



Planning Commission Agenda

Wednesday, September 3, 2025

6:30 PM

City Council Chambers

(Any times listed are approximate – please note that items may be earlier or later than listed on the agenda)

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Public Comment**
5. **Approval of Meeting Minutes**
 - a. Approve August 6, 2025 Minutes
6. **Communications and Recognitions**
7. **Public Hearing**
 - a. Minor Plat at 2035 Twin Lakes Parkway (PF25-014)
 - b. Request by Flor Preciosa LLC to allow a Cannabis Combination Business, to include retail, as a Conditional Use at 2730 Snelling Avenue (PF25-013) - **WITHDRAWN**
8. **Business**
9. **Commission Direction on Commission Member Initiated Agenda Items**
 - a. Accessory structure wall height and overall height maximums - Commissioner Cyra
10. **Adjourn**


REQUEST FOR COMMISSION ACTION

Date: **9/3/2025**
Item No.: **5.a.**

Department Approval

Agenda Section
Approval of Meeting Minutes

Item Description: Approve August 6, 2025 Minutes

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Application Information

n/a

Background

n/a

Staff Recommendation

n/a

Requested Planning Commission Action

Review the August 6, 2025 minutes and make a motion to approve subject to requested corrections.

Alternative Actions

n/a

Prepared by:

Attachments: 1. August 6, 2025 Minutes



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, August 6, 2025 – 6:30 p.m.**

- 1 **1. Call to Order**
2 Chair Bjorum called the regular meeting of the Planning Commission to order at
3 approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.
4
- 5 **2. Roll Call**
6 At the request of Chair Bjorum, City Planner Thomas Paschke called the Roll.
7
- 8 **Members Present:** Chair Erik Bjorum, Vice-Chair Pamela Aspnes, and
9 Commissioners Tammy McGehee, Allison Campbell Jensen, Jon
10 Barstad, Steve Cyra, and Erin Lynch.
11
- 12 **Members Absent:** None.
13
- 14 **Staff Present:** City Planner Thomas Paschke and Community Development
15 Director Janice Gundlach.
16
- 17 **3. Approve Agenda**
18
- 19 **MOTION**
20 **Member McGehee moved, seconded by Member Barstad, to approve the agenda as**
21 **presented.**
22
- 23 **Ayes: 7**
24 **Nays: 0**
25 **Motion carried.**
26
- 27 **4. Public Comment**
28 None.
29
- 30 **5. Review of Minutes**
31
- 32 **a. May 7, 2025 Planning Commission Regular Meeting**
33
- 34 **MOTION**
35 **Member McGehee moved, seconded by Member Campbell Jensen, to approve**
36 **the May 7, 2025, meeting minutes.**
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- 38 **Ayes: 7**
39 **Nays: 0**
40 **Motion carried.**
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6. 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.*

None.

7. Public Hearing

a. A Request by Frostbite Cannabis, Inc. to Allow a Cannabis Combination Business, to Include a Cannabis Retailer with On-Site Consumption, as a Conditional Use at 2218 County Road D West, Suite 200 (PF25-011)

Chair Bjorum opened the public hearing for PF25-011 at approximately 6:34 p.m. and provided an overview of the purpose and process of the public hearing. He noted the item will be heard at the August 25, 2025, City Council meeting.

City Planner Paschke summarized the request as outlined in the staff report dated August 6, 2025. He clarified the state regulations and zoning requirements for adult cannabis use, including distance restrictions from specific uses. The request meets all zoning standards and does not need special mitigation or conditions. Three conditions are suggested: obtaining the final license from the Office of Cannabis Management, securing the final business registration from the city, and ensuring compliance with all state and local laws.

Commissioner Cyra asked about the first item, “Prospect cannabis shall be permitted to have a retail kind of dispensary with on-site consumption only.” It sounds like people need to consume the cannabis while they are there.

Mr. Paschke indicated that this is the retail sales portion. On-site consumption would involve people possibly getting a THC drink and consuming it in a lounge area, which is permitted, or obtaining edibles and other items. Smoking cannabis would not be allowed, just like smoking in a facility, whether public or private. It is limited to those two specific uses.

Ms. Gundlach reviewed cannabis-related uses that would fall under a microbusiness license at the state level, which could be conducted at the business.

Commissioner McGehee inquired whether a checklist is available for owners visiting the city, but not the state, that allows them to select the items they wish to include in the facility. She appreciated the staff's attention to detail in only including items that

88 required attention again. Additionally, she asked if the wording in number five was
89 customized, as she thought it was slightly different from what she was used to.
90

91 Mr. Paschke explained that number five is actually how it appears under the
92 conditional use. The variance might be slightly different from what it is in the
93 conditional use.
94

95 Member Aspnes questioned the state’s review of the separate entrance for on-site
96 consumption.
97

98 Mr. Paschke explained that the State Office of Cannabis Management will conduct
99 inspections to ensure all aspects comply with their numerous rules and regulations.
100

101 Member Barstad mentioned he didn’t know much about this type of business, so he
102 did some research. He explained he came across a report titled “The Economic
103 Benefits and Costs, Social Costs of Legalizing Recreational Marijuana,” written by a
104 group at the Federal Reserve in Kansas City. He was curious about the history so far
105 regarding the economics of this issue, how it might help the community, and other
106 related matters. The report shows some growth in housing, state incomes per capita,
107 and population. However, there was a 2% increase in population, a 3% rise in per
108 capita income, and a 6% increase in housing. He also found data on increases in use
109 disorders at 17%, homelessness at 35%, chronic homelessness, and arrests at 13%.
110 Upon closer examination of this topic, he noted that many communities find it very
111 new, and the available data is limited, as is the sampling. When he reviewed what he
112 believes is their responsibility—working within the boundaries of their
113 comprehensive plan—he wondered if staff could help them understand or define how
114 this issue shapes the community and if it can help improve the quality of life for
115 Roseville’s citizens.
116

117 Ms. Gundlach explained that there was a lot of discussion at the planning commission
118 and city council when the city was exploring both the zoning regulations related to
119 adult-use cannabis and the business regulations. However, those were outside the
120 purview of this commission; the fundamental issue is that the State Law has stated
121 that cities must permit this. There are certain areas where state law exempts or takes
122 precedence over local authorities' control, and this is one of them. The state did that
123 very deliberately because they wanted to legalize cannabis in the state, and they
124 wanted to make sure the regulations were applied uniformly across all cities and
125 counties, because based on what they had learned from other states and other
126 cannabis regulations, they felt that it was the best way to regulate the drug. There is a
127 significant amount of background information from the state regarding the city’s
128 authority and its limitations.
129

130 Ms. Gundlach reviewed with the commission the city’s authority and the previous
131 discussions the city council had with the city attorney regarding the regulation of
132 these types of businesses.
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Mr. Jacob Affeldt, the applicant, addressed concerns by sharing his personal experience with cannabis and reaffirming his dedication to responsible staff training on the product. He indicated that on-site consumption will not be included in the plan for this location.

Member Barstad wondered if, since there will be no on-site consumption at this facility, it would be within the commission's power to amend this proposal by removing that provision. He questioned whether this could be a discussion point.

Mr. Paschke explained that the commission could discuss this, but he did not believe there would be harm in including it as part of the conditional use. The reason the commission is reviewing this is because it involves a combination license through the state, which the City Code requires to be a conditional use. If it had gone through a different process, both options would have been permitted, and the commission would not have needed to be involved. This approach enables the applicant to establish themselves as a retailer and potentially expand later with a lounge area, where individuals can consume edibles, drinks, and other items that comply with OCM requirements.

Concerns from commissioners were expressed about the broader impact of legalizing recreational marijuana, referencing a report from the Federal Reserve in Kansas City.

Ms. Gundlach noted that the micro business license at the state level only allows for the operation of a single retail location, so the applicant could not obtain a micro business license at the state level and then open multiple other cannabis lounges or retail locations in different places.

Mr. Affeldt agreed and explained that the micro business is truly meant for small business owners and entrepreneurs to enter the market without needing millions of dollars in backing from other big companies.

Public Comment

Ms. Clare O'Malley, 4180 Victoria St N

Ms. O'Malley mentioned she works in Roseville, and her children attend New Brighton public schools. She expressed concerns about the traffic on Long Lake Road when exiting the parking lot. She asked whether a traffic study had been done or could be conducted. She also expressed concerns about dog safety in the parking facility, as this proposed business will share the exact location as Dogtopia. Additionally, she was concerned about the potential for underage drinking near the proposed company. She also wondered if additional insurance would be required in case a child picks up an edible, thinking it is a Caribou Coffee treat.

Commission Deliberation

180 Mr. Paschke and Ms. Gundlach discussed these concerns, emphasizing state
181 regulations and the city’s responsibility to ensure compliance. It was noted that the
182 city does not require insurance. Still, it was assumed that the state probably has some
183 requirements, such as having a certain amount of business liability insurance, similar
184 to what liquor stores are required to have.

185
186 Mr. Affeldt reaffirmed their dedication to responsible operations and child-resistant
187 packaging.

188
189 Commissioners discussed the possibility of adding more insurance requirements and
190 how the city can enforce rules through business registration.

191
192 **MOTION**

193 **Member McGehee moved, seconded by Member Aspnes, to recommend to the**
194 **City Council approval of a Conditional Use at 2218 County Road D, Suite 200,**
195 **allowing a Cannabis Combination Business, consistent with the comments,**
196 **findings, and attachments of this RPCA dated August 6, 2025, and subject to the**
197 **following conditions: The proposed Cannabis Combination Business shall**
198 **consist only of retail, with on-site consumption as a permitted accessory use, the**
199 **applicant must secure the final license for cannabis from the state and the final**
200 **business license be obtained from the City of Roseville. (PF25-011).**

201
202 **Ayes: 6**
203 **Nays: 1 (Barstad)**
204 **Motion carried.**

205
206 **8. Business**

207
208 **a. Receive Update on Civic Campus Project**

209 Community Development Director Janice Gundlach provided an update on the Civic
210 Campus project, referencing a memo from the City Manager. The project involves the
211 renovation and expansion of the Civic Campus. She noted the commission was
212 encouraged to pose questions or concerns to the city manager, with one commission
213 member eventually being assigned to the task force.

214
215 Member Campbell Jensen proposed exploring the possibility of installing solar panels
216 over parking lots and other sustainability initiatives.

217
218 Member McGehee concurred and indicated she would also like to see a permeable
219 parking surface.

220
221 **9. Commission Direction on Commission Member-Initiated Agenda Items**

222 Ms. Gundlach outlined the process for presenting such topics to the commission and
223 discussed the city council’s prior decisions on sustainable building initiatives.

224
225 Member Cyra noted that since the May 7th Variance Board meeting, which he was
226 not on the board but found variances interesting, he wondered if this could be

227 discussed in more depth at a future meeting, specifically regarding the nine-foot wall
228 height maximum for accessory buildings.

229
230 Chair Bjorum indicated there was a process to this.

231
232 Ms. Gundlach reviewed her email correspondence with Commissioner Cyra. She
233 mentioned that the commission can suggest topics for discussion. She stated that staff
234 will include this item on the next planning commission agenda, and if the commission
235 has questions, they should send them to staff. At the next meeting, the commission
236 can decide whether or not to pursue the topic further, which would require a vote.

237
238 Member McGehee inquired about the possibility of discussing specific sustainability
239 topics, such as LEED certification, for city buildings.

240
241 Ms. Gundlach believed there were two parts to that: the first related to city buildings.
242 The planning commission's authority is to adopt the comprehensive plan, amend it as
243 needed, and then adopt and enforce zoning regulations. She did not think the required
244 commission zoning regulations should dictate what the city should do with its
245 buildings. She pointed out that the city council would make those decisions, not the
246 planning commission. She also mentioned that this item could be added to next
247 month's agenda, and the commission could decide whether or not to spend time
248 exploring that topic.

249
250 Ms. Gundlach reminded the commission and Commissioner McGehee that during the
251 last zoning code update, there was a pervasive discussion about sustainable building
252 items, including LEED certification. Recommendations were made and passed on to
253 the City Council, but the council chose not to adopt any of those regulations.

254
255 Member Barstad wondered if a cost-benefit analysis was conducted during that
256 conversation when the topic of adopting sustainable measures or pursuing LEED
257 certification earlier arose.

258
259 Ms. Gundlach indicated that if there is no specific project, she was unsure how the
260 city would conduct a cost-benefit analysis. General conversations were held regarding
261 this idea. The consultant the city used also provided a significant amount of
262 background information for the City Council to review and consider.

263
264 **10. Adjourn**

265
266 **MOTION**
267 **Member Barstad, seconded by Member Cyra, to adjourn the meeting at 7:30**
268 **p.m.**

269
270 **Ayes: 7**
271 **Nays: 0**
272 **Motion carried.**

273

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REQUEST FOR COMMISSION ACTION

Date: **9/3/2025**
Item No.: **7.a.**

Department Approval

Agenda Section

Janice Gundlach

Public Hearing

Item Description: Minor Plat at 2035 Twin Lakes Parkway (PF25-014)

1
2 **Application Information**

3 Applicant: Java Properties
4 Location: 2035 Twin Lakes Parkway
5 Application Submission: August 9, 2025
6 City Action Deadline: n/a - application not yet deemed complete
7 Zoning: MU-2B
8

9 **Background**

10 This item was scheduled for a public hearing before the Planning Commission by mistake. As a Minor
11 Plat, the Subdivision Ordinance dictates the public hearing is to be held by the City Council at the same
12 meeting as the Council would take action on the application. The public hearing will likely be held mid- to
13 late-September, and a specific date will be scheduled once the application is considered to be complete.
14 Once the application is complete and a City Council meeting date is set, public hearing notices will be
15 re-issued. Because staff issued notices of a public hearing to be held at the September 3 Planning
16 Commission meeting, it is appropriate to open a public hearing. If interested persons are in attendance
17 and wish to provide testimony, such testimony will be forwarded to the City Council.
18

19 A drawing depicting the subdivision, in concept, is provided as Attachment 1. This is subject to change
20 given the application is not yet complete but is provided only for context should interested persons wish
21 to provide testimony.
22

23 **Staff Recommendation**

24 Open and close the public hearing.
25

26 **Requested Planning Commission Action**

27 Open and close the public hearing.
28

29 **Alternative Actions**

30 None.
31

Prepared by: Bryan Lloyd, Senior Planner

Attachments: 1. Subdivision Concept
32

CLEVELAND AVENUE

N03°09'04"W

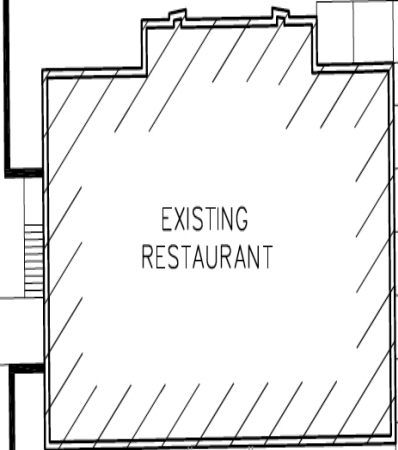
226.35

S29°59'28"E
23.12

N89°20'35"E
577.21

EXISTING RETAINING WALL (TYPICAL)

NEW TRASH ENCLOSURE



EXISTING RESTAURANT

DEMO EXISTING TRASH ENCLOSURE

EXISTING TRANSFORMER

PROPOSED BLDG B
4,465 S.F.

70'-0"

65'-4"

MECH
66 S.F.

PROPOSED BLDG A
5,433 S.F.

70'-0"

79'-4"

MECH
66 S.F.

4

EXISTING PARKING LOT
(70 STALLS)

9

EXISTING GROCERY LOT
(80 STALLS)

SHARED DRIVE LANE

12

12

12

12

9

NEW TRASH ENCLOSURE

RECONFIGURE RETAINING WALL FOR NEW STAIR

S89°18'50"W
467.71

EXISTING SIGN

TWIN LAKES PARKWAY


REQUEST FOR COMMISSION ACTION

Date: **9/3/2025**
Item No.: **7.b.**

Department Approval

Agenda Section

Janice Gundlach

Public Hearing

Item Description: Request by Flor Preciosa LLC to allow a Cannabis Combination Business, to include retail, as a Conditional Use at 2730 Snelling Avenue (PF25-013)
- **WITHDRAWN**

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Application Information

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Applicant: Flor Preciosa LLC

3

Location: 2370 Snelling Avenue

4

Application Submission: August 6, 2025

5

City Action Deadline: WITHDRAWN

6

Zoning: Corridor Mixed-Use (MU-3)

7

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Background

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On August 19, 2025, the City Planner was informed by Juan Aguirre, the applicant's representative, that the landlord and applicant could not come to a definitive final agreement on an option to purchase the property, so the applicant will not be pursuing the CONDITIONAL USE of the property at this time (See Attachment 1). The notices of the public hearing were mailed before the application was withdrawn. If interested persons are present for this request, they should be informed the application has been withdrawn and there is no reason to hold the public hearing.

10

The applicant also withdrew their Roseville Cannabis License Retail Registration on August 12, 2025.

11

Staff Recommendation

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No action is necessary.

13

Requested Planning Commission Action

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No action is necessary.

15

Alternative Actions

16

Not applicable

17

Prepared by: Thomas Paschke, City Planner

18

Attachments: 1. Email Correspondence Regarding Application Withdrawal

19

From: [Juan Aguirre](#)
To: [Thomas Paschke](#)
Subject: Re: Follow Up
Date: Tuesday, August 19, 2025 2:52:31 PM

Caution: This email originated outside our organization; please use caution.

Thomas,

Apologies for not following up, landlords and I could not come to a definitive final agreement on option to purchase so I will not be pursuing this site at this time

On Tue, Aug 19, 2025 at 2:49 PM Thomas Paschke <Thomas.Paschke@cityofroseville.com> wrote:

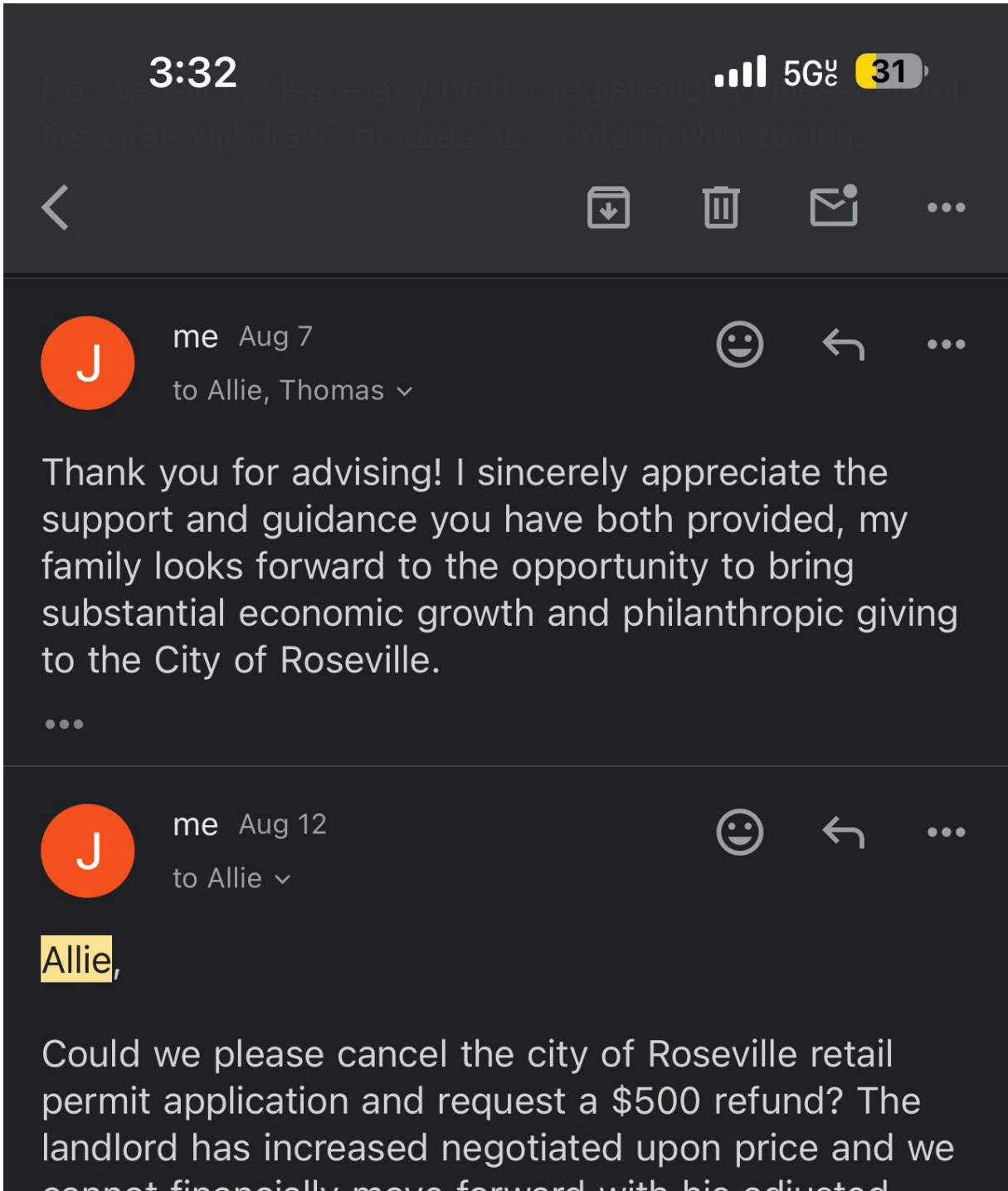
Juan,

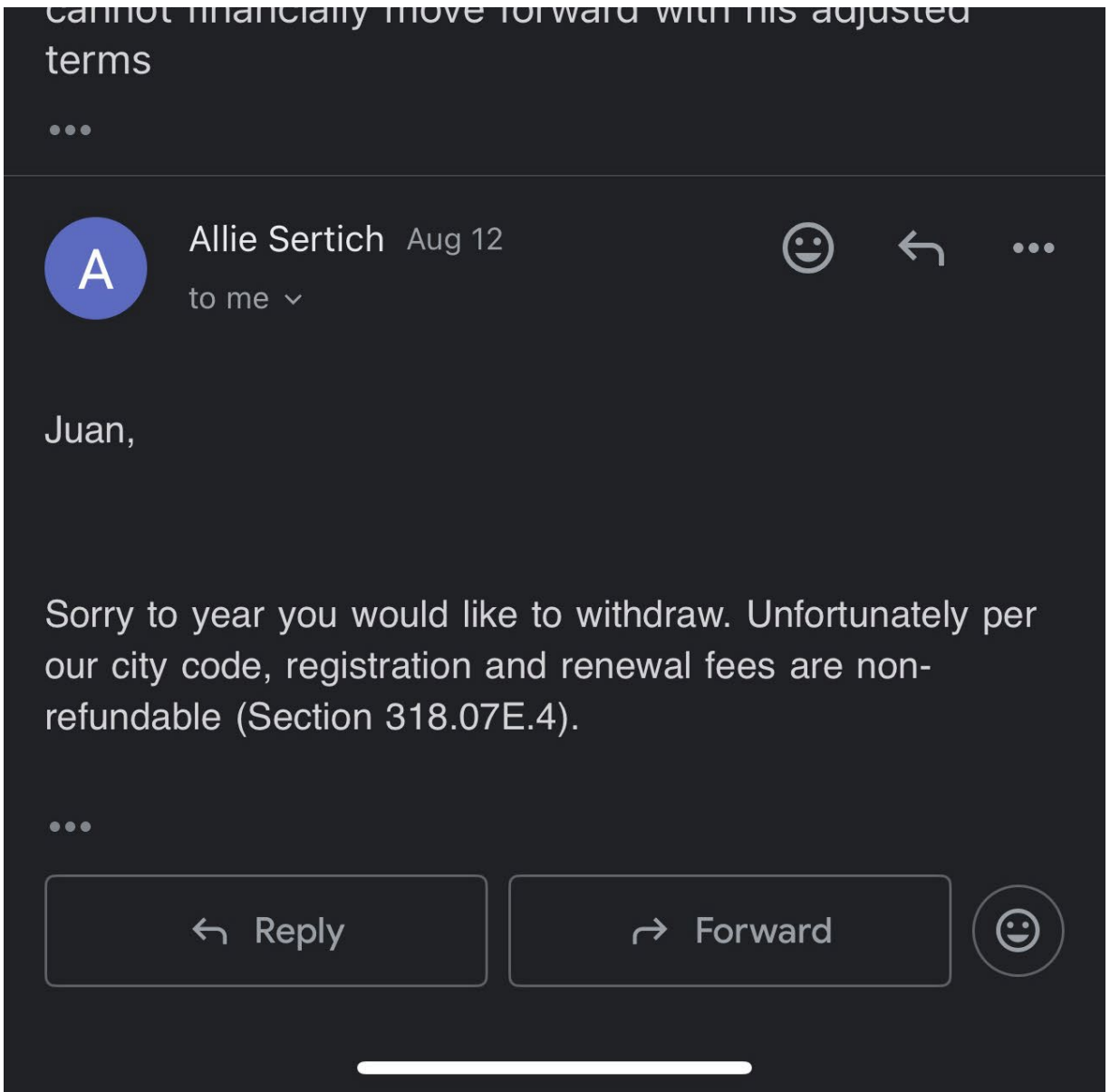
Is it possible to get the square footage of the [2730 Snelling Avenue](#) space? Also, I/we are still in need for the \$775 fee to process the CU request.

From: [Juan Aguirre](#)
To: [Thomas Paschke](#)
Subject: Re: Follow Up
Date: Tuesday, August 19, 2025 3:33:27 PM
Attachments: [IMG_1425.png](#)

Caution: This email originated outside our organization; please use caution.

Was already charged:





On Tue, Aug 19, 2025 at 3:07 PM Thomas Paschke <Thomas.Paschke@cityofroseville.com> wrote:

Juan,

Given you need to move forward quickly we may need to charge you a nominal fee for the publication and public hearing notices as these have been processed.

From: Juan Aguirre <[REDACTED]>
Sent: Tuesday, August 19, 2025 2:52 PM

To: Thomas Paschke <Thomas.Paschke@cityofroseville.com>

Subject: Re: Follow Up

Caution: This email originated outside our organization; please use caution.

Thomas,

Apologies for not following up, landlords and I could not come to a definitive final agreement on option to purchase so I will not be pursuing this site at this time

On Tue, Aug 19, 2025 at 2:49 PM Thomas Paschke
<Thomas.Paschke@cityofroseville.com> wrote:

Juan,

Is it possible to get the square footage of the [2730 Snelling Avenue](#) space? Also, I/we are still in need for the \$775 fee to process the CU request.



REQUEST FOR COMMISSION ACTION

Date: **9/3/2025**

Item No.: **9.a.**

Department Approval

Janice Gundlach

Agenda Section

Commission Direction on
Commission Member Initiated
Agenda Items

Item Description: Accessory structure wall height and overall height maximums - Commissioner Cyra

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Application Information

Applicant: n/a
Location: n/a
Application Submission: n/a
City Action Deadline: n/a
Zoning: n/a

This is a commissioner-initiated item and is not subject to application and/or city action deadlines.

Background

At the August 6, 2025 Planning Commission meeting, Commissioner Cyra requested that the maximum accessory structure wall height and overall height standard be considered for amendment. In accordance with Roseville's City Council and Advisory Commission Rules of Procedure, upon the item/issue being presented by a Commissioner, the item is placed on the agenda for the next meeting, at which time the Commissioner provides preliminary materials for inclusion in the meeting packet (see Attachment 1). The Commission, upon review of this information, then provides staff direction as to whether, how, and when the agenda item will be taken up at a subsequent meeting. This must be done via motion.

Staff Recommendation

The Commission should vote on whether, how and when to initiate discussion surrounding amending zoning code requirements pertaining to accessory structure wall height and overall height maximums as proposed by Commissioner Cyra.

Requested Planning Commission Action

By motion, the Commission should vote on whether, how and when to initiate discussion surrounding amending zoning code requirements pertaining to accessory structure wall height and overall height maximums as proposed by Commissioner Cyra.

Alternative Actions

A lack of a motion would result in the item not coming forward for discussion.

Prepared by: Janice Gundlach, Community Development Director

Attachments: 1. Commissioner Cyra discussion materials

Memo: Perspectives on Accessory Structure Wall and Building Height Limitations in City Code

To: Roseville Planning Commission

From: Steve Cyra, Planning Commissioner

Date: August 12, 2025

Subject: Perspectives on Accessory Structure Wall and Building Height Limitations in City Code

Dear Commissioners,

I am writing to share my thoughts about specific portions of our city's zoning code sections 1004.02 —particularly the 9-foot maximum wall height and the overall building height limit for accessory structures on residential properties. This issue came to my attention during the May 7, 2025 Variance Board meeting, when the applicant proposed building a detached garage with an 11'3" wall height and a 10-foot overhead door for their camper van. The building was modest in footprint, matched the home's 4/12 roof pitch, and had a building height of about 12.5 feet. The variance was ultimately denied for lack of unique property circumstances, which I believe was consistent with our variance criteria. However, the case revealed potential problems with the code itself.

Concerns with the Current Code

1. Unclear Original Rationale for a 9-foot Max Wall Height

The 9-foot wall height limit was added in 2003 along with a collection of other zoning amendments meant to 'add clarity' and reportedly not to make major changes in intent of the zoning code. There appears to be no clear record explaining why 9 feet was chosen. It was suggested by Senior Planner Bryan Lloyd during the Variance Board meeting that the amendment may have had an intent to encourage traditional residential aesthetics. If this was the intent, I would postulate that other existing code provisions—such as requiring exterior design and materials to be compatible with the principal structure—may already address those concerns.

Further, despite the 2003 amendment being stated as not having major changes to the intent of the zoning code — I believe the amendment has likely had a major practical impact for homeowners— as Bryan Lloyd mentioned during the Variance Board meeting that many homeowners have approached the city with interest in building these types of structures.

Going forward, future zoning code amendments could benefit from including the underlying rationale and broader context, helping city officials, as well as current and future residents and businesses, more easily understand the code's intent.

2. Inconsistency with Broader Code Logic

My understanding is that our code permits attached garage additions up to 30 feet in height with no wall height restriction, regardless of the height of the existing home. Thus, the applicant could have built an attached garage to house their camper van but declined to do so in part because they thought it would look worse. In many cases, detached garages—when designed to complement the home—can be more aesthetically appropriate than large attached additions.

3. Conflict with Other Allowed Uses

The code currently allows RVs and other large vehicles to be stored openly in driveways. It is difficult to reconcile this with the current code which effectively prohibits storing those same vehicles inside a reasonably proportioned enclosed structure that complements the home's design. Notably, the variance applicant provided photos of three unappealing driveway-stored vehicles covered with tarps here in Roseville—examples that highlight how revising the regulations for detached garages could promote the construction of well-designed outbuildings and, in turn, enhance neighborhood aesthetics.

4. Comparisons with Neighboring Cities

Based on my review of respective city codes, Roseville appears to have the most restrictive accessory building wall height limits among its adjacent neighbors. The cities of St. Paul, Arden Hills, Falcon Heights, and St. Anthony appear to have no wall height limits for accessory buildings (only overall building height limits apply). Other adjacent cities' codes vary but in no case was I able to find a wall height maximum less than 10-feet. Roseville's 9-foot wall height limit appears to be the most restrictive.

St. Paul appears to have the least restrictive code (Sec. 63.501(d)) which reads: *The height of accessory buildings that do not contain a dwelling unit may not exceed fifteen (15) feet in the case of a flat or shed roof style and eighteen (18) feet in the case of all other roof styles. The height of an accessory building containing a dwelling unit may not exceed twenty-five (25) feet.* I wonder if there are any practical circumstances which would logically warrant such a large difference between the codes of Roseville and St. Paul.

5. Overly Restrictive Overall Height Limit Due to Esoteric Measurement Method

The way our code defines 'building height'—measuring to the midpoint of the roof rather than the ridge—can significantly reduce the allowable height for accessory structures. In the recent variance case, this resulted in an allowable height of only about 11.5 feet. This may be unreasonably restrictive and limiting of design options, even when the ridge would remain lower than the home's ridge.

6. Inconsistent Code Pertaining to the Height of Accessory Dwelling Units

Our code (section 1011.12-D-1-f) reads: *A detached ADU may be located above a detached garage or within a separate accessory building meeting the standards for accessory buildings established in §1004.02 of this Title.* While the above language seems to have an intent to allow ADUs above detached garages, the height limit imposed by section 1004.02 would make this very difficult if not impossible.

Recommendation

I recommend that the Planning Commission consider reviewing and potentially recommending an amendment to Section 1004.02 to:

- Increase the maximum wall height for accessory structures, or remove the wall height limit in favor of building height limits.
- Increase maximum accessory building height and ensure consistency with intent of code section 1011.12-D-1-f regarding accessory dwelling units.

Such changes could provide homeowners more flexibility, encourage well-designed detached structures, maintain or improve neighborhood character, and fit with our Comprehensive Plan. I look forward to discussing this code section and sharing ideas during our upcoming meeting.

Sincerely,
Steve Cyra
Roseville Planning Commissioner

Enclosures:

1. Variance Request for Accessory Building Height - Request for Board Action
2. Variance Request for Accessory Building Height - Homeowner Written Narrative

ROSEVILLE
REQUEST FOR BOARD ACTION

Date: 5/7/2025
Item No.: 6.a.

Department Approval

Agenda Section

Janice Gundlach

Public Hearing

Item Description: Request to allow a proposed accessory structure with a wall height in excess of nine feet on a residential property

Application Information

Applicant: Glen and Jane Heino
Location: 734 County Road B2
Application Submission: April 4, 2025
City Action Deadline: June 3, 2025
Zoning: Low Density Residential

Background

The applicants wish to build a 360 square foot accessory building that would have a wall height of about 11 feet and an overall height of about 12-1/2 feet in order to accommodate the 10-foot tall overhead garage door needed to park their camper van inside. The applicant's written narrative and detailed drawings of the proposed building are included with this RVBA as Attachment 3.

Variance Analysis

- Table 1004-1 in §1004.02.A.2 (Accessory Building Performance Standards) of the zoning code limits the height of an accessory storage building by three metrics:
 - A wall is limited to 9 feet;
 - The building as a whole is limited to 15 feet; and
 - The building as a whole is further prohibited from being taller than the principal structure (i.e., the house).

Increasing the height beyond one or more of these parameters can only be approved by a variance.

- §1001.10 (Definitions) specifies the particular way in which building height is measured. The following excerpt includes only that part of the definition which is relevant to the proposed accessory building.

Building Height The vertical dimension measured from the average elevation of the approved grade at the front of the building to ... the midpoint of the ridge of a gable ... roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.) In the case of alterations, additions or replacement of existing buildings, height shall be measured from the natural grade prior to construction.

- The zoning code does not contain a similarly prescriptive definition for wall height, but it is essentially the vertical distance between the grade at the base of the building and the same "eave point ...where the roof line crosses the side wall" referenced above, which constitutes the lowest point of the roof. In effect, the top of a wall is understood to be the place where it meets the bottom of the roof.
- Roseville's nuisance code (which is outside of the zoning code) includes regulations for where vehicles like RVs may be parked and what surfaces they must be parked on, but neither the nuisance regulations nor the zoning code requires campers, boats, snowmobiles, or other such household recreational equipment to be stored within a structure.

The 15-foot building height limit has been in effect since Roseville first adopted a zoning code in 1959. There is no available record to explain exactly why each of the original zoning code's specific provisions were chosen and enacted, but Planning Division staff presumes the height limit for accessory buildings was intended to ensure they remained at a suburban, residential scale rather than allowing larger buildings suited for agricultural or commercial purposes. The maximum wall height parameter and the precise method of measuring height were added in mid-2003 in an ordinance amending several provisions in the residential zoning districts. The summary of Ordinance 1287 explains that the changes were meant to "add clarity" to the zoning code and that the amendments did not constitute "major changes in intent." Since this amendment, two major updates to the zoning code were adopted in 2010 and in 2020, but no changes to these height standards were discussed in the course of either of these more recent amendment processes.

Based on initial conversations, the applicant and Planning Division staff were aware the proposed 11-foot wall height exceeded the 9-foot limit and that a variance approval would be necessary in order for a permit to be issued for the proposed wall height of the building. As indicated in the detailed drawings submitted with the variance application the applicant was also aware that the overall height of the proposed building could not be taller than the principal structure. Given the esoteric and specific definition of how building height is measured, however, it is understandable that the applicant might not have known that the "height" of the structures is not equal to the distance above the ground of the roofs' respective ridges but is instead the distance above the ground of the middle point of the roofs, between their ridges and eaves. Although the applicant has conscientiously proposed a roof pitch that matches the principal structure and kept the ridge of the proposed building lower than the ridge of the house, the prescribed method of measuring reveals the height of the proposed building is about 12-1/2 feet and the height of the principal structure is about 11-1/2 feet. As with the wall height, therefore, a variance would be required in order to issue a permit for the overall height of the proposed building which is about one foot taller than the house.

Review of Variance Approval Requirements

Section 1009.04.C of the City Code states the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning" and establishes a mandate that the Variance Board make five additional affirmative findings about a variance request as a prerequisite for approving the variance. Planning Division staff has reviewed the application and offers the following draft findings.

1. Although the relatively low profile of the garage on a 1960s rambler home could be considered a practical difficulty if a variance were needed to accommodate the greater

78 standard height of modern garage doors that reflects the long trend toward taller passenger
79 vehicles, Planning Division staff finds the low height of the attached garage does not
80 preclude the applicant from building a conforming structure with a somewhat taller overhead
81 door to fit most household vehicles, as intended by the zoning code.

- 82 2. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes
83 that the proposal is generally consistent with the Comprehensive Plan because a modestly
84 sized storage building represents a standard amenity on a residential property and embodies
85 the sort of continued investment promoted by the Comprehensive Plan's goals and policies
86 for residential neighborhoods.
- 87 3. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Because
88 the provisions regulating the height of accessory buildings are meant to enable the
89 homeowners to meet typical household needs and not facilitate structures to shelter
90 commercial vehicles or equipment, or even large recreational items like boats, 'toy hauler'
91 trailers, RVs, and the like, Planning Division staff believes the proposed nonconforming wall
92 and building height is not in harmony with the purposes and intent of the zoning ordinance.
- 93 4. *The proposal puts the subject property to use in a reasonable manner.* In the context of
94 zoning regulations pertaining to storage buildings, "reasonable" would mean building height
95 that would be adequate for most residential purposes, recognizing that an individual's desired
96 height for a storage space might far exceed the zoning code's limit. In this case, Planning
97 Division staff believes that increasing the proposed building beyond its permitted height
98 would exceed this meaning of "reasonable use" of the property.
- 99 5. *There are unique circumstances to the property which were not created by the landowner.*
100 The purpose of this finding is to ensure that some unusual characteristic of the land itself
101 does not conspire with the strict application of the dimensional standards of the zoning code
102 to prevent property owners from utilizing the property in a reasonable way. Planning
103 Division staff finds that there is no unique characteristic of the property that would interfere
104 with building an accessory structure which conforms to the applicable standards.
- 105 6. *The variance, if granted, will not alter the essential character of the locality.* Despite the fact
106 it would allow a building that is slightly taller than others nearby, the proposed building is
107 not particularly large, is clearly residential in nature, and is pretty well screened from view,
108 so Planning Division staff finds that the variance, if approved, would not negatively alter the
109 character of the surrounding residential neighborhood.

110
111 Given these findings, as much as staff can empathize with the desire to store their RV van indoors at
112 their home, staff is unable to recommend approval of the variance. It is also worth noting that the
113 applicant inquired about the proposed variance in an email to the Planning Commission via the City
114 website. To provide a timely response, the Community Development Director responded to the
115 applicant in terms of what could constitute a practical difficulty and whether a neighbors' feelings on
116 the variance request have an impact on it being approved or denied. The Community Development
117 Director did not have the history on this issue, particularly that same or similar variance requests
118 have not been made. And while the Community Development Director communicated to the
119 applicant that there are no guarantees of approval or denial, it's possible the applicant mistook this
120 communication as being favorable towards the variance. Before proceeding with the application, the
121 applicant was made aware of this history and decided to proceed with the request.

122
123 Public Comment

124 At the time this RVBA was prepared, Planning Division staff has not received any comments or
125 questions about the proposed accessory building.
126

127 **Staff Recommendation**

128 Adopt a resolution denying the requested variances to the accessory building height limits at 734
129 County Road B2, based on the content of this RVBA, public input, and Variance Board deliberation.
130

131 **Requested Planning Commission Action**

132 Adopt a resolution denying the requested variances to the accessory building height limits at 734
133 County Road B2, based on the content of this RVBA, public input, and Variance Board deliberation.
134

135 **Alternative Actions**

- 136 A. **Pass a motion to table the item for future action.** An action to table consideration of the
137 variance request must be based on the need for additional information or further analysis to
138 reach a decision on one or both requests. Tabling may require extension of the 60-day action
139 deadline established in Minn. Stat. 15.99 to avoid statutory approval.
- 140 B. **Adopt a resolution approving the requested variances.** An approval must be supported by
141 specific findings of fact based on the Variance Board’s review of the application, applicable
142 zoning regulations, and the public record.

143 **Prepared by:** Bryan Lloyd, Senior Planner
144

- 145 **Attachments:**
- 1. Area Map
 - 2. Aerial Photo
 - 3. Written Narrative and Plans
 - 4. Draft Resolution

April 4, 2025

Bryan Lloyd, Senior Planner <Bryon.Lloyd@cityofroseville.com>
City of Roseville Planning Commission
2660 Civic Center Drive
Roseville, MN 55113

RE: Variance for Heino Accessory Building Height - Written Narrative Permit B25-0285

Address: 734 County Road B2 West

P.I.N.: 112923410001

Legal Description: Lot 8; and the West 1/2 of Lot 7; all in Block 1, Arbell, Roseville, Minnesota.

Zoning Code: Chapter 1004 Residential Districts; 1004.02 Accessory Buildings; Table 1004-1; Height

Dear Mr. Lloyd,

I understand that as we desire an accessory structure that has a wall height in excess of 9', a Variance would be necessary. Our practical difficulty with the code is needing enough wall height to store a small RV van. We, and our neighbors, would rather have the van parked inside vs. outside. I believe all of our neighbors would be in support of storing seasonal/recreational vehicles indoors.

Comments to 1009.04C. conditions in the granting of a variance:

"1. the proposal is consistent with the Comprehensive Plan;"

The proposed wooden structure will fit in with residential homes and garages. We are a corner lot, with our corner-lot neighbors' garages all fronting the Grotto Street "side yard".

"2. the proposal is in harmony with the purposes and intent of the zoning ordinances;"

Table 1004-1 establishes Maximum Height for accessory buildings: "[overall height] 15 ft / wall height 9 ft." We need to increase the wall height to 11'-3" to accommodate a 10 ft. high garage door. Our small RV van is 9'-10-1/2" to the top of its rooftop equipment. The gable roof peak will be lower than our house peak, and lower than the 15 ft maximum height restriction.

"3. the proposal puts the subject property to use in a reasonable manner;"

The accessory building will look like other garages and will keep our RV from being stored out front. The corner-lot's "side yard" location will also be out of view of our declared "front yard" along County Road B2 W. Most of the building will actually be in our back yard.

"4. there are unique circumstances to the property which were not created by the landowner;"

The existing 2-car garage is attached to our 1966 low pitch roofed Rambler. Modifications to accommodate a taller modern vehicle would be better served by a detached structure.

"5. the variance, if granted, will not alter the essential character of the locality."

The four corner lots along Grotto Street all have their garages and sheds fronting Grotto Street. Our new accessory structure would replace our smaller shed in the same location – but with a 30 ft. setback to our Grotto Street Property Line.

Thank you for your review and consideration.



Glen A. Heino

