



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, March 4, 2020 – 6:30 p.m.**

1. Call to Order

Chair Gitzen called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Gitzen, City Planner Thomas Paschke called the Roll.

Members Present: Chair Chuck Gitzen; Vice Chair Peter Sparby, and Commissioners Julie Kimble, Michelle Kruzel, Tammy McGehee, Michelle Pribyl and Karen Schaffhausen.

Members Absent: None

Staff Present: City Planner Thomas Paschke, Community Development Director Janice Gundlach, Senior Planner Bryan Lloyd

3. Approve Agenda

MOTION

Member Kruzel moved, seconded by Member McGehee, to approve the agenda as presented.

Ayes: 7

Nays: 0

Motion carried.

4. Review of Minutes

a. January 2, 2020 Planning Commission Regular Meeting

MOTION

Member Kimble moved, seconded by Member McGehee, to approve the January 8, 2020 meeting minutes as presented.

Ayes: 7

Nays: 0

Motion carried.

5. Communications and Recognitions:

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

None.

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

Forestry Task Force Update

Member McGehee explained the Task Force has had two meetings. At the second meeting there was discussion on three items. She reviewed the basic outline with the Commission. She indicated the issue has been that PWEC is made up of Public Works, Transportation and Environment and lately there has been a lot of interest in the sustainability, benchmarking, environment and has taken up quite a bit of their time but it clearly has things in development, some things in Park and Recreation and quite a bit in Public Works for storm water. As the city gets into resiliency and sustainability that will be more and more evident and there will be more of these topics that hit at least those three main departments and Commissions. The way the Commissions are currently set up no Commission can meet with another Commission; no Commission can set up Task Forces without Council approval. The idea was to pass along to the Council that there are many overlapping issues here that need to be discussed and how it should be handled.

Member McGehee indicated there will be one more meeting where public comments will be taken on any of these recommendations and then the recommendations will go to Council and the city Council will decide what to do with them.

Member McGehee noted Chair Cihacek of the PWETC initiated the task force by going to the city Council and asked the city Council to consider forming an Environment Commission but the Council does not want to do that and she personally was not sure that needed to be done either but she thought there did need to be task forces on some of these issues. She also thought there needed to be the opportunity to bring in experts within the community. She indicated she is in favor of these recommendations and going to the Council for a decision.

Member Pribyl noted a couple of weeks ago Alliance For Sustainability sponsored a discussion, East Metro Communities, talking about climate action and commission members from across the East Metro attended. There was discussion about how the different commissions in the different communities work together in their own communities and across the East Metro to try to come up with ways to address resiliency issues and other things. This seems like a good opportunity internally within Roseville to coordinate efforts as the city is looking at zoning changes to be consistent with the Comp. Plan.

Member McGehee agreed but felt no Commission was in the position to do it themselves given the structure that is in place now.

Member McGehee asked if the Commission had any issues or thoughts that she could bring back to the Task Force.

Member Sparby thought a lot of the problem was jurisdictional. He wondered who is doling out the subject matters to the Commissions. He wondered if it was staff handling all that behind the scenes.

Member McGehee explained staff would have to decide and it depends on what is spelled out. She indicated she talked briefly to Community Development Director Gundlach about energy efficiency and she explained what the city can and cannot do and incentivization. Those are issues, that energy piece of ongoing development, belongs here. She noted the Council, several years ago, decided to put in the Zoning Code to allow housing in the Commercial and Retail District, which is fine but there is nothing accompanying that to say anything about pathways and connections or any green space around the buildings or anything like that and it is kind of a heat island. It seems to her that the city missed planning, and certainly at the Council level should be looking at how the city wants that area to look going forward. What kind of amenities does the city want to provide other than just making Roseville look like downtown Minneapolis in one little desert area. When she was on the Council there was a lot of unhappiness with the build forward in the Zoning Code.

Chair Gitzen thought it will be very interesting to see what the city Council does with the recommendations because it could take all sorts of form. He thanked Member McGehee for taking the time for joining the Task Force.

Comprehensive Plan Update

Senior Planner Bryan Lloyd updated the Commission on the Comprehensive Plan and indicated the issues have been addressed and are scheduled for formal authorization by the Met Council on April 22nd.

Chair Gitzen explained he talked to Community Development Director Gundlach about the plan going forward and his understanding is once the Council has approved it staff will start to dig into it and may take a couple of months.

Ms. Gundlach indicated the Planning Commission will have a role in the Comprehensive Plan and will take several months for staff to get organized on what the Zoning Code updates are going to be and staff will work together on strategizing how to advance that forward and give the Commission an idea in a couple of months about what that process is going to look like.

6. Public Hearing

a. Request For Approval Of An Amendment To Title 10, Zoning, Pertaining To Height Limitations For Detached Accessory Dwelling (PROJ0017)

Chair Gitzen opened the public hearing for PROJ0017 at approximately 6:50 p.m. and reported on the purpose and process of a public hearing.

Senior Planner Bryan Lloyd summarized the request as detailed in the staff report dated March 4, 2020.

Member Sparby indicated on the square footage, it was recommended to go to eight hundred from six hundred fifty square feet. He wondered if that was something the Commission should be considering in terms of an amendment at this time.

Mr. Lloyd explained the request from the applicant certainly was to increase the square footage to something more than six hundred fifty square feet, perhaps eight hundred or larger. That is not an unreasonable suggestion, but staff was more comfortable waiting to see what policy changes have come through the new Comprehensive Plan update and take on that particular change later on. For now, the text of the Zoning Code should continue to state six hundred fifty square feet, at least by the recommendation being made.

Member Sparby noted based on what he is seeing in Attachment A, there is certainly a lot of the ADU's that would not qualify under the city Code now.

Member McGehee thought there was a distinct difference between and auxiliary dwelling unit and an auxiliary storage unit. She thought the six hundred fifty square feet was for the idea of having an aging parent or something like that. Something that could be added on and was not the intention to have the equivalent of an eight hundred square foot house in the backyard. She was glad, at this point it was left alone and did agree with the changes made for the height so it can go over a garage. She wondered how that works since there are so many single-story homes and if the home itself is not single story she thought staff tried to address that with the nine-foot floor to ceiling limit of the unit over a garage and if that was correct.

Mr. Lloyd explained that is not how staff would have addressed that in this. With the overall height limit, even though the overall height limit would be thirty feet with this amendment, it would still be true that the overall height of an accessory building would not be allowed to exceed the overall head of the principal structure. There certainly would be plenty of locations in the city where an accessory dwelling unit would not be allowed over a garage on a single-story home by the proposed amendment.

Member Sparby asked if a two-car garage would be adequate to house an accessory dwelling unit above it.

Mr. Lloyd indicated it would be close in range for a six hundred fifty square foot accessory dwelling unit, but he thought it could be done. He noted there is room to evaluate those size constraints later on.

Member Sparby thought this would be a logical time to review this because all of the amendments are being done.

Mr. Jeffery Lewis, applicant, addressed the Commission and indicated he did have examples of the accessory dwelling units that he could get to the Commission.

Public Comment

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

Chair Gitzen closed the public hearing at 7:15 p.m.

Commission Deliberation

MOTION

Member McGehee moved, seconded by Member Kimble, to recommend to the City Council approval of the proposed amendment to Title 10 regarding detached Accessory Dwelling Units, based on the content of the Request for Planning Commission Action, public input, and Planning Commission deliberation (PROJ0017).

Member McGehee agreed with the height change but she also agreed with keeping it at six hundred fifty square feet. She noted she has rentals, and a few are at four hundred square feet and she did not have any issues with renting those out and also had one at about six hundred square feet with two bedrooms which was also easy to rent.

Member Pribyl agreed that the six hundred fifty square feet seems large enough for the intended use and also understand the applicants concern about if building over a garage, trying to maximize the use of that space and not having to something odd with whatever is left over. She thought it was worth future discussion to talk about what that means for practical applications.

Member Sparby thought it was a little odd that the Commission is finding it appropriate to discuss part of what the applicant is bringing forward but not the other part because the applicants bringing forward the proposal, his issue is twenty-eight by twenty-six and is above the square footage limit but the Commission is refusing to discuss the fact that he is going to be above the six hundred fifty square feet. He understood the applicant can get by with a smaller unit, but this is talking about a situation where the applicant is trying to maximize the use of an accessory dwelling unit where the Commission is setting a maximum. The Commission is accepting the fact that there is going to be a lot that are less. He thought the city should have an open mind to consider if the maximum needs to be raised up at this time.

Member Kimble asked what happens when someone comes to the city with a three-car garage. The city does not have any idea what will be brought forward in the future, should the city keep changing the Code as things are brought to them.

Member Sparby thought it was all about reasonability. If a proposal is brought forward that is reasonable then the Commission should take the time to consider it

and if it did not make sense for the community and how planning is done in the city then it would be rejected. If reasonable and made sense it could be accepted. He thought it made sense to consider all aspects of what the applicant is coming forward with.

Member McGehee asked if there is a variance process for this.

Member Pribyl asked if the applicant wanted to build an accessory dwelling unit at seven hundred square feet could a variance be requested or is this indicating that nothing over six hundred fifty square feet would be allowed.

Mr. Lloyd explained one of the reasons why staff received the Zoning Amendment request is, particularly with the height, the Zoning Code indicates the limit and it was not the intended limit or a very practical limit for allowing an accessory dwelling unit above the garage. Conceivably someone could apply for the variance on that but demonstrating why there are some unique circumstances, adhering to that parameter of it being unfair for that property owner, as opposed to something more general, that case is harder to make.

Chair Gitzen thought there were a couple of ways the Commission could proceed. He thought Commissioner McGehee was putting the two items together. He noted the proposed motion could be voted on and what he is hearing from the other Commissioners is that six hundred fifty square feet is ok. He did not think the Commission was intentionally not discussing that part but felt ok with the limit suggested.

Member McGehee indicated she did not want to amend her motion.

Member Sparby suggested an amendment to the motion to update lines 68 of attachment B to read eight hundred square feet of living area.

Member Sparby moved to amend the motion to update line 68 of Attachment B to read “eight hundred square feet of living area.”

Motion failed for lack of second.

Member Kruzel indicated she was ok with leaving this the way it is and understood it will be addressed later on possibly with the Comp. Plan.

Member Sparby thought the time to address this is now and not to come back at some time when everyone in attendance might not even be on the Commission. He thought the city needed to get realistic with the plan, if these type of accessory dwelling units are being brought forward are in the seven hundreds then the city wants to make the best use of the Ordinance and that cannot be done if it is at six hundred fifty.

Member Kimble asked Member Sparby where he is seeing a number of the accessory dwelling units being over seven hundred square feet because she did not see that and most of them in the packet are well under seven hundred square feet.

Member Sparby indicated he was in agreement that many of them are under that threshold, but he also saw many at the bottom that are just over the threshold on attachment A, pages 6-7.

Member Kimble she thought these looked to be mostly under six hundred square feet in the right-hand column.

Member Sparby indicated there were a handful on the bottom around seven hundred square feet.

Member Kimble noted there appeared to be three out of two pages.

Chair Gitzen thought there was good discussion and called to motion.

Ayes: 6
Nays: 1 (Sparby)
Motion carried.

b. Request By City Of Roseville For Approval Of An Amendment To Title 10, Zoning, Pertaining To Indoor Entertainment Centers (PROJ0047)

Chair Gitzen opened the public hearing for PROJ0047 at approximately 7:30 p.m. and reported on the purpose and process of a public hearing.

Senior Planner Bryan Lloyd summarized the request as detailed in the staff report dated March 4, 2020.

Member Kimble asked for more information on how staff arrived at some of the not permitted, specifically the CMU-1 and CMU-2 and Industrial. She asked specifically about the Industrial because many of these uses require high ceiling heights that would be typical in an industrial building.

Mr. Lloyd reviewed the zoning map with the Commission indicating where entertainment centers are allowed and not allowed.

Member Kimble asked if staff knew of any of the uses that are currently located in any of the areas that indicate not permitted.

Mr. Lloyd explained staff did not. One of the CUP's was in the office park district. He showed the location on the map and noted there may be other locations that staff has not been made aware of yet.

Member Kimble did not think the city should be overly restrictive when there are types of buildings that can accommodate these businesses and some of these uses to her do not seem office related.

Member Sparby wondered how and why firearm ranges are being brought into this because he thought it was odd to have mini-golf and firearm ranges in the same section and permitted and not permitted in the exact same areas.

Mr. Lloyd indicated the reason for this is because it was brought to staff's attention in the last year or so and it is an opportunity to talk about whether the city is interested in allowing for that kind of use or not. There is plenty of spectrum there.

Member Sparby asked if a license is not required currently for a firearm range.

Mr. Lloyd explained the use is not currently allowed. The Zoning Code does not recognize it and it is not like another use. The same would be true for an archery range.

Member Sparby asked if a firing range or archery range is not permitted if it is not listed in the Zoning Code.

Mr. Lloyd indicated that was correct and because it is not similar to anything that is permitted that is addressed.

Member Sparby thought that if something is not mentioned then it would be permitted.

Mr. Lloyd indicated it is the opposite.

Member McGehee noted on page one of two in attachment B it states "...when the code is silent on a particular use there is some judgement to be made about whether that thing being discussed is materially similar to other things that are addressed." She noted she had the same question because it is considered a judgement call by whomever is reviewing the activity.

Member McGehee asked how staff is differentiating the different climbing structures that are in the businesses versus gymnasiums and athletic areas.

Mr. Lloyd explained in his mind more about the focus of the place. Vertical Endeavors is an entertainment place and that would be the type of thing talked about. Health clubs, training facilities are regulated in the Zoning Code elsewhere and might also be permitted in the same places and not necessarily regulated differently but are already covered.

Member McGehee indicated when she reviewed the list, with the exception of the shooting range because she did not think there would be much support from the public if advertised and the one thing that bothered her about this whole process. It is

stating no one came forward but the city does not have a newspaper and the city only sent out a newsletter every other month and so the city is really in a news desert in terms of finding this stuff out and is an unusual expectation to think that the residents of the community are all going to be watching the city meetings. She thought the Council and staff need to figure out how to get the information out to the residents, so the residents have some input. She thought this was a significant change. She also liked the buffer zone between residential and these types of businesses.

Member Schaffhausen asked if staff knew what the occupancy rate is in the Industrial space because she was thinking about businesses coming into these spaces. She thought if there was space and a business wanted to come into that area she would be open to that and she wondered how flexible the city can be with the not permitted component of those buildings.

Mr. Lloyd did not know if staff had that information. The city has as much flexibility as it wants because that is a legislative decision the city can make but the reality, in the short term, is that District was uniquely set up for manufacturing or not personal kinds of commerce and it may be worthwhile to review and possibly change that a little bit to allow for some of these spaces to get used as it seems appropriate. As it stands, without changing that in the Zoning Code, the District is not set up for the personal types of businesses.

Member Kruzel asked if Roseville aligned pretty well with other communities on what is being allowed in the city.

Mr. Lloyd explained the research he did with surrounding communities was focused or geared toward the city knowing about certain facilities in those communities and what the Zoning Code in that city said about it. There were a couple of communities that have things similar to what Roseville has.

Member Sparby indicated he was curious about the standard the city uses to apply to a facility offering an indoor attraction.

Mr. Lloyd explained that is a gray area that exists in the city's current Zoning Code.

Member Sparby wondered if some kind of language should be built in stating "indoor attractions where the principal purpose is a use", such as video games, bowling, inflatables, etc.

The Commission concurred.

Member McGehee indicated staff is repealing 303, which was in the business section. If it is repealed then none of the items listed in there would be a part of the code such as hours of operation. She noted she is of two minds regarding the entire issue of conditional use. On one hand, conditional use really provides the opportunity for general community input. The downside to that is once the city approves it the conditional use runs with the property and not the activity and is harder to get rid of.

It seems to her that neither is in this and she did not think there was enough structure to what the city is doing here to make her comfortable that staff has really figured out how to handle all of these amusement things now coming into the community and exactly where those businesses will be located and how to regulate them and are all the businesses going to have adequate insurance and does the city care as a community that people come to the city to recreate. She thinks it is a little too quick and too much at once and she thought the Commission would have more time to review it and wondered what the rush is to get it back to the Council.

Mr. Lloyd indicated he personally did not know but a request for staff to get it done.

Member Schaffhausen indicated she knew a little bit about the insurance and was not surprised that staff took that out because for someone to open up a business there are so many requirements from a loan perspective.

Member McGehee wondered what if the owner of a business does not need a loan.

Member Schaffhausen explained in most cases if the owner is stepping into it there is going to be some sort of additional assistance needed to do some sort of a build out. Even in the instance of significant capital there is still equipment and other things that go on top of that.

Member Pribyl asked what the licensing process looked like for a firearm range.

Mr. Lloyd indicated he did not know a lot about the licensing process.

Ms. Gundlach explained there is not a public hearing associated with a business license. The language in the miscellaneous section applies to all of the licenses and gives the City Manager the authority to ask for a variety of different things to ensure the public health, safety and welfare is covered by that license. She indicated there is one other entertainment use floating out there that is waiting for a decision on this topic before moving forward. She thought there was a little bit of urgency to make a decision, but she did not think that should cloud the decisions made by the Commission or city Council.

Ms. Gundlach explained regarding Commissioner McGehee's concern about all of the items in the business license for amusements currently that are being stricken, at the Development Review Committee meeting all of the businesses that actually have this license were looked at and none of them have conditions in their license that relate to any of the items in here. This list was generated at a different time when there were different types of concerns associated with these entertainment uses and based on the history of how the city has actually implemented the ordinance, staff has found no reason to keep them. She noted there are other sections of code that could cover a variety of different things related to hours of operation or noise or a parking or security issue.

Member Kimble indicated regarding the issue of insurance; it looks like on attachment C the City Manager has the right to ask for it. She would encourage staff to allow entertainment businesses in the Industrial Zone because so many of these uses would fit in perfectly in Industrial Zone and if it industrial is not being used the truck turning radius in that area would be perfect for additional parking. She noted this kind of conversion in industrial has been done all over the Twin Cities and some of these uses are perfect for industrial. She would encourage the city to continue looking at this.

Chair Gitzen wondered if the shooting range portion be removed from the entertainment part because he thought there was some concern to allowing them.

Mr. Paschke did not think a shooting range was buried in someone's zoning code and would be more in the licensing area and how it is licensed and what is allowed within the shooting range. He was not sure he has seen any zoning code where a fire range, gun range is allowed.

Chair Gitzen asked what affect it would have on the rest of the proposal if the shooting range were to be removed from the entertainment section of the zoning code. He thought the Council could always put it in again.

Mr. Lloyd explained the recommendation from the Planning Commission to include removing the firearms range from the zoning section and fee schedule and license section would be something the city Council would discuss further and either agree or disagree with the Commission.

Member McGehee indicated she would feel more comfortable moving forward with this if the firearms range were stricken.

Public Comment

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

Chair Gitzen closed the public hearing at 8:11 p.m.

Commission Deliberation

MOTION

Member Sparby moved, seconded by Member Kimble, to recommend to the City Council approval of the proposed amendment to Title 10 regarding Indoor Entertainment Centers, based on the content of this RPCA, public input, and Planning Commission deliberation. (PROJ0047).

Chair Gitzen asked if Member Sparby wanted to leave the Firearms Range in.

Member Sparby thought it made sense based on the reasoning that staff put forward and Mr. Lloyd elaborated on to let that go through to the city Council to allow the

Council to consider the definition. It could be brought up that the Commission had a discussion on it.

Member McGehee requested an amendment to the motion removing the firearms range be struck and allow the Council to put back in if the Council chooses.

Member McGehee moved, seconded by Member Kruzel, to amend the motion removing the Firearm Range be struck.

Member Sparby thought it made sense to bring the definition forward as written to the city Council in order for them to consider that idea.

Member McGehee disagreed and thought the Commission should take a stronger stand, pulling it out and allowing the city Council to put it back in based on what she heard. She thought this would force more discussion and public input during the hearing then if it goes forward as is.

Member Sparby indicated he heard from staff that this is for the zoning whereas those more rigorous requirements would come as part of the licensing process and since those are not in front of the Commission it makes sense to bring this forward as a zoning definition.

Member McGehee disagreed and explained by moving this forward as is it is indicating the firearm range can go here and she did not see a buffer or public input on this, and she thought there should be a stronger statement. To her this does not preclude anything that the Council wants to do. By removing it from this at the Commission level it is a stronger signal to the Council that the Commission is hesitant about that.

Ms. Gundlach indicated the license requirements for fire arms are not really existent so one recommendation that could be made to the city Council is if the Council wants to keep the fire arms in the zoning code to leave the possibility open for it to be in these zoning districts so it is not automatically being excluded because it is not listed. It could be recommended to revisit the licensing requirements for these indoor firearms and firearm sales and then the Council could look at additional requirements specific to the firearms through the license part. That might provide opportunity for the public to comment because the Council can add a public hearing requirement to a license.

Ayes: 3

Nays: 4 (Schaffhausen, Sparby, Kimble and Gitzen)

Motion to amend failed.

Ayes: 4

Nays: 3 (McGehee, Kruzel, Pribyl)

Motion carried.

Member McGehee thought the issue with firearms range needs to be more broadly advertised in the community and more community input as to whether the community wants that.

Ms. Gundlach thought there needed to be a suggestion for the city Council to consider reviewing the licensing requirements for firearms to consider a public hearing and notification in the neighborhood.

Mr. Lloyd thought Commissioner McGehee was requesting that even before there is licensing requirements that apply to a firearms range, her preference in this motion is city Council get public input into including firearms in the first place and maybe that is a good first step. The Commission leave it in there but make sure there is more public involvement in having a firearms range in the zoning code in the first place or as a business license in the first place.

Member McGehee agreed and explained once this is in the code it will remain.

Member McGehee moved, seconded by Member Schaffhausen, to encourage the City Council to get robust community input for firearms ranges before including in the zoning code, and if added to the zoning code, incorporate public notification requirements into the business license process.

Ayes: 6
Nays: 0
Abstain: Sparby
Motion carried.

7. Adjourn

MOTION

Member Pribyl, seconded by Member Sparby, to adjourn the meeting at 8:34 p.m.

Ayes: 7
Nays: 0
Motion carried.