



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, June 3, 2020 – 5:30 p.m.**

**1. Call to Order**

Chair Sparby called to order the regular meeting of the Variance Board meeting at approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.

**2. Roll Call & Introductions**

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

**Members Present:** Chair Peter Sparby; Vice Chair Michelle Pribyl; and Member Michelle Kruzel, and Alternate Member Karen Schaffhausen.

**Members Absent:** None.

**Staff Present:** City Planner Thomas Paschke, Senior Planner Bryan Lloyd, Community Development Director Janice Gundlach and Community Development Department Assistant Staci Johnson.

**3. Approval of Agenda**

City Planner Paschke requested Item A be switched with Item B on the Agenda.

**MOTION**

**Member Pribyl moved, seconded by Member Kruzel to approve the agenda as amended.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**4. Organizational Business**

**a. Elect Variance Board Chair and Vice-Chair**

Chair Sparby indicated he would be willing to serve as Chair again this year.

Member Pribyl nominated Member Sparby to remain as Chair of the Variance Board.

**MOTION**

**Member Pribyl moved, seconded by Member Kruzel to elect Member Sparby as Chair.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

Chair Sparby nominated Member Pribyl as Vice-Chair.

**MOTION**

**Member Sparby moved, seconded by Member Kruzel to elect Member as Vice-Chair of the Variance Board.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**5. Review of Minutes: May 6, 2020**

**MOTION**

**Member Kruzel moved, seconded by Member Pribyl to approve the May 6, 2020 meeting minutes.**

**Ayes: 3**

**Nays: 0**

**Abstain: 1 (Schaffhausen)**

**Motion carried.**

**6. Public Hearing**

**a. PLANNING FILE 20-011**

**Consider variances to City Code Sections §1011.03.A.3.c.ii, pertaining to multi-family residential tree requirements to reduce the number of required trees from 60 to 45, and §1004.11, pertaining to front yard setbacks to reduce the required setback adjacent to Rice Street from 30 feet to 20 feet, at 165 S Owasso Blvd; 3011, 3029 and 3033 Rice Street.**

Member Pribyl recused herself from this item due to a former work relationship with Commonbond.

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 5:45 p.m.

Member Schaffhausen stepped in for consideration of the variance.

Senior Planner Lloyd reviewed the variance request for this property, as detailed in the staff report dated June 3, 2020.

Member Kruzel asked regarding the tree line and shrubs if that will buffer the parking lot some. Will it take away from that area. She wanted to make sure that area stayed aesthetically enhanced for the neighborhood.

Mr. Lloyd showed the landscape plan and explained the plantings are both lining the building as well as the western and northern side of the site. There has been talk

about adding a berm as well on the western side to further buffer and screen those properties from the residential parking lot and building. He pointed out that there is enough of a setback on the east and south along the street frontages to include some of the landscaping and trees.

Member Schaffhausen asked in terms of the setback being requested and looking at the space, one of the requirements is emergency vehicle access into the parking lot. She imagined there is not any capacity to make any adjustments to this road inwards to ensure emergency vehicle access.

Mr. Lloyd explained if this building were shifted further toward the west that would then force the drive lane further west as well but does not necessarily mean it will be diminished in any way. The drive entrance presented does meet the minimum width requirements for adequate circulation by visitors and residents as well as by emergency vehicles.

Member Schaffhausen indicated she always looked for a general rule of thumb to use for the variances as far as a thumbs up and a thumbs down and she wondered if there is some sort of a rubric used based on the type of multi-family property like this. She understood there is no easy answer to this but does the city have some sort of mechanism to assess what is fair above and beyond 365 shrubs, 60 trees or one tree per unit because she would imagine just based on today alone that a rubric may be helpful so that there is an easier tool for the city as well as the properties in the city to use. She asked if something like that existed.

Mr. Lloyd thought the rubric, as it exists today, is the reason for this discussion. The hope and intention for the near future would be to set a standard and the ability to retool the standard.

Chair Sparby indicated it appeared that this was going ten feet into the setback and was this to create a bigger buffer on the western side.

Mr. Lloyd indicated that was correct.

Chair Sparby asked if the applicant would like to comment.

Community Development Director Gundlach noted several comments have been received in the Zoom platform and there will be an opportunity for the public to speak.

Ms. Leah Stockstrom of Commonbond Communities addressed the Board.

Chair Sparby invited public input.

Mr. Charles Lemaire indicated the plan that is shown today shows a bunch of small trees that will replace the ninety-nine trees that are on the four lots. The plan that Mr. Stockstrom sent to him stated they were going to save four trees on the north quarter,

next to his lot which are forty-inch maple trees and a pine and spruce tree. Those four trees are not shown on the north plat of that drawing and he wanted to know if those are saved. He also noted when he talked to the Planning Department a few weeks ago he was told that three-inch trees would be put in. The trees that are currently there are forty-inch circumference trees and the trees going in have a three-inch circumference, less than one-inch diameter and are considered saplings. The east border on the drawing shown, there were six or eight trees along Rice Street and those trees are directly underneath the five-thousand-volt power lines that go along Rice Street. The four or five trees on the south border are directly under five-thousand-volt power lines, high voltage power lines. Those trees will be able to grow up to provide this supposed canopy so unless the power lines will be buried there that needs to be considered. The other thing is that the building on the lot shows a twenty-foot setback from the east property line and it also looks like there is a twenty-foot setback from the parking lot and he does not see why that building cannot be moved thirty feet from the east line and ten feet from the parking lot or at least move it five foot back from Rice Street.

Chair Sparby noted on the setback piece part of the balance that the city is trying to strike here is having the building as far away from the adjacent property owners as possible and that would be going into that setback a little bit to try to move the building away from those adjacent property owners the city has heard from. He asked for staff to address the tree concern that was brought up.

Mr. Lemaire explained there are ninety-nine trees listed on the cut down schedule along with their size and four of those trees are along the boundary.

Mr. Lloyd indicated he has not looked in detail at the tree removal plan yet, but he would clarify that typically the dimensions does refer to the diameter of the tree rather than the circumference in the tree replacement calculations as well as the tree removal. The trees that would be planted would have a minimum requirement of a three-inch diameter trunk and not a three-inch circumference or a one-inch trunk as was mentioned by Mr. Lemaire. With respect to specific trees being proposed for saving or for removing, he cannot comment on that at this time.

Ms. Stockstrom explained Commonbond is planning on undergrounding the powerlines so the trees will have room to grow along that border.

Ms. Kelsey Bednar, Landscape Designer for Commonbond explained the four existing trees on the north will be saved. She thought on the landscape plan those trees showed as a light grey and was hard to see. She noted for the trees on the west edge of the property those are currently being shown as removed until the site is graded because there is worry about destroying half of the tree roots and having it die after the project is completed and developed.

Mr. Lemaire thought if the graders come in those trees should still be able to be saved on the west side and does not concern him as much because those trees are not on his property boundary. It would seem that if the parking lot is raised a little bit rather

than bulldozing it down and hitting the tree roots and putting in pea gravel to bury the understory of those trees then he would not think there would be the danger of them dying. He asked Commonbond to please consider that.

Mr. Bednar indicated Commonbond will do that.

Ms. Priscilla Morton indicated as a person who does not know a lot about this project, she was trying to log into the Planning Commission but wondered whether the difference in the number of trees would be planted elsewhere in order to not lose the tree canopy altogether. She also asked if there is a need to make this adjustment in this plan she wondered for low income housing whether the number of car slots is actually required because the median low income does imply that there may not be a need for a parking space for each unit if public transportation is what is going to be used by the people who live there.

Mr. Lloyd indicated there is a difference between the regulations in the dummy code that apply to removing trees in the service of new development and then replacing some amount. This particular variance that is being requested is to the kind of landscape standards. He noted in regard to the number of parking stalls, he did not know which of these might apply most but in the city parking standards there are minimum amounts for different kind of things but the city also allows administrative ability to allow for fewer than minimum numbers to be installed. He indicated there is no regulation that this must or will be affordable housing in the future but if it does sometime in the future become market rate or not strictly affordable the rate of car ownership might go up and would require the parking.

Ms. Morton explained it could be thought of either way and parking spots could be made later if needed. It is not that the city has to prepare for an event that may or may not happen.

Ms. Gundlach believed the project is already including less parking stalls than what is required by city code. A parking study was commissioned to look at the parking that the other Commonbond buildings demand and planned this site accordingly.

Mr. Alexander Lemaire heard that there has been a proposed sidewalk along Rice Street in the future going through the neighborhood if the current planning has taken that into account.

Mr. Lloyd explained in conversation with the city Public Works staff the reconstruction of Rice Street and the addition of sidewalks is some way out in the future, so he thought the design is yet to be determined on that. There is a proposed sidewalk to be built in the right-of-way. He showed the site plan and showed where there would be a sidewalk built.

Ms. Tammy McGehee, as a resident, indicated she wanted to speak as a resident and appreciated all of these comments. She was interested when doing this and the tradeoffs on tree diversity so that we in fact keep a healthy canopy and she

appreciated Mr. Lloyd's comments about the tree being allowed to grow to maturity because she thought many times the trees are too crowded and do not have enough space to grow. When looking at these trees and the sidewalk as well, if the city is going to think of these shaded pathways it depends on the building and where the sun rises and sets and how it casts a shadow to provide some shade for the building or pathway. She noted if the canopy of the tree is in the pathway and the pathway is not there, yet the roots can be disturbed. She thought in full recognition of Mr. Lloyd's comment, there are significant factors that are not easily managed in a cookie cutter way when the city comes to some of these developments and she appreciated the planning and back and forth between the developers and neighbors and she thought when looking at this and saw the same thing, there are three different things going on and have not been addressed in the city policies. She indicated she was extremely happy that Commonbond has decided to underground those powerlines because she thought there is hardly anything more pathetic than a nice mature tree planted under a power line and then sheared off on one side or cut down the middle to accommodate the powerline.

Mr. Charles Lemaire indicated as far as the sidewalk terminating on the north edge of Commonbond, he did not expect them to pay for a sidewalk out to the end of the block but there are probably fifty people a day that walk down Rice Street in the street and traffic is not always nice to them so he wondered when the city would plan on putting a sidewalk up to the end of Roseville.

Mr. Lloyd explained for better or worse it is not within Roseville's purview to do that simply because that is Ramsey County's right-of-way and certainly while staff can work with County staff to maybe accelerate the timeline for installation of a sidewalk there he did not know if the city can change whatever the County's timeline is for rebuilding this part of Rice Street.

Chair Sparby closed the public hearing at 6:10 p.m.

**MOTION**

**Member Schaffhausen moved, seconded by Member Kruzel, adoption of Variance Board Resolution No. 146 (Attachment D), entitled "A Resolution Approving Variances to the Landscape Requirements of §1011.03.A.3.E.II and §1011.03.A.3.E.V at 3011-3033 Rice Street and 165 South Owasso Boulevard."**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**MOTION**

**Member Schaffhausen moved, seconded by Member Kruzel, adoption of Variance Board Resolution No. 147 (Attachment E), entitled "A Resolution Approving A Variance to the Setback Requirement of §1004.11 at 3011 – 3033 Rice Street and 165 South Owasso Boulevard."**

**Ayes: 3**  
**Nays: 0**  
**Motion carried.**

Member Pribyl returned to the meeting at 6:13 p.m. and Member Schaffhausen returned to alternate position and left the meeting.

**b. PLANNING FILE 20-008**

**Consider a variance to City Code §1011.03.A.3.c.ii, pertaining to multi-family residential tree installation requirements, and §1011.03.A.3.c.v, pertaining to shrub installation requirements at 1755, 1743 and 1717 County Road C West.** Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 6:14 p.m.

City Planner Thomas Paschke reviewed the variance request for this property, as detailed in the staff report dated June 3, 2020.

Member Pribyl wondered how long this quantity requirement has been in the zoning code and is this the first time that this issue has appeared or is there a pattern of this kind of issue coming up.

Mr. Paschke explained this requirement has been in city code since it was adopted in 2010 and this is being seen because these are the first apartment projects that the city is running into issues with.

Member Pribyl asked how the Roseville Tree and Shrub requirement compares to other nearby communities with similar levels of residential density development going on.

Mr. Paschke indicated he did not know specifically as it relates to family residential development. This would be something the city would look into and research for modifying the code. He noted the Roseville code is a little robust compared to some cities.

Member Kruzel wanted to make sure that by having less of the shrubs and trees there will still be a buffer from the parking and the street side for the patrons of the housing complex.

Mr. Paschke showed a drawing and indicated there will be a senior housing project of similar unit count that will occur next year next door and both will have their challenges with landscaping unless the Ordinance is changed but from that perspective the two will be complimentary residential projects that share the road into the site and what surrounds the property to the north is a drainage ditch as well as to the west.

Chair Sparby asked if the applicant would like to comment.

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Mr. Logan Schmidt and Mr. Ryan Lunderby, Dominion, Mr. Mike Krych of BKVR Architect and Engineer Mr. Mike St. Martin were available for additional questions.

Chair Sparby asked if Dominion tried to maximize every available tree and shrub on the property or what was the analysis that was gone through to determine the 132 versus what was required.

Mr. Schmidt indicated Dominion went through a pretty extensive design process and strategically spaced the trees out with varying heights and sizing in order to grow. When fully matured, it is a nice cohesive landscaping plan where trees are not growing into each other or creating an overburden for maintenance or blocking out any sort of light. It really compliments the trail that is in there today and potentially will compliment a future connection with the trail if that ditch gets turned into a pipe ultimately. He thought Dominion designed the project to account for either one of those scenarios.

Chair Sparby invited public input.

Ms. Priscilla Morton indicated this was the project she was looking at and understood both of the units are going to be affordable housing for seniors and for families. She was glad to see there was some greenspace. She thought it seemed to her that a huge amount of the land is used again for parking rather than family geared greenspace. Since she read it was nine hundred to one thousand parking spaces for around six hundred living spaces, there are various leverage that can be made here in terms of not requiring a variance and one is to have fewer units, one is to have fewer parking spaces and the third is to have a variance. She wondered if this project is so far along that this is set in stone on the number of living units and the number of parking spaces or whether some adequate solution could be made.

Mr. Paschke explained this project area is only required to provide fifteen percent green area and the project has more than satisfied that requirement with the proposal that is in place today. Based on the site design and with most residential projects it tries to maximize the number of units that can be constructed on a given parcel of land meeting all of the standard requirements. From his perspective, he thought there was a little disconnect in the amount of landscaping required.

Ms. Morton asked whether the amount of parking area is realistic when talking about people looking for affordable housing. That means that everyone who lives there, if public transportation is not available adds more to their living costs with having to own a car and this development is allowing for about one and half cars per living unit and she wondered if that is realistic and needed.

Mr. Schmidt explained the buildings are designed to provide a very specific amount of parking that gets utilized by the tenants. A parking study was done which reduced the parking on the site pretty significantly from what would have been required per city code. Dominion has been working a fine balance on what the tenants will utilize and what will be provided.

Commissioner McGehee explained one of the issues she has had previously in previous years is greenspace for multi-family and she would like to ask that the Council or Planning Commission perhaps change the amount of impervious surface allowed onto these sites perhaps back to seventy percent, which is what it was before 2010 and perhaps keep it on the commercial sites and that would allow for, in this case, the appropriate or properly sized parking according to the developer and still provide some opportunity for greenspace on these multi-family structures.

Chair Sparby closed the public hearing at 6:55 p.m.

**MOTION**

**Member Kruzel moved, seconded by Member Pribyl, adoption of Variance Board Resolution No. 145 (Attachment F), entitled “A Resolution Approving a Variance to Roseville City Code §1011.03.A.3.e.ii, Pertaining to Multi-Family Tree Installation Requirements and §1011.03.A.3.e.v Pertaining to Shrub Installation for the Oasis at Twin Lakes Station.”**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**c. PLANNING FILE 20-012**

**Consider a variance to City Code section §1011.03.A.3.c.ii, pertaining to multi-family residential tree installation requirements, to permit a reduction in the number of required trees planted from 167 to 63 on the development site at 2740 Fairview Avenue.**

Chair Sparby reviewed protocol for Public Hearings and public comment and opened the Public Hearing at approximately 6:56 p.m.

City Planner Thomas Paschke reviewed the variance request for this property, as detailed in the staff report dated June 3, 2020.

Chair Sparby asked if the applicant would like to comment.

Mr. Paul Keenan made a presentation to the Variance Board.

Chair Sparby asked for further information on how this development tried to maximize the number of trees on this space.

Mr. Keenan explained they went through and considered when the trees would be at maturity and tried to have a cohesive site plan that accommodated both the outdoor amenities and also the number of surface parking required. He noted Rob from Civil Site Group was in attendance to comment as well.

Member Pribyl asked what the ratio of parking being provided per unit.

Mr. Keenan indicated there were 205 parking stalls for 127 units. He indicated his company did work with the property owner to the south and 21 of the stalls are in a shared parking agreement with the medical office building to the south which is one way to limit parking on site.

Chair Sparby invited the public to comment.

Ms. Priscilla Morton indicated she did not have a problem with the design or variance. She indicated it would make sense for more parking to be needed for market rate apartments and of course there is a choice whether the parking is on the surface or underground. She noted obviously underground is more expensive but is another alternative of how to create enough parking for the units. She explained that since all of these projects are requiring a variance, the code really needs to be discussed and changed at a higher level than one project at a time. She would like to ask the Board to request a change of code.

Ms. Gundlach noted in July there will be discussion at the Planning Commission in preparation for the joint meeting with the city Council. At that time, it might be an opportunity for the Commission to bring something forward to the Council. She also noted in relation to Ms. Morton's comment, this project does have underground parking under the full footprint of the building so that is being utilized.

Chair Sparby closed the public hearing at 7:20 p.m.

#### **MOTION**

**Member Pribyl moved, seconded by Member Kruzel, adoption of Variance Board Resolution No. 148 (Attachment D), entitled "A Resolution Approving a Variance to §1011.03.A.3.e.ii, Multifamily Tree Requirements of the Roseville Zoning Code to allow The Isaac Apartment Complex at 2720 Fairview to install 63 when 136 Trees is Normally Required, Resulting in a Variance of 73 Trees, Subject to the condition outlined in the staff report."**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

#### **7. Adjourn**

#### **MOTION**

**Member Pribyl, seconded by Member Kruzel, to adjourn the meeting at 7:23 p.m.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**