

d. **PLANNING FILE 09-002**

REVISED Request by Art Mueller for approval of a COMPREHENSIVE LAND USE PLAN AMENDMENT to change the land use designation of 2025 County Road B from Low Density Residential to High Density Residential; REZONING of the property from Single-Family Residence to Planned Unit Development (PUD) with an underlying/base zoning of General Residence District; and a GENERAL CONCEPT PLANNED UNIT DEVELOPMENT (PUD) to allow the construction of a 55-unit, 3-story Active Senior Living Community

Chair Bakeman opened the Public Hearing for Planning File 09-002 (9:25 p.m.)

City Planner Thomas Paschke reviewed staff's analysis of the request of Art Mueller, in cooperation with Sue and Andrew Weyer, property owners, to redevelop the property at 2025 County Road B into a three (3) story, fifty-five (55) unit senior living community.

Mr. Paschke advised that, in general, the design was similar to that previously presented, but with a reduction in the number of stories to three (3) and reduction in the number of units at fifty-five (55).

Mr. Paschke requested that the Commission clearly address whether they supported guiding the subject parcel to a designation other than Low Density in order to establish a foundation for further review of the current proposal.

Staff recommended the following actions related to the request of Art Mueller to redevelop 2025 County Road B with a 55-unit, 3-story Active Senior Living Community:

9.1 RECOMMEND APPROVAL of the COMPREHENSIVE LAND USE MAP AMENDMENT of 2025 County Road B from Low Density Residential (LR) to High Density Residential (HR)

9.2 RECOMEMND APRPOVAL of the REZONING of 2025 County Road B from Single Family Residential (R-1) to Planned Unit Development (PUD), with an underlying zoning of General Residence District (R-3).

9.3 RECOMMEND APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT, as prepared for the March 4, 2009 Planning Commission meeting; subject to the conditions detailed in Section 9 of the staff report; with final approval by the City Council considered after all conditions and required documents and permits have been submitted for final approval; with those final approvals considered as a separate application process.

Chair Bakeman lead a discussion for clarification on land use designation categories for density: Low Density at 0 to 4 units/acre; Medium Density at 5 – 12 units/acre; and High Density greater than 13 units/acre.

Staff noted that this proposed use was consistent with 6 – 7 other senior or multi-family type residential projects approved by the City over the last ten (10) years in similarly related surrounding neighborhoods.

Applicant, Art Mueller, 2201 Acorn Road

At the request of Chair Bakeman, Mr. Mueller addressed the differences between the previous and current proposal, based on public testimony and Planning Commission concerns. Mr. Mueller noted reductions in square footage, the number of units, additional underground parking space; and his support of the seven (7) staff-recommended conditions as detailed in the staff report dated March 4, 2009.

Tim Johnson, Station 19 Architects

On behalf of Mr. Mueller, Mr. Johnson provided revisions to the architectural nature of the building and relative location and setbacks to Midland Grove Road; reduction in the overall footprint; and relocation of the driveway and minimal reduced pavement area, in addition to meeting setback requirements.

Mr. Johnson asked that the Planning Commission consider land use designation higher than Low Density; opining that this parcel was not, but should have been, considered in the overall Comprehensive Plan Update, recently completed and currently before the

Metropolitan Commission for review; and based on the adjacent Ferriswood and Midland Grove PUD Projects.

Chair Bakeman, at 9:45 p.m., opened the meeting for public comment; respectfully requesting that speakers limit their comments to the specific issue before the Commission.

Public Comment

As part of the written record, Mr. Paschke provided copies of additional e-mails received after distribution of the Agenda Packet materials, attached hereto and made a part thereof.

Peter Coyle, land use attorney from Larkin, Hoffman, et al, 7800 Xerxes, Bloomington, MN

Mr. Coyle, speaking for a large group of residents at Ferriswood and Midland Grove, in addition to Mr. Steve Enzler, advised that, while the group was supportive of a relatively dense use of this property, they were not supportive of this high of a density guiding its development. Mr. Coyle opined that the proposed use was not an appropriate transition or appropriate use of residential streets; and that the proposed use was too much for the available land and site. Mr. Coyle presented, for the record, a new petition from the group of property owners he represents:

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"Because of the safety issues due to traffic congestion, diminished aesthetics, removal of trees and a possible decrease in our property value, the following residents o the Midland Grove Condo Association are signing this petition to oppose any change of zoning ordinances to accommodate the building of any new multiple housing proposal at 2025 County Road B, Roseville, MN, by Art Mueller;" attached hereto and made a part thereof.

Mr. Coyle expounded on rationale for the petition including failure to consider this parcel in the recently amended Comprehensive Plan; need to make this use comparable to other and similar uses in the area that would be respectful and compatible with those existing uses; and opined that the proposal needed substantially more work before it was acceptable in this established neighborhood. Mr. Coyle advised that those he represented were not opposed to development of the property; however, that they were asking for reasonable density compatible with surrounding sites and projects.

Scott Roste, President of Midland Grove Condominium Association, 2220 Midland Grove Road #211, representing members interested in this project

Mr. Roste further addressed the 107 petitioner signatures collected and their representation at tonight's meeting; and noted that this petition was different than that presented at the previous meeting; and opined that residents would be in favor of development of the property, but at a Low to Medium Density designation.

Chair Bakeman read the petition into the record.

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Ms. Woehlke, having purchased her property two (2) years ago, expressed her distress about a potential rental property adjacent to her property; opining that owner-occupied buildings were better maintained and more attractive. Ms. Woehlke opined that the building was still too tall; was too close to her and Mr. Enzler's properties; and too close to the lot line, creating issues of potential noise and lack of privacy, and blocking sunlight.

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Ms. Bursch advised that she had performed a personal survey over the past week of the number of existing senior living units in the Roseville area; and expressed concern, based on her findings related to existing vacancies, with the senior housing market becoming saturated. Ms. Bursh asked that Commissioners consider the current economic situation and potential sales of senior citizen's homes in that market, in addition to their reduced sales price; address density and traffic concerns as previously expressed; and noted ongoing concerns with too much building on too small of a site and reduced green space.

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108 Mr. Rumpsa concurred with the comments of Mr. Coyle, opining that density was the
109 major issue of concern; and opined that this proposed use was such a dramatic
110 deviation, and that it was inconsistent with the adjacent properties. Mr. Rumpsa asked
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123 Ms. Kunze provided comment, opining that tax revenue should not be the only
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128 Ms. Stack, as a Faith Community Nurse at the Church of Corpus Christi, noted that she
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134 with the neighborhood; opining that Midland Grove was a park-like setting; and that this
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137 Mr. Pothapragada addressed Section 6.1 of the staff report, detailing traffic and daily trips
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139 considered (i.e., employee and staff parking needs; visitor parking; deliveries to the site;
140 and emergency ambulance services) and those additional traffic impacts to the
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143 Mr. Christianson, as a former Planner in the United States and Canada, applauded the
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150 lack of notice of the Historical Society of any proposed activities on this site; and future
151 notice in accordance. Mr. Walton's comments addressed concerns with mass and the
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Mr. Enzler noted previous lot line delineation errors; and expressed his willingness to work with Mr. Mueller in seeking resolution.

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Mr. Weyer presented his historical perspective of the property, and rationale for it's inclusion on the Heritage Trail based on the original home's construction; and offered that the home could easily be relocated for greater use. Mr. Weyer opined that the property itself was not of historical import; and the home itself was originally moved from its former location to facilitate construction of Midland Grove, which property was originally owned by his ancestors, and allowing for growth and progress. Mr. Weyer opined that things change; and there was value in moving forward for the community, as well as with what remained of his family homestead.

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Ms. Wiley opined that Mr. Weyer had his own private road, mailbox and address and would experience minimal impacts to his private property; however, she noted that while he would make considerable money on the sale of this remaining portion of his family's farmstead, it didn't mean that Midland Grove Road needed to be further impacted. Ms. Wiley opined that it may be more advantageous to Mr. Weyer financially if the property were sold for single-family housing and provide an asset to the neighborhood rather than a detriment.

Art Mueller, Developer

Mr. Mueller responded to public comments; and provided his historical perspective of and his personal development of Midland Grove and Ferriswood, in addition to this proposal; noting the positive benefit of the previous projects to the City. Mr. Mueller questioned if there were others supporting the project, but not appearing to speak in that support; and noted his experience in receiving positive support for the proposed project and the need for this senior housing option.

Chair Bakeman closed the Public Hearing at 10:40 p.m.

MOTION (9.1)

Member Bakeman moved, seconded by Member Boerigter to RECOMMEND APPROVAL of the COMPREHENSIVE LAND USE MAP AMENDMENT of 2025 County Road B West from Low Density Residential to High Density Residential.

Discussion included clarification that the density designation would stay with the property even if this proposal was not approved, while further clarifying the process through items to be solidified (i.e., PUD Agreement; submission of plans and documents; recording of rezoning of the property with Ramsey County; Comprehensive Plan amendment through the Metropolitan Council; related issues to support this project); and the need for another PUD for any other project on this parcel; and State statute requirements for Comprehensive Plan and Zoning consistencies.

Commissioner Doherty spoke in opposition to the proposal, even with reduced story and units; based on moving from Low Density to High Density rather than Medium Density designation.

Commissioner Wozniak concurred with Commissioner Doherty, opining that the proposed use was too dense and too high in a single-family residential area. Commissioner Wozniak advised that he could support Medium Density designation; and still had concerns with traffic and too many units for this size of property, given neighbors and the other surrounding uses.

Commissioner Gottfried concurred with Commissioners Doherty and Wozniak, expressing concerns with transitioning into the neighborhood; and supporting Medium rather than High Density designation.

Mr. Paschke encouraged Commissioners to look at the Comprehensive Plan as a guide, and the density designations as addressed in Section 5.6 of the staff report.

Commissioner Best noted that Midland Grove to the north was High Density; and opined that if the site were developed based on those guidelines per acre, this would still be High

214 Density; and further opined that it would be appropriate and that he would support that
215 designation.

216 Commissioner Martinson concurred with Commissioner Best to a certain extent, opining
217 that if High Density was applicable to Midland Grove, it might also be reasonable on this
218 site; and noted that the developer had made scale revisions that were an overall
219 improvement from the original proposal. Commissioner Martinson observed that
220 realistically, the City of Roseville experienced traffic problems throughout the City, in
221 addition to the region. Commissioner Martinson expressed that she had remaining
222 reservations about this proposed project and land use designation; and opined that she
223 would be more inclined to support a Medium Use designation.

224 Commissioner Boerigter opined that, given the density of the adjacent multi-family
225 properties, this site seemed appropriate for High Density designation; and in comparison
226 to other part of the City transitioning from Low to High Density, this was not an
227 uncommon situation. Commissioner Boerigter further opined that, in looking at the overall
228 picture, the property wouldn't probably develop into single-family homes, but seemed
229 more applicable for High Density designation. Commissioner Boerigter recognized public
230 comments and concerns; however, was still of the opinion that this parcel serves as a
231 transition for the neighborhood and properties across the street, to be consistent, he was
232 still concerned that this project remained of too large a scale to this site.

233 Chair Bakeman opined that High Density designation was appropriate, due to the
234 proximity of Midland Grove at close to 19 units/acre; and the ability to limit the maximum
235 units per acre with the PUD; and that 12 units per acre was not dense enough with
236 Midland Grove's proximity directly adjacent. Chair Bakeman further opined that with the
237 standard street width of 32', she was not concerned about traffic volume. Chair Bakeman
238 opined that she was inclined to support High Density designation, and capping that
239 density through PUD controls.

240 Commissioners Best and Martinson concurred.

241 Commissioner Martinson opined that it made logical sense to change the zoning, with
242 Midland Grove immediately adjacent; however, she expressed wariness as to whether
243 the PUD was a sound way to limit density.

244 **Ayes: 4 (Boerigter; Best; Martinson; Bakeman)**
245 **Nays: 3 (Doherty; Wozniak; Gottfried)**
246 **Motion carried.**

247 **MOTION (9.2)**
248 **Member Bakeman moved, seconded by Member Best to RECOMEMND APRPOVAL**
249 **of the REZONING of 2025 County Road B from Single Family Residential (R-1) to**
250 **Planned Unit Development (PUD), with an underlying zoning of General Residence**
251 **District (R-3).**

252 **Ayes: 7**
253 **Nays: 0**
254 **Motion carried.**

255 **MOTION (9.3)**
256 **Member Bakeman moved, seconded by Member Gottfried to RECOMMEND**
257 **APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT, as**
258 **prepared for the March 4, 2009 Planning Commission meeting; subject to the**
259 **conditions of Section 9 of the staff report dated March 4, 2009; with final approval**
260 **by the City Council considered after all conditions and required documents and**
261 **permits have been submitted for final approval; with those final approvals**
262 **considered as a separate application process.**

263 Commissioner Boerigter questioned the actual concern in making this rezoning change;
264 noting that it shouldn't be traffic; the building footprint had been reduced; and noted that
265 the current proposal was close to setback requirements and had limited deviations from
266 square footage requirements. Commissioner Boerigter noted that the building mass could

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2 **REVISED Request by Art Mueller for approval of a COMPREHENSIVE LAND USE**
3 **PLAN AMENDMENT to change the land use designation of 2025 County Road B**
4 **from Low Density Residential to High Density Residential; REZONING of the**
5 **property from Single-Family Residence to Planned Unit Development (PUD) with an**
6 **underlying/base zoning of General Residence District; and a GENERAL CONCEPT**
7 **PLANNED UNIT DEVELOPMENT (PUD) to allow the construction of a 55-unit, 3-**
8 **story Active Senior Living Community**

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15 units at fifty-five (55).

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19 Staff recommended the following actions related to the request of Art Mueller to
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222 reservations about this proposed project and land use designation; and opined that she
223 would be more inclined to support a Medium Use designation.

224 Commissioner Boerigter opined that, given the density of the adjacent multi-family
225 properties, this site seemed appropriate for High Density designation; and in comparison
226 to other part of the City transitioning from Low to High Density, this was not an
227 uncommon situation. Commissioner Boerigter further opined that, in looking at the overall
228 picture, the property wouldn't probably develop into single-family homes, but seemed
229 more applicable for High Density designation. Commissioner Boerigter recognized public
230 comments and concerns; however, was still of the opinion that this parcel serves as a
231 transition for the neighborhood and properties across the street, to be consistent, he was
232 still concerned that this project remained of too large a scale to this site.

233 Chair Bakeman opined that High Density designation was appropriate, due to the
234 proximity of Midland Grove at close to 19 units/acre; and the ability to limit the maximum
235 units per acre with the PUD; and that 12 units per acre was not dense enough with
236 Midland Grove's proximity directly adjacent. Chair Bakeman further opined that with the
237 standard street width of 32', she was not concerned about traffic volume. Chair Bakeman
238 opined that she was inclined to support High Density designation, and capping that
239 density through PUD controls.

240 Commissioners Best and Martinson concurred.

241 Commissioner Martinson opined that it made logical sense to change the zoning, with
242 Midland Grove immediately adjacent; however, she expressed wariness as to whether
243 the PUD was a sound way to limit density.

244 **Ayes: 4 (Boerigter; Best; Martinson; Bakeman)**
245 **Nays: 3 (Doherty; Wozniak; Gottfried)**
246 **Motion carried.**

247 **MOTION (9.2)**
248 **Member Bakeman moved, seconded by Member Best to RECOMEMND APRPOVAL**
249 **of the REZONING of 2025 County Road B from Single Family Residential (R-1) to**
250 **Planned Unit Development (PUD), with an underlying zoning of General Residence**
251 **District (R-3).**

252 **Ayes: 7**
253 **Nays: 0**
254 **Motion carried.**

255 **MOTION (9.3)**
256 **Member Bakeman moved, seconded by Member Gottfried to RECOMMEND**
257 **APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT, as**
258 **prepared for the March 4, 2009 Planning Commission meeting; subject to the**
259 **conditions of Section 9 of the staff report dated March 4, 2009; with final approval**
260 **by the City Council considered after all conditions and required documents and**
261 **permits have been submitted for final approval; with those final approvals**
262 **considered as a separate application process.**

263 Commissioner Boerigter questioned the actual concern in making this rezoning change;
264 noting that it shouldn't be traffic; the building footprint had been reduced; and noted that
265 the current proposal was close to setback requirements and had limited deviations from
266 square footage requirements. Commissioner Boerigter noted that the building mass could

267 remain even if the developer chose to reduce number units and make them bigger within
268 the same footprint.

269 Chair Bakeman expressed concern with the size of the building; and suggested that with
270 a separate limitation on the building size or mass, it may help neighbors' concerns and
271 keep the building to a reasonable size.

272 Commissioner Gottfried opined that he was not as concerned about traffic capacity as
273 with the scale of the building: its size, mass and height creating the overall scale.
274 Commissioner Gottfried opined that the proposed building seemed overkill in providing
275 continuity of the neighborhood.

276 Mr. Paschke addressed density versus mass issues; perceptions of a truss roof system
277 rather than a flat roof system; location of two (2) major thoroughfares on either side of the
278 property; previous consideration of a townhome project in 1995, and consideration of
279 Medium Density of the parcel at that time; and transitions into other single-family uses.
280 Mr. Paschke indicated that, if building scale was still an issue, there were exterior façade
281 designs that could visually reduce the perceived building scale and other available
282 mitigation measures.

283 Chair Bakeman and Commissioner Wozniak opined that, if the building didn't have the
284 north-south piece or wall, it may fit better, rather than the footprint filling the entire parcel,
285 and providing for more green space.

286 Commissioner Best opined that the private market and economy would dictate the
287 density to some measure; and noted the ongoing work of staff and the applicant on
288 reducing the footprint and increasing the green space.

289 Commissioner Doherty suggested conditions that would provide an average, not-to-
290 exceed square footage per unit; that would ultimately reduce the number of units and the
291 building footprint.

292 Commissioner Boerigter suggested that, rather than Commissioners attempting to
293 redesign the project, that the vote be called, leaving the decision up to Mr. Mueller and
294 his architects.

295 Commissioner Gottfried concurred; opining that this seemed to be good logic, and that
296 none of the Commissioners were engineers, nor did they have a vested interest in this
297 property.

298 **Ayes: 1 (Boerigter)**
299 **Nays: 6 (Best; Wozniak; Martinson; Gottfried; Doherty; Bakeman)**
300 **Motion failed.**

301 Chair Bakeman noted that the case was tentatively scheduled to be heard by the City
302 Council at their March 23, 2009 meeting.