



REQUEST FOR CITY COUNCIL ACTION

DATE: 10/11/2010

ITEM NO:

Department Approval:

Acting City Manager Approval:

Item Description: Amendment to Chapter 1007 Industrial District to Prohibit Certain Uses within the City of Roseville (PROJ00-24)

1 1.0 BACKGROUND

2 1.1 As the City Council is aware, an asphalt plant is proposed to be located within the City of
3 Roseville on property zoned General Industrial District (I-2). Under the Industrial
4 Districts, an asphalt plant is considered a permitted use as it is a manufacturing use that
5 processes raw materials into a finished product. The proposed asphalt plant has raised
6 concern throughout the community about the possible negative environmental and health
7 effects that the operation of the plant may have.

8 1.2 Over the past few months Council Members and citizens of Roseville have indicated that
9 an asphalt plant should not be permitted in the new zoning ordinance that is currently
10 being drafted. As the Planning Division has been working on drafting the language to
11 prohibit an asphalt plant in the new zoning code, we have determined that there are other
12 similar uses that are just as potentially undesirable. In addition, the Planning Division
13 feels that given the uncertain timeline for the new codes to be adopted, it is imperative to
14 amend the current zoning ordinance now so as to not allow a potentially undesirable use
15 to start its operations before the new code is in place.

16 1.3 The 2030 Roseville Comprehensive Plan emphasizes the need for having land use and
17 development that is sensitive to and protective of the city’s environmental quality, natural
18 amenities, and aesthetics.

19 a. Land Use Goal #4. Protect, improve, and expand the community’s natural
20 amenities and environmental quality.

21 Policy 4.4 Existing and future development of business and industry, shopping,
22 transportation, housing, entertainment, leisure, and recreation opportunities shall
23 be in harmony with the commitment Roseville has made to its environment and
24 quality of life, without compromising the ability of future generations to meet
25 their own needs.

26 b. Land Use Goal #12. Minimize the potential negative impacts of high-intensity
27 employment uses.

28 c. Economic Development and Redevelopment Goal #4. Encourage
29 reinvestment, revitalization, and redevelopment of retail, office, and industrial
30 properties to maintain a stable tax base, provide new living wage job
31 opportunities, and increase the aesthetic appeal of the city.

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75

C: Draft Ordinance



Roseville Citizens League
800 Brenner Avenue
Roseville, MN 55113

October 5, 2010

Mr. James Doherty
Chairman
Roseville Planning Commission

On behalf of the Roseville Citizens League I am requesting that the city adopt the Section 1007.015B Prohibited Uses and the list of prohibited uses as submitted by City Planner Thomas Paschke in his Request For Planning Commission Action dated 10/06/2010:

1007.015B Prohibited Industrial Uses:

The following uses shall be deemed prohibited in all Industrial Districts within the City of Roseville:

- a. Asphalt plant, batch or other*
- b. Concrete plant, batch or other*
- c. Manufacturing of insecticides, fungicides, disinfectants and related industrial and household chemical compounds*
- d. Manufacturing and processing of clay products, structural such as brick, fire brick, tile and pipe*
- e. Leather and fur tanning, curing, finishing and dyeing*
- f. Slaughtering of animals*
- g. Metal casting or foundry*
- h. Metals, precious and rear, reduction, smelting and refining*
- i. Tire plant or tire recapping plant or facility*
- j. Fertilizer plant*
- k. Crushing of aggregate as a principal use*
- l. Salvage or junk yard*
- m. Petroleum refinery*
- n. Wood treatment plant*
- o. Pulp processing plant (paper mill)*

Sincerely,

Dick Lambert
Chairman

Thomas Paschke

From: support@civicplus.com
Sent: Wednesday, October 06, 2010 7:53 AM
To: *RVPlanningCommission
Subject: Online Form Submittal: Contact Planning Commission

The following form was submitted via your website: Contact Planning Commission

Subject:~| Section 1007.015B Prohibited Uses

Name:~| Sara Barsel

Address:~| 1276 Eldridge Ave.

City:~| Roseville

State: ~| MN

Zip:~| 55113

How would you prefer to be contacted? Remember to fill in the corresponding contact information.~| Email

Phone Number:~| [REDACTED]

Email Address:~| [REDACTED]

Please Share Your Comment, Question or Concern~| 1276 Eldridge Ave.
Roseville, MN 55113

Oct. 6, 2010

Mr. James Doherty
Chairman
Roseville Planning Commission

I am writing to request that the city adopt the Section 1007.015B Prohibited Uses and the list of prohibited uses as submitted by City Planner Thomas Paschke in his Request For Planning Commission Action dated 10/06/2010:

1007.015B Prohibited Industrial Uses:

The following uses shall be deemed prohibited in all Industrial Districts within the City of Roseville:

- a. Asphalt plant, batch or other
- b. Concrete plant, batch or other
- c. Manufacturing of insecticides, fungicides, disinfectants and related industrial and household chemical compounds
- d. Manufacturing and processing of clay products, structural such as brick, fire brick, tile and pipe
- e. Leather and fur tanning, curing, finishing and dyeing
- f. Slaughtering of animals
- g. Metal casting or foundry
- h. Metals, precious and rear, reduction, smelting and refining
- i. Tire plant or tire recapping plant or facility
- j. Fertilizer plant
- k. Crushing of aggregate as a principal use
- l. Salvage or junk yard
- m. Petroleum refinery
- n. Wood treatment plant
- o. Pulp processing plant (paper mill)

Sincerely,

Sara Barsel
Roseville resident

Additional Information:

Form submitted on: 10/6/2010 7:52:52 AM

Submitted from IP Address: [REDACTED]

Referrer Page: <http://www.ci.roseville.mn.us/index.aspx?NID=77>

Form Address: <http://www.ci.roseville.mn.us/forms.aspx?FID=136>

Comments to Planning Commission

October 5, 2010

Dear Planning Commissioners,

I am pleased to see that the city is taking action to protect Roseville citizens and businesses from heavy polluting industries. I urge you to carefully review this proposed list, and consider my comments and concerns, which are as follows:

1. I notice that most of the prohibited industries are new to the current code, however several do exist in the table 1007.015 (manufacturing of insecticides, etc. and slaughtering of animals) and several uses are omitted from the prohibited list that are in this table (see below listing). Does this proposed list supplement the existing table of uses or is it meant to be all-inclusive? If the latter, I suggest adding these additional protections in the current code that are within Table 1007.015:
 - a. **Electrical substations**
 - b. **Glue and size manufacturing** (not sure what size manufacturing is, but it's in the table row relating to packing and processing of meat and fish)
 - c. **Rubber and synthetic processing**
2. I have two concerns with the double negative in this same table in the current industrial zoning code: "**Chemicals not involving noxious odors or danger from fire or explosives**" are permitted in I-2 and I-2A.
 - a. Firstly, I assume this means that chemicals involving noxious odors or danger from fire or explosives are *not* permitted. This needs to be explicit, if this is the case, and this listing proposed by city staff would be a great place to state that.
 - b. Secondly, it's unclear if it's the manufacturing, processing, production of chemicals, or the involvement of those chemicals in any industry. I suggest this be clarified as well, if indeed you propose to add this to the listing.
3. A point of confusion that remains for many of us is the **application of the conditional use criteria and the performance standards**.
 - a. In May 2009, a staff report to the Planning Commission discussed the conditional use criteria only in regard to the outdoor storage of materials, not also to the critically connected asphalt production industry. I would expect that conditional use criteria would be measured for the proposal in its entirety, as it would exist on the land, and not only in regard to conditional use proposal. **I would like clarification on the application of conditional use criteria as they pertain to land use proposals and suggest that city staff explicitly state this in the code, if it isn't already there.**
 - b. I have heard mixed messages on the application of the performance standards when considering land uses. Several weeks ago, I received an email from a city staff person indicating that his understanding of the performance standards is that they are used as "an enforcement measure after a use is in place and operating allowing a means to appropriately and adequately measure the standards." If this were the case, they would have no bearing on a proposal until after the project was built, even though it would likely fail to meet these standards. However in the Roseville

Review, the community development director indicated that, “the city will ultimately have to decide whether the plant can meet the zoning code's established industrial performance standards.” **I am relieved to read this new perspective, and I would like verification that this is indeed the case, that performance standards can be applied by city council members to approve or deny an industry.**

4. Given these mixed messages, I would suggest that if the Planning Commission shares this confusion, they recommend to city staff that clarification on the application of the conditional use criteria and performance standards be placed on a future agenda, either for the Planning Commission or for the City Council, whichever is the appropriate body.
5. One difficulty I have with a finite list of allowable or prohibited land uses is that it potentially leaves the city open to other industries that were overlooked. I was pleased to see that Dan Roe wrote in an email to the Roseville Issues Forum on September 16, “...I have suggested that we require council review of any industrial uses that can reasonably be expected to have significant impacts on surrounding neighborhoods. That way, in the case of future asphalt plants, or whatever it might be, the council can either deny the project itself, or require specific conditions be met if it is allowed to go ahead, based on the individual circumstances.” I don’t know the specifics of this initiative, but I support Mr. Roe and the city council in considering something like this.
6. Whether or not Roe’s initiative is passed in the future, I would suggest that Planning Commission recommend to City Council that the conditional use criteria and the performance standards are together used to judge whether or not an industry is permitted, and if so, with what needed controls to meet Roseville city code. I believe, ultimately, this would ensure the protection of Roseville citizens and businesses, and any overlooked industries would not be an issue provided they met Roseville City standards.

Thank you for considering my comments.

Sincerely,

Megan Dushin
2249 St. Stephen Street
Roseville MN 55113

Section 1007.015 Industrial Uses and Zoning Districts					
P=Permitted Use CUP=Conditional Use Permit A=Accessory Use Blank space indicates NP=Not Permitted			Section 1007.02	Section 1007.03	Section 1007.04
Type of Use	Qualifier	I-1	I-2	I-2A	
Asphalt plant, batch or other		NP	NP	NP	
Assembly – light materials	(Such as medical or computer components, small finished parts and products)	P	P	P	
Assembly – heavy materials	(Such as car, airplane parts, semi-finished products or materials)	NP	P	P	
Automobile, truck and trailer body repairs		NP	P	P	
Automobiles, trucks and trailers assembly and engine rebuilding	Including parts	NP	P	P	
Beverage processing and bottling		P	P	P	
Bingo Halls		P	P	P	
Boat building and repair		P	P	P	
Building materials, misc., such as lumber, wall boards		CUP	P	P	
Chemicals not involving noxious odors or dangers from fire or explosives		NP	P	P	
Clay products such as brick, fire brick, tile, and pipe	Refers to manufacturing of these products	NP	NP	NP	
Commercial vehicle washing	(Such as trucks, trailers, boats, trailers and to a lesser degree, car s)	CUP	CUP	CUP	
Concrete plant, batch or other		NP	NP	NP	
Crushing/recycling of aggregate materials		NP	NP	NP	
Dog Kennels		CUP	CUP	CUP	
Electric equip. assembly	Not elec. Power substations	P	P	P	
Glass products from previously manufactured glass		CUP	P	P	
Health clubs, physical culture and health service facilities		CUP	NP	NP	
Heliports		NP	CUP	CUP	
Ice, dry and natural		P	P	P	
Insecticides, fertilizers , fungicides, disinfectants and related ind- industrial and household chem- chemicals	Refers to manufacturing of these products	NP	NP	NP	
Laboratories for research and quality control in physical sciences		P	P	P	
Leather and fur tanning, curing, finishing, dyeing		NP	NP	NP	
Machine tools manufacturing, assembly, repair		NP	P	P	
Manufacturing and repair – light materials		P	P	P	
Manufacturing and repair -heavy		NP	P	P	
Meat and fish products, packing and processing	Not-Excluding slaughtering and glue and size mfg.	NP	P	P	
Metal and Metal products, fabrication, assembly, treatment, processing		CUP	P	P	
Metal casting and foundry products, including ornamental iron work	not including magnesium foundries	NP	P	P	

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Type of Use	Qualifier	I-1	I-2	I-2A	
Metal stamping and extrusion of small products		NP	P	P	
Metals, precious and rare reduction, smelting and refining		NP	NP	NP	
Mini-storage (self storage) facilities		CUP	CUP	CUP	
Motor freight terminals		NP	CUP	CUP	
Motor Vehicle Dealers	New and used, in conjunction with new sales	CUP	CUP	CUP	
Offices		P	P	P	
Off-street parking and off-street loading	as regulated in City Code	A	A	A	
Paper products,		P	P	P	
Petroleum refinery		NP	NP	NP	
Printing		P	P	P	
Public and public utility uses		P	P	P	
Pulp processing plant (i.e., paper mill)		NP	NP	NP	
Rental and leasing of motor vehicles	Includes sales as per 1007.02D	CUP	CUP	CUP	
Restaurants and similar uses		P	P	NP	
Rubber products, small and synthetic treated fabrics	excluding all rubber and synthetic processing	P	P	P	
Sales and rental of contractors equipment		CUP	NP	NP	
Sales, service and repair of engines		CUP	NP	NP	
Salvage yard/junk yard		NP	NP	NP	
Soap and detergents, packaging only		P	P	P	
Sporting and athletic equipment		P	P	P	
Storage and distribution of chemicals		NP	CUP	CUP	
Storage and maintenance of school and charter buses		NP	CUP	CUP	
Storage, enclosed or screened		NP	CUP	CUP	
Tire manufacturing or re-capping facility		NP	NP	NP	
Tools and hardware such as bolts, nuts, and screws		P	P	P	
Vaults, caskets and burial vaults		P	P	P	
Wholesale and warehousing		P	P	P	
Wood products such as furniture, boxes, crates, baskets, and pencils		P	P	P	
Wood treatment plant		NP	NP	NP	

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE TO PROHIBIT CERTAIN USES IN INDUSTRIAL DISTRICTS SECTION (1007) OF THE CITY CODE

The City Council of the City of Roseville does ordain:

Section 1. Zoning Text Amended. Pursuant to Section 1016 (Zoning Amendments) of the City Code of the City of Roseville, and after the City Council consideration of Project File 0024, Section 1007.015 Industrial Uses and Zoning Districts is hereby amended as follows:

Section 1007.015 Industrial Uses and Zoning Districts					
P=Permitted Use CUP=Conditional Use Permit A=Accessory Use NP=Not Permitted			Section 1007.02	Section 1007.03	Section 1007.04
Type of Use	Qualifier	I-1	I-2	I-2A	
Asphalt plant, batch or other		NP	NP	NP	
Assembly – light materials	(Such as medical or computer components, small finished parts and products)	P	P	P	
Assembly – heavy materials	(Such as car, airplane parts, semi-finished products or materials)	NP	P	P	
Automobile, truck and trailer body repairs		NP	P	P	
Automobiles, trucks and trailers assembly and engine rebuilding	Including parts	NP	P	P	
Beverage processing and bottling		P	P	P	
Bingo Halls		P	P	P	
Boat building and repair		P	P	P	
Building materials, misc., such as lumber, wall boards		CUP	P	P	
Chemicals not involving noxious odors or dangers from fire or explosives		NP	P	P	
Clay products such as brick, fire brick, tile, and pipe	Refers to manufacturing of these products	NP	NP	NP	
Commercial vehicle washing	(Such as trucks, trailers, boats, trailers and to a lesser degree, car s)	CUP	CUP	CUP	
Concrete plant, batch or other		NP	NP	NP	
Crushing/recycling of aggregate materials		NP	NP	NP	
Dog Kennels		CUP	CUP	CUP	
Electric equip. assembly	Not elec. Power substations	P	P	P	
Glass products from previously manufactured glass		CUP	P	P	
Health clubs, physical culture and health service facilities		CUP	NP	NP	
Heliports		NP	CUP	CUP	

Section 1007.015 Industrial Uses and Zoning Districts					
P=Permitted Use CUP=Conditional Use Permit A=Accessory Use NP=Not Permitted			Section 1007.02	Section 1007.03	Section 1007.04
Type of Use	Qualifier	I-1	I-2	I-2A	
Ice, dry and natural		P	P	P	
Insecticides, fertilizers, fungicides, disinfectants and related industrial and household chemicals	Refers to manufacturing of these products	NP	NP	NP	
Laboratories for research and quality control in physical sciences		P	P	P	
Leather and fur tanning, curing, finishing, dyeing		NP	NP	NP	
Machine tools manufacturing, assembly, repair		NP	P	P	
Manufacturing and repair – light materials		P	P	P	
Manufacturing and repair -heavy		NP	P	P	
Meat and fish products, packing and processing	Excluding slaughtering and glue and size mfg.	NP	P	P	
Metal and Metal products, fabrication, assembly, treatment, processing		CUP	P	P	
Metal casting and foundry products, including ornamental iron work		NP			
Metal stamping and extrusion of small products		NP	P	P	
Metals, precious and rare reduction, smelting and refining		NP	NP	NP	
Mini-storage (self storage) facilities		CUP	CUP	CUP	
Motor freight terminals		NP	CUP	CUP	
Motor Vehicle Dealers	New and used, in conjunction with new sales	CUP	CUP	CUP	
Offices		P	P	P	
Off-street parking and off-street loading	as regulated in City Code	A	A	A	
Paper products,		P	P	P	
Petroleum refinery		NP	NP	NP	
Printing		P	P	P	
Public and public utility uses		P	P	P	
Pulp processing plant (i.e., paper mill)		NP	NP	NP	
Rental and leasing of motor vehicles	Includes sales as per 1007.02D	CUP	CUP	CUP	
Restaurants and similar uses		P	P	NP	
Rubber products, small and synthetic treated fabrics	excluding all rubber and synthetic processing	P	P	P	

Section 1007.015 Industrial Uses and Zoning Districts				
P=Permitted Use CUP=Conditional Use Permit A=Accessory Use NP=Not Permitted		Section 1007.02	Section 1007.03	Section 1007.04
Type of Use	Qualifier	I-1	I-2	I-2A
Sales and rental of contractors equipment		CUP	NP	NP
Sales, service and repair of engines		CUP	NP	NP
Salvage yard/junk yard		NP	NP	NP
Soap and detergents, packaging only		P	P	P
Sporting and athletic equipment		P	P	P
Storage and distribution of chemicals		NP	CUP	CUP
Storage and maintenance of school and charter buses		NP	CUP	CUP
Storage, enclosed or screened		NP	CUP	CUP
Tire manufacturing or re-capping facility		NP	NP	NP
Tools and hardware such as bolts, nuts, and screws		P	P	P
Vaults, caskets and burial vaults		P	P	P
Wholesale and warehousing		P	P	P
Wood products such as furniture, boxes, crates, baskets, and pencils		P	P	P
Wood treatment plant		NP	NP	NP

8 **Section 2. Effective Date.** This ordinance amendment to the City Code shall take effect upon
9 the passage and publication of this ordinance.

10 Passed this 11th day of October 2010. By Mayor Craig D. Klausung