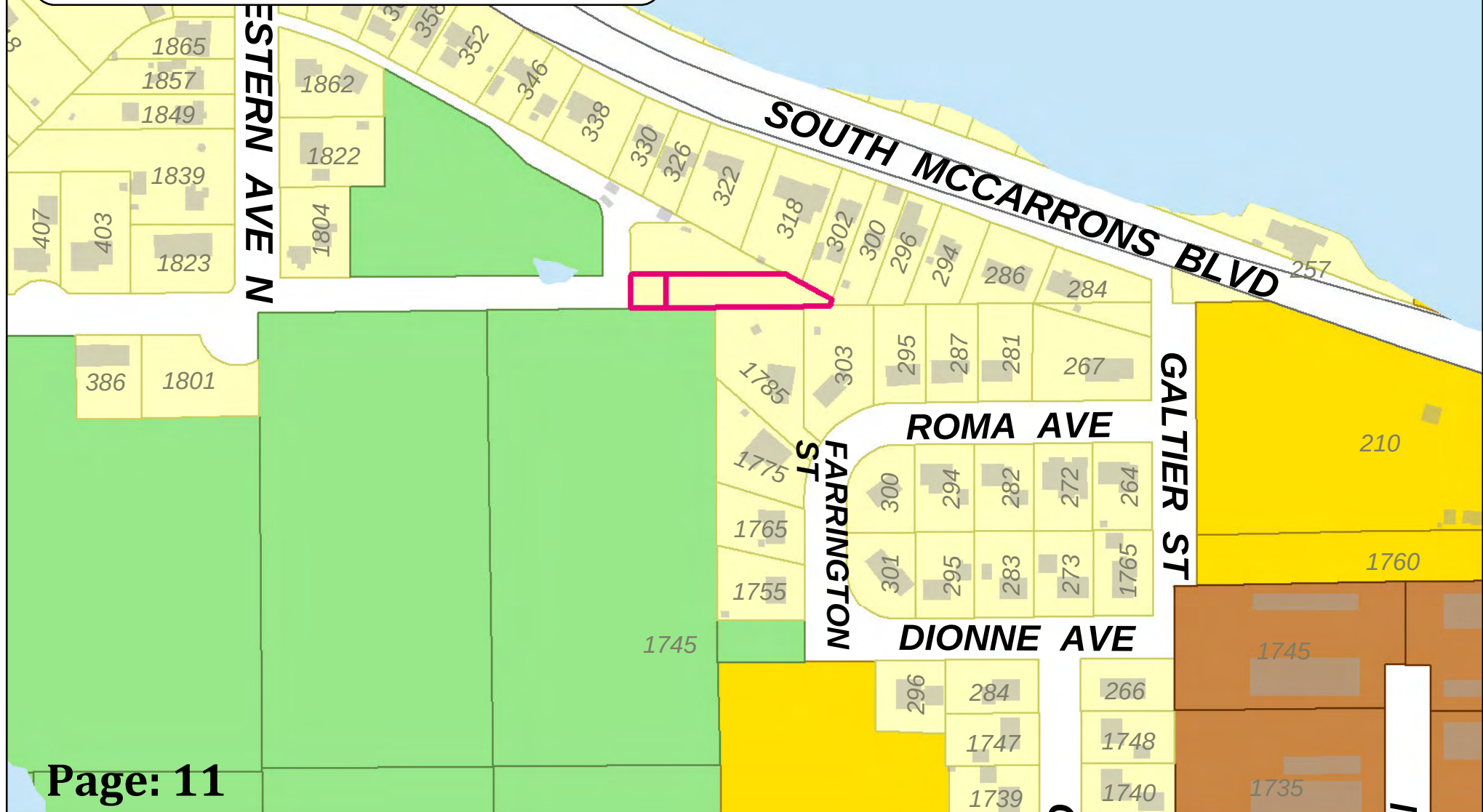
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 ROW - Right of Way

South McCarrons Blvd City-owned right-of-way



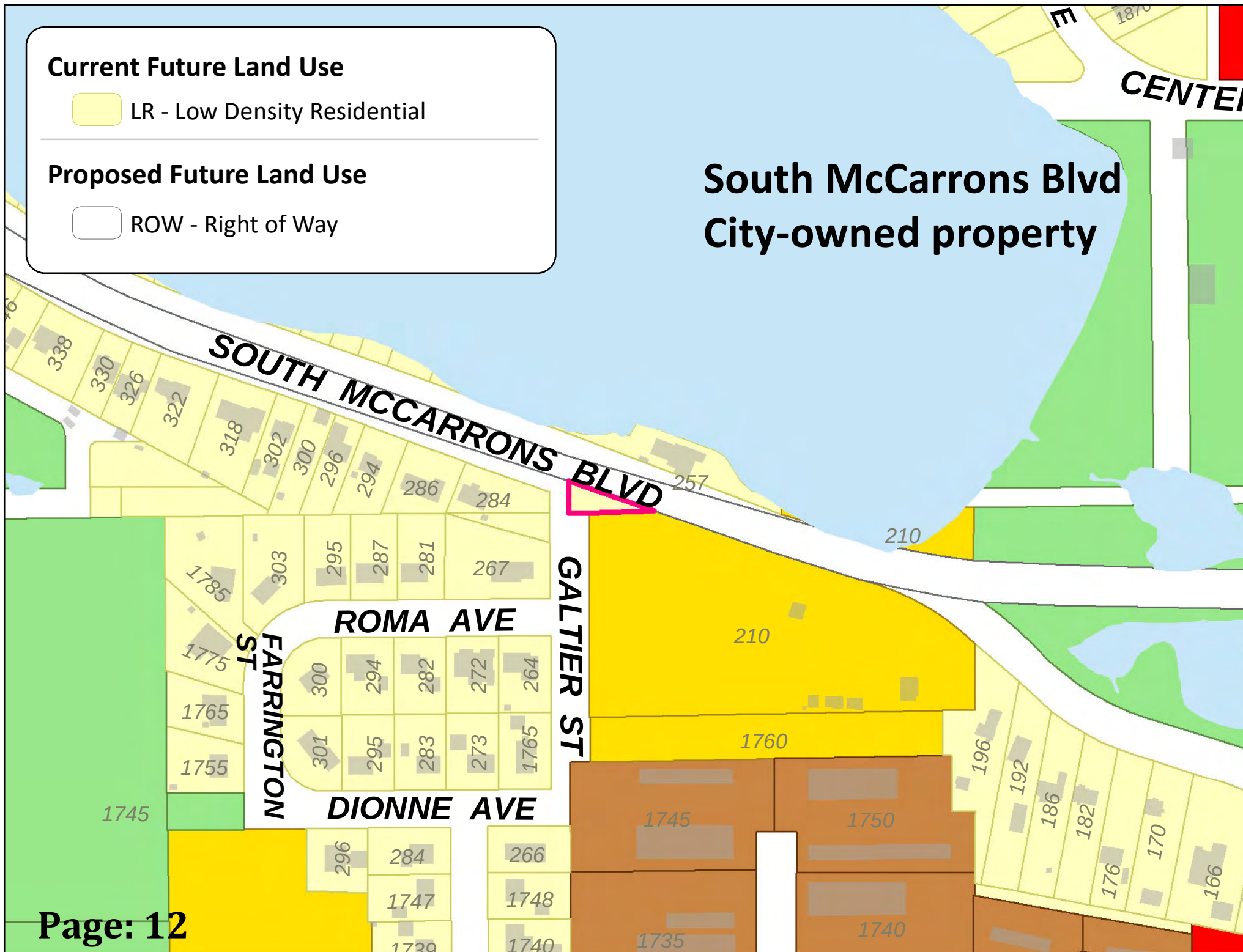
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 ROW - Right of Way

**South McCarrons Blvd
City-owned property**



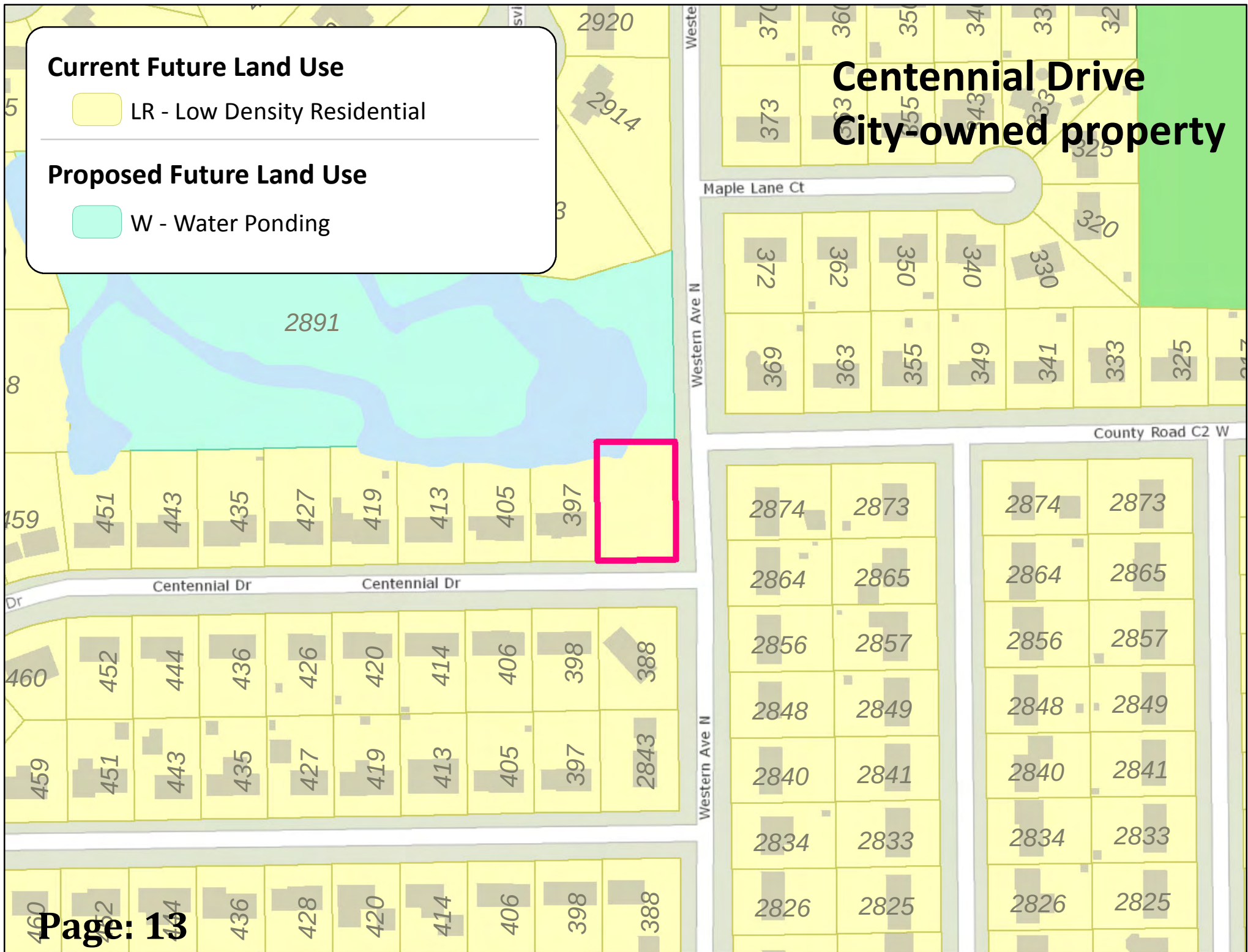
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 W - Water Ponding

**Centennial Drive
City-owned property**



Current Future Land Use

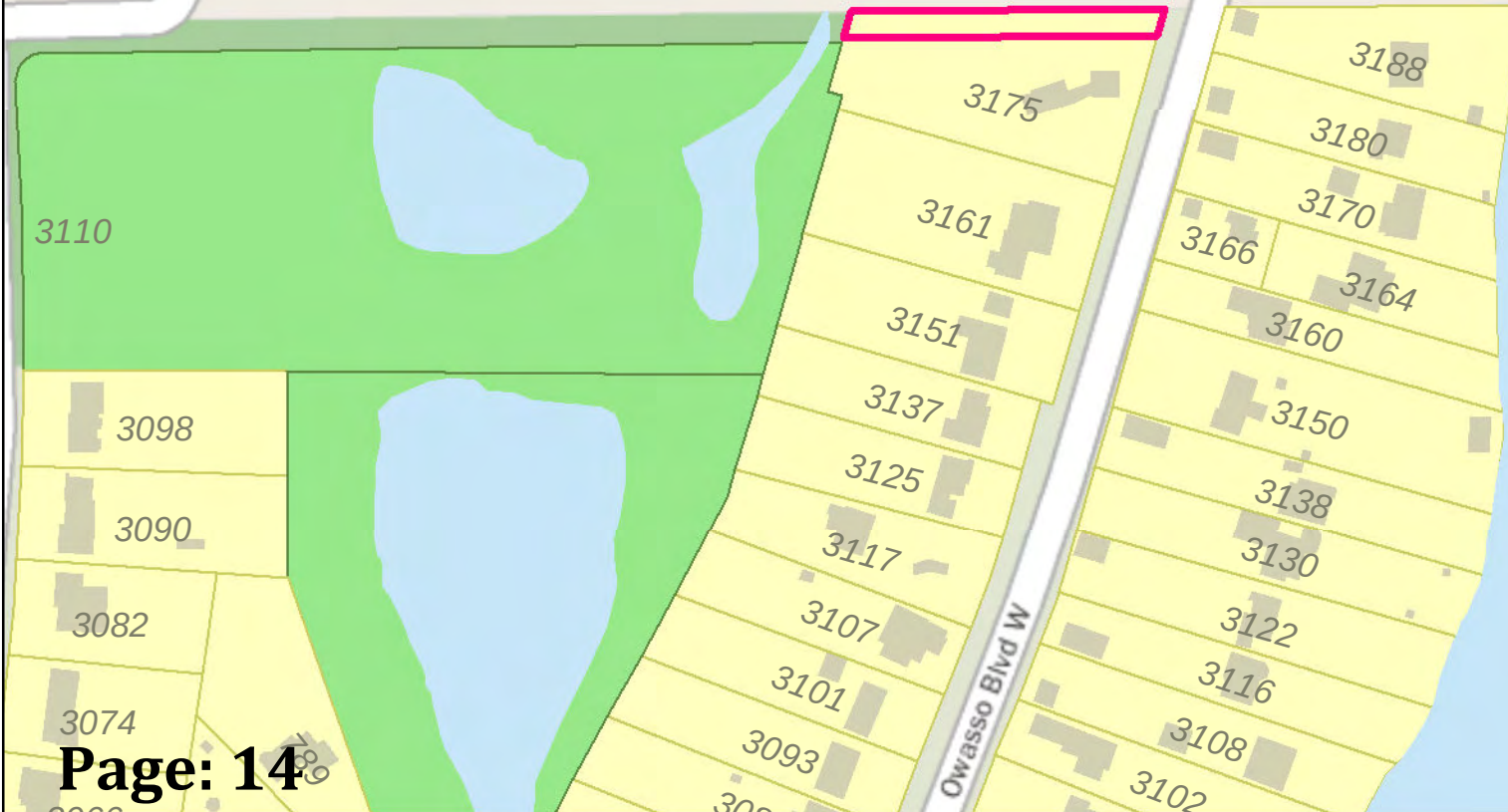
 LR - Low Density Residential

Proposed Future Land Use

 POS - Park/Open Space

West Owasso Blvd
City-owned property

City of Shoreview



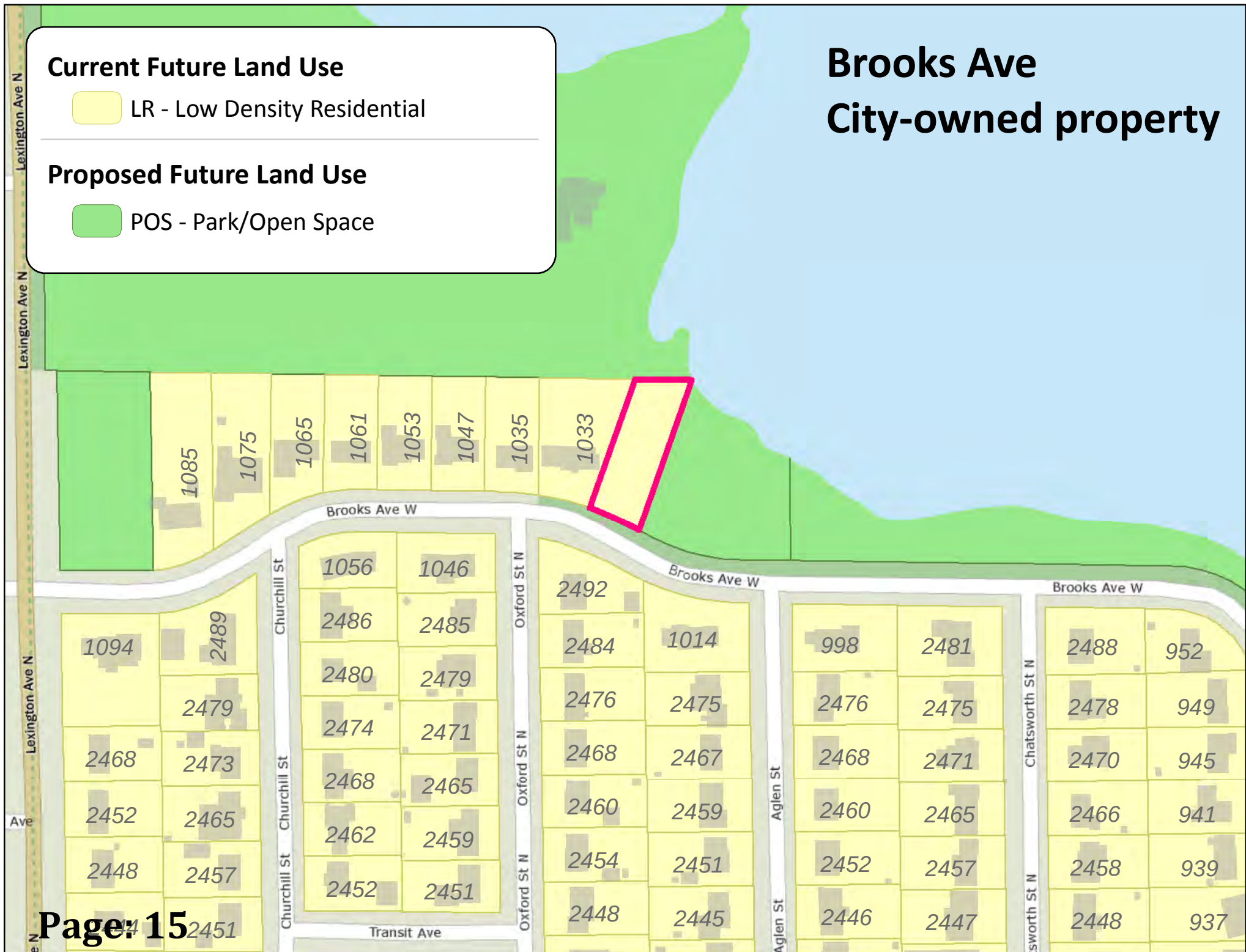
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 POS - Park/Open Space

Brooks Ave City-owned property



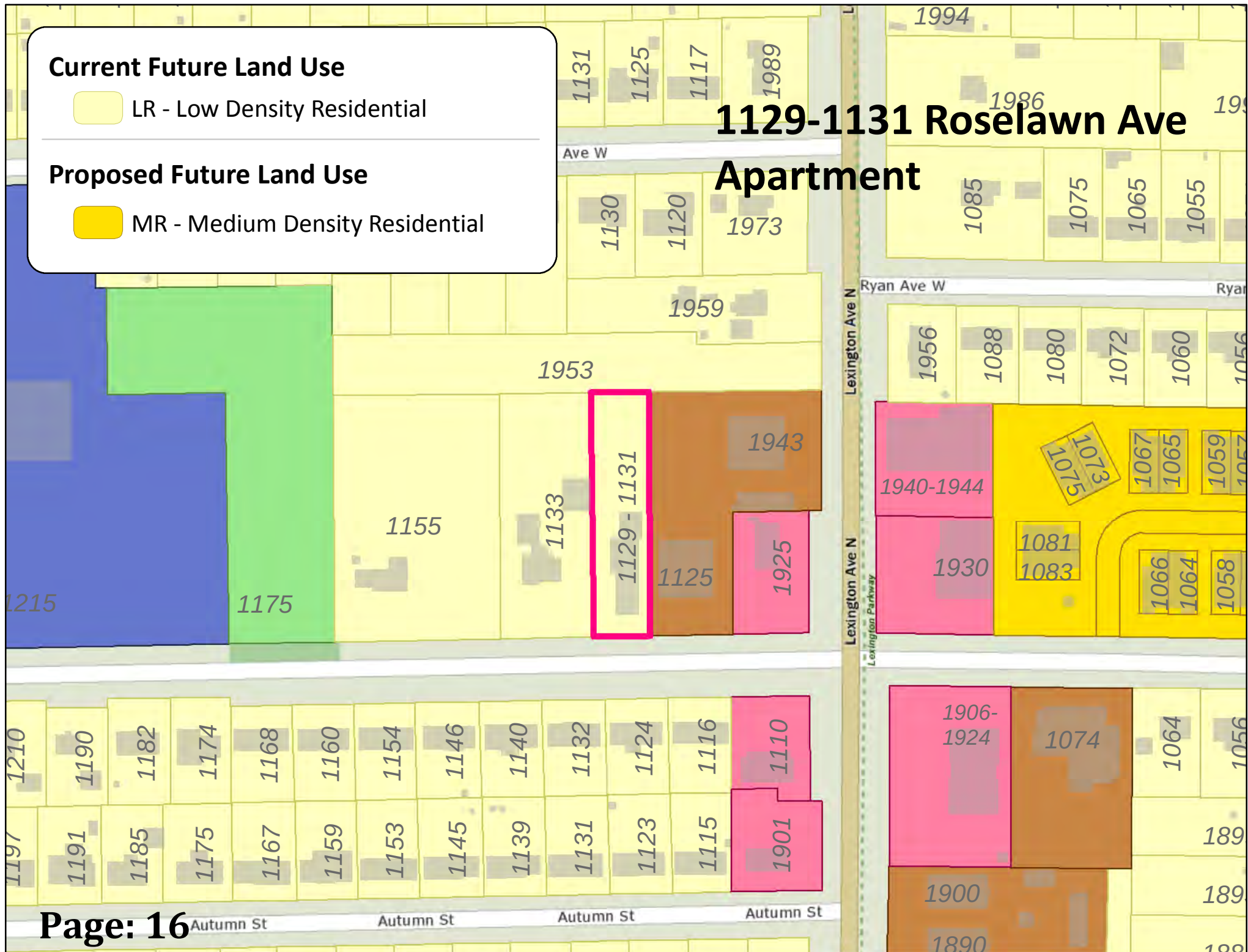
Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 MR - Medium Density Residential

1129-1131 Roselawn Ave Apartment

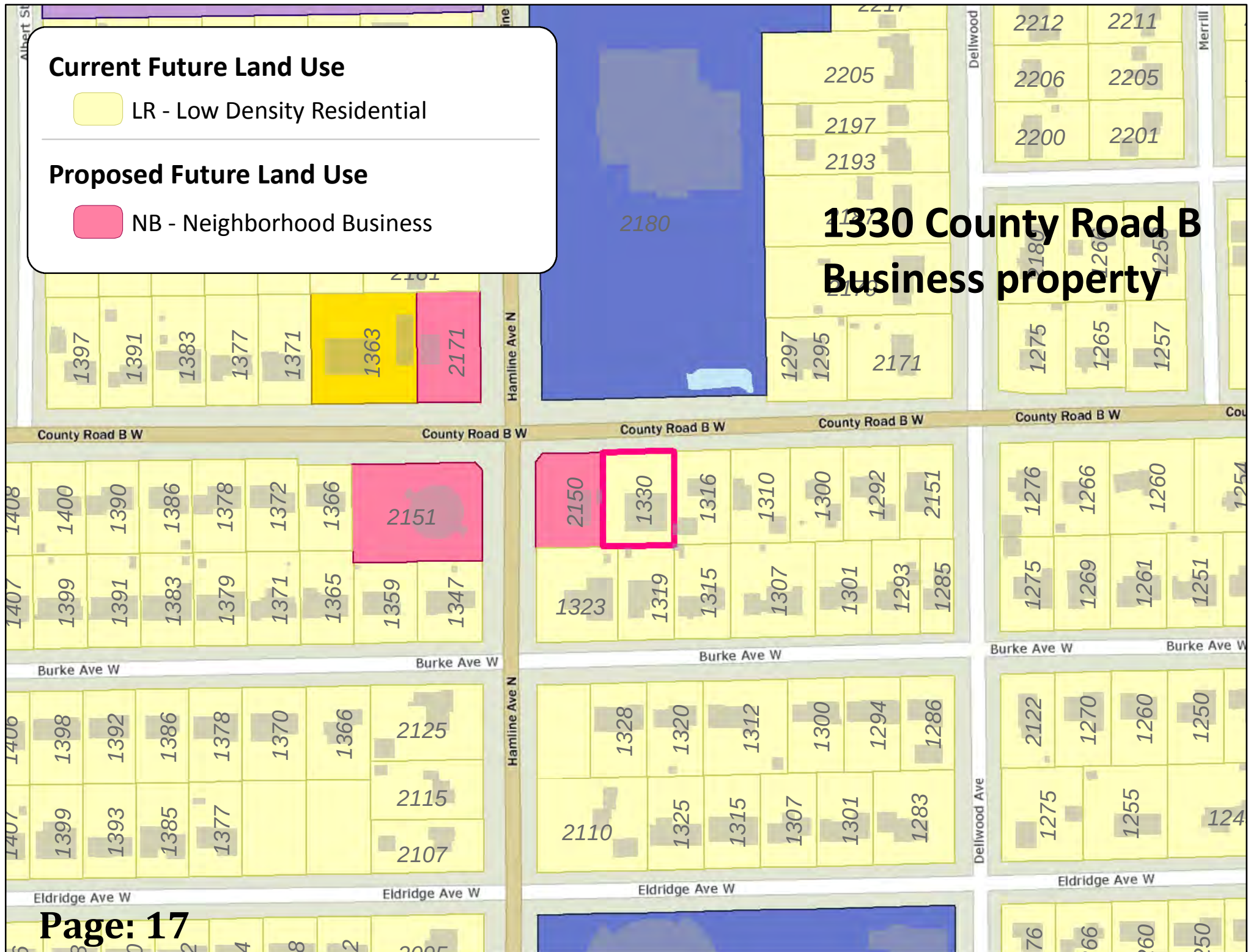


Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 NB - Neighborhood Business



Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 IN - Institutional

2023

2001

Alameda S
707 701 693 687 679 671 665 659 651 645

Skillman Ave W Skillman Ave W

711 691 683 677 669 663 657 649

Shryer Ave W Shryer Ave W

706 702 696 682 676 668 662 656 648

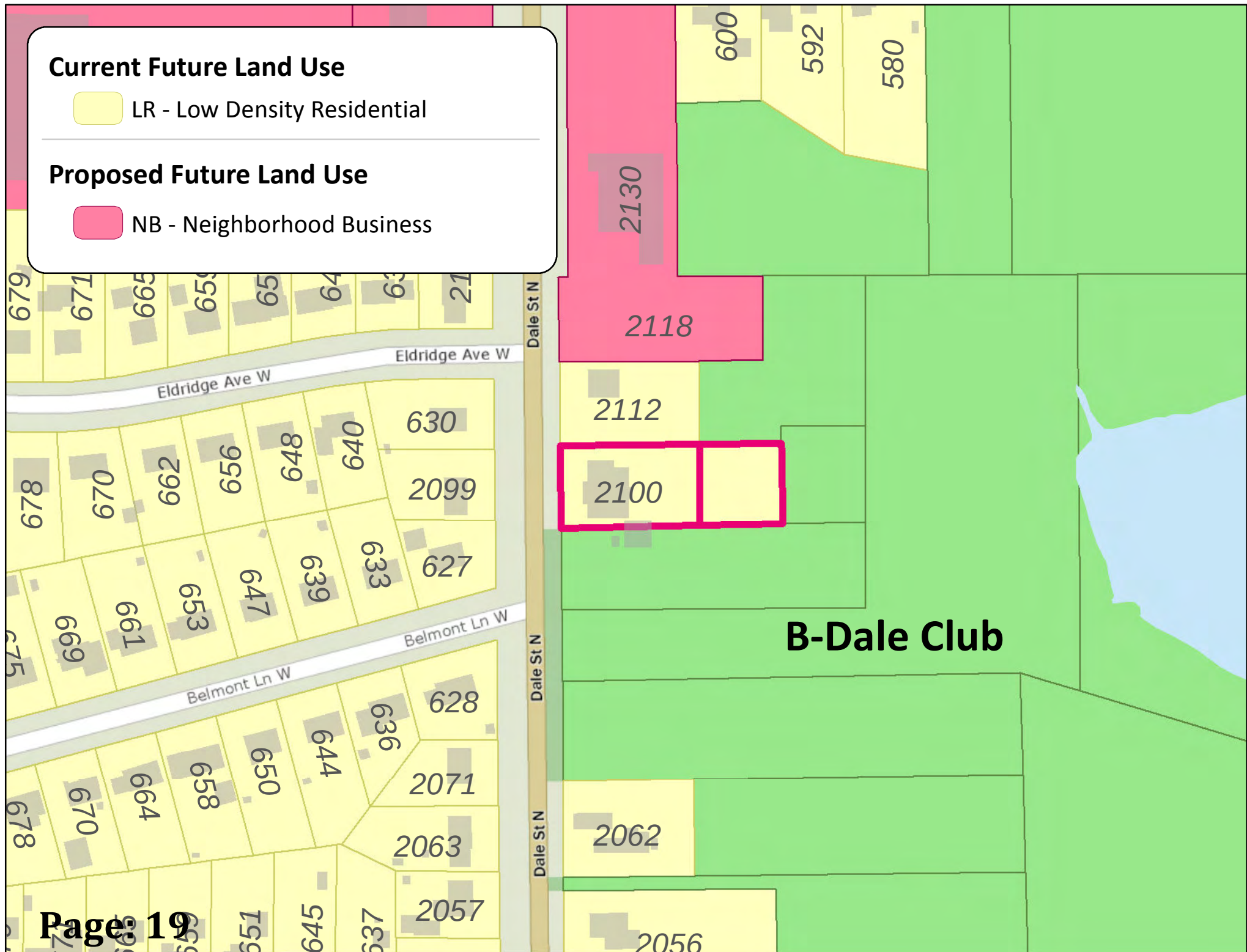
706 Shryer Ave
City-owned utility building

Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 NB - Neighborhood Business



Current Future Land Use

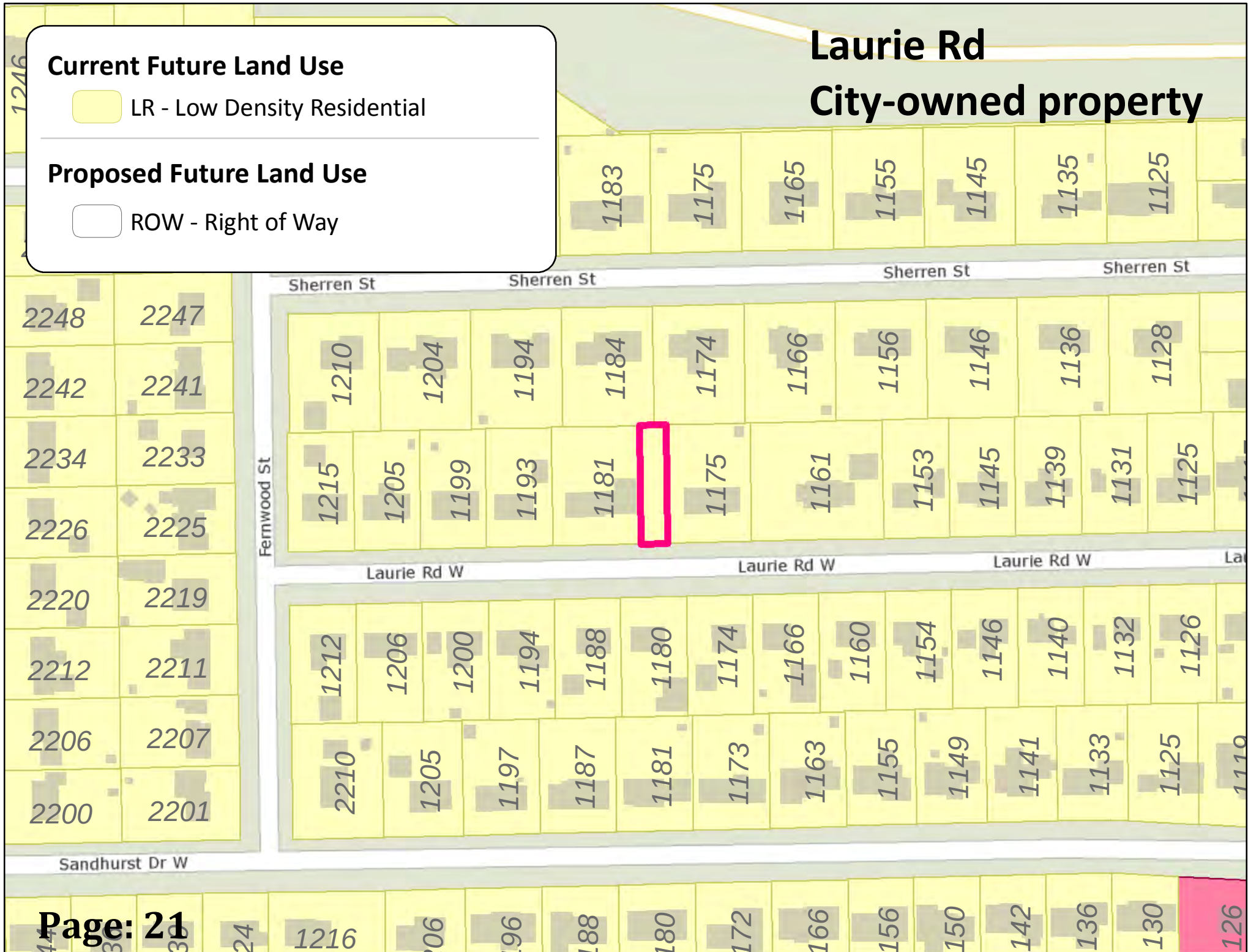
 LR - Low Density Residential

Proposed Future Land Use

 ROW - Right of Way

Laurie Rd

City-owned property



Current Future Land Use

 LR - Low Density Residential

Proposed Future Land Use

 IN - Institutional

Dale St St Paul Water Board property

1901

1894

1893

1893

Stubur Ave W

1884

1883

1872

1877

1860

1871

1854

1863

1850

1855

1849

1842

1847

1841

1841

1890

1880

1870

1860

1854

1844

675

676

656

655

1851

1827

Pineview Ct

646

636

626

645

635

625

Dale St

Dale St N

609

601

593

585

575

Ryan Ave W

1866

1960

600

590

578

615

577

571

Ro

The 3 properties on pages 24-26 have been determined to be inappropriately guided **Community Mixed Use in the 2030 Comprehensive Plan.**

These city-owned properties appear to be used for park access, right-of-way, and ponding.

 CMU - Community Mixed Use

Proposed Future Land Use

☐ ROW - Right of Way

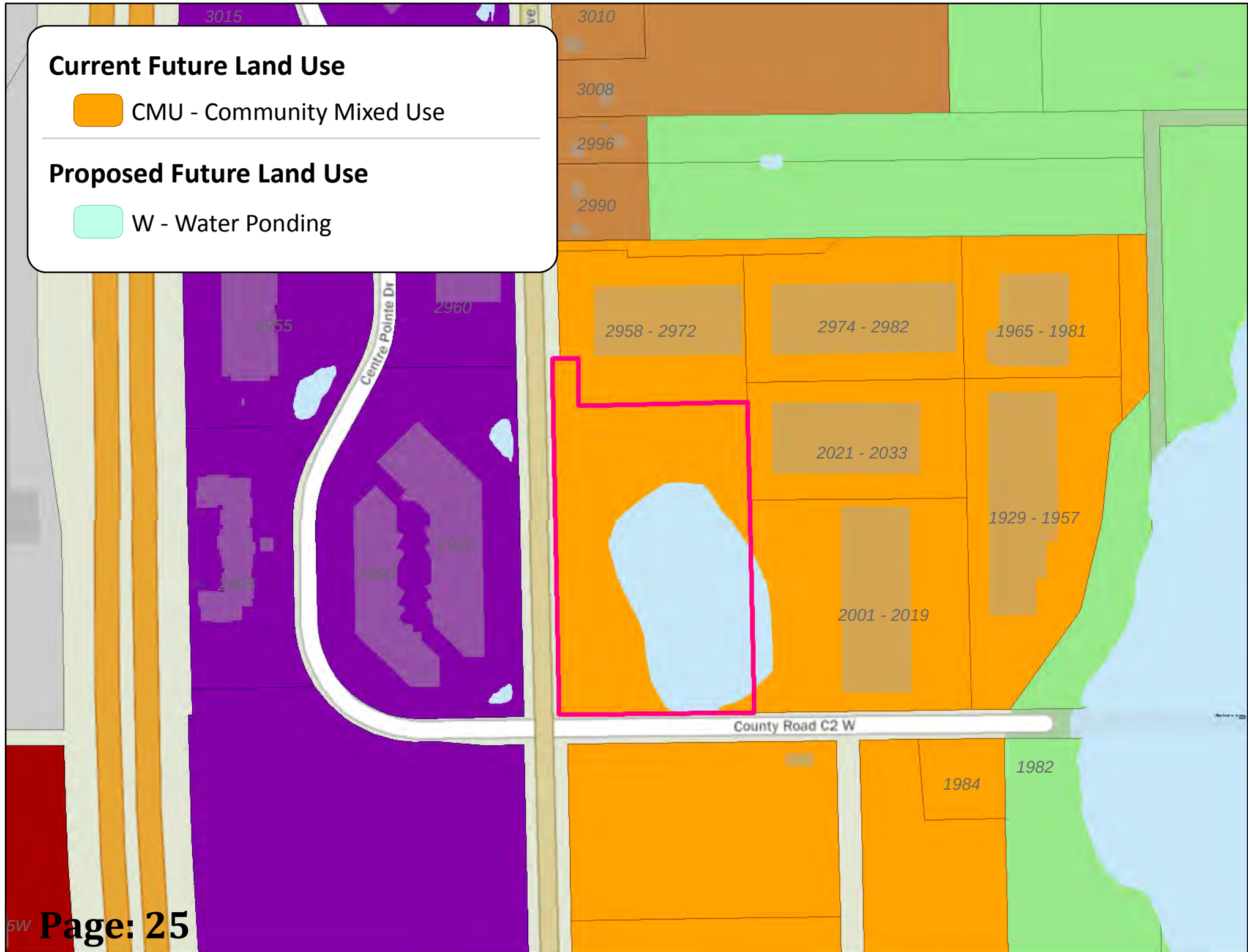
Arthur St Right-of-Way

Current Future Land Use

 CMU - Community Mixed Use

Proposed Future Land Use

 W - Water Ponding



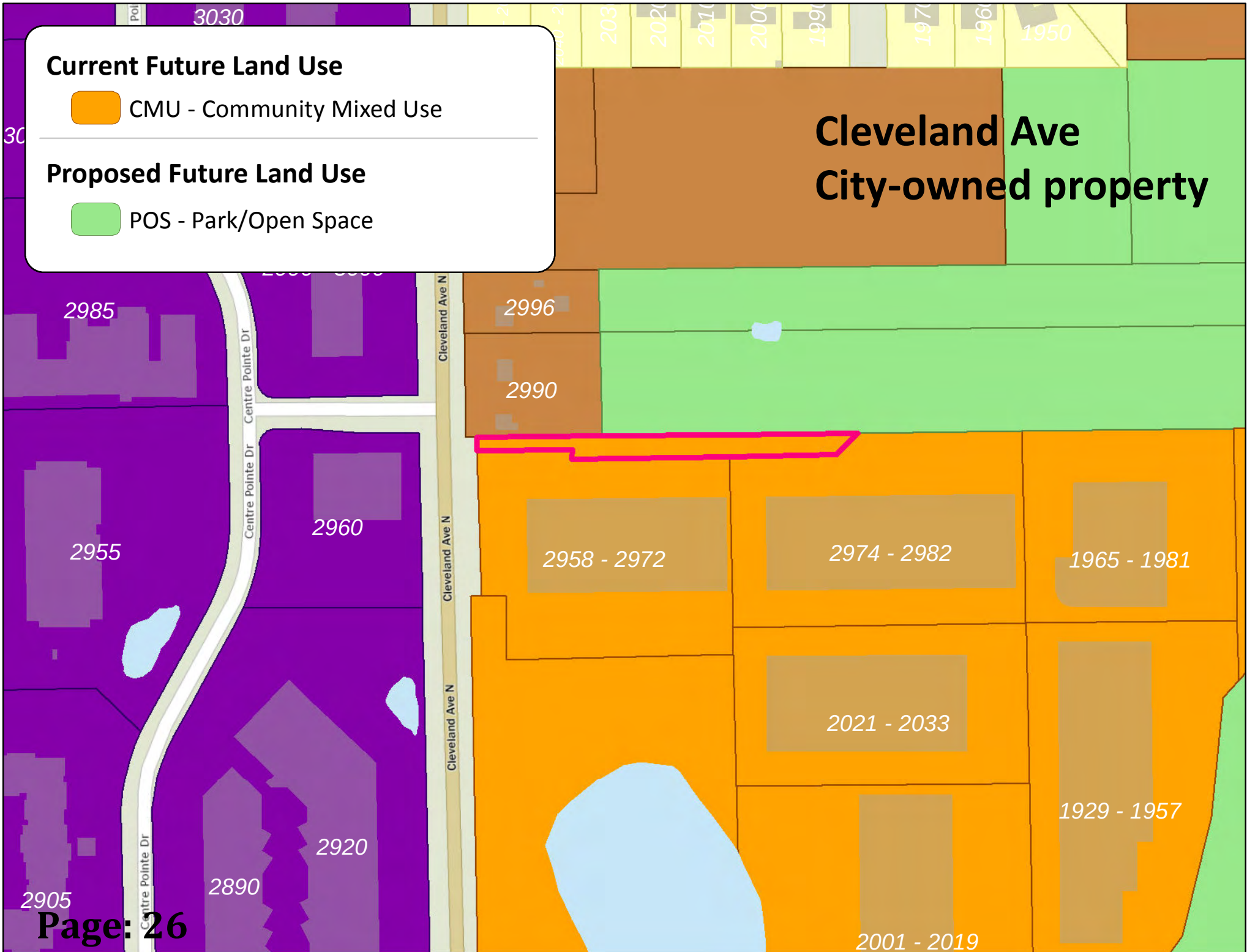
Current Future Land Use

 CMU - Community Mixed Use

Proposed Future Land Use

 POS - Park/Open Space

**Cleveland Ave
City-owned property**



The properties on pages 28-30 have been determined to be inappropriately guided **Business Park in the 2030 Comprehensive Plan.**

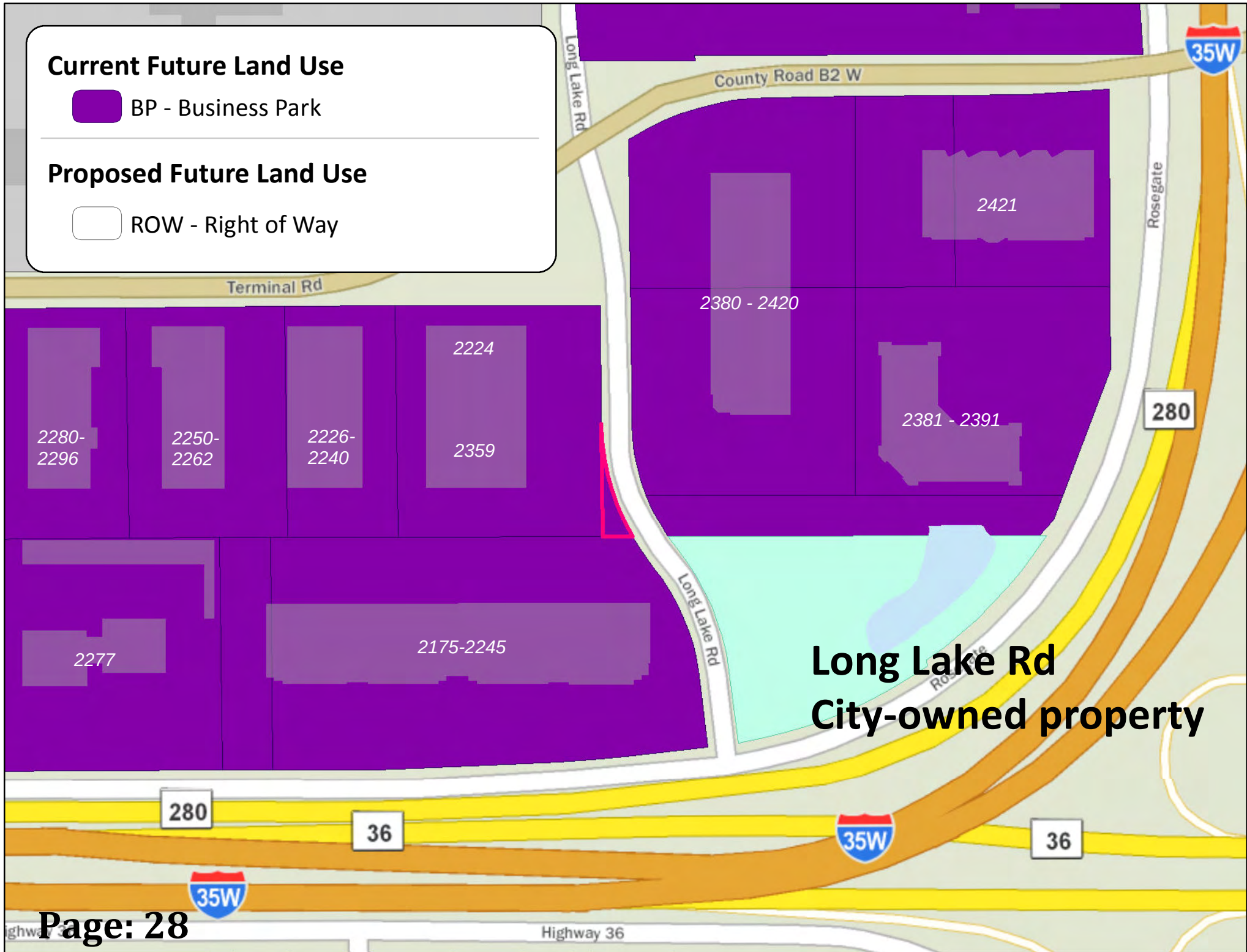
These city-owned properties appear to be used for utility structures, right-of-way, or ponding.

Current Future Land Use

 BP - Business Park

Proposed Future Land Use

 ROW - Right of Way

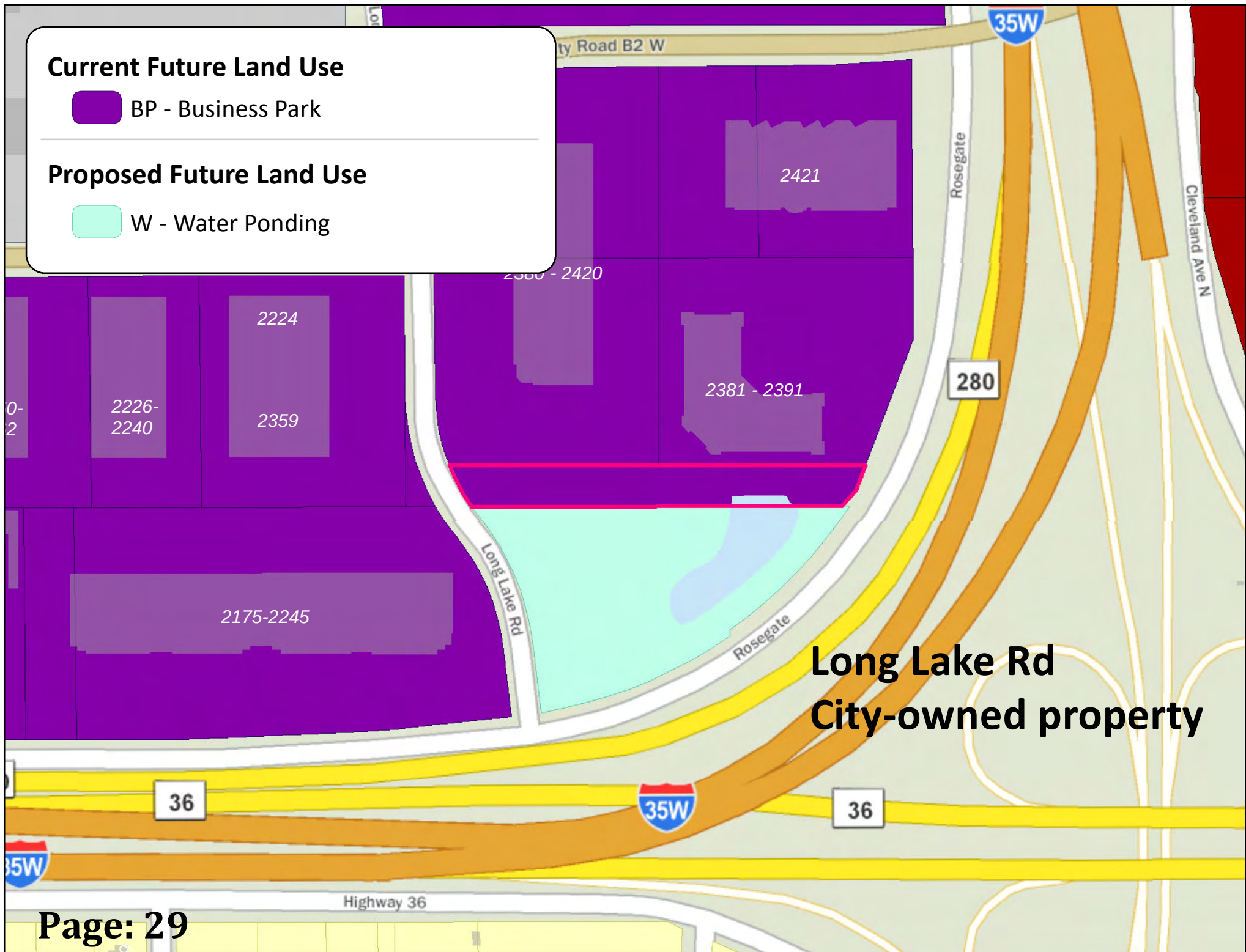


Current Future Land Use

 BP - Business Park

Proposed Future Land Use

 W - Water Ponding



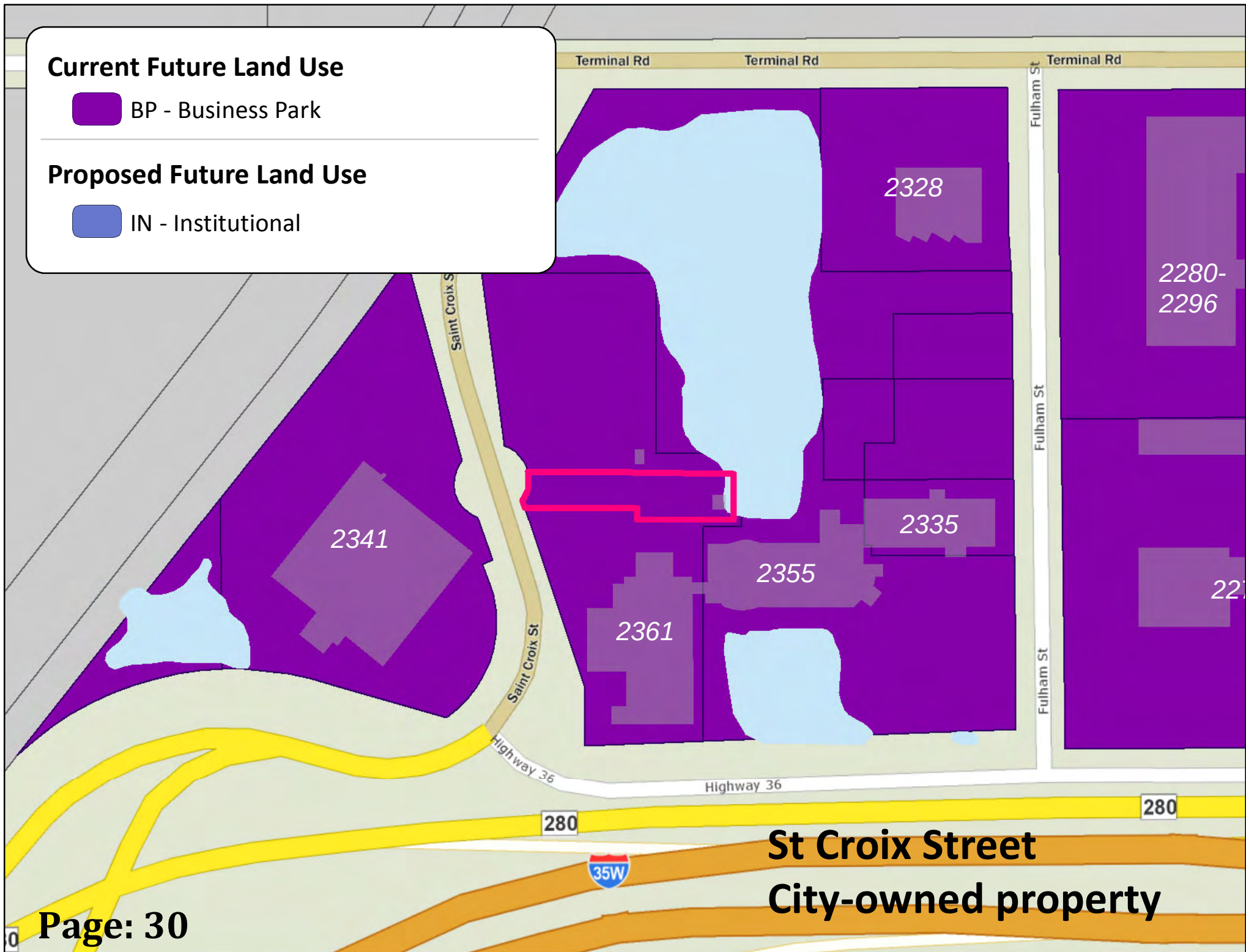
**Long Lake Rd
City-owned property**

Current Future Land Use

 BP - Business Park

Proposed Future Land Use

 IN - Institutional



The property on page 32 has been determined to be inappropriately guided Office in the 2030 Comprehensive Plan.

This city-owned property is currently used as right-of-way.

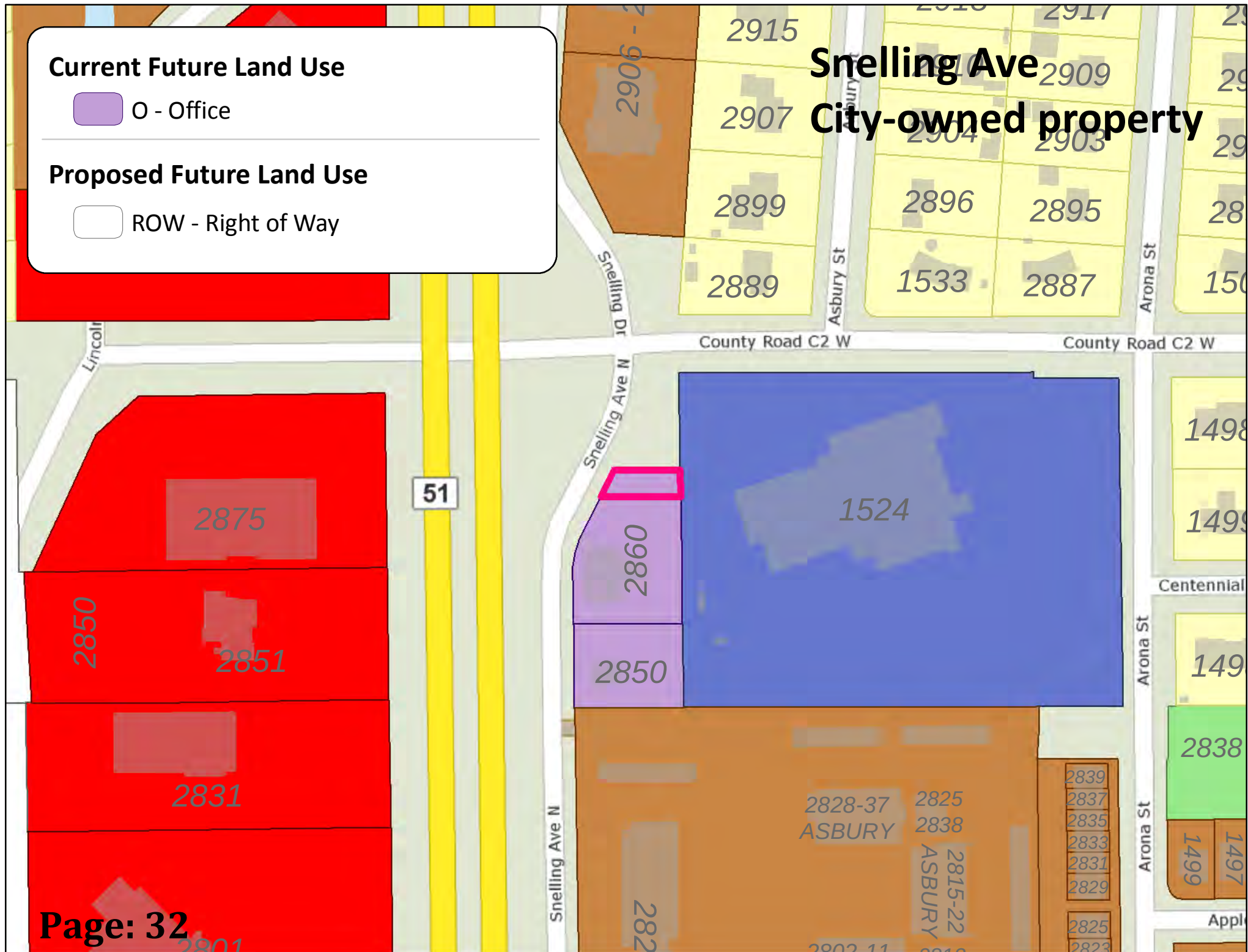
Current Future Land Use

 O - Office

Proposed Future Land Use

 ROW - Right of Way

Snelling Ave
City-owned property



The properties on page 34 have been determined to be inappropriately guided **Institutional in the 2030 Comprehensive Plan.**

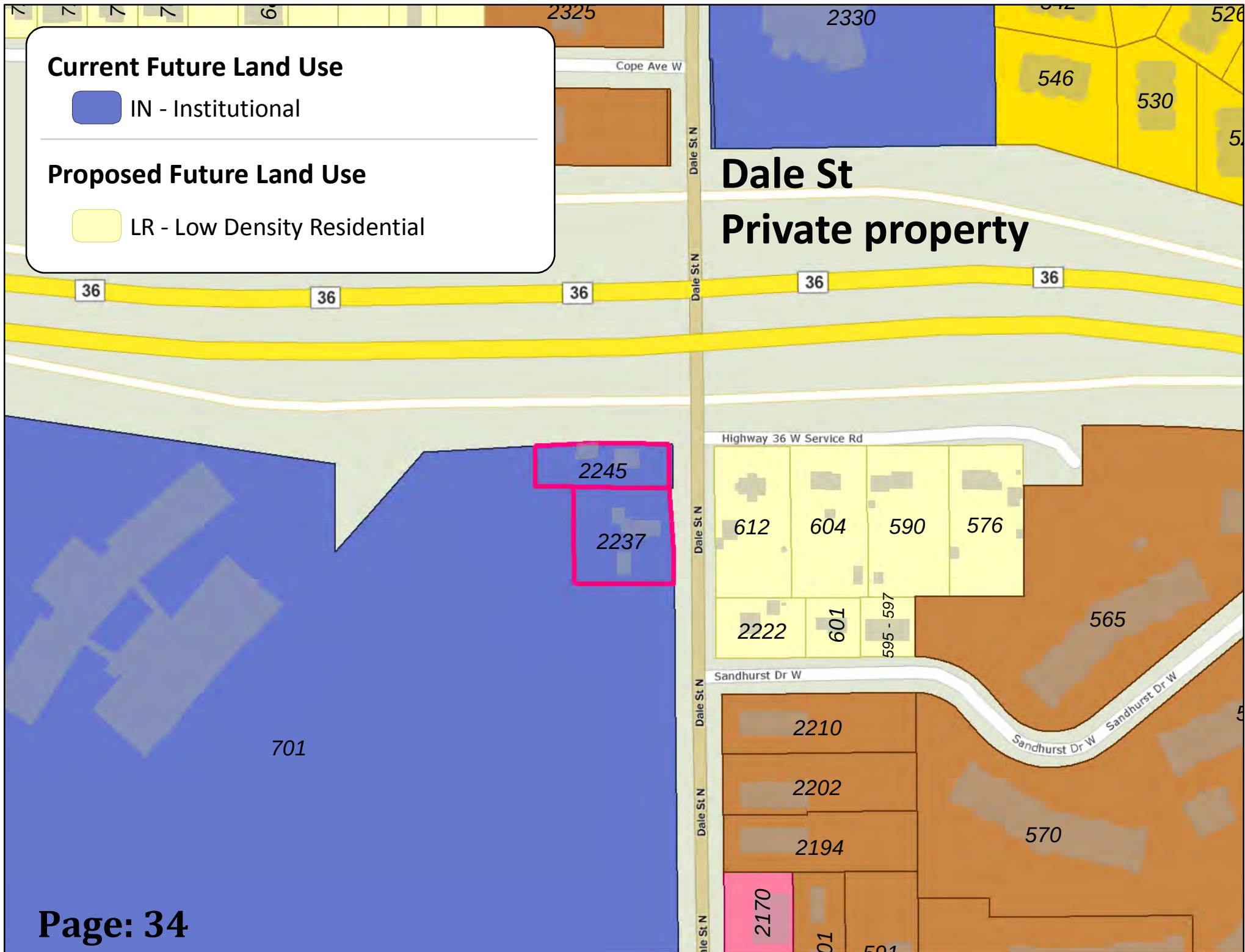
They are single-family homes.

Current Future Land Use

 IN - Institutional

Proposed Future Land Use

 LR - Low Density Residential



The properties on pages 36-39 have been determined to be inappropriately guided **Medium Density Residential in the 2030 Comprehensive Plan.**

One is a church, two are city-owned properties, and one is a private property that has been zoned for business since the 1980s.

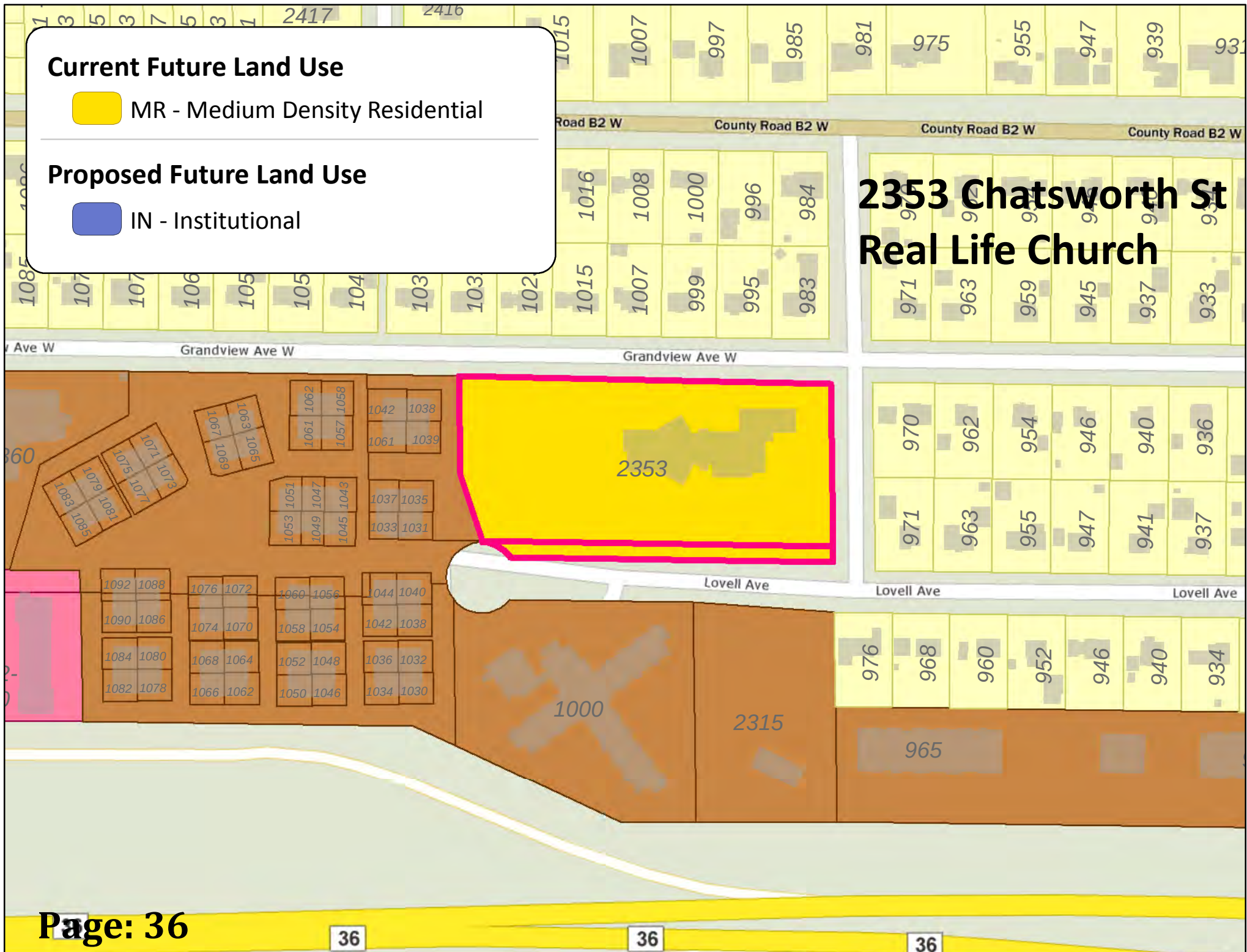
Current Future Land Use

 MR - Medium Density Residential

Proposed Future Land Use

 IN - Institutional

**2353 Chatsworth St
Real Life Church**

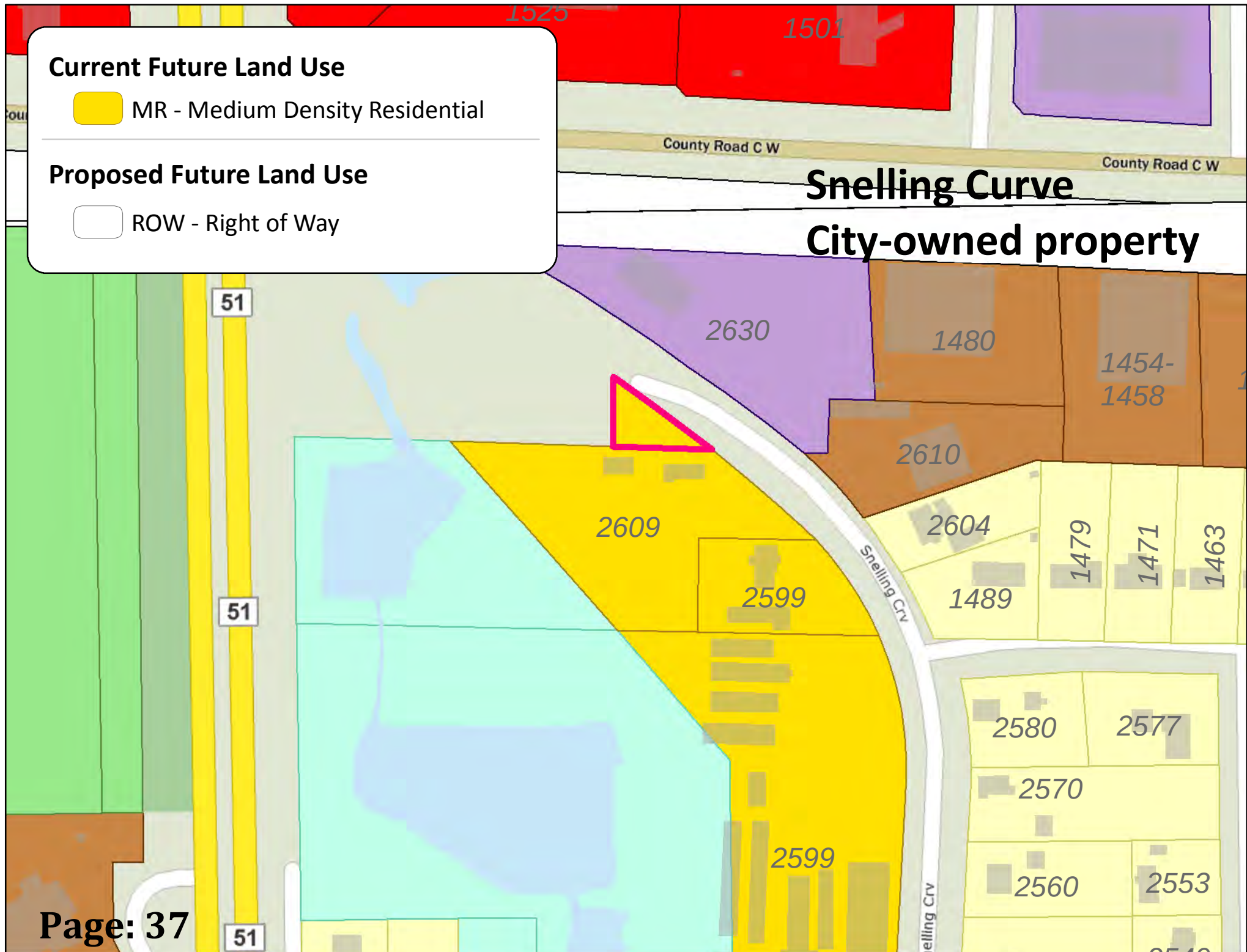


Current Future Land Use

 MR - Medium Density Residential

Proposed Future Land Use

 ROW - Right of Way



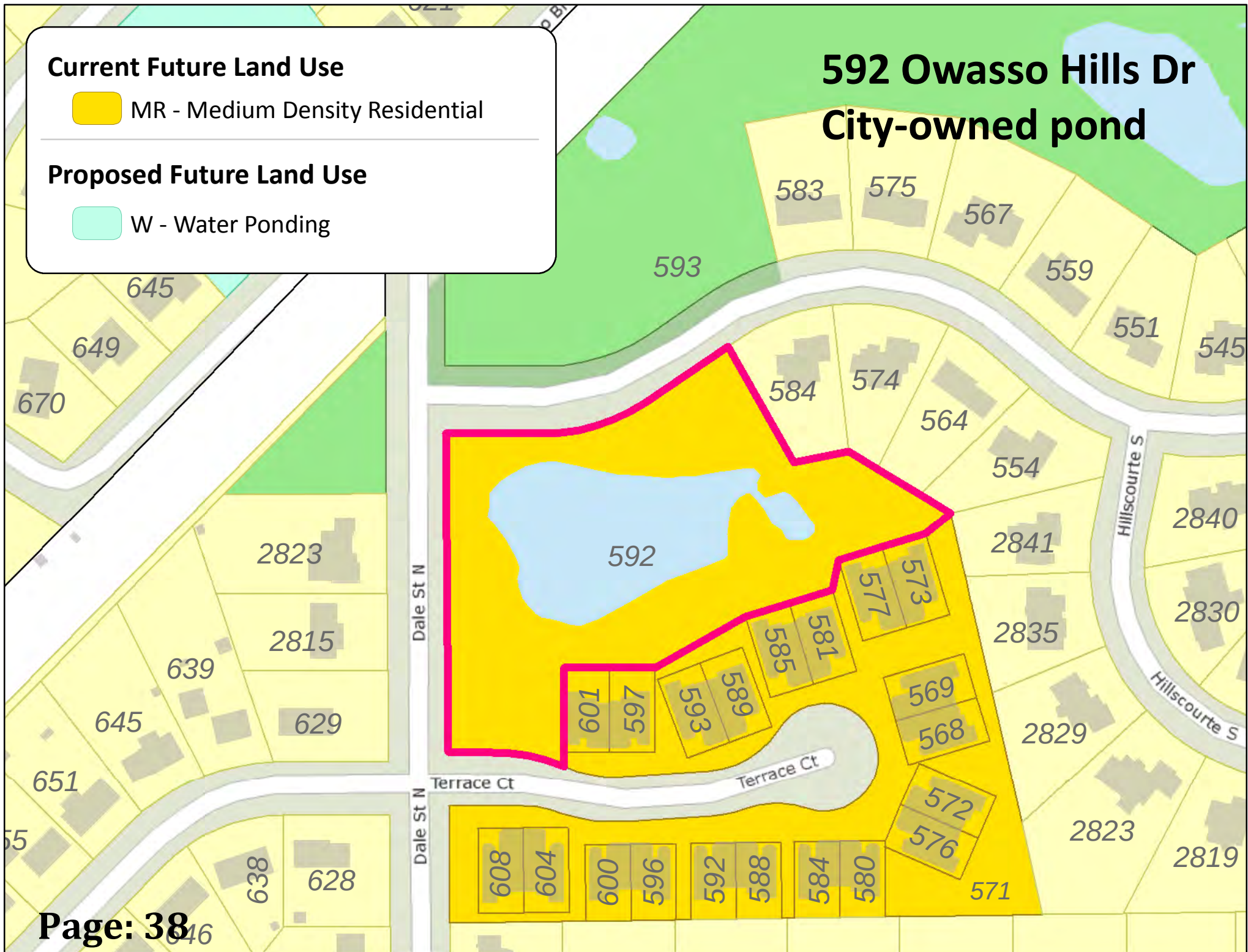
Current Future Land Use

 MR - Medium Density Residential

Proposed Future Land Use

 W - Water Ponding

592 Owasso Hills Dr
City-owned pond

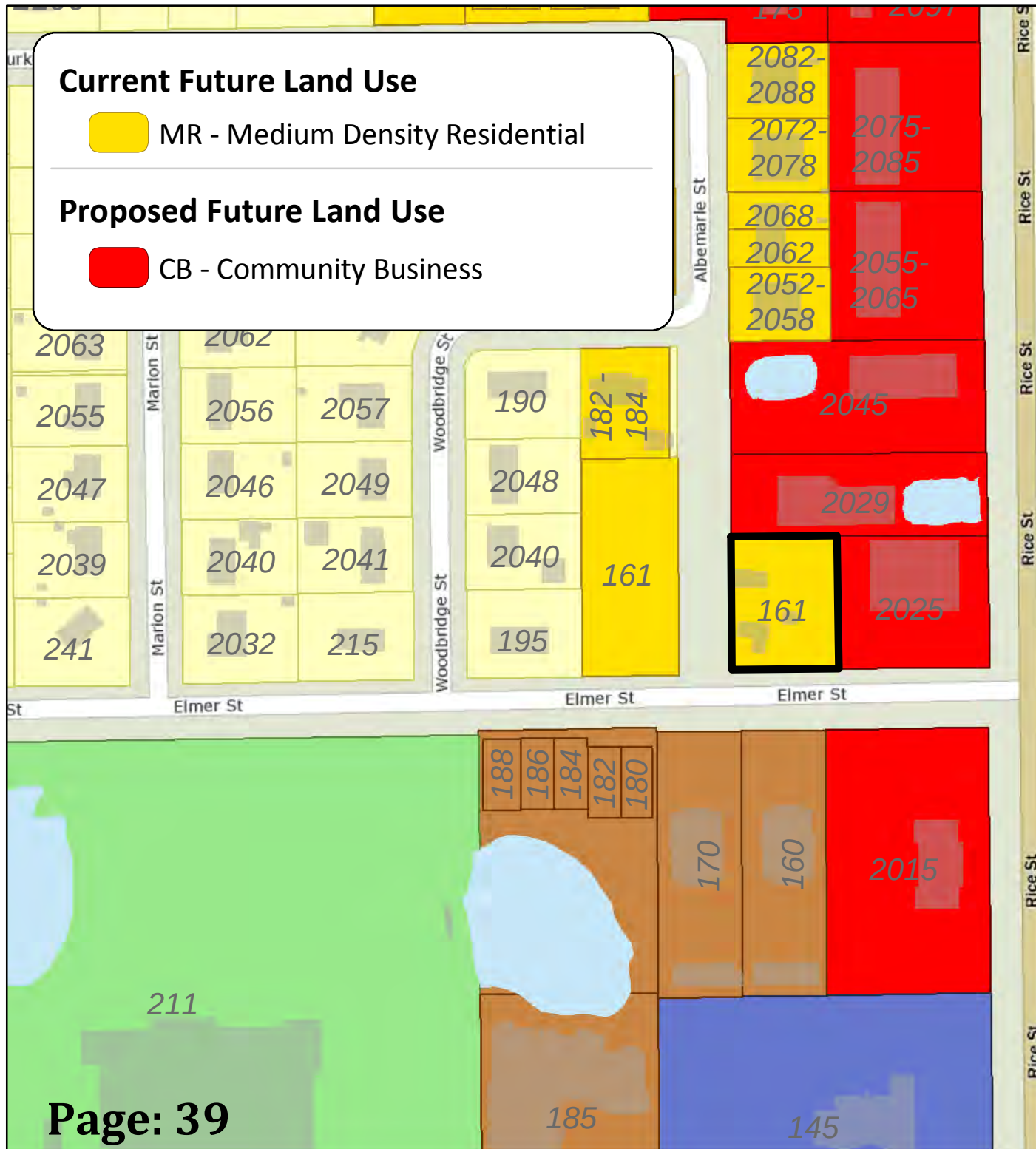


Current Future Land Use

 MR - Medium Density Residential

Proposed Future Land Use

 CB - Community Business



161 Elmer St
Zoned B1 in 1980s

The property on page 41 has been determined to be inappropriately guided **High Density Residential in the 2030 Comprehensive Plan.**

It is a city-owned property being used as right-of-way.

Current Future Land Use

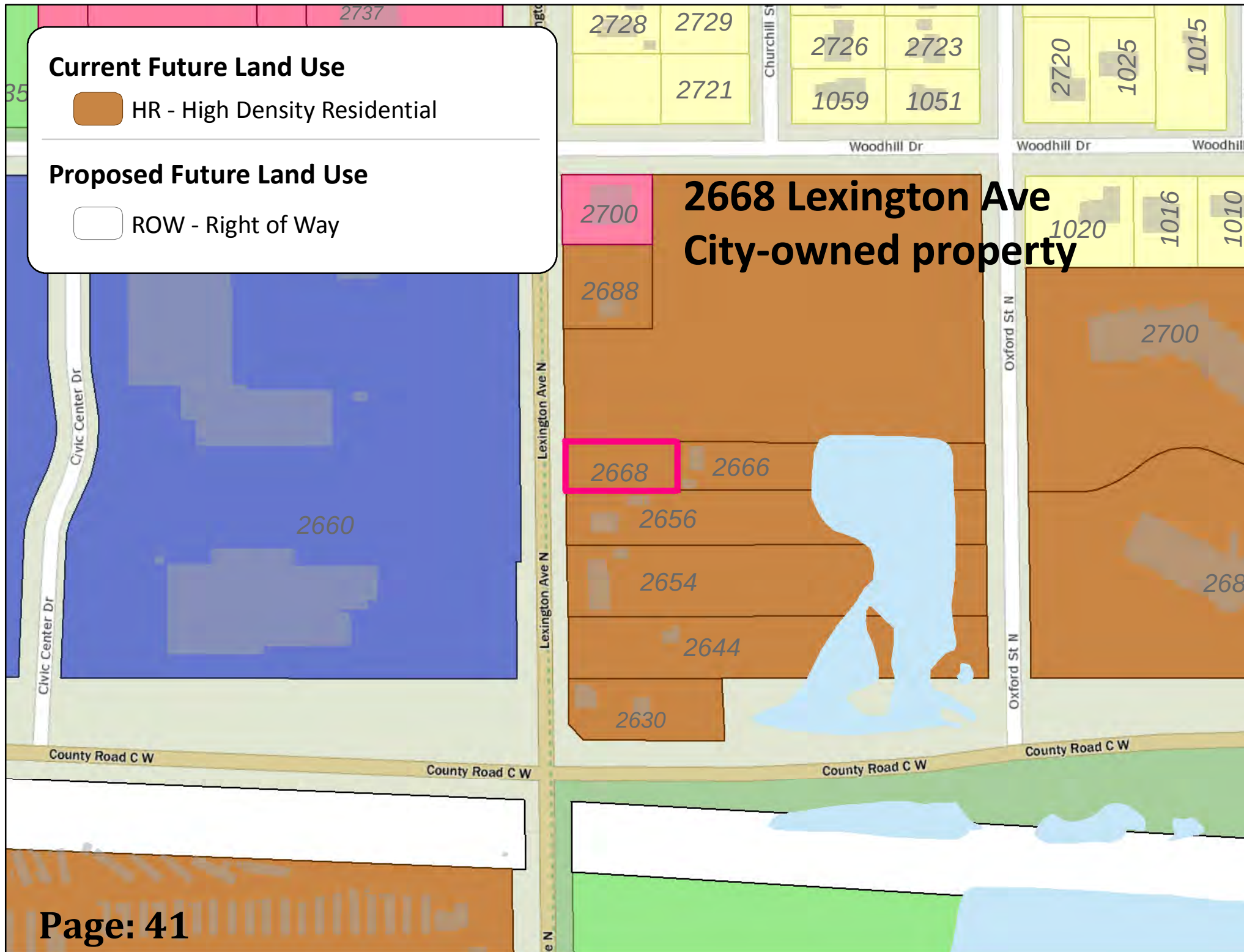


HR - High Density Residential

Proposed Future Land Use



ROW - Right of Way



The 7 properties on pages 43-46 have been determined to be inappropriately guided [Water Ponding](#) in the 2030 Comprehensive Plan.

They are single-family homes, with the exception of one property owned by a business.

Current Future Land Use

 W - Water Ponding

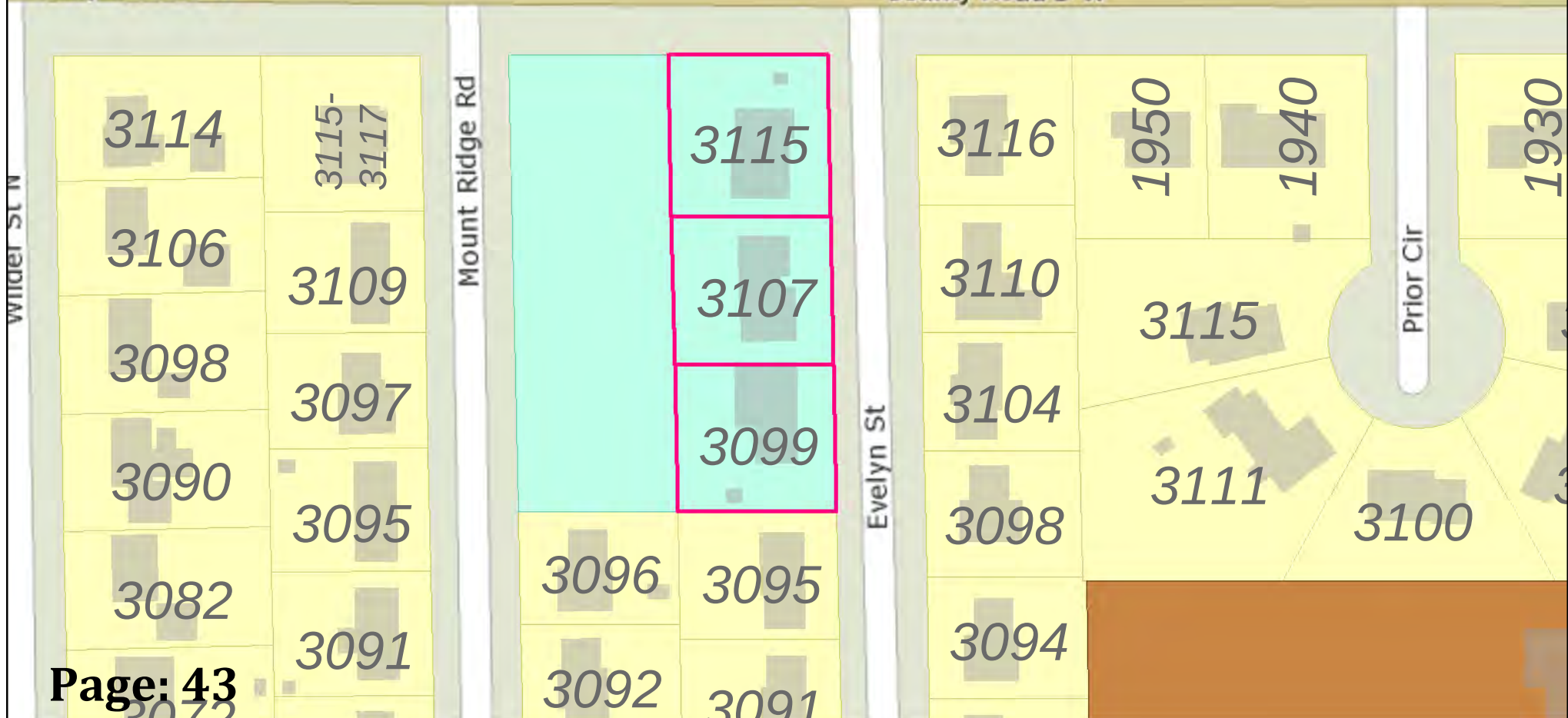
Proposed Future Land Use

 LR - Low Density Residential

3099, 3107, 3115 Evelyn St

County Road D W

County Road D W

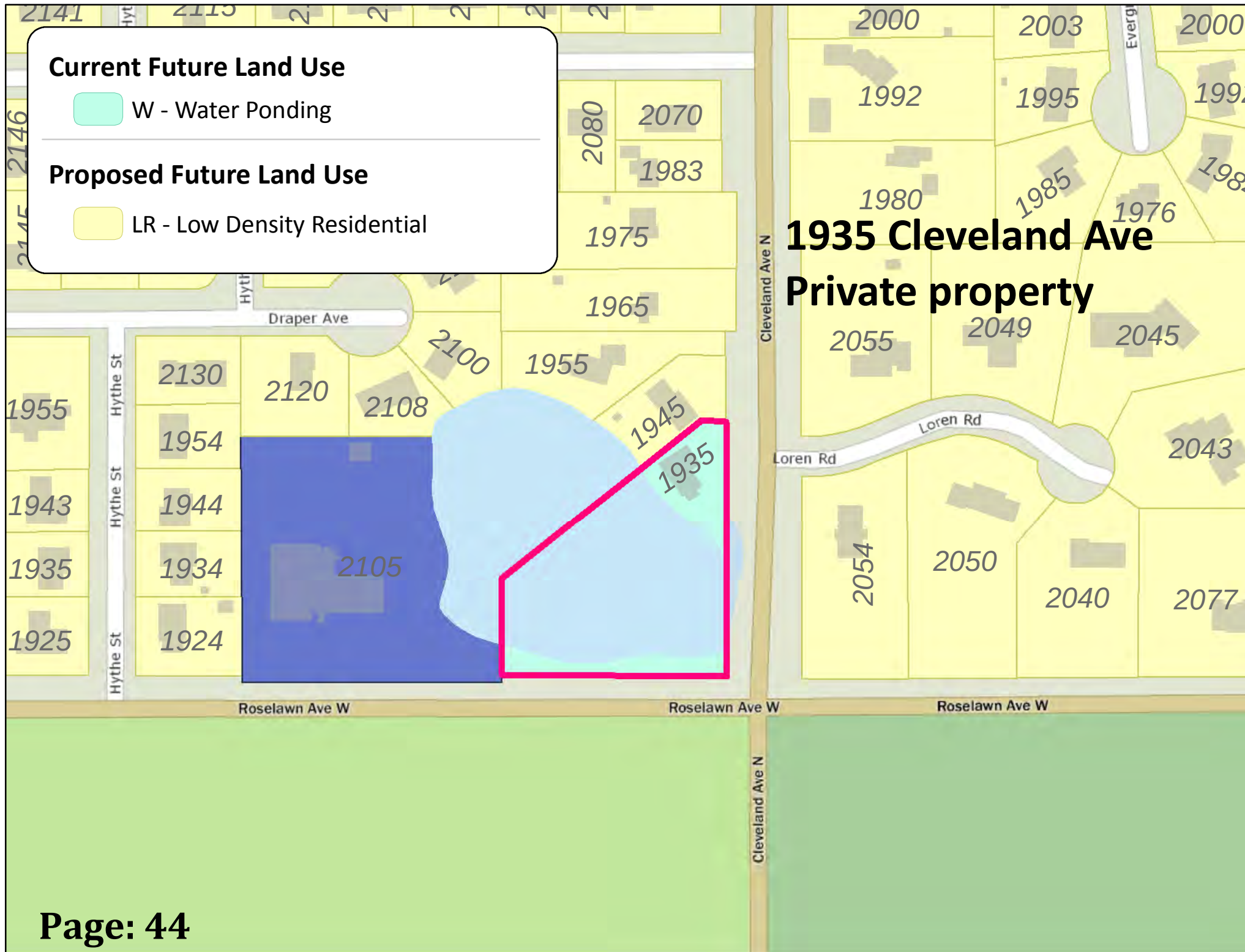


Current Future Land Use

 W - Water Ponding

Proposed Future Land Use

 LR - Low Density Residential

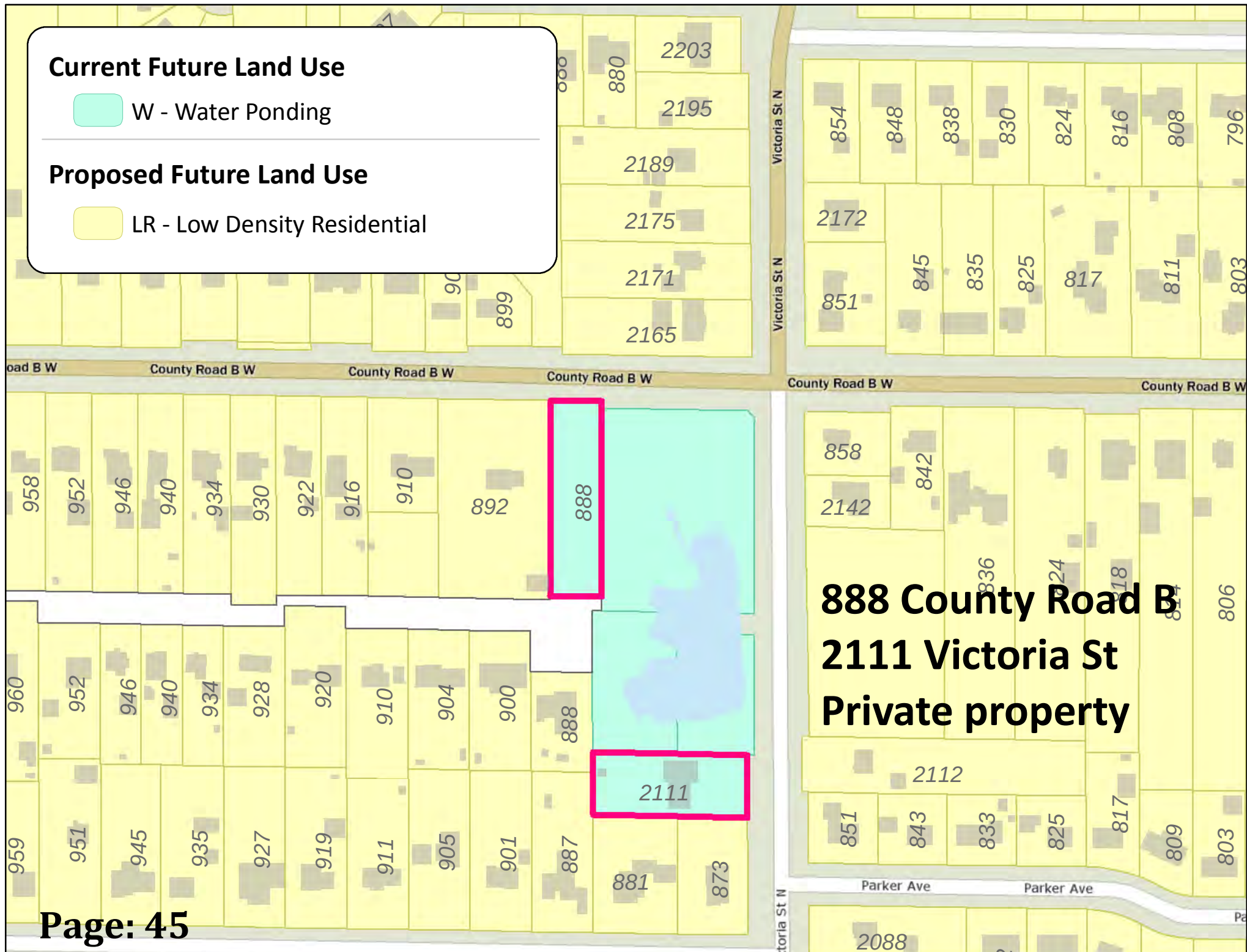


Current Future Land Use

 W - Water Ponding

Proposed Future Land Use

 LR - Low Density Residential



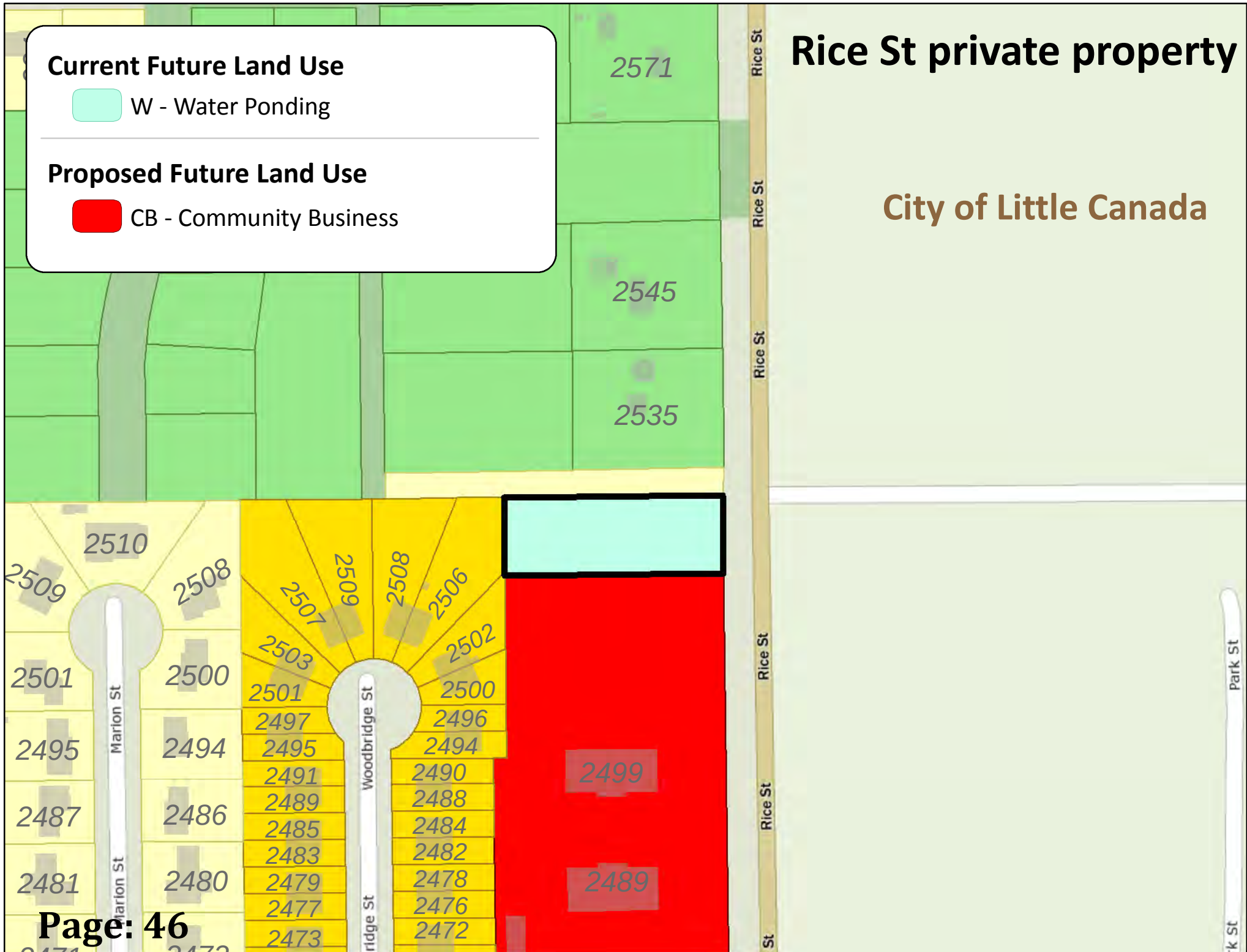
888 County Road B
2111 Victoria St
Private property

Current Future Land Use

 W - Water Ponding

Proposed Future Land Use

 CB - Community Business



The properties on pages 48-59 have been determined to be inappropriately guided **Park/Open Space in the 2030 Comprehensive Plan.**

Should any of these properties be desired for future park purposes, the appropriate location for such a plan is within the Parks Master Plan. Having these properties, most of which are existing single family homes, guided as Park in the Comprehensive Plan with no immediate plan to acquire them may be deemed a taking, due to the property not being allowed to be reasonably used by the property owner. Property guided as Park would be deemed non-conforming and would have limited improvement and use abilities under the City Code and state statutes.

Please see the attorney opinion in Attachment ?

Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

Farrington Court private property



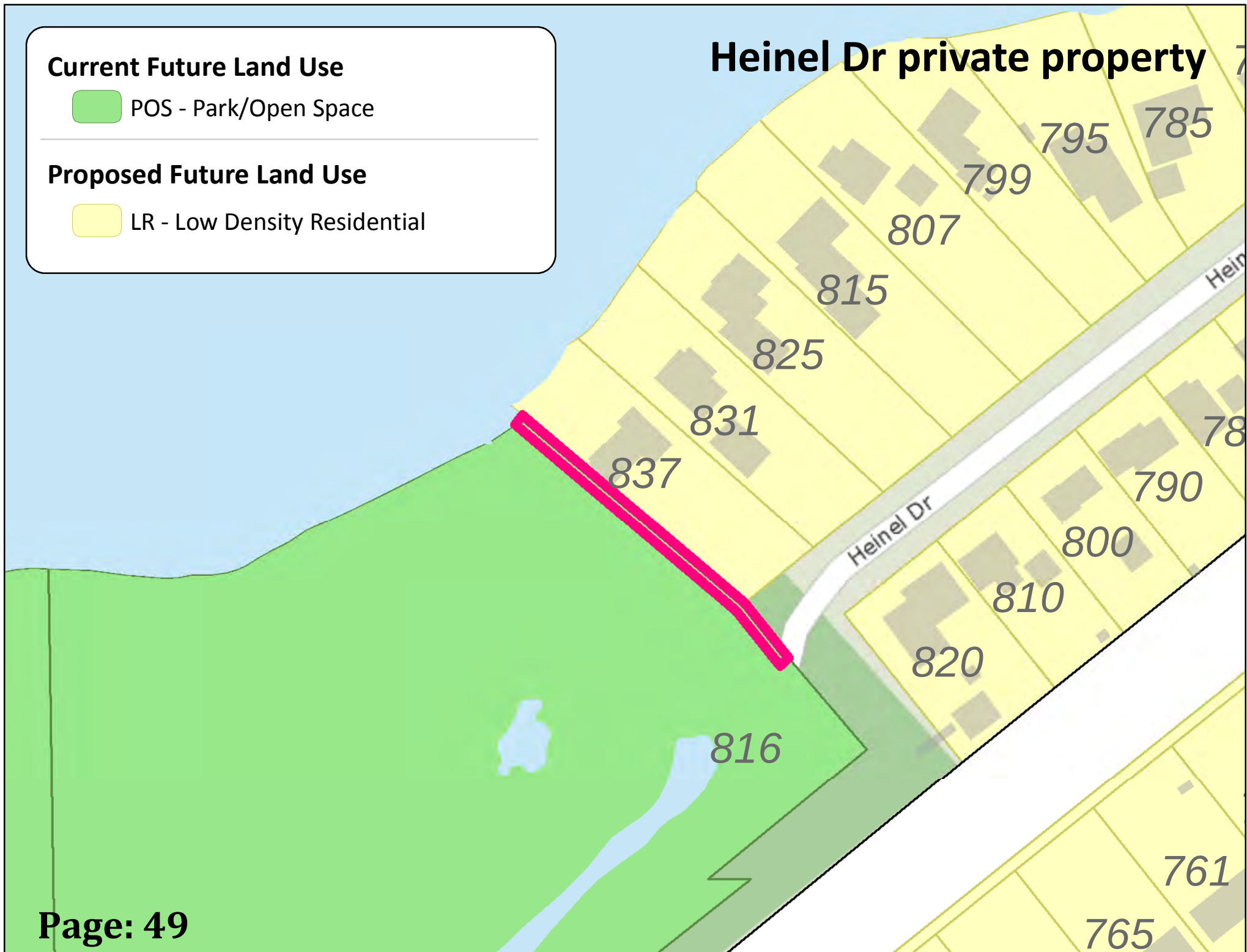
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

Heinel Dr private property



 POS - Park/Open Space

 POS - Park/Open Space

 LR - Low Density Residential

 LR - Low Density Residential

Dale St
private property

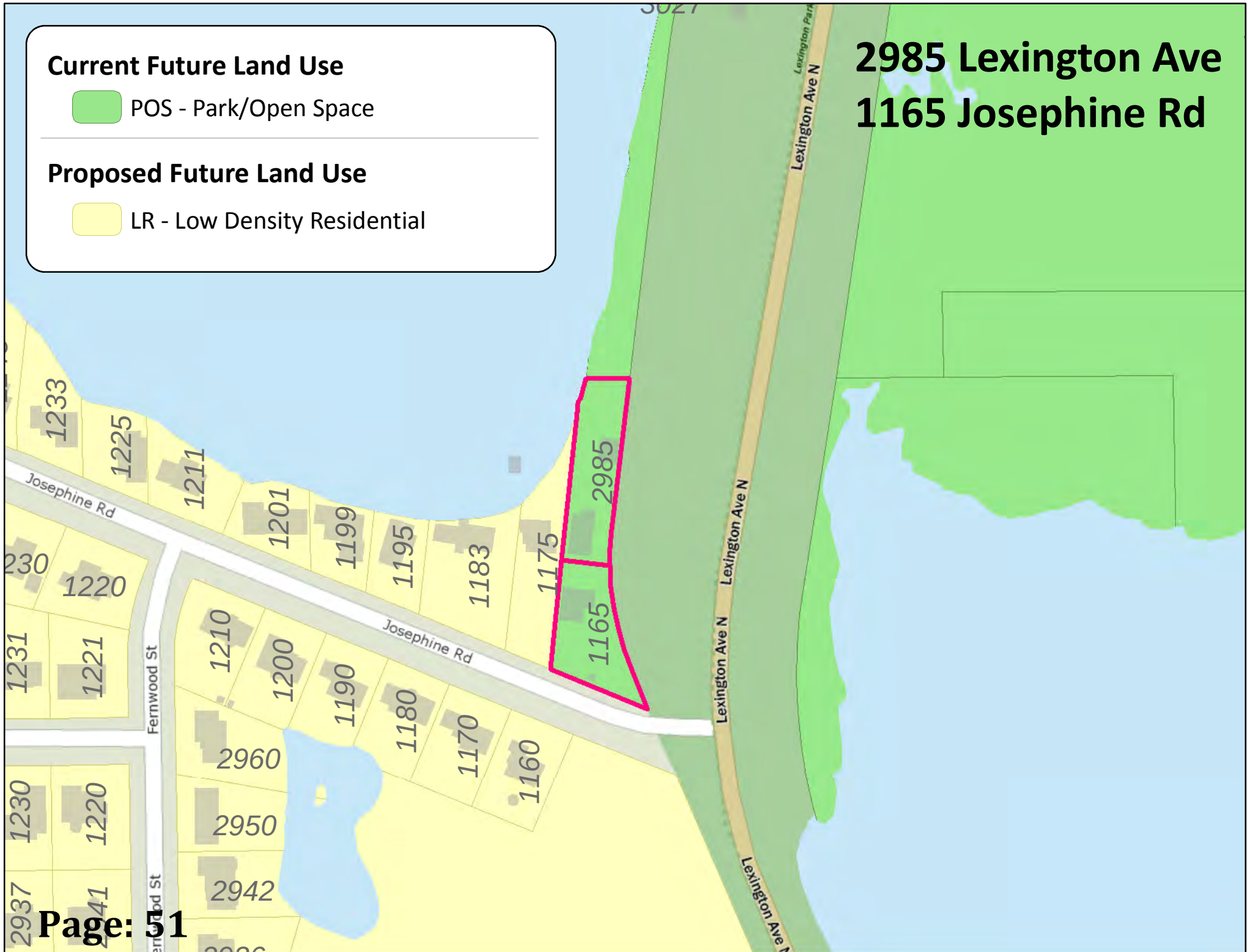
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

2985 Lexington Ave
1165 Josephine Rd



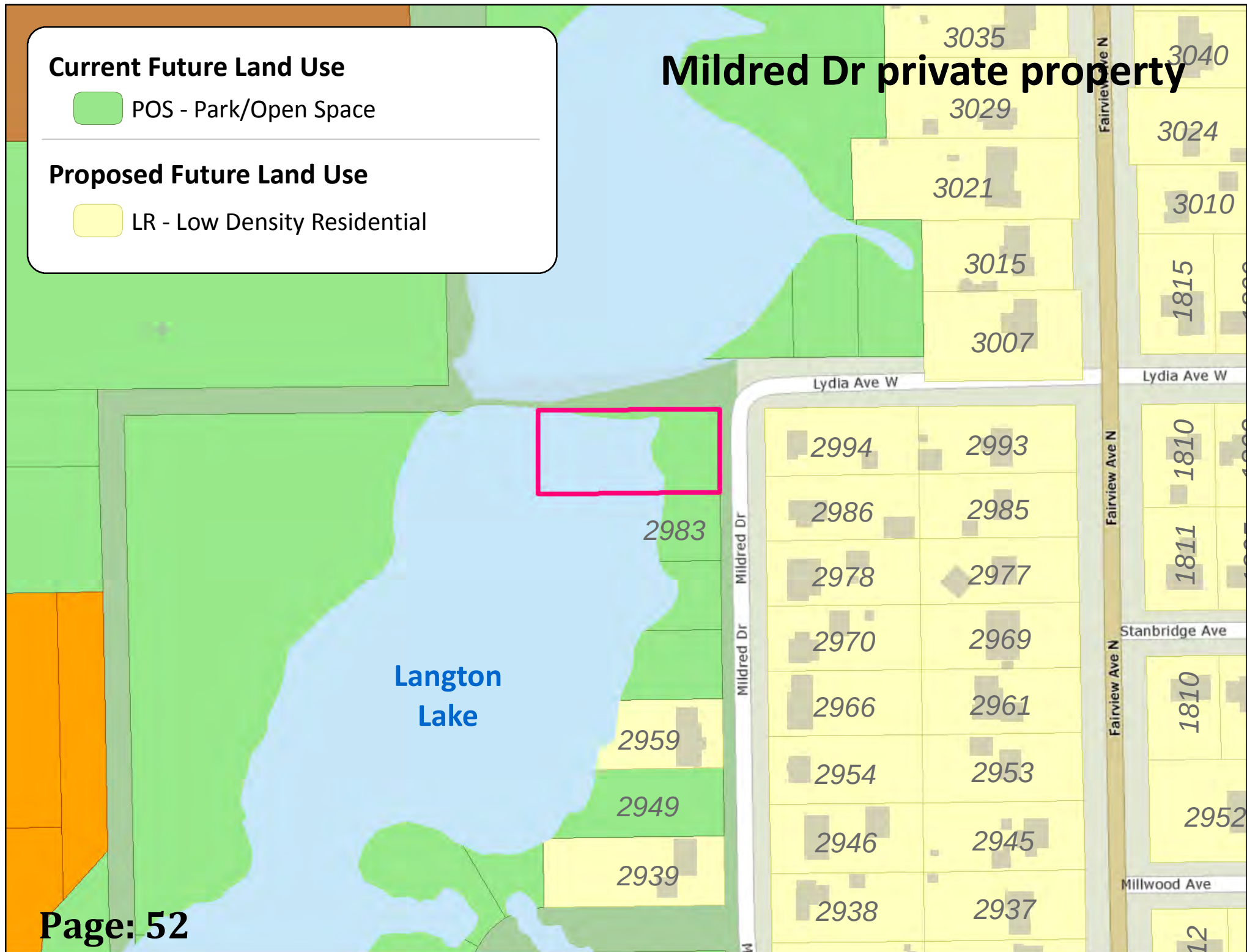
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

Mildred Dr private property



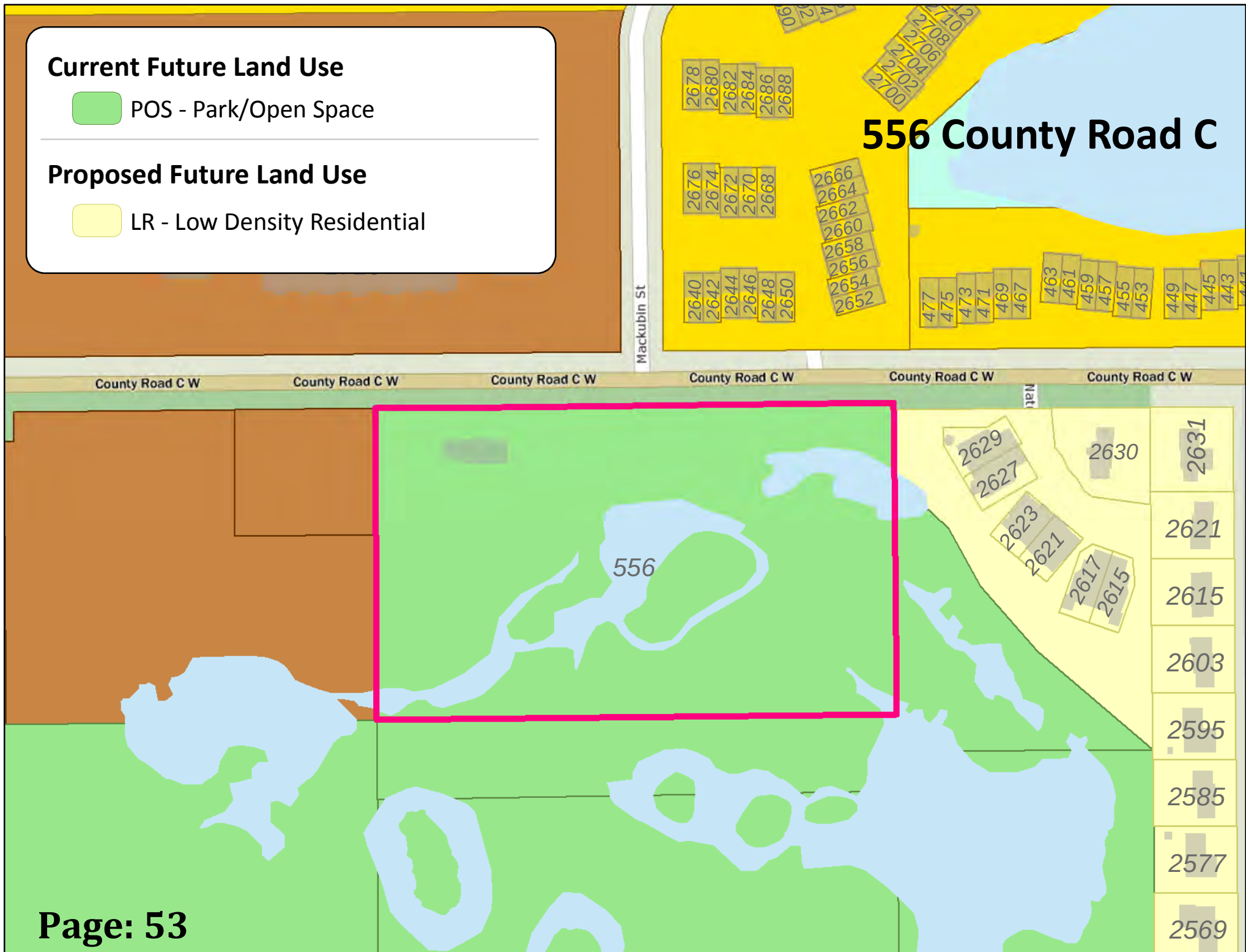
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

556 County Road C



Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

2905 Arthur Pl

1929 - 1957

2905

2959

2949

2939

2925

2906

2900

2890

1889

2891

1894

2978

2970

2966

2954

2946

2938

2926

2912

2898

2890

1842

County Road C2 W

1982

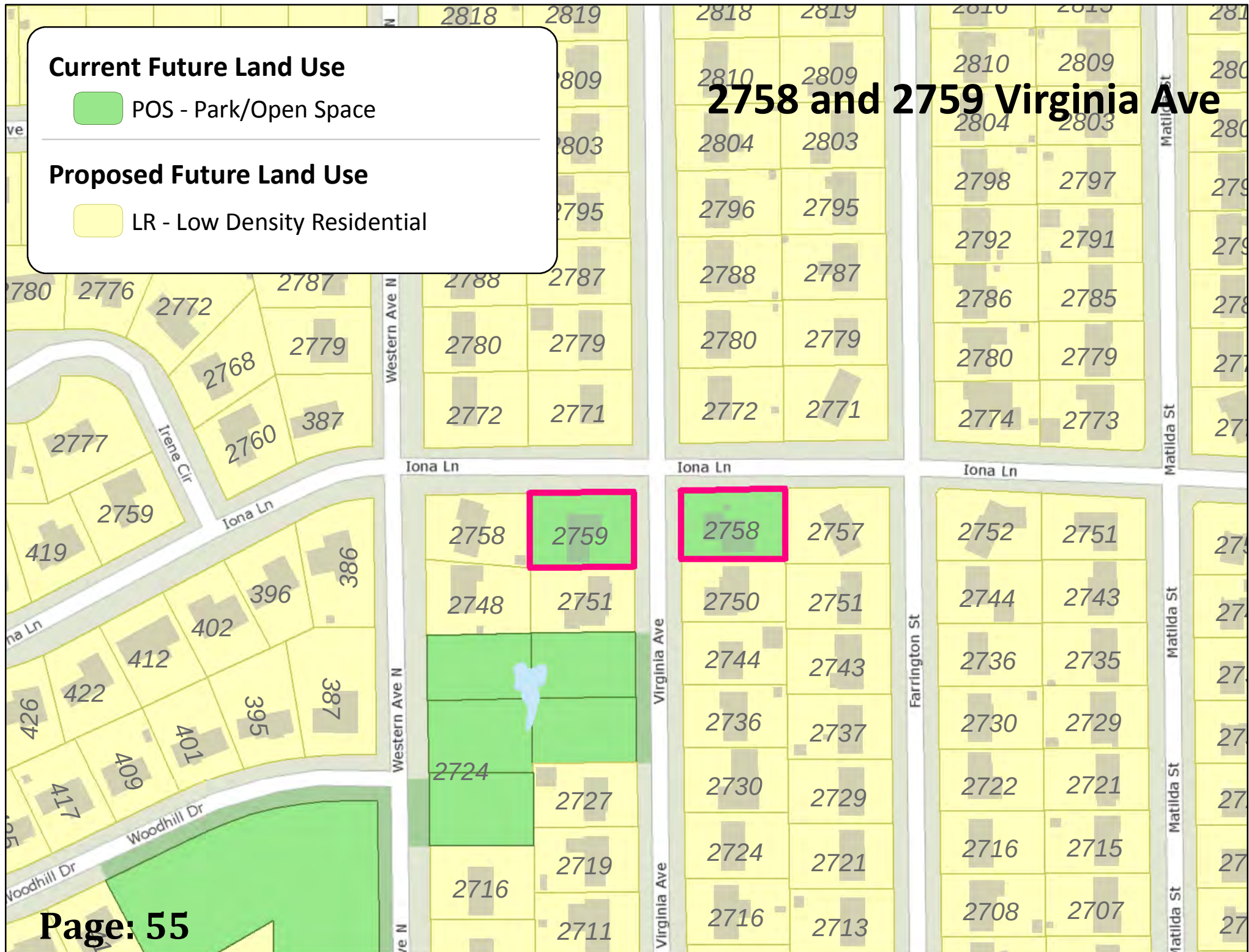
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

2758 and 2759 Virginia Ave

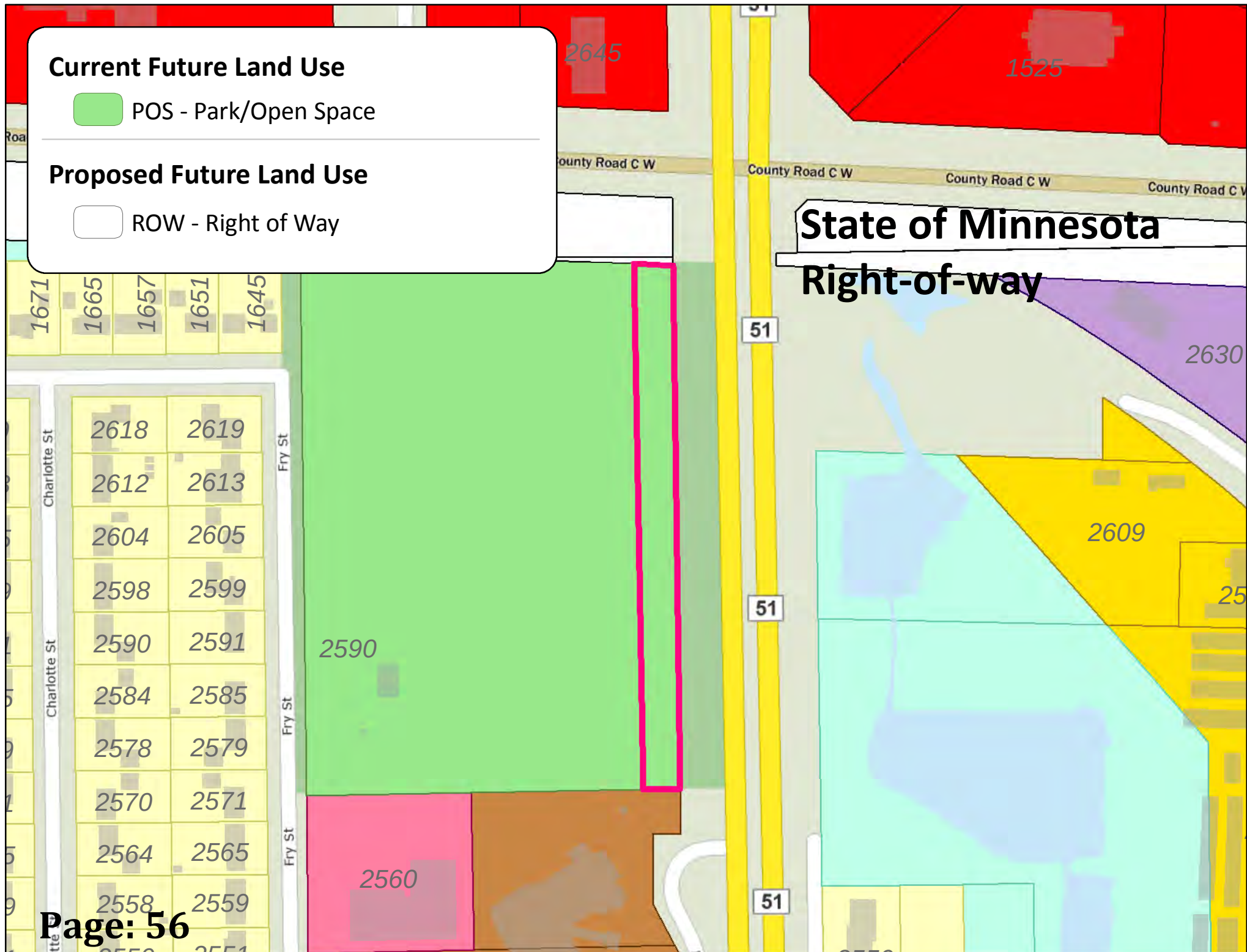


Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 ROW - Right of Way

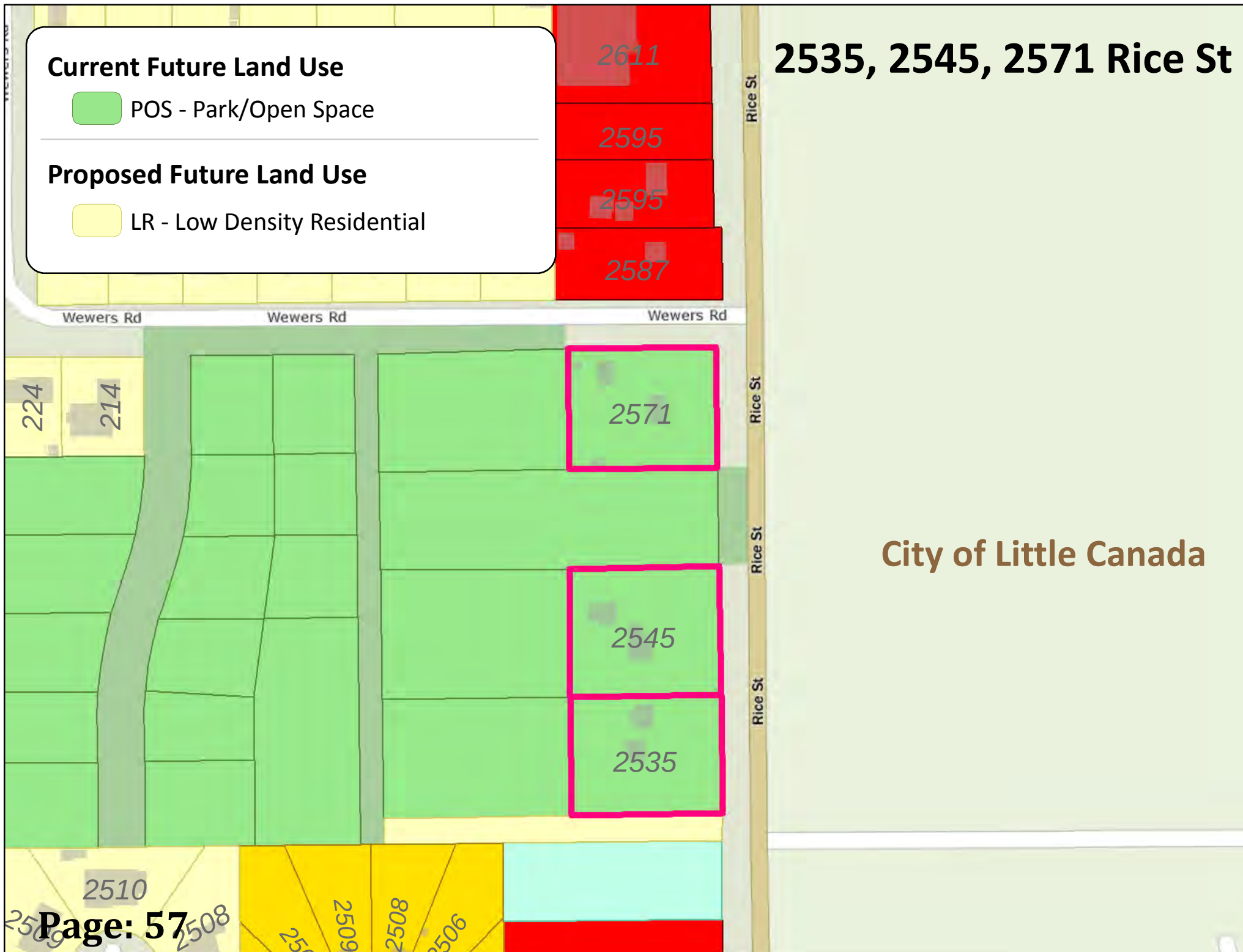


Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential



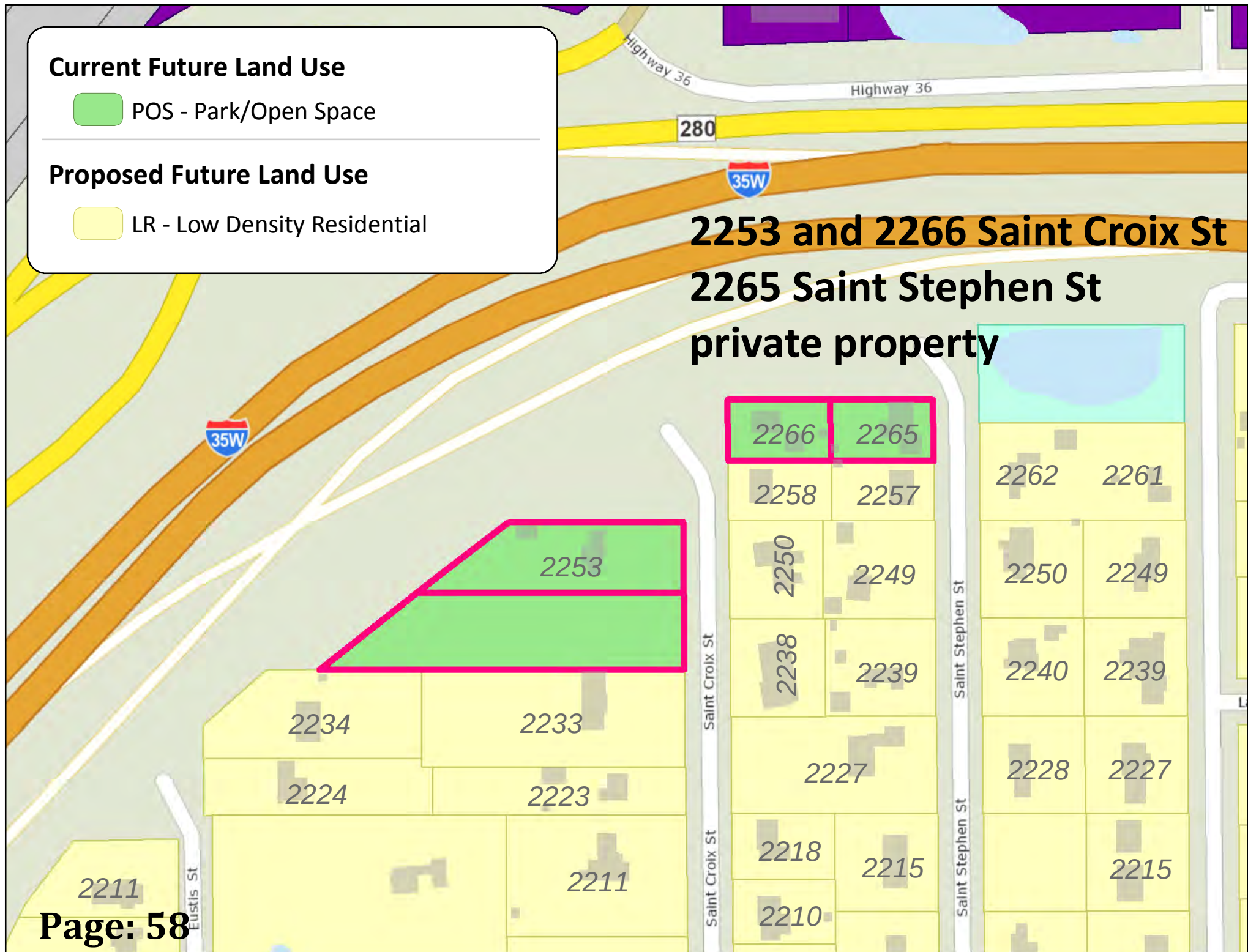
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 LR - Low Density Residential

2253 and 2266 Saint Croix St
2265 Saint Stephen St
private property



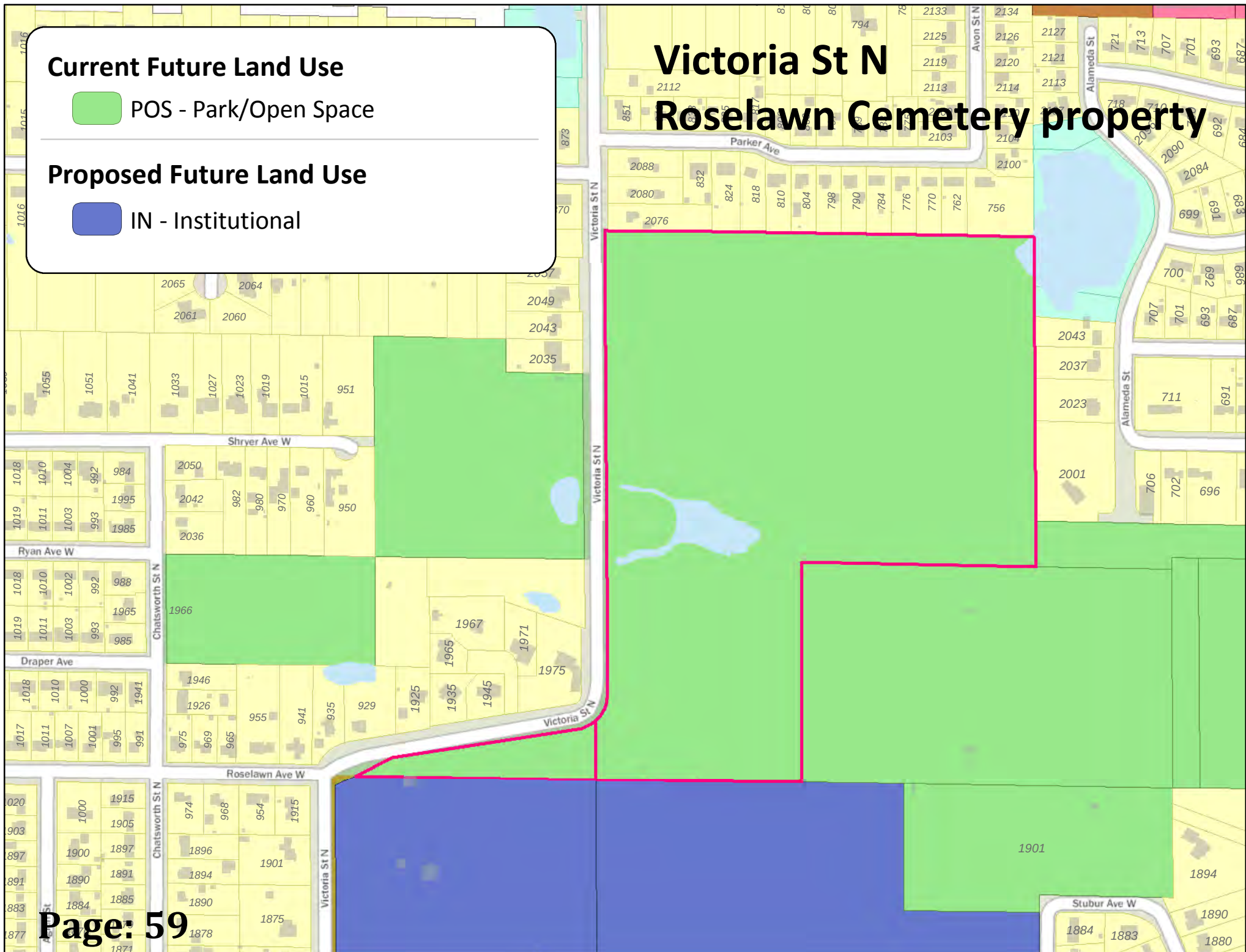
Current Future Land Use

 POS - Park/Open Space

Proposed Future Land Use

 IN - Institutional

Victoria St N Roselawn Cemetery property



OPEN HOUSE NOTES – 07/28/10

The owner of 2823 Dale St. believes that zoning that property LDR-1 will increase his taxes and so he opposes the change. The parcel is vacant and, because of the power line easement, must remain vacant, but he feels that the County will increase the taxes if the zoning "allows" development on the site.

The property owner at 556 County Road C is opposed to his property being designated High density Residential; has future plans to construct a single family home and will send letter formally opposing/requesting change.

Two property owners of Nature View Townhomes indicated concern/opposition to High Density Residential designation of large parcel in southeast corner of Dale Street and County Road C.

The pastor of Real Life Church, 2353 Chatsworth St., was uncomfortable with the idea of guiding/rezoning the church property for institutional uses when we don't have a draft of the proposed zoning district regulations, but he'll watch for the draft to become available and keep informed. Two other nearby residents were opposed to the change because they perceived the institutional designation to be something even more permissive rather than being able to establish better, more appropriate regulations; these two folks also stated that other churches are guided for residential uses, but were unwilling to specify which ones because they didn't want the comp plan/zoning maps to change.

A property owner near Western Ave./Centennial Dr. is supportive of the water ponding use if it'll remain essentially the same or facilitate an expansion of the nearby pond. If the plans included other infrastructure, he would oppose the change and would even be willing to buy the property to ensure that it remains "as is".

Property owner at 3253 Old Highway 8 opposes the recent request to change his and his neighbor's land use designation from High Density to Low Density. Property owner top provide the Planning Division a formal letter of opposition.

An owner of one of the properties along Rice St, adjacent to Acorn Park, doesn't necessarily oppose the mapping change toward single-family uses, but she wouldn't mind selling her house to the City for an addition to the park. She would prefer to guide/zone the property for commercial uses, though.

The remainder of the people the Planning Division talked with were mostly curious about exactly what was going on and thought that the changes were reasonable (even positive), and didn't have any concerns.

Resident adjacent to Har Mar Mall interested in knowing whether the land use designation was changing for the southern parcel currently zoned single family residence.

The property owner at 1129 – 1131 Roselawn Avenue sought information as to why the change and what is the difference. The site is a multi-family property that is currently guided low density, but has 2-3 units.

EXTRACT OF THE DRAFT MEETING MINUTES
ROSEVILLE PLANNING COMMISSION
AUGUST 4, 2010

b. **PROJECT FILE 0004**

Request by the Roseville Planning Division to consider corrections or amendments to the Comprehensive Land Use Plan designations of seventy-two (72) parcels throughout the City

City Planner Thomas Paschke noted previous discussions held at the June Planning Commission meeting of numerous "anomaly" properties throughout the City that had been incorrectly guided during the Comprehensive Land Use Map update process, with the list having grown from sixty-seven to seventy-two (67 to 72) properties. Mr. Paschke noted, as detailed in the Request for Planning Action dated August 4, 2010, that in order to correct zoning designations on those properties, a Comprehensive Plan – Land Use Amendment and applicable rezoning processes would need to be followed. Mr. Paschke advised that the City Council had concurred with recommendations for this process by the Planning Commission.

Mr. Paschke clarified that, at the request of the property owner at 3253 Old Highway 8, the property (3261 and 3253 Old Highway 8) would not be part of tonight's discussion and that notice had been published and mailed for consideration at the Commission's Special meeting scheduled for Wednesday, August 25, 2010. Mr. Paschke advised that it would be appropriate to receive public comment on properties not being considered for action tonight to accommodate the public in attendance; however, there would be no specific action on those.

Mr. Paschke provided the summary notes from the Open House held on July 28, 2010 to discuss the anomaly properties.

At the request of Chair Doherty, Mr. Paschke reviewed the history of some of the properties, carrying over incorrect land use designations and/or zoning from as far back as 1979 and incorrectly identified on past Comprehensive Plan maps; of consisting of split zone properties that may be separated by a public right-of-way where the property identification system only identifies one of those properties for a number and zoning designation, or some sliver properties that are inadvertently overlooked.

Mr. Paschke advised that the Planning, Public Works/Engineering, and Park and Recreation Departments met cooperatively to review all City property for their property identification and intended land use and zoning designation; as well as incorrect privately owned lots/parcels to establish their appropriate land use and zoning designations, resulting in the multiple maps of those properties under discussion and consideration at tonight's meeting.

Mr. Paschke noted a change from the staff report for two (2) parcels on South McCarron's identified as right-of-way, and after initial staff discussion, a determination by staff to recommend that their designation change from right-of-way to Park/Open Space. However, since that time, Mr. Paschke advised that staff had heard from a number of concerned residents and neighbors currently using the undeveloped right-of-way as an alley to access their property. Mr. Paschke advised that, after further discussion, staff was recommending that it remain designated as right-of-way, not Park/Open Space.

Chair Doherty asked that Mr. Paschke go through each proposed amendment to allow the meeting minutes to reflect discussion specific to that parcel; and inviting public comment for individual items.

Unidentified Audience member

The speaker had a general question for 2201 Lexington Avenue, designated LDR, and for all properties in general and the rationale for recommended changes, whether requested by property owners in order to change their use.

Mr. Paschke reiterated that there were no proposals prompting the proposed amendments to the Comprehensive Land Use Map, and that they were corrections to parcels that continued to be carried over from the 1970's and/or 1980's that had not been caught until a more thorough review during the Rezoning process following the State-mandated update of the City's Comprehensive Plan and rezoning consistent with the guidance of that plan.

1779 Rose Place – City-owned property

Mr. Paschke advised that the structure on this parcel had been demolished; and it was recommended for designation from LR (Low Density Residential) to W (Water Ponding).

Dale Street, St. Paul Water Board Property (Parcels 1883 and 1894)

Mr. Paschke noted the location of these parcels and the large water line running under them; and recommended designation from LR to IN (Institutional)

Arthur Street Right-of-Way

Mr. Paschke noted that this was City-owned property and should be designated as Right-of-Way (ROW) rather than CMU (Community Mixed Use),

County Road C-2 West at Fairview Avenue (?) - Storm Pond – City-owned Parcel

Mr. Paschke noted that staff recommended that this property, currently zoned CMU, be designated W (Water Ponding).

Cleveland Avenue – City-owned property

Mr. Paschke noted that two (2) parcels in the Twin Lakes Redevelopment Area were currently designated CMU and needed to be designated as POS (Park/Open Space). Mr. Paschke advised that staff was still researching the acquisition and intent for the land, and it may eventually change to ROW designation. However, at this time, it needed to be identified as POS, and was adjacent to land currently identified as POS.

Laurie Road – City-owned property

Mr. Paschke advised that the Public Works/Engineering Department was not aware of any existing infrastructure on this strip of land and had recommended designating the property as ROW rather than the current LDR designation. Mr. Paschke noted that, if adjacent property owners petitioned it, the City could vacate their interest in the right-of-way while retaining an easement if there were any underground utilities.

Victoria Street – City-owned property

Staff recommended land use designation for this approximate five foot (5') strip of land change from LR to POS.

2668 Lexington Avenue – City-owned property

Staff recommended guiding this property as ROW rather than the current HR (High Density Residential) as recommended by the City's Public Works/Engineering and Parks and Recreation Departments.

Discussion included the home on the adjacent parcel at 2666 and access through a private drive running through the 2668 parcel.

State of MN – Right-of-Way

Mr. Paschke advised that this property had been acquired by MnDOT for light rail transit purposes; and therefore needed to be identified as ROW rather than POS.

Long Lake Road – City-owned properties (2 parcels)

Staff recommended guiding these parcels as ROW rather than the current BP (Business Park), consistent with Long Lake Road rights-of-way adjacent to the Water Pond.

Bonestroo Site – St. Croix Street – City-owned property (lift station location)

Staff recommended IN (Institutional) as opposed to current BP (Business Park) designation.

Snelling Avenue – City-owned property

Staff recommended land use designation as ROW rather than current O (Office) use.

Snelling Curve – City-owned property

Staff recommended land use designation as ROW rather than current designation of MR (Medium Density Residential).

???

South McCarrons Boulevard – City-owned property

A revised map was provided as a bench handout, **attached hereto and made a part thereof**, with recommended land use designation from LR (Low Density Residential) to ROW.

South McCarrons Boulevard – City-owned property

Staff recommended land use designation as POS rather than LR (Low Density Residential)

Centennial Drive – City-owned property

Staff recommended designation as W (Water Ponding) rather than the current LR (Low Density Residential).

Mr. Lloyd noted his phone conversation from a resident with the City's Public Works Department, regarding the proposed designation; with no further concerns following staff's response clarifying the intent of the proposed action.

West Owasso Blvd – City-owned property

Staff recommended designation as POS rather than the current LR.

Brooks Avenue – City-owned property

Staff recommended designation as POS rather than current LR.

Discussion included why this parcel had not been sold by the City for LDR land use; with staff responding that it was not a policy of the City to sell city-owned parcels; proximity of a pathway and bicycle path cutting through the parcel and sharing of its address with the adjacent park, and often considered as part of the park already, but just not zoned appropriately at this time.

William Street – City-owned property

Staff recommended designation as ROW rather than the current LR.

Discussion included the small size of the parcel; possible future designation for commercial use, but a ROW designation allowing adjacent property owners to petition vacation; following staff's review of how and why the parcel was acquired by the City.

1129 – 1131 Roselawn Avenue – Apartment

Staff noted that, due to size of the parcel and number of current multi-tenant units, designation needed to be corrected from LR to MR.

1330 County Road B - Business Property

Staff noted that the existing use, as an eye or dental clinic, suggested recommended land use designation for NB (Neighborhood Business) rather than the current designation of LR (Low Density Residential).

161 Elmer Street – Zoned B-1 in 1980's

Mr. Paschke noted that this was a split property, with one Property Identification (PID) number; and needed to be designated as CB (Community Business) rather than the current MR (Medium Density Residential). Mr. Paschke advised that the property had been zoned as such since the 1980's, but that the PID search only caught one of the parcels and respective zoning designations.

1935 Cleveland Avenue – private property

Mr. Paschke advised that the current designation of W (Water Ponding) needed to be corrected, since the parcel had a house already built on it, and should be designated as LR.

2030 County Road D – Half of Property zoned business in 1970's to allow salon

Mr. Paschke advised that the current designation of LR (Low Density Residential) should be corrected to NB (Neighborhood Business) for both the north and south portions to be consistent with the use of the site, since this was one lot.

Unidentified Current Property Owner

The property owner advised that there was originally a residence on both parcels, but that when he'd developed the salon on the corner, it had been rezoned with a setback variance to allow the house and shop on the lot line, and that it was still designated as two (2) lots, but that he had left it as one address to avoid confusion.

Mr. Paschke advised that it hadn't been detected since the 2 lots were listed under one PID and combined for tax purposes.

1085 Roma Avenue – Owned by adjacent business

Staff recommended designation from LR to NB for consistency with the land use as a business (a multi-tenant office building) since the 1990's.

2088 Fry Street – 3 unit apartment

Staff recommended land use designation from the current LR to MR, consistent with its use.

2211 Hamline Avenue

Staff recommended land use designation from LR to O (Office).

2353 Chatsworth Street – Real Life Church

Mr. Paschke advised that, unfortunately when the Comprehensive Plan Amendment process was done, this parcel was not included in that zoning change for all churches and other institutional uses to go to IN (Institutional) designation, and was being corrected at this time.

Richard A. Fair – 39 Mallard Road – North Oaks

Mr. Fair advised that he had received notice of the proposed designation change; however, he was unsure of the process when proposed regulations for IN zoning are still in their draft form; and expressed his preference to review the designation and any ramifications on the church for that property.

Mr. Paschke advised that, once the regulations are completed in their draft form, they would come before the Planning Commission for review and public comment, possibly in September. Mr. Paschke suggested that the speaker refer to the City's website or provide staff with a name and e-mail address to receive future notice.

Mr. Fair advised that the Church also owns the property across the street at 2315 Lowell Avenue, currently having a single-family dwelling on it, and noted rezoning as HD and sought additional information on ramifications of that designation; noting that the home had originally been a parsonage and remained part of the church property.

Mr. Paschke, while not having the property's history available at this time, noted that the 2315 parcel had been guided as HDR for some time and that there was no recommendation to change that designation at this time.

Mr. Lloyd clarified that, since 1979, the parcel at 2315 had been identified as LR land use, but that the zoning had never been corrected to be consistent with that designation.

2758 and 2759 Virginia Avenue

Staff noted that the parcels may have been identified at one time by the City for storm ponds; however, noted that since 1979, the properties had remained inappropriately guided, since homes had been constructed on both parcels; and the land use designation needed to be corrected from POS to LR.

2905 Arthur Place

Staff noted that this parcel also may have been identified at one time by the City for a storm pond; however, since 1979, had remained inappropriately guided, since a home had been constructed on the parcel; and the land use designation needed to be corrected from POS to LR.

556 County Road C

As previously noted, this parcel is scheduled to be considered at a later date due to separate Planning Commission action at their last meeting and public hearing notice requirements.

An unidentified member of the audience requested additional information on this parcel and the reason for the delay and proposed designation from POS to LR; with Member Wozniak reiterating previous discussions tonight by the property owner.

2201 Lexington Avenue – Small business

Staff recommended designation from the current LR to NB.

592 Owasso Hills Drive – City-owned pond

Staff recommended correction of the current designation from MR (Medium Density Residential) to W (Water Ponding).

706 Shryer Avenue – City-owned utility building

Mr. Paschke noted the location of a City lift station on this parcel, and corrected designation from LR to IN.

1 888 County Road B and 2111 Victoria Street (home)

2 Staff recommended correcting these two (2) parcels from the current designation of W
3 to LR, as both were privately owned.

4
5 B-Dale Club

6 Staff recommended correction of current designation of LR to NB.

7
8 Member Cook questioned the adjacent portion remaining as is.

9
10 Mr. Paschke advised that there was an adjacent parcel not owned by the B-Dale Club
11 that may actually be owned by the City; and offered to double-check that back portion
12 shown as LDR to determine ownership. If it was determined that it was owned by the
13 B-Dale Club, Mr. Paschke advised that it would need to be included in the proposed
14 amendment; but that it had not been identified as an anomaly property having an
15 inappropriate designation at this time.

16
17 Dale Street – Private property – 2245 and 2237

18 Staff recommended corrected designation from IN to LR.

19
20 Dale Street – Private property – triangle south of the railroad tracks on S Owasso
21 Boulevard

22 Staff recommended correction of the current designation from POS to LR.

23
24 **Mark McKane, 2823 Dale Street**

25 Mr. McKane requested rationale for changing this designation, addressing easement
26 rights of NSP Power and their comments that the lots were unbuildable.

27
28 Mr. Paschke advised that the City had no plan or purpose for the parcel, making the
29 designation as POS inappropriate and would continue certain restrictions inconsistent
30 with private property. Mr. Paschke noted that the City did not have public right-of-way
31 on the parcel, did not own it, and that it would be inappropriate to guide it as POS,
32 with surrounding properties designated as LR.

33
34 Mr. McKane noted similarities for the 593 City-owned parcel adjacent to LR.

35
36 Mr. Paschke noted that the 593 parcel is part of the park system and was guided
37 accordingly.

38
39 **Chad Adams, 556 West County Road C**

40 Mr. Adams advised that when Owasso Hills was developed, there was much
41 discussion about preserving parks and wetlands; and questioned if the property
42 shouldn't be retained for future park land.

43
44 Mr. Paschke clarified that the City had no intent to acquire the parcel for POS; but
45 didn't know if a private property owner could acquire it.

46
47 3099, 3107, 3115 Evelyn Street

48 Mr. Paschke opined that this property, while privately owned, may have at one time
49 been considered by the City for storm water ponding; but that the City no longer had
50 any interest in acquiring it for such a purpose.

51
52 **Gerald Ode, 3074 Evelyn Street**

53 Mr. Ode advised that he had owned the house at this address for over thirty (30)
54 years; and sought the reason why the developer had been allowed to build homes on
55 the lots designated for water ponding when he, as a homeowner, had been assured
56 that there would be no homes built there.

1
2 Mr. Paschke suggested that the homes may have pre-dated the land use designation.
3

4 Mr. Ode advised his home had been built in 1977 and at that time, he had been
5 advised by the builder that the lots in question were designated for a pond and had
6 been given the impression that the existing trees would remain on the west side. Mr.
7 Ode expressed confusion in how he could have been misrepresented by the
8 developer without ramifications brought forth by the City.
9

10 Discussion included land use designations; research needed to determine how the
11 area was designated for land use in 1977; and current Building Permit practices and
12 processes.
13

14 Farrington Court – Private property

15 Staff recommended designation of this parcel from POS to LR.
16

17 Heinel Drive – Private property

18 Mr. Paschke advised that this strip of property provides access to Lake Owasso; and
19 that the current designation of POS should be corrected to LR to be consistent with
20 adjacent parcels.
21

22 **Betty Wolfangle, 837 Heinel Drive**

23 Ms. Wolfangle advised that 837 Heinel Drive was their private property and that the
24 strip of land was alongside their house, and dropped significantly to a creek or ditch
25 with water entering from Bennett and through Lake Owasso; with the other side of the
26 strip and creek was Central Park wetland area. Ms. Wolfangle, speaking for residents
27 along Heinel Drive, suggested that it seemed appropriate that this strip of land
28 become private property or a part of Central Park.
29

30 Mr. Paschke advised that the parcel was privately owned and therefore should not be
31 guided as POS; and assured Ms. Wolfangle that there were no plans by the City to
32 develop this private property in any way; and reiterated that the proposed changes
33 were simply to correct past inaccuracies.
34

35 2986 Lexington Avenue and 1165 Josephine Road

36 Mr. Paschke advised that, for a number of years, these parcels had been designated
37 POS, and since they both have single-family homes built on them, they should be
38 designated LR.
39

40 Lexington Avenue Business Property (at Woodhill and Lexington)

41 Mr. Paschke noted that these parcels, owned by the George Reiling Estate, had
42 always been zoned Limited Business District, and should be designated under new
43 land use designations as NB (Neighborhood Business) not the current LR (Low
44 Density Residential).
45

46 Mildred Drive – Private property

47 Mr. Paschke noted that this non-addressed property was privately owned and should
48 be designated LR rather than the current POS, whether developable or not.
49

50 Rice Street private property

51 Staff recommended that the current designation as W be corrected to CB (Community
52 Business).
53

54 Discussion included clarifying that this parcel is adjacent to an existing cell tower.
55

56 2535, 2545, 2571 Rice Street

1 Mr. Paschke noted that these parcels had single-family homes built on them for many
2 years, and should be designated as LR rather than the current designation of POS.

3
4 **2253 and 2266 St. Croix Street **and** 2265 St. Stephen Street –Private properties

5 Staff recommended land use designation as LR from the current designation of POS,
6 all privately owned and having homes on them.

7
8 Victoria Street N – Roselawn Cemetery Property

9 Mr. Paschke noted that current designation shows this area adjacent to Roselawn
10 Cemetery property as POS; however, they should be designated as IN (Institutional)
11 use similar to the remainder of Roselawn Cemetery.

12
13 *3253 and 3261 Old Highway 8

14 *As Mr. Paschke previously noted, these parcels are scheduled to be considered at
15 the Special Planning Commission meeting scheduled on Wednesday, August 25,
16 2010.

17
18 **Rita Mix, 3207 Old Highway 8**

19 Ms. Mix, on behalf of neighbors adjacent to these parcels, sought clarification on
20 staff's recommendation for this property for higher density use.

21
22 Mr. Paschke noted that the charge to staff from the City Council was to hold a public
23 hearing on guiding the property for lower density; and their consideration for the
24 parcels be guided as LR (Low Density Residential). Mr. Paschke advised that he was
25 unsure at this point whether staff or the Planning Commission was supportive of that
26 recommendation; but that the published and mailed public hearing notice had
27 indicated designation changing from HR (High Density Residential) to LR. Mr.
28 Paschke noted that the current property owner was opposed to that proposed
29 designation.

30
31 Ms. Mix advised that the neighborhood supported a LR designation; and sought
32 information as to whether neighbors would be noticed and/or heard.

33
34 Mr. Paschke advised that notices had already been mailed out; however, he asked
35 that Ms. Mix provide staff with an e-mail address where she could be contacted, and
36 staff would provide an e-mail notice to her as well as a copy of the staff report in
37 advance for distribution to the neighbors for their information and so they could be
38 heard at the meeting on August 25.

39
40 Bench Handout – 165 W Owasso Blvd – east half of property – zoned B-1

41 Mr. Paschke provided as a bench handout, ***attached hereto and made a part***
42 ***thereof***, an additional property map for 165 ~~West~~ ***[South]*** Owasso Boulevard for
43 recommended land use designation from LR to NB, inadvertently omitted from agenda
44 packet materials.

45
46 **Additional Public Comment**

47 ****Mean (SP?) Dershin, 2249 St. Stephen Street**

48 Mr. Dershin asked the ramifications for his property in the proposed designation for
49 the above-referenced properties on Saint Croix Street and Saint Stephen Street
50 changing from POS to LR.

51
52 Mr. Paschke advised that it would allow a single-family home to be constructed on the
53 property, if not already existing, or provide future land use guidance.

54
55 Mr. Dershin questioned the rationale for turning Water Pond designated land use into
56 LR and whether that was an environmentally sound practice.

1
2 Mr. Paschke reiterated that this was a housekeeping matter; noting that a number of
3 the lot corrections and lots designated for Water ponding already had single-family
4 homes developed on them. Mr. Paschke further advised that those proposed to
5 change from POS to LR were privately-owned properties that should be zoned LR or
6 parcels with homes already on them, making POS inappropriate as a designation. Mr.
7 Paschke noted that many of these inconsistencies or errors continued to be carried
8 forward from the 1970's, or that at one time the City may have had a desire to utilize
9 them for POS or to acquire them for such, often for storm water management
10 purposes, a trail or a park. However, since there were not plans and/or funds to do so
11 now, Mr. Paschke opined that it was inappropriate to guide them as POS when such
12 zoning designation was inconsistent with their actual or potential use.

13
14 Mr. Dershin questioned whether there could be a private park acquired by residents
15 without it being City-owned property.

16
17 Mr. Paschke advised that it would be inappropriate for the City's Comprehensive Plan
18 and Map to designate private properties as POS since the City didn't control or
19 manage them.

20
21 Member Gottfried opined that ownership of the property was a vital consideration and
22 guided this discussion and desire for consistency and continuity for this housekeeping
23 practice; and commended staff for their thorough review of parcels throughout the City
24 and for bringing them to the forefront for discussion and correction as appropriate.
25 Member Gottfried further opined that if a private property owner chose to give a parcel
26 to the City that was another discussion, at which time the City could revisit rezoning a
27 parcel to POS.

28
29 Mr. Paschke noted that for many years, starting in the 1970's or before, zoning was
30 the controlling document and the Comprehensive Plan was not the higher authority or
31 guiding plan. However, Mr. Paschke advised that, over the last decade, the
32 Comprehensive Plan had become the ruling and controlling document, and zoning
33 needed to be consistent with that Plan. Mr. Paschke advised that, unfortunately, the
34 City had not historically changed the Zoning Map to remain consistent, thus creating
35 many of the anomaly properties. Mr. Paschke noted that, unfortunately as well, some
36 of the properties were missed during the Comprehensive Plan Update process; and
37 this was the appropriate opportunity to address each of the parcels.

38
39 Chair Doherty observed, to the City's credit, that the easiest thing to do would be to
40 continue ignoring the anomalies; however, staff had reviewed each parcel in the City
41 to make sure they were consistent, and also expressed appreciation to staff for
42 making this effort after thirty (30) years.

43
44 **Carol Mordorskel, 2241 Dellwood Avenue (property adjacent to Roseville**
45 **Ramsey County Library)**

46 Ms. Mordorskel sought clarification on rezoned properties across the street from the
47 library on Hamline Street and her concerns with rezoning of the vacant area north of
48 the North library parking lot and how the Overlay District was impacted when
49 residential properties abut parcels designated for another use, and whether the City's
50 zoning requirements were applicable to the Library's use. Ms. Mordorskel expressed
51 concern with the Library use and protecting the use of her property to keep it
52 consistent with the way it was before developed for the library expansion.

53
54 Mr. Paschke advised that Ms. Mordorskel's property was guided LR for single-family
55 use; and that the library property has been and would continue to be guided for IN or
56 Institutional use and zoned accordingly. Mr. Paschke advised that the library currently

1 operated under a Planned Unit Development (PUD) Agreement, which would not go
2 away once the property was rezoned, and that which ever regulations were the
3 strictest, would be applicable to and recorded against the property.

4
5 Ms. Mordorskel expressed concern with the library's parking and lighting practices,
6 and whether they were applicable with City requirements and City Code, in additional
7 to providing fencing and/or screening of the parking area. Ms. Mordorskel opined that
8 she likened the library to a ball park in her backyard, with the lights remaining on all
9 night, when it used to be a wooded area.

10
11 Mr. Paschke asked that Ms. Mordorskel notify the City's Community Development
12 Director Patrick Trudgeon at 792-7071 as soon as possible, as a meeting of residents
13 and library representatives was scheduled the following evening (August 5) to discuss
14 ongoing concerns, which would be an appropriate venue for Ms. Mordorskel's
15 concerns as well.

16
17 Chair Doherty closed the Public Hearing at approximately 7:17 p.m.

18
19 Member Gottfried again commended staff for their considerations in keeping parcels
20 in continuity with the Comprehensive Plan and consistent with neighborhoods; and
21 spoke in support of their recommendations as presented.

22
23 Member Wozniak concurred with Member Gottfried; and expressed his appreciation to
24 staff for their thorough and clarifying recommendations.

25
26 Chair Doherty commended Mr. Paschke on his explanation for the benefit of the
27 public of the difference between a comprehensive plan and zoning codes; and how
28 the comprehensive plan now controls land use and the need for zoning codes to be
29 consistent with that plan, not the other way around. Chair Doherty reiterated that
30 these proposed actions were not something initiated by the City, but a requirement of
31 the Metropolitan Council.

32
33 Mr. Paschke noted that a number of inconsistencies had been identified in previous
34 individual rezoning applications, as well as during the Comprehensive Plan Update
35 process, and that those inaccuracies or inconsistencies should have been
36 incorporated into the Comprehensive Plan Update process at that time; and that they
37 now also needed to be zoned appropriately, with the Land Use Map, Comprehensive
38 Plan Map, and Zoning Code each being consistent.

39
40 Member Gottfried noted that the Comprehensive Plan Update process was initiated
41 every decade, and was a continually changing process and document. Mr. Gottfried
42 opined that it was important for the public to understand the community, as well, was
43 continually changes; that the City of Roseville didn't look like it did in the past, and
44 wouldn't look like it did now in another twenty (20) years. Member Gottfried thanked
45 members of the public for bringing their feedback, comments, and concerns forward,
46 as well as for their attendance.

47
48 **MOTION**

49 **Member Doherty moved, seconded by Member Cook to RECOMMEND TO THE**
50 **CITY COUNCIL APPROVAL of a CONCURRENT AMENDMENT TO THE**
51 **COMPREHENSIVE PLAN – LAND USE MAP and OFFICIAL ROSEVILLE ZONING**
52 **MAP (REZONING) for the seventy (70) subject properties, as detailed in the staff**
53 **report dated August 4, 2010 (Project File 0004 and Project File 0017); as**
54 **reviewed and discussed.**

55
56 **Ayes: 5**

1
2
3
4
5
6

Nays: 0
Motion carried.

Mr. Paschke noted that these parcels were scheduled to be heard by the City Council at their August 23, 2010 meeting

2030 County Road D West
St. Paul, MN 55112-3504

September 10, 2010

Mr. Thomas Paschke
City Planner
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Paschke:

Re: New Zoning

I am the owner of the property at 2030 County Road D West, consisting of Lots 15 and 16 and East 43 feet of Lot 2, Block, 1, Rochat's Addition.

In 1972 I purchased Lots 15 and 16. Lot 16 was rezoned from R-1 to B-1. At the same time the City gave me a variance from the 10-foot setback requirement so I could join the house and the beauty shop at the lot line between the two lots.

The proposed zoning map does not show the lot line between Lots 15 and 16 Rochat's Addition. This is incorrect since the two lots have never been joined together. (See attached copy of Ramsey County 2010 property classifications.)

At about 1982 the beauty shop was closed and converted to an office that was used for my inspection business. I am now retired and the office portion is vacant. In a year or two I intend to sell the property to someone who will want to use the property for a residence with an attached business. I, therefore, want the north Lot 16 to be zoned as the new NB designation and the south Lot 15 to remain zoned residential.

I will not be in town for the council meeting so please present this information to the City Council.

Yours truly,


Gunnar Pettersen

651-636-9105



RAMSEY COUNTY

Property Records & Revenue
Assessor's Office
90 W Plato Boulevard
St. Paul, MN 55107
651-266-2000
www.co.ramsey.mn.us/prr

2010 Notice of Valuation and Classification for Taxes Payable in 2011

This is NOT a bill

This form is to notify you of the market value and classification of your property for assessment year 2010. The property taxes you will pay in 2011 will be based on this valuation and classification.

GUNNAR PETTERSEN
2030 COUNTY ROAD D W
NEW BRIGHTON MN 55112-3504

60368 142 149
1/1



Property Information

Property ID:

04.29.23.22.0003

Property Address:

2030 COUNTY ROAD D W
NEW BRIGHTON

Tax Description:

ROCHAT'S ADDITION 04205
LOT 15 & LOT 16 BLK 1

Property Classification

Assessment year 2009
For taxes payable in 2010

Res Hstd
Comm/Ind

Assessment year 2010
For taxes payable in 2011

Res Hstd
Comm/Ind

Property Valuation

	Assessment year 2009 For taxes payable in 2010	Assessment year 2010 For taxes payable in 2011
Estimated Market Value	\$ 375,700	\$ 356,900
Value of New Improvements	0	0
Green Acres Value	0	0
Plat Deferment	0	0
This Old House Exclusion	0	0
Disabled Vets Value Exclusion	0	0
Taxable Market Value	375,700	356,900



Open Book - Preliminary Market Value Review Meeting

Property Records and Revenue
90 West Plato Blvd
St Paul MN 55107
April 5th to April 8, 2010
10:00 am to 7:00 pm

County Board of Appeal & Equalization - BY APPOINTMENT ONLY

Property Records and Revenue
90 West Plato Blvd
St Paul MN 55107
June 14th and adjourns on or before June 25th, 2010
9:00 am to 5:00 pm or 9:00 am to 7:00 pm by appointment
Appeal forms must be postmarked by May 7, 2010

Property and Assessment Information is available at:

Department of Property Records and Revenue
90 W. Plato Blvd.
St. Paul, MN 55107

Business Hours 8:00 am to 4:30 pm
Or visit our website at:
www.co.ramsey.mn.us/prr



RAMSEY COUNTY

Property Records & Revenue
Assessor's Office
90 W Plato Boulevard
St. Paul, MN 55107
651-266-2000
www.co.ramsey.mn.us/prr

2010 Notice of Valuation and Classification for Taxes Payable in 2011

This is NOT a bill

This form is to notify you of the market value and classification of your property for assessment year 2010. The property taxes you will pay in 2011 will be based on this valuation and classification.

GUNNAR PETTERSEN
2030 COUNTY ROAD D W
SAINT PAUL MN 55112-3504

60367 142 149
1/1



Property Information

Property ID:

04.29.23.22.0002

Property Address:

2030 COUNTY ROAD D W
NEW BRIGHTON

Tax Description:

ROCHAT'S ADDITION 04205
SUBJ TO ESMTS; E 43 FT OF FOL;
LOT 1 & N 15 FT OF LOT 2 BL
K 1

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meeting.

If the property information is not correct, you disagree with the values, or if you have other questions about this notice, **please contact your assessor first.**
Call 651-266-2000 to discuss any questions or concerns. Often your issues can be resolved at this level.

If your questions or concerns are not resolved, more formal appeal options are available. Please read the back of this notice for important information about the appeal options.

Property Classification

Assessment year 2009
For taxes payable in 2010

Comm/Ind

Assessment year 2010
For taxes payable in 2011

Comm/Ind

Property Valuation

	Assessment year 2009 For taxes payable in 2010	Assessment year 2010 For taxes payable in 2011
Estimated Market Value	\$ 43,100	\$ 43,100
Value of New Improvements	0	0
Green Acres Value	0	0
Plat Deferment	0	0
This Old House Exclusion	0	0
Disabled Vets Value Exclusion	0	0
Taxable Market Value	43,100	43,100



Open Book -- Preliminary Market Value Review Meeting

Property Records and Revenue
90 West Plato Blvd
St Paul MN 55107
April 5th to April 8, 2010
10:00 am to 7:00 pm

County Board of Appeal & Equalization -- BY APPOINTMENT ONLY

Property Records and Revenue
90 West Plato Blvd
St Paul MN 55107
June 14th and adjourns on or before June 25th, 2010
9:00 am to 5:00 pm or 9:00 am to 7:00 pm by appointment
Appeal forms must be postmarked by May 7, 2010

Property and Assessment Information is available at:

Department of Property Records and Revenue
90 W. Plato Blvd.
St. Paul, MN 55107

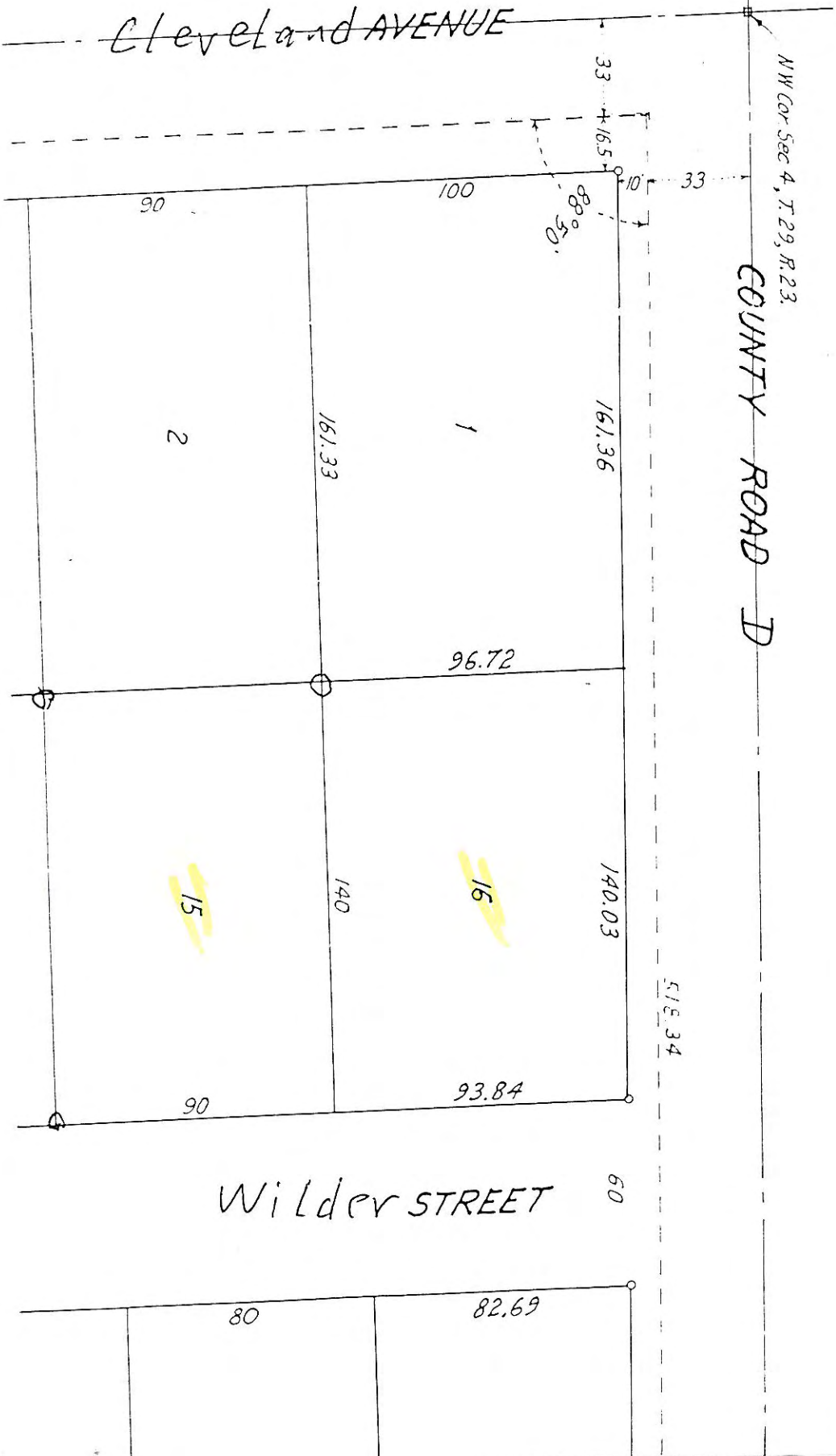
Business Hours 8:00 am to 4:30 pm
Or visit our website at:
www.co.ramsey.mn.us/prr

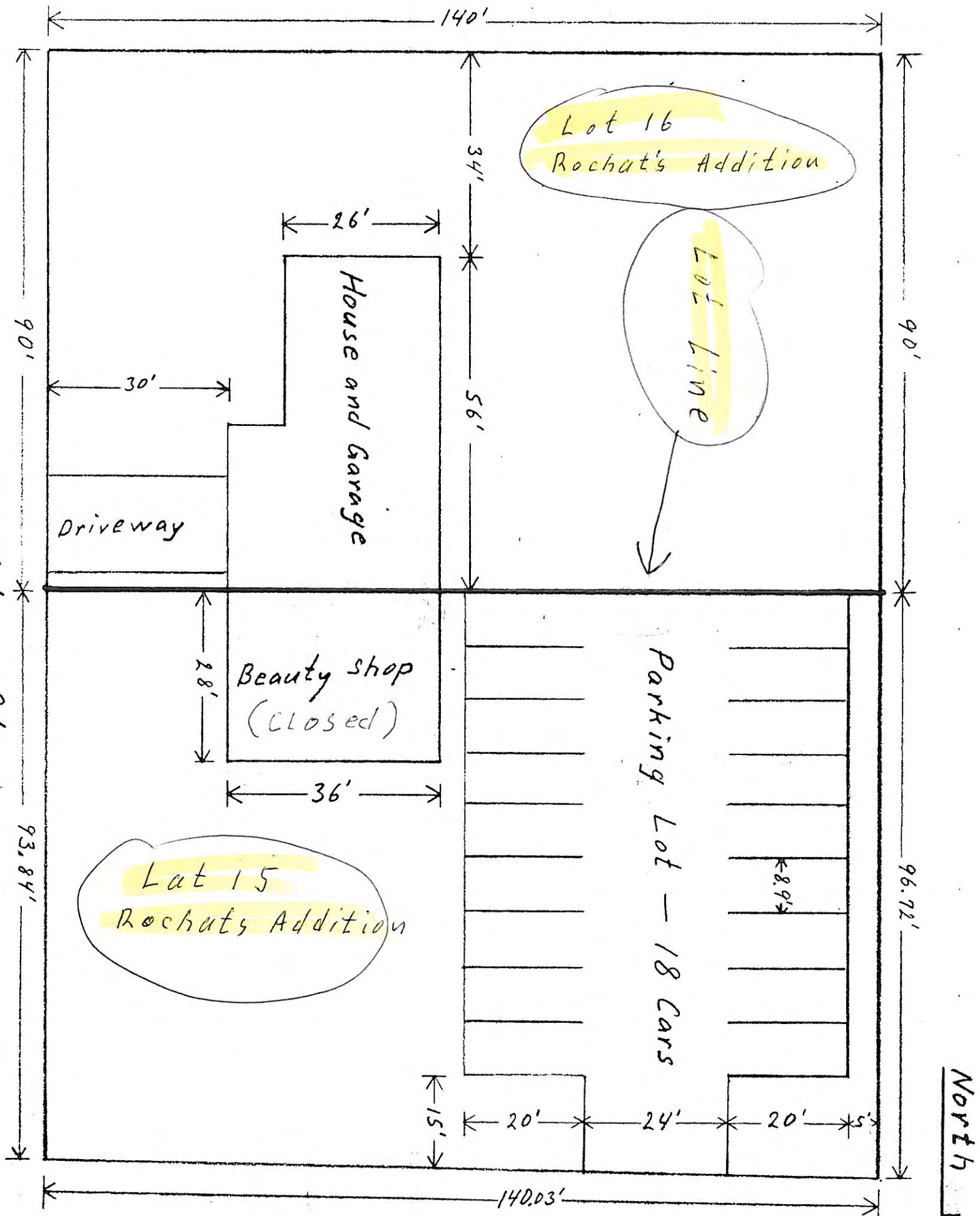
ROCHAT'S ADDITION

ROSEVILLE, MINN.

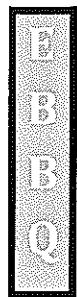
SCALE 1 IN. = 50 FEET
O INDICATES IRON MONUMENT.

R. C. WOLFGRAM
SURVEYOR





Co. Rd. D.



**ERICKSON,
BELL,
BECKMAN &
QUINN, P.A.**

1700 West Highway 36
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James C. Erickson, Sr.
Caroline Bell Beckman
Charles R. Bartholdi
Kari L. Quinn
Mark F. Gaughan
James C. Erickson, Jr.

Robert C. Bell – *of counsel*

MEMORANDUM

TO: Thomas Paschke

FROM: Caroline Bell Beckman

DATE: September 8, 2010

RE: City of Roseville – Comp Plan Designation at Park and Open Space Issue
Our File No: 1011-00176

Thomas,

You indicated that at the August 23, 2010 Council meeting the City Council was advised that the Planning Department had determined that park and open space designation was inappropriate for certain land within the City of Roseville. Apparently, the City has no immediate attempt to acquire these parcels for park purposes. The parcels have been zoned single family residential but under a Comprehensive Guide of Park and Open Space. As the Minnesota statutes now require that the Comprehensive Plan takes precedence over zoning, the Planning Department has recommended that the land use designation be changed from park and open space to low density residential in the Comprehensive Plan to be consistent with the zoning of the parcels. If the City has no immediate plans to develop these parcels as park and open space or acquire the same, then the designation would prohibit the property owners from reasonable use of their property. As such, they may have an inverse condemnation claim against the City if the City insists on requiring park and open space and has no immediate intention of acquiring the property for park and open space purposes. The zoning designation as low density residential is the appropriate designation until such time as the City has a plan and resources to purchase these properties.

CBB/hmg