



**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, June 1, 2022 – 6:30 p.m.**

**1. Call to Order**

Chair Kimble 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 Kimble, City Planner Thomas Paschke called the Roll.

**Members Present:** Chair Julie Kimble, and Commissioners Michelle Pribyl, Michelle Kruzal, Tammy McGehee, Karen Schaffhausen, and Erik Bjorum.

**Members Absent:** None.

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

**3. Approve Agenda**

**MOTION**

**Member Pribyl moved, seconded by Member Kruzal, to approve the agenda as presented.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes**

**a. May 4, 2022 Planning Commission Regular Meeting**

**MOTION**

**Member McGehee moved, seconded by Member Bjorum, to approve the May 4, 2022 meeting minutes.**

**Ayes: 6**

**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.*

Member McGehee indicated there will be an electric vehicle fair at Prince of Peace Lutheran Church on June 21<sup>st</sup> at 6:00 p.m.

## 6. Other Business

- a. Discuss Phase Two Zoning Code Amendments Regarding the Shoreland Ordinance and Sustainability**

Community Development Director Janice Gundlach presented the Phase Two Zoning Code Amendments regarding the Shoreland Ordinance and Sustainability. She reviewed the changes and asked the Commission for feedback.

Ms. Rita Trapp, HKGi, made a presentation on Roseville's Shoreland Ordinance to the Commission. She asked for feedback on this item from the Commission.

Member McGehee indicated regarding uses near lakes, around Langdon Lake on Cleveland Avenue side there is some heavy development and that lake does have commercial and industrial development on the side and also Bennett Lake is there. She did not think that is the case on other lakes but it is on that one.

Ms. Trapp explained HKGi looked at this specifically with the DNR and what they are looking for is the traditional, heavy manufacturing that would have outdoor storage, would have a potential for contamination or things like that. She thought the redevelopment that is being seen while it may include some lighter industrial or the office/flex/tech., that is not the kind of thing the DNR is concerned about because that will be fully contained within the building and commercial is not of concern.

Ms. Gundlach clarified what could be allowed under the Zoning designation, not is what is there today. What is there today is essentially grandfathered in.

Ms. Trapp continued with her presentation.

Member Schaffhausen asked what riparian meant.

Ms. Trapp explained riparian means it is actually on the lakeshore and has parts on the property that include or are adjacent to the ordinary high-water level of the lake. It is only properties that are adjacent and anything that is separated from a lake by a public piece of property or another property or a street would be considered non-riparian.

Chair Kimble asked if the two model ordinance columns would be for the riparian lots and then the others that are non-riparian but are within the thousand would follow what the City normally has for an ordinance.

Ms. Trapp indicated that was correct.

Ms. Trapp continued her presentation on sustainability in regard to the Phase Two Zoning Code Amendments, Title 8 Public Works Amendments.

Member McGehee asked since there are three watershed, how did the City pick Ramsey/Washington, she wondered if this was the best one. She also indicated the wetland is not under the DNR at all, it is under BOWSER so there is no reason it would be regulated by the DNR.

Ms. Trapp indicated that was correct and one of the reasons they are suggesting separating it out so that it is not confusing. She explained they were trying to keep as close to the model ordinance as possible. She noted Ryan is the one who picked Ramsey/Washington Watershed and is the one he liked. She thought they were pretty complete and easy to pick out the sections he liked and insert them into the City's Code.

Ms. Trapp continued her presentation on sustainability in regard to the Phase Two Zoning Code Amendments, Next Steps. She asked for Commission feedback.

Member McGehee indicated when the discussion gets to the right part of the upcoming discussion, she wants to mention that the PUD is still available. She understands why the DNR likes the PUD and the mission. She indicated she was looking around at other cities and she thought it would be nice to draft a statement of what the City is trying to do with this.

Chair Kimble indicated one thousand feet is a significant distance from the shore. She indicated if someone has a riparian lot the owner would be grandfathered in but she wondered what would happen if there were redevelopment there because people cannot resize a lot but what would happen if someone wanted to rebuild what would happen. She asked if a variance would be needed.

Mr. Paschke indicated it depended on what would be proposed to be built.

Staff reviewed some examples of redevelopment.

Ms. Trapp indicated there are some rules in the State Statute regarding riparian lots. She reviewed the information with the Commission.

Staff discussed with the Commission previous developments that the Commission reviewed involving lakes and the DNR in the City.

Ms. Trapp indicated the City currently has a statement of purpose in the original section called “Policy Statement of Purpose” and there is a Waters and Wetland Policy and a Statement of Purpose. She thought if the Commission wanted to go back to have a language of purpose to go back and start with the language the City already has as opposed to starting from scratch.

Member McGehee indicated she had in mind something that was more brief than that and not so regulatory.

Chair Kimble thought the statement could be reworded and not so regulatory.

Ms. Trapp reviewed the Shoreland Classification table with the Commission.

Member Schaffhausen indicated Victoria Shores is a done deal but how do they make the distinction with something as lakeshore changes there is wetland that arrives that was not there previously and was open water, she wondered how that distinction is made in a lake.

Ms. Trapp explained in general, regulations for lake are based on the ordinary high-water level, which is an established level that has been established based on the historical record of the lake. Things do change over time but generally regulations are based on an ordinary high level that has been established for a number of years for each lake. In addition, relative specifically to the wetland question, when redevelopment occurs, generally the developer needs to get a wetland delineation and that is done by a scientist who understands how wetlands and how the surface area changes. There is a scientific measure that is used.

Member Bjorum indicated in most of the cases there are existing stormwater management within the existing boundary, he wondered if once it goes out one thousand feet does the existing language carry out for stormwater management or is there additional language that they have to add to prevent things from flowing into the wetland.

Mr. Paschke explained stormwater management is Citywide.

Ms. Trapp indicated there is a section about stormwater management in this that has not changed and it will be moved to the section where the rest of the stormwater information is located.

Ms. Trapp asked if there were any concerns about the designations being proposed.

Chair Kimble asked if the Commission was clear on the impact the one thousand feet will have on all the homeowners.

Ms. Trapp explained anybody who is existing will be able to continue as they are today. It will have some impacts in terms of the potential level of development. Primarily it will be on the non-riparian lots.

Member Schaffhausen asked if there is any redevelopment than there will have to be conversation about that.

Ms. Trapp indicated that was correct.

Ms. Gundlach indicated the value is the City matches the model ordinance and define the shoreland as being out one thousand feet. The practical impact to the City's non-riparian lots who are now scooped up in that boundary is minimal, if non-existent and the City will need to be very careful about how this is messaged moving forward because once this gets to a public hearing the City will be notifying those people and she imagined there will be concerns about that.

The Commission discussed with staff wetland rules and wording in the ordinance.

Chair Kimble asked if there was consensus of the Commission to keep the smaller water bodies within the shoreland and keep the three hundred feet for those ones.

The Commission concurred.

Member McGehee asked if there should be a consensus on the bluff, she thought there were not many bluffs in the City but did not know why it would not be kept at thirty feet like it currently is. She thought that would be another offering when trying to adjust things.

Staff and the Commission discussed where in the City there were bluffs.

Chair Kimble thought rather than agreeing to this maybe staff could assess whether it should be removed, if the City does not have any bluffs.

Mr. Paschke did not think it would hurt to leave the section in because staff does not honestly know if there are any bluffs in the City or not.

The Commission and staff discussed Section 3.0, Administration.

Commission Schaffhausen liked this and thought it fit in line with some of the other things the City does as far as the park dedication and kind of feels in line with that.

Chair Kimble was on the fence about this because she felt like she did not have enough examples of what this could be and she was concerned it could possibly be too much of a penalty or overly restrictive to people.

Commissioner Schaffhausen asked if it would show up in a variance or be a condition of a variance.

Mr. Paschke indicated it would be a condition of the approved variance that they provide vegetation cover and does not preclude them of having access to the lake, having a dock or other things.

Ms. Trapp explained they did specifically state “restore”, which has a cost implication versus just leaving it natural.

Chair Kimble indicated for the developer that is one thing, for a single family trying to get a variance for a simple thing on their single-family lot, that is her concern. She explained she was not against the idea of it and she understood the purpose of it but she was concerned what the City was doing to ordinary people that want to do something and now have this thing that they do not understand and have a cost implication. She indicated she does have a concern.

The Commission and staff discussed the implications regarding Section 3.

Ms. Trapp asked if there were any concerns with Section 4.0, Shoreland Classification and Land Uses or with Section 5.0, Special Lane Use Provisions.

The Commission did not have any concerns.

Ms. Trapp indicated Section 6.0, Dimensional and General Performance Standards might need some discussion and clarification. She asked the Commission if there were any concerns or changes for the riparian lots.

The Commission indicated they would support following the model ordinance and providing more protection.

Ms. Trapp explained staff thought the underlying Zoning District should be used for the non-riparian lots which will reduce the impact of that extension to a thousand feet and will make it easier for all of the people who do not realize that they are in a shoreland district anyway.

The Commission agreed.

Ms. Trapp asked if there were any questions about the special residential lot provisions for attached, courtyard cottage and multifamily housing and wondered if it made sense as a strategy to try to move the City in the direction to have some standards that people would follow.

The Commission did not have any additional concerns.

Ms. Trapp asked if there were any questions in Section 7.0, Performance Standards for Public and Private Facilities.

Member McGehee thought in Section 7.11 there might be an easy place for a loophole. It did not seem quite nailed down.

Ms. Trapp reviewed the section with the Commission.

Member McGehee asked who decides when no alternatives exist.

Chair Kimble thought that would be a part of the review process.

Staff concurred and indicated the DNR would chime in as well.

Ms. Trapp asked if there the Commission had any concerns with Section 8.0, Vegetation and Land Alterations.

The Commission did not have any concerns.

Ms. Trapp asked for additional feedback on Section 9.0, Subdivision/Platting Provisions.

The Commission was fine with following the model ordinance.

Ms. Trapp asked if the Commission had concerns with Section 10.0, Planned Unit Developments (PUDs).

The Commission did not have any additional concerns or questions.

Ms. Trapp asked if there were any other questions on this.

Chair Kimble thanked Ms. Trapp for going through these items with the Commission.

Ms. Trapp reviewed the next steps and indicated she will make the changes and bring them forward to the Commission and for the public hearing.

Chair Kimble indicated the next part of the item is regarding sustainability.

Mr. Jeff Miller indicated HKGi has been examining the City's existing sustainability related ordinances, as well as policies and programs, and exploring potential ordinances or incentives that the City may want to consider. He made a presentation on trees, landscaping and screening with the Commission.

The Commission discussed landscaping and tree requirements that could be done for sustainability in the City as well as previous development requirements.

Mr. Miller continued with his presentation on sustainability. He asked if there was something the Commission thought was missing or if there was something HKGi should look into as far as sustainability elements or if there were any concerns with the ones that are listed in the presentation.

Member Schaffhausen indicated she had a question on the standards. She thought about their capacity to actually influence change. She asked if the City actually has the ability to influence change such as in packaging.

Ms. Gundlach thought the issue has come up a few times at the City Council level about proposing requirements regarding plastic bags or take out containers. It has not been anything that has been pursued yet but has been talked about. In the context of what has been presented to the Commission, staff is thinking about if the businesses through redevelopment commit to do these things then could unlock some of the other incentives listed. She explained businesses have been through a lot in the last few years with the Pandemic and starting to roll out some of these things could be very burdensome on them. It is trying to find the right balance in regard to imposing requirements regarding these issues because they are important versus what can businesses practically do and what does the business have access to get instead of the containers currently being used.

Member Pribyl one thing that is related to development that is tangent to that is that it could be incentivized or required as a certain percentage of construction waste management such as the waste recycling when building a new building.

Mr. Gundlach thought Ramsey County already required developers to sort the demolition material and recycle what can be recycled.

Chair Kimble indicated she has seen some rebates related to that.

Member McGehee indicated it seemed to her that in every instance the City does not have anything else to trade besides making a taller building, taking away impervious surface or adding more density.

Member Pribyl asked how far can the City go in requiring things. She knew there were some limitations on that but she knew in Duluth the developer has to choose between a number of sustainability features. The developer does not have to do all of them so they choose the ones that work best for the project, site or are most affordable. If the City cannot require everything than maybe the City can require some number of things.

Member McGehee indicated she liked that idea better.

Ms. Gundlach explained that was the idea behind the worksheet. She noted the City is up against State Law that says the City cannot impose more restrictions that are more restrictive than the building code and a lot of these sustainability things certainly regarding net zero buildings and all of that is not required in the building code so staff has to figure that out. Staff did not want to get the City in some legally precarious position based on what is done here. The worksheet idea is not that the developer automatically gets all of the incentives in it, it would be a point system. The right balance is going to need to be found on that worksheet and she wanted the worksheet to live outside of the Zoning Code because staff wants to be able to adapt and amend

that over time. She noted there was also talk about starting out small because they do not want to put the City in an economically disadvantaged position compared to its neighbors and then build up as the development community sort of gets used to what the City is doing.

Chair Kimble thought staff has captured and spent a lot of time on this.

Member Pribyl thought some items that might be included related to landscaping could be less lawn or no mow areas, food forest and specifically pollinator friendly areas. She also thought there could more bike parking requirements with indoor parking, sheltered parking and repair stations, connections to bike paths as well as EV and PV ready areas should be required.

Member Bjorum thought pedestrian and bike accessibility would be a big one for him. He loved the checklist idea, especially if it is incentivized based on certain criteria and getting more rather than the low hanging fruit.

Member McGehee thought the checklist was a great idea and having outside of the Code is also a good idea so that it can stay current. She thought the checklist should be included as part of any public financing assistance provided by the City.

Chair Kimble thanked HKGi and staff for all their work and indicated she looked forward to seeing this again.

## 7. Adjourn

### **MOTION**

**Member Pribyl, seconded by Member Schaffhausen, to adjourn the meeting at 8:40 p.m.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**