

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 7/23/2012
ITEM NO: 12.b

Department Approval



City Manager Approval

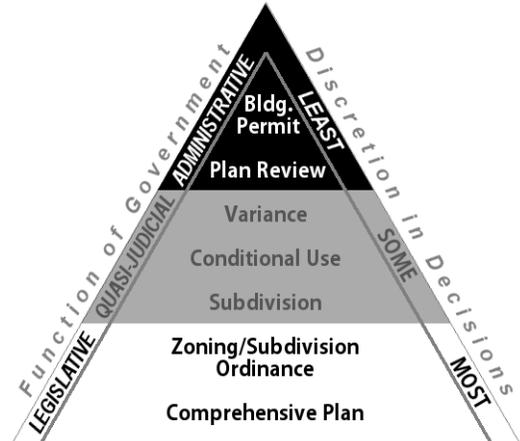


Item Description: Request by Brown-Wilbert, Inc. for approval of a RECOMBINATION MINOR SUBDIVISION at 2280 Hamline Ave. and 2253 Dellwood St. (PF12-009)

Application Review Details

- RCA prepared: July 16, 2012
- City Council action: July 23, 2012
- Sixty-day action deadline: August 3, 2012

Action taken on a minor subdivision request is **quasi-judicial**; the City's role is to determine the facts associated with the request, and weigh those facts against the legal standards contained in State Statute and City Code.



- 1 **1.0 REQUESTED ACTION**
- 2 The applicant requests approval of the proposed RECOMBINATION MINOR SUBDIVISION,
- 3 adjusting the shared property boundary for two existing, conforming parcels.
- 4 **2.0 SUMMARY OF RECOMMENDATION**
- 5 The Planning Division recommends approval of the proposed RECOMBINATION MINOR
- 6 SUBDIVISION; see Section 7 of this report for the detailed recommendation.
- 7 **3.0 SUGGESTED ACTION**
- 8 By motion, approve the proposed RECOMBINATION MINOR SUBDIVISION, pursuant to
- 9 §1104.04 (Minor Subdivisions) of the City Code; see Section 8 of this report for the
- 10 detailed action.

11 **4.0 BACKGROUND**

12 4.1 The properties, located in Planning District 14, have Comprehensive Plan designations of
13 Office (O) and Low-Density Residential (LR), and zoning classifications of
14 Office/Business Park (O/BP) and Low-Density Residential 1 (LDR-1) Districts.

15 4.2 Brown-Wilbert, Inc. has been blowing the snow from its parking area onto the large rear
16 yard of 2253 Dellwood Street with the consent of the former property owner. Since this
17 residential property was offered for sale early in 2012, the applicant purchased the
18 property to incorporate the large rear yard into its own site for the sole purpose of
19 continuing the snow storage without relying on permission from future owners of the
20 residence; they intend to resell the remaining residential property upon the approval of
21 the proposed RECOMBINATION MINOR SUBDIVISION.

22 4.3 A MINOR SUBDIVISION application has been submitted in lieu of the preliminary plat/final
23 plat process because §1104.04E (Minor Subdivision) of the City Code establishes the
24 recombination process to simplify those subdivisions which seek “to divide one recorded
25 lot or parcel in order to permit the adding of a parcel of land to an abutting lot...[in such a
26 way that will] not cause any portion of the existing lots or parcels to be in violation of
27 this regulation or the zoning code.” The current proposal meets these criteria.

28 **5.0 REVIEW OF PROPOSED MINOR SUBDIVISION**

29 5.1 City Code §1103.06 (Lot Standards) requires single-family residential parcels to be at
30 least 110 feet deep and comprise a minimum of 11,000 square feet of land area. The
31 proposed, reconfigured Parcel A (shown in the site plan included with this staff report as
32 Attachment C) would be 130 feet deep and would include about 14, 840 square feet of
33 area. A conservative measurement of the existing impervious coverage at 2253 Dellwood
34 Street totals about 4,200 square feet, which would be about 28% coverage on the
35 proposed Parcel A. Since impervious coverage would be below 30%, the proposal would
36 not reach the threshold for storm water mitigation requirements of §1004.08C
37 (Improvement Area).

38 5.2 City Code §1004.02A (Residential Accessory Buildings) requires detached garages to be
39 setback a minimum of 5 feet from the rear property boundary. While the gray rectangle
40 representing the detached garage in Attachment C appears to cross the proposed property
41 boundary, that rectangle should not be taken as an accurate representation of the location
42 of the garage. In case the existing detached garage is, in fact, less than 5 feet from the
43 realigned rear property boundary, addressing this nonconformity should be made a
44 condition of an approval of the proposed RECOMBINATION MINOR SUBDIVISION; a
45 substandard setback could be addressed in one or more of the following ways:

- 46 a. The location of the proposed realigned property boundary could be adjusted to be 5
47 feet from the existing garage.
- 48 b. The existing garage could be removed or relocated to another location on Parcel A to
49 achieve the required setback.
- 50 c. The applicant could apply for approval of an ADMINISTRATIVE DEVIATION if the
51 existing garage is not less than 3 feet from the realigned rear property boundary.

52 d. The applicant could apply for approval of a VARIANCE. Setback variances have been
53 approved to allow garages to be as close as 1 foot from the property line.

54 5.3 In reviewing the application, comments from Roseville’s Development Review
55 Committee (DRC) were primarily from Public Works Department staff; their main
56 comments were as follows:

- 57 a. The general area surrounding the subject property has had long-standing storm water
58 problems—but these problems have not been caused by Brown-Wilbert’s snow
59 storage. Improvements to the storm sewer infrastructure in that area are presently in
60 process; to this end, easements (as shown in Attachment C) should be dedicated
61 allowing the City to cross over private property to be able to access the easement for
62 maintenance and construction.
- 63 b. Snow storage should not be allowed within the easements.
- 64 c. If a fence is installed along the property boundaries, a gate will be necessary to
65 provide access to the easements.
- 66 d. Snow storage should not interfere with existing drainage patterns, and the sand and
67 other material that remains in the area after the snow pile melts should be removed
68 each spring so that it will not block the natural drainage.

69 The first three of these comments can be made conditions of approval of the proposed
70 parcel recombination and further regulated and enforced by the easements, but the fourth
71 comment must remain more of a suggestion to Brown-Wilbert because land use is not a
72 consideration of subdivision approvals and because snow storage isn’t a use that’s
73 regulated, *per se*, by the City Code. While the City Code doesn’t regulate snow storage
74 (except to state that required stalls in parking lots cannot be rendered unusable by piles of
75 snow), the Code does prohibit activities which create storm water problems. Therefore, if
76 Brown-Wilbert isn’t careful about how they conduct the snow storage, it could lead to
77 enforcement actions down the road.

78 5.4 Aside from ensuring that the snow storage continues to be benign with respect to
79 drainage and improvements to the storm sewer system, the existing zoning of Brown-
80 Wilbert’s various parcels is the only complicated aspect of the RECOMBINATION MINOR
81 SUBDIVISION proposal; an illustration of the zoning of Brown-Wilbert’s properties is
82 included with this report as Attachment D. The main parcel at 2280 Hamline Avenue is
83 zoned O/BP and 2253 Dellwood Street has LDR-1 zoning, as noted above; the house at
84 2270 Hamline Avenue, however, is zoned Institutional (INST) District, consistent with
85 the neighboring library to the south. Because zoning designations apply to *specific land*
86 *area* rather than to *entire parcels*, the proposed realignment of the parcel boundaries
87 would cause the reconfigured main parcel to have two zoning designations: O/BP and, in
88 the southeastern corner, LDR-1. This may not be an ideal situation, but such dual zoning
89 is found elsewhere in Roseville (e.g., 165 South Owasso Boulevard and 2030 County
90 Road D) and there is nothing in State Statute or City Code that prohibits such a thing or
91 that allows Roseville to require the parcels to be rezoned with a single classification.

92 5.5 Despite its complexity, the existing patchwork of zoning designations within and across
93 the applicant’s parcels can also be seen as something of a safeguard for surrounding

94 property owners. Brown-Wilbert, Inc. has no plans to expand their facility—in fact, their
95 burial vault business has been shrinking in recent years as cremation has become
96 increasingly prominent. If Brown-Wilbert does, however, want to expand at some time in
97 the future and utilize the LDR-1 and INST zoned areas of their property, such expansion
98 could not be allowed until the Comprehensive Plan and zoning designations of those
99 areas have been properly changed through the required public process.

100 5.6 According to the procedure established in §1104.04E, if a MINOR SUBDIVISION application
101 is approved, a survey of the approved parcels, the new legal descriptions, and any
102 necessary Quit Claim or Warranty deeds must be submitted within 30 days for
103 administrative review to verify consistency with the City Council’s approval; then the
104 required easements must be prepared, and the easements and legal descriptions must be
105 filed by the applicant with the Ramsey County Recorder.

106 6.0 PUBLIC COMMENT

107 Prior to receiving the RECOMBINATION MINOR SUBDIVISION application, Planning Division
108 staff received several concerned phone calls about what Brown-Wilbert’s plans might be,
109 but once the applicants had talked to the nearby homeowners, those concerns seemed to
110 be alleviated because no additional phone calls or emails have been received since then.

111 7.0 RECOMMENDATION

112 Based on the comments and findings outlined in Sections 4 – 6 of this report, Planning
113 Division staff recommends approval of the proposed RECOMBINATION MINOR
114 SUBDIVISION, with the following conditions:

- 115 a. drainage and utility easements which allow access for construction and maintenance
116 shall be dedicated as illustrated on the site plan reviewed with this application;
- 117 b. snow shall not be stored within the easements;
- 118 c. if fencing is installed such that access to the easements is obstructed, one or more
119 gates shall be installed as may be necessary to provide adequate access to the
120 easements; and
- 121 d. approval of the parcel recombination shall not create a nonconforming accessory
122 structure setback at 2253 Dellwood Street. If the proposed realignment of the shared
123 parcel boundary is less than 5 feet from the existing detached garage, such
124 nonconforming condition shall be addressed prior to release of the documentation for
125 filing with the Ramsey County Recorder.

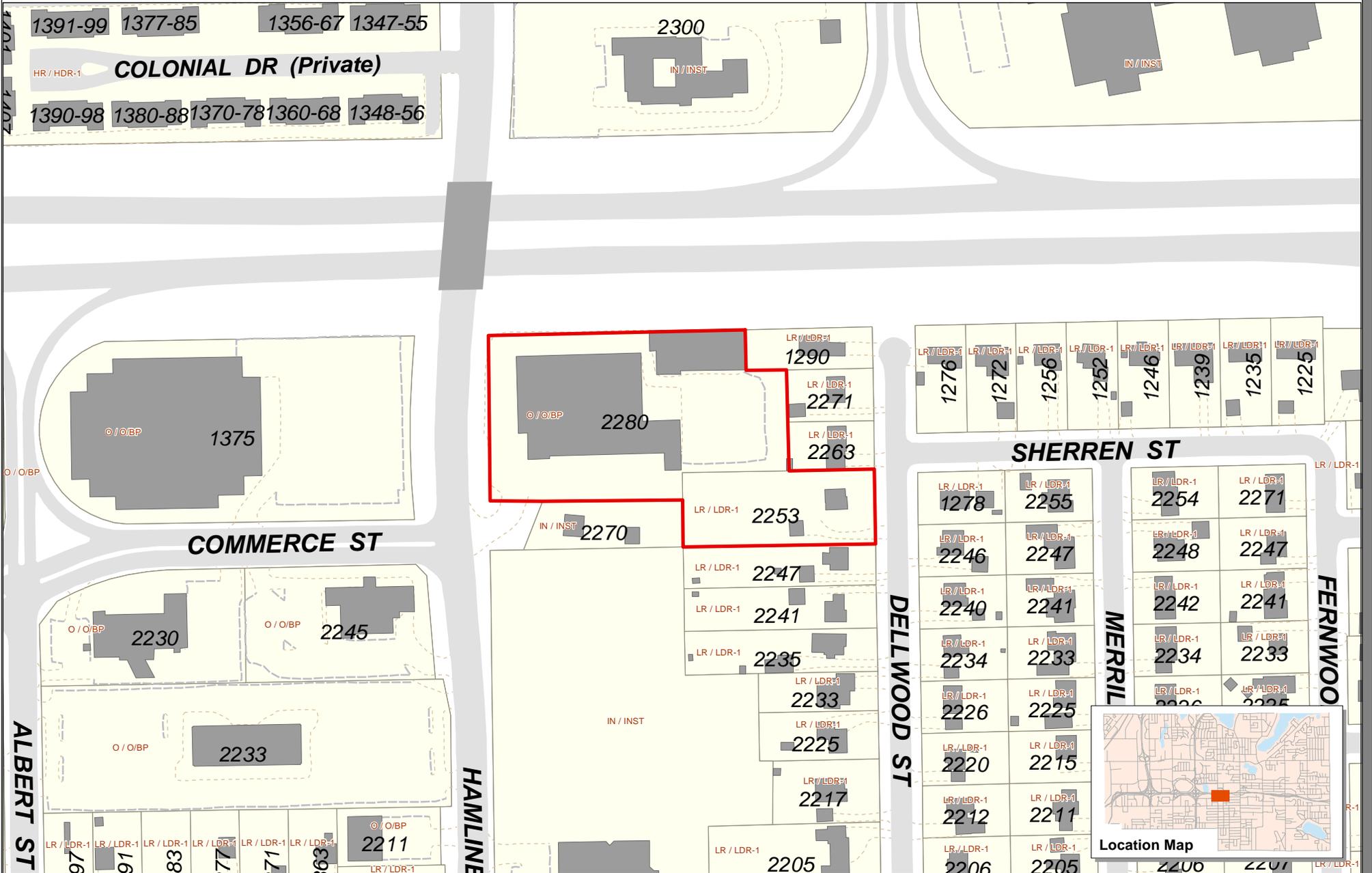
126 8.0 SUGGESTED ACTION

127 **By motion, approve the proposed RECOMBINATION MINOR SUBDIVISION at 2280**
128 **Hamline Avenue and 2253 Dellwood Street** based on the comments and findings of
129 Sections 4 – 6 and the recommendation and conditions of Section 7 of this report.

Prepared by: Associate Planner Bryan Lloyd
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Attachments: A: Area map C: Site plan
B: Aerial photo D: Zoning illustration

Attachment A for Planning File 12-009

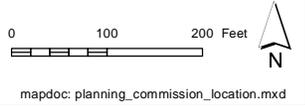


ROSEVILLE
 Prepared by:
 Community Development Department
 Printed: July 13, 2012

Site Location
 Comp Plan / Zoning
 Designations

Data Sources
 * Ramsey County GIS Base Map (7/2/2012)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B for Planning File 12-009



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Location Map



Prepared by:
Community Development Department
Printed: July 13, 2012

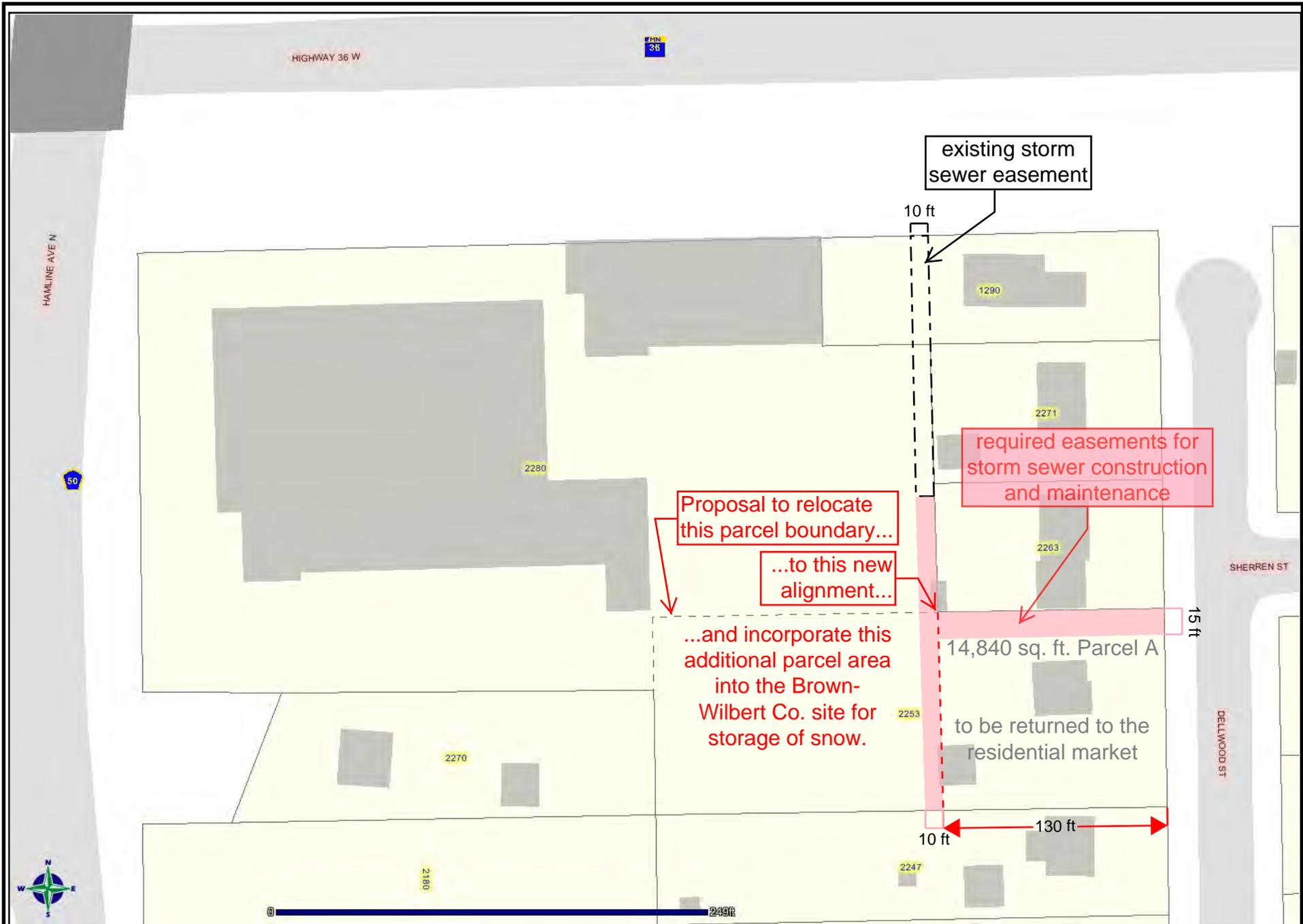


Site Location

Data Sources
 * Ramsey County GIS Base Map (7/2/2012)
 * Aerial Data: Pictometry (4/2011)
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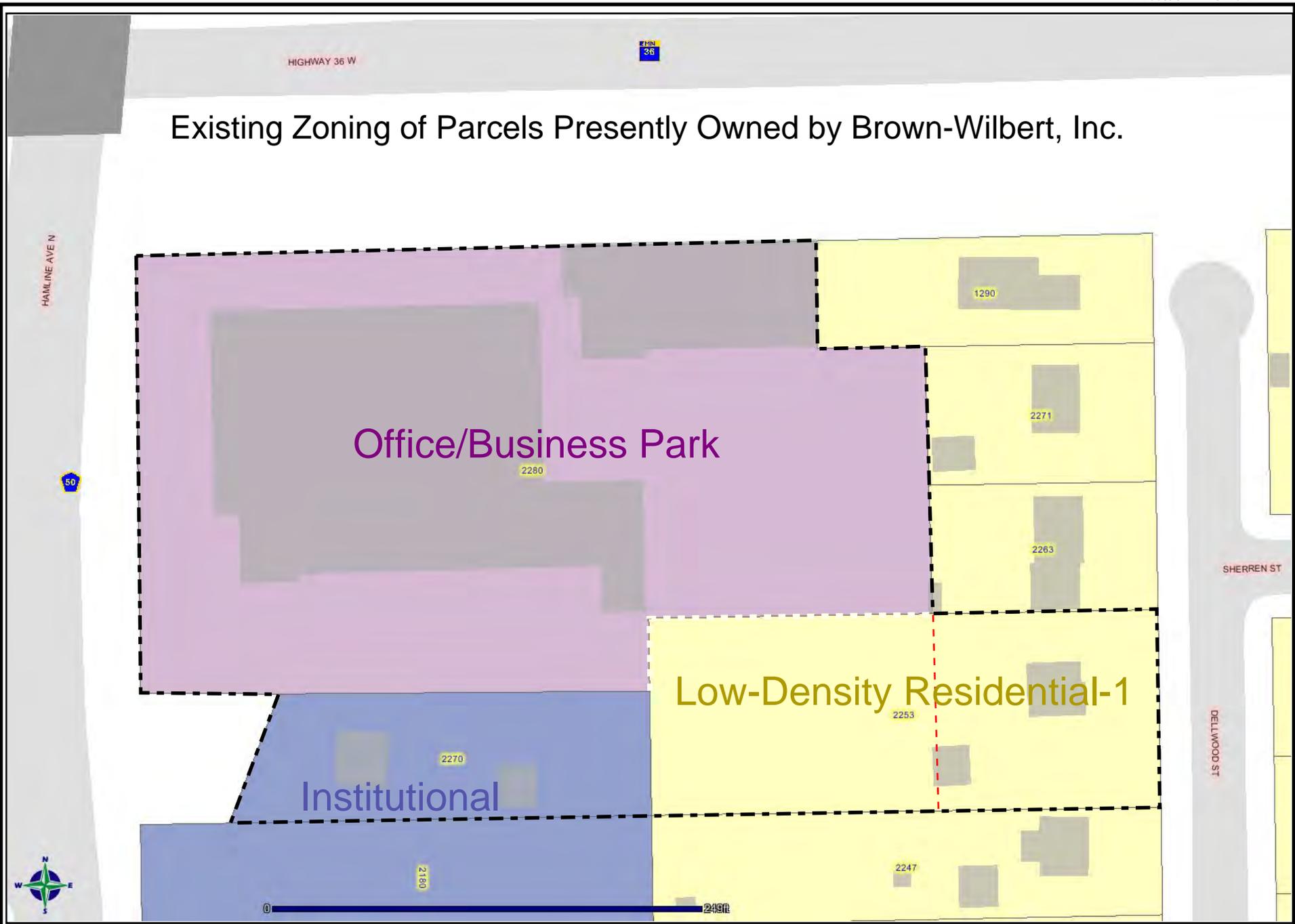




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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; May 1, 2012 for City of Roseville data and Ramsey County property records data, May 2012 for commercial and residential data, April 2009 for

Existing Zoning of Parcels Presently Owned by Brown-Wilbert, Inc.



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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; July 2, 2012 for City of Roseville data and Ramsey County property records data, July 2012 for commercial and residential data, April 2009 for