

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 7/9/2012
ITEM NO: 9.a

Department Approval



City Manager Approval

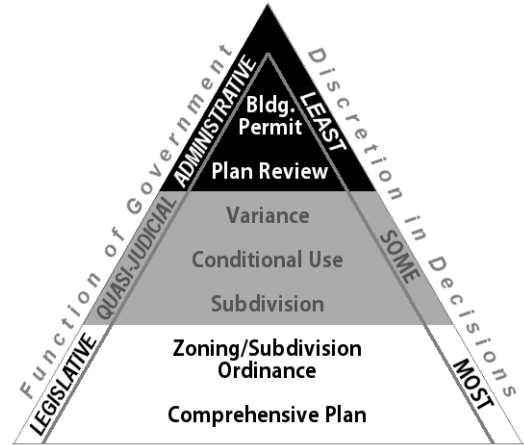


Item Description: Request by Lincoln Drive Properties, LLC, for approval of a **zoning text amendment** which would allow academic instruction as a use in commercial zoning districts (PF12-008).

Application Review Details

- RCA prepared: July 3, 2012
- Public hearing: June 6, 2012
- City Council action: July 9, 2012
- Statutory action deadline: July 14, 2012

Action taken on a zoning change request is **legislative in nature**; the City has broad discretion in making land use decisions based on protecting or advancing the health, safety, and general welfare of the community.



1 **1.0**

REQUESTED ACTION

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Lincoln Drive Properties, LLC, a property management subsidiary of Northwestern College, is requesting a ZONING TEXT CHANGE to allow academic classes to be taught in office settings in addition to more traditional campus settings.

5 **2.0**

SUMMARY OF RECOMMENDATION

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Planning Division staff concurs with the recommendation (5-1) of the Planning Commission to approve the proposed ZONING TEXT CHANGE; see Section 7 of this report for the detailed recommendation.

9 **3.0**

SUMMARY OF SUGGESTED ACTION

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3.1

Based on the comments in this report and the input received during the public hearing, adopt an ordinance approving the proposed ZONING TEXT CHANGE; see Section 8 of this report for the detailed action.

3.2

Approve an ordinance summary for publication.

14 **4.0 BACKGROUND**

15 4.1 The requested zoning amendment stems from the desire to teach classes in support of a
16 Bachelor of Science degree program in nursing in Northwestern College’s office building
17 located at 2803 Lincoln Drive. This property is located in City Planning District 10, has a
18 Comprehensive Plan designation of Community Business (CB) and has a corresponding
19 zoning classification of Community Business (CB) District. This specific location
20 becomes less important, however, if a ZONING TEXT CHANGE is approved because the
21 change would apply to every property within the zoning district(s) in which the change is
22 made.

23 4.2 Presently, a college/post-secondary school is a permitted use within the Community
24 Mixed Use (CMU) and Regional Business (RB) Districts, but is prohibited in the
25 Neighborhood Business (NB) and CB Districts. Colleges or other post-secondary schools
26 are conditional uses in the Institutional (INST) District, and business schools are
27 conditional uses in the Office/Business Park (O/BP) District.

28 **5.0 ZONING TEXT CHANGE ANALYSIS**

29 5.1 The zoning code’s definition of a college/post-secondary school is as follows:

30 “An institution for post-secondary education, public or private, offering courses in
31 general, technical, or religious education, which operates in buildings owned or leased by
32 the institution for administrative and faculty offices, classrooms, laboratories, chapels,
33 auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities,
34 dormitories, fraternities, and sororities.”

35 Certainly, this definition can describe a traditional campus setting, and the requirements
36 of the INST, RB, and CMU Districts are intended to ensure that accesses to campuses are
37 limited to higher-intensity roadways to minimize the traffic impacts through residential
38 neighborhoods and to provide buffering and screening between campuses and their
39 surrounding neighbors. The distinction between campuses being conditional uses in the
40 INST District and permitted uses in the more intensive commercial districts seems to be a
41 recognition that a campus is likely to have less of an impact on commercial neighbors
42 than residential neighbors, and the conditional use process allows for greater public input
43 to identify and mitigate potential negative impacts in the more sensitive locations.

44 5.2 Planning Division staff believes that the above definition is also meant to describe the
45 kind of nontraditional classrooms that are commonly found in office buildings. Examples
46 could be larger facilities like University of Phoenix (in St. Louis Park), Rasmussen
47 Business College, or National American University (in Roseville at 1500 Highway 36),
48 and smaller ones like Minneapolis Business College (in the Rosewood Office Plaza at
49 1711 County Road B) or “satellite” classrooms for Saint Mary’s University of Minnesota
50 (in Woodbury) and University of Wisconsin-River Falls’ Hudson Center. These facilities
51 don’t have many of the features of conventional campuses and they function more like
52 offices, but they are nonetheless dedicated to academic instruction as opposed to
53 commercial office activities. Allowing such office-based academic instruction seems to
54 be reasonable, and Planning Division staff believes that “colleges/post-secondary
55 schools” were unintentionally excluded from the CB and NB Districts because of the
56 code’s broad definition describing campus and non-campus environments, not because
57 teaching and learning is out of place in an office setting. A similar case can be made for
58 the conditionally-permitted “school of business or trades” in the O/BP District; in this

59 instance, the zoning code neither defines the use nor offers any regulations that help to
60 explain why office-based classes are treated differently than other office uses in a zoning
61 district designed for exactly that.

62 5.3 To address these kinds of changes in the zoning code, Planning Division staff is
63 proposing to make the following general amendments:

64 **a.** Add a second definition for colleges/post-secondary schools to clarify the distinction
65 between campuses and office settings;

66 **b.** Add the office-based educational facility as a permitted use in the CB District, and as
67 permitted uses with heightened screening requirements in the NB District; and

68 **c.** Replace the “school of business or trades” use in the O/BP District with the office-
69 based academic use and allow it as a permitted use rather than as a conditional use.

70 The full, proposed amendment in draft ordinance form is included with this report as
71 Attachment B, and is shown in **bold** and ~~striketrough~~ text. Please note that Attachment
72 B omits large portions of the zoning code and only includes those portions which are
73 subject to the proposed amendment, along with selected content to provide additional
74 context surrounding the proposed changes; nothing is proposed to be added or deleted
75 from the zoning code which is not explicitly shown.

76 **6.0 PUBLIC COMMENT**

77 6.1 As of the time this report was prepared, Planning Division staff has received one phone
78 call about the proposed ZONING TEXT AMENDMENT, and the same subjects of the phone
79 call were discussed in detail at the duly-noticed public hearing held by the Planning
80 Commission on June 6, 2012; draft minutes of the public hearing are included with this
81 staff report as Attachment A.

82 6.2 Several questions pertaining to the 2030 Comprehensive Plan were raised at the public
83 hearing, but not all of them were answered at the time. One outstanding question was
84 whether 2803 Lincoln Drive, a property with a CB land use designation, conforms to the
85 Comprehensive Plan’s description of CB properties being located on streets classified in
86 the Transportation Plan as “A Minor Augmenter” or “A Minor Reliever;” neither Lincoln
87 Drive nor Terrace Drive is classified as such in the Transportation chapter of the
88 Comprehensive Plan. In fact, many streets circulating through CB-designated areas are
89 not minor-arterial-class streets—many of the streets in these commercial areas are local
90 streets. This is not a violation of the Comprehensive Plan. Instead, it a reflection of the
91 fact that the minor arterial classification designates metropolitan-level roadways that
92 augment the network of principal arterials and relieve overflow traffic rather than
93 denoting streets with the minimum qualifications for handling commercial traffic.
94 Planning Division staff believes that the Comprehensive Plan promotes locating CB-
95 designated properties on the A Minor Augmenter and Reliever streets in order to
96 minimize commercial traffic on local *residential* streets rather than minimizing traffic on
97 local *commercial* streets like Lincoln and Terrace Drives in that location.

98 6.3 The question also seems to linger as to whether teaching, be it in a conventional school
99 setting or in an office setting, is an “institutional” activity to be limited to areas guided by
100 the Comprehensive Plan for Institutional land uses. Music and dance studios, martial arts
101 dojos, tutoring centers, and the like are places where teaching and learning take place,
102 and which are often located in commercial-type properties. Although Elementary

1 **PLANNING FILE 12-008**

2 **Request by Lincoln Drive Properties, LLC, for approval of a zoning text amendment which would**
 3 **allow academic instruction as a use in commercial zoning districts**

4 Vice Chair Gisselquist opened the Public Hearing for File 12-008 at approximately 6:37 p.m.

5 Associate Planner Bryan Lloyd briefly summarized the request for a ZONING TEXT CHANGE to allow
 6 academic classes to be taught in office settings in addition to more traditional campus settings; as
 7 detailed in the Request for Planning Commission Action dated June 2, 2012.

8 Staff recommended approval of the proposed ZONING TEXT CHANGE to Chapters 1001 (Introduction),
 9 Chapter 1005 (Commercial and Mixed Use Districts), Chapter 1006 (Employment Districts), 1007
 10 (Institutional District), Chapter 1009 (Procedures), and Chapter 1011 (Property Performance Standards)
 11 as detailed in Section 7 of the staff report (Attachment A) to facilitate such office-based classes as a use
 12 versus other educational facilities.

13 At the request of Member Boguszewski, Mr. Lloyd reviewed distinctions between uses allowed and those
 14 prohibited under current text, explaining that a college's administrative office functions (e.g., bursar)
 15 would be allowed because of its essential office nature even though the office may be owned by or
 16 operated for an institutional, college entity.

17 **Applicant**

18 **Brian Humphries, Northwestern College, Associate Vice President of Campus Operations**

19 Mr. Humphries reviewed the background of why this building (i.e., 2803 Lincoln Drive), already owned by
 20 Northwestern College, had been chosen to house their nursing program. Mr. Humphries noted that the
 21 State called for a certain square footage for such a nursing program; and this amount, 7,300 square feet,
 22 was available in the 2803 building currently owned by the College, and not currently used at full capacity.

23 Mr. Humphries advised that the first floor of the office building was currently leased out to Edina Realty,
 24 with the other floors occupied by the College, mostly for office space. Mr. Humphries opined that this was
 25 the logical location for the nursing program; and that no other academic buildings or space on the campus
 26 proper was currently available for a program of that size.

27 **Bruce Simat, Northwestern College, Biology Department Chair**

28 Having helped to start the biology program, and in his eighteen (18) years tenure at Northwestern
 29 College, Mr. Simat opined that a nursing program was the next logical step for the College to initiate. Mr.
 30 Simat advised that such a program and been discussed for the last decade, and more seriously
 31 considered over the last five (5) years.

32 Mr. Simat advised that projections indicated that the program would not be immediately filled to its State-
 33 monitored capacity, but could be filled in the future. Mr. Simat noted that it was not the College's intent to
 34 expand the program in an effort to keep the program manageable and of high-quality. Mr. Simat noted
 35 that students currently receiving medical education of one nature or another at Northwestern College
 36 were known in the industry to be of high quality, with a 90% placement rate for Northwestern College
 37 students in medical professions, based on that high quality.

38 From his professional perspective regarding the proposed space itself, Mr. Simat opined that it has the
 39 right professional appearance for now; and if and when possible, the program could come back onto the
 40 campus proper; however, he advised that this was not anticipated to occur in the near future.

41 At the request of Member Strohmeier, Mr. Humphries advised that the current enrollment at Northwestern
 42 College was 1,700 traditional students.

43 At the request of Member Strohmeier regarding projections for how many additional students would be
 44 enrolled as a result of adding this nursing program, Mr. Humphries advised that about two (2) classes of
 45 twelve (12) students each was anticipated initially; with the maximum as the program grew to be no more
 46 than thirty-six (36) for each class, or a maximum total of seventy-two (72) nursing students.

47 At the request of Member Strohmeier regarding the number of additional administrative staff, Mr.
 48 Humphries advised that five (5) additional professors were anticipated, but not much support staff, as
 49 most of the nursing space would be utilized for simulation labs.

50 At the request of Vice Chair Gisselquist, Mr. Lloyd reviewed parking related to an amended use at this
 51 site. Mr. Lloyd advised that staff's review of the request did not present any parking concerns with the
 52 proposed use of the existing facility for simulation/lab space, and no greater traffic or parking generation
 53 than a typical office use. Regarding Vice Chair Gisselquist's comment regarding any potential future use

54 this amendment could allow for a larger campus in this zoning district beyond the Northwestern College
55 use, Mr. Lloyd noted that this office building had more parking per square foot than required for office
56 uses, and more parking per square foot than the Minneapolis Business College (i.e., in the Rosewood
57 Office Building which has not posed any parking issues or concerns. Conceptually, Mr. Lloyd advised that
58 it was anticipated that parking needs with this use would be similar to that of other office space uses.

59 Mr. Humphries advised that no more than twenty-five (25) vehicles would be anticipated daily for students
60 and staff; and further advised that a majority of the students would arrive to the site by campus shuttle.

61 Vice Chair Gisselquist noted that the rationale for his concern regarding parking was based on his
62 observations with the University of St. Thomas that overwhelmed the adjacent residential neighborhood
63 on evenings and/or weekends. However, Vice Chair Gisselquist advised that this use, as well as most
64 other such uses in Roseville didn't compare to that intensity.

65 City Planner Thomas Paschke concurred, noting that St. Thomas is a campus, and essentially different
66 than this office-based use.

67 Member Strohmeier asked the applicant, as a private college, to highlight some of the benefits or
68 activities on a broader basis that Northwestern College provided to the community beyond a high-quality
69 educational experience.

70 Mr. Simat noted, from a personal perspective, the number of biology majors currently employed by ACR
71 Homes and student interning and experiences serving as PCA's as part of their education. Mr. Simat also
72 reviewed other facilities where his students were working in the community, as well as at Presbyterian
73 Homes' Eagle Crest and the MN Zoo. Within his realm as a pre-med advisory, Mr. Simat advised that all
74 of his 75-100 students were doing something within the community; and also noted that this was required
75 on their individual resumes as well as to confirm that this was their career choice. Mr. Simat noted that
76 ACR loved the students from Northwestern College for their quality, as previously addressed.

77 **Public Comments**

78 **Gary Grefenberg, 91 Mid Oaks Lane**

79 Mr. Grefenberg advised that he was speaking for himself and not as a representative of SWARN; and
80 expressed his concerns about the continual expansion of Northwestern College off their campus and their
81 ever-increasing number of students. As an example, Mr. Grefenberg noted the student dormitories on the
82 east side of Snelling Avenue in an area zoned residential; the KTIS radio station replacing a property-tax
83 paying automobile agency; and now this additional expansion.

84 From another perspective, Mr. Grefenberg noted Northwestern College's position of open opposition to
85 the gay and lesbian community.

86 Mr. Grefenberg expressed concern about the continual increase in traffic and demand for public services
87 of Northwestern College; and expansion into areas that the City's Comprehensive Plan didn't envision;
88 opining that this issue is more significant than a Zoning Text Amendment. Mr. Grefenberg expressed
89 further concern in his perception that the Planning Commission considered the Comprehensive Plan was
90 an element without legal authority. However, Mr. Grefenberg noted that the City Council had recently had
91 a second opinion on that as it related specifically to the Wal-Mart proposal before that body.

92 Mr. Grefenberg advised that he had an opportunity to discuss his concerns with Mr. Lloyd prior to
93 tonight's meeting, and his concerns about parking had been reassured by Mr. Lloyd. However, Mr.
94 Grefenberg noted that he had remaining concerns with Roseville citizens being continually asked to pay
95 for these services provided for a tax exempt institution. While recognizing the intent of that exemption,
96 and not under scrutiny for tonight's request, Mr. Grefenberg referenced language of Attachment A to the
97 staff report (page 3, Item 3.b) that appears to eliminate the need or prevent the City from asking for a City
98 Council-approved campus Master Plan for expansion of Northwestern College. Mr. Grefenberg noted the
99 expansion having taken place over the last decade as the College campus continues to expand within the
100 community, with a corresponding and increased demand for services.

101 Mr. Grefenberg questioned what steps had been taken for payments in lieu of taxes (PILOT). Mr.
102 Grefenberg expressed further concern with making this a permitted use rather than a Conditional Use;
103 opining that the City may find itself with another expansion of a tax-exempt entity using this Text
104 Amendment. From his motivation, Mr. Grefenberg expressed his realization that this seemed to create a
105 backdoor to change the Comprehensive Plan yet again.

106 Mr. Paschke asked Mr. Grefenberg which portion of the Comprehensive Plan he was referring to.

107 Mr. Grefenberg advised that he was referencing District 10 of the Comprehensive Plan and the definition
108 of Community Business.

109 Mr. Paschke asked whether the definition specifically stated “no educational use.” Mr. Grefenberg opined
110 that there were two (2) areas where the Comprehensive Plan contradicted expansion on this specific site;
111 and expressed further concern about the specific requirement and whether the City’s requirements were
112 being relaxed for the Northwestern College Master Plan under page 2 of Attachment A.

113 Vice Chair Gisselquist asked Mr. Grefenberg to enlighten the Commission on how this proposal would
114 directly violate or violate the spirit of District 10 of the Comprehensive Plan.

115 Mr. Grefenberg stated that he could not do so; and asked that staff enlighten the Commission and him
116 first, since that was what they were paid for. Mr. Grefenberg read a portion of the Comprehensive Plan
117 language, with an Institutional District use approximately ½ mile to the north with boundaries; and under
118 land use, there was no language addressing educational use under Section 10.

119 Vice Chair Gisselquist asked staff to respond to Mr. Grefenberg as to whether there was any obvious
120 violation addressed with the Comprehensive Plan.

121 Mr. Paschke responded that, as a short answer, his response would be “no.” For a broader response to
122 the question, Mr. Paschke noted that the Comprehensive Plan did not list out a litany of uses, since the
123 City’s Zoning Ordinance provided regulation that incorporated the general or broad definitions and goals
124 and policies stated within the Comprehensive Plan. To the extent that those definitions for any one of the
125 Zoning Districts indicated, Mr. Paschke noted that you may or may not find similar uses listed in Zoning
126 District designations. From staff’s perspective, Mr. Paschke advised that staff’s analysis that may be
127 summarized or not even detailed in the staff report, included a thorough review consistent with the written
128 report, indicating that an office use for this nursing program or some other form of office-based
129 educational use was permitted in an office space. Mr. Paschke opined that such a use seemed to be
130 similar to those uses currently supported under that District and under different Comprehensive Plan
131 designations.

132 Mr. Lloyd concurred; and noted, consistent with his previous conversations with Mr. Grefenberg, that the
133 description of use designation within the Comprehensive Plan didn’t indicate that Institutional uses should
134 be allowed. Mr. Lloyd clarified that Zoning Code definitions leaned toward post-secondary educational
135 campus institutions; however, office space like this proposed use was more distinct from that campus
136 institution. Setting aside the not-for-profit nature of this particular educational entity that Mr. Lloyd opined
137 was beside the point, since he thinks that the Minneapolis Business College and/or National American
138 University may both be for-profit institutions, but still considered to be teaching, rather than a more
139 institutional feeling similar to that of a college campus. Since this is not a campus, and doesn’t appear to
140 be an institutional use infiltrating a business district, which he took to be of concern to some
141 Commissioners and Mr. Grefenberg, Mr. Lloyd opined that the office environment and activity proposed
142 were distinct from an institutional or campus use.

143 Mr. Grefenberg referenced pages 4-8 of the Comprehensive Plan and definition of “Community
144 Business;” and examples provided of what was included. Mr. Grefenberg noted that this section also
145 stated, it would encourage access and traffic management, when those areas were located on A-minor
146 augmenters or relievers as defined in the Transportation Plan. Mr. Grefenberg questioned if this use met
147 that requirement.

148 Mr. Paschke responded that he was unable to answer that particular question of Mr. Grefenberg.

149 Mr. Grefenberg expressed appreciation that shuttle service would be provided, since the Comprehensive
150 Plan indicated a strong orientation to pedestrian and bicycle access. While reassured by staff related to
151 his concerns with parking, Mr. Grefenberg noted that he remained concerned that this proposed use and
152 Text Amendment was a significant departure from the Comprehensive Plan; and without a satisfactory
153 answer to his questions, why waste time doing a Comprehensive Plan at all.

154 Mr. Grefenberg opined that this issue had come up before; and further opined that the City apparently
155 wasn’t learning from past mistakes. While recognizing that the Commission may not be prepared to
156 respond to his questions as a citizen or those of the volunteer Commission, at tonight’s meeting, he
157 stated that he would like some answers. Mr. Grefenberg advised that his remaining questions were: 1)
158 clarifying the clear distinction between a campus setting and non-educational land use; 2) whether there
159 was some way that the Planning Division and Planning Commission could collaboratively work with

160 Northwestern College to determine the extent of their future expansion needs to address their
 161 increased need for services and demand on the City's infrastructure.

162 Mr. Paschke advised that Northwestern College had a Master Plan that outlined those details, and if not
 163 available online, suggested that Mr. Grefenberg request a copy from the College.

164 Mr. Grefenberg advised that he had looked for such a Master Plan on the College website; however, he
 165 was unable to find anything outside the campus, with the Master Plan apparently focused on the
 166 College's purpose, goals and mission, but not addressing the physical plant itself.

167 Member Boguszewski asked the applicant to verify that they had no intent to make any physical
 168 modification to the building or site, or access points; and that this request simply allowed for changes in
 169 the function of some of the rooms within the existing building.

170 Mr. Lloyd verified that intent, with concurrence by the applicant.

171 At the request of Member Boguszewski, Mr. Humphries addressed current uses or tenants in the building,
 172 stating that the first floor was currently leased to Edina Realty; with the other two (2) floors used by
 173 Northwestern College employees as offices and conference rooms.

174 Member Boguszewski, based on the applicant representative's response, noted that this use would not
 175 be much different from its current use, with all activities occurring in a building that already existed and
 176 rooms within it for a new, but different function. Member Boguszewski observed that this should then in
 177 no way materially or negatively affect traffic.

178 At the request of Member Boguszewski, Mr. Humphries advised that, while he was unsure of the number
 179 of employees currently occupying the Edina Realty space on a daily basis, there were twenty-five (25)
 180 Northwestern College employees on the site.

181 **Dr. Ginger Wolgemuth, Northwestern College, Nursing Department Chair**

182 Ms. Wolgemuth advised that there would be no increase from current to future employees or students on
 183 that site, as most of the students throughout the day would be based at agencies and/or clinics around
 184 the metropolitan area. Ms. Wolgemuth further noted that the number of students per square foot was
 185 stringently calculated and enforced by the State for average space per student.

186 Member Boguszewski verified with the applicant that the number of people on site in the future may
 187 actually be less than currently found, since the students would be involved in simulation labs using hands-
 188 on equipment; and that the site would not be used as a campus dormitory, lecture hall or classroom use,
 189 but more one-on-one personal labs.

190 Ms. Wolgemuth concurred with Member Boguszewski's assessment; further noting that the State Board
 191 of Nursing requirements were for a 1/8 ratio for clinical and labs, meaning one (1) professor per eight (8)
 192 students.

193 Member Olsen asked if there were any tax implications to the City with Edina Realty leaving the space
 194 versus this proposed school use. Member Olsen questioned if the school, as a non-profit entity, was
 195 paying taxes on this building.

196 Mr. Paschke advised that the building, currently owned by Northwestern College, or any owners of any
 197 other office buildings for that matter, could have multiple tenants coming and going freely without having
 198 to pay property tax. Mr. Paschke clarified that property taxes were borne by the property owner, and a
 199 tenant's lease was negotiated to cover those costs. From his personal perspective, Mr. Paschke was
 200 unable to confirm or deny that this particular site was a property tax payer.

201 Member Olsen opined that this was an important question relative to the use of space; whether this would
 202 detrimentally impact the City's tax base.

203 Member Boguszewski clarified that the ownership of the building was not changing, and if Edina Realty
 204 left as a tenant, whether or not their lease covered the cost of any taxes, nothing else was changing with
 205 the proposed use. Member Boguszewski noted that, if a non-profit entity used space for its own purposes,
 206 and paid nothing for a tax obligation, this proposed use didn't change their tax status; and opined that
 207 either way, it didn't matter respective to this discussion.

208 Vice Chair Gisselquist concurred with Member Boguszewski's comments.

209 Mr. Paschke reminded Commissioners that property taxes were not a zoning issue and they were not a
 210 function of the Planning Commission or of the City's Zoning Code. Mr. Paschke stated that such a

211 broader discussion could be held at the City Council level for them to set a policy in their Zoning
 212 Ordinance. Mr. Paschke noted that non-profits come and go; the building could exchange hands; it could
 213 be on or off the tax rolls; but any or all of those situations were not related to zoning. Mr. Paschke
 214 recognized the overall implications of tax burdens; however, reiterated that the broader issue would not
 215 be solidified through zoning, or who owned the building or who paid or didn't pay taxes. With all due
 216 respect, Mr. Paschke reiterated that this was not a concern of the Planning Commission related to this
 217 specific request.

218 Member Strohmeier, respectful of Mr. Paschke note of caution; opined that the Commission was being
 219 asked to turn around zoning for this applicant, a non-profit, to buy an office building and remove it from
 220 the tax rolls. By adding this use, Member Strohmeier concurred that there would be no change to that
 221 status; however, the Commission would be opening up the City for a similar use in the community allowed
 222 more specifically in the Zoning Ordinance.

223 Vice Chair Gisselquist and Mr. Paschke in turn reminded Commissioners that Northwestern College
 224 already owned this building, and was not purchasing it.

225 Member Boguszewski, respecting Mr. Grefenberg's concerns, opined that they didn't apply; since those
 226 concerns were related to something changing the function of those occupying the space, while this
 227 request didn't change anything about the character or nature of an activity already occurring.

228 Member Boguszewski opined that the request was for a similar use to that already occurring on site, with
 229 no one raising any concern or contention that the current use was in violation of the Comprehensive Plan
 230 or nature of what use could happen there; and further opined that therefore, this proposed use should not
 231 raise any concerns either. Member Boguszewski opined that this use was not in violation of or not in the
 232 spirit of the Comprehensive Plan. While it may not address Mr. Grefenberg's concerns about the
 233 Comprehensive Plan or if the City Council or other bodies were ignoring parts of that Plan in their
 234 deliberations, Member Boguszewski offered his support of the proposed use and Text Amendment.

235 Member Olsen opined that this was a change from office space to teaching, essentially expanding the
 236 campus, and whether good, bad or indifferent, it still represented a change and raised questions, as
 237 expressed by Mr. Grefenberg, in expansion of the Northwestern College campus. From that perspective,
 238 and true intended use as a teaching space, not another office space, Member Olsen opined that the use
 239 was new and different.

240 At the request of Member Cunningham, Mr. Humphries advised that the College could not afford to build
 241 additional facilities on their campus proper. While this may be a consideration at some future point, and
 242 allowed under the College's footprint for their Planned Unit Development (PUD), Mr. Humphries
 243 confirmed that the College didn't have the available resources to proceed with a new facility on campus at
 244 this time, thus their request for this option.

245 Member Cunningham noted that here areas of most concern were in the campus appearing to spill out
 246 into the community, affecting residents and businesses in those areas. However, Member Cunningham
 247 advised that she would probably support this request; but hoped that the City Council considered those
 248 implications as well during their deliberations.

249 Vice Chair Gisselquist closed the Public Hearing for File 12-008 at approximately 7:19 p.m.

250 MOTION

251 **Member Boguszewski moved, seconded by Member Lester to recommend to the City Council**
 252 **APPROVAL OF THE ZONING TEXT AMENDMENT for Lincoln Drive Properties, LLC, a property**
 253 **management subsidiary of Northwestern College, to allow academic classes to be taught in office**
 254 **settings in addition to more traditional campus settings; based on the comments and findings of**
 255 **Sections 4-6 and the recommendations of Section 7 of the staff report dated June 6, 2012.**

256 Member Strohmeier opined that this request put people on edge as it was essentially Northwestern
 257 College expanding again; and noted the rocky past and controversial issues in the past as well. While not
 258 sure of his feelings, Member Strohmeier opined that some of the questions raised needed to be
 259 addressed at the City Council level and urged them to flag those issues (e.g. property tax roll status and
 260 impacts). Despite the opinions expressed by Member Boguszewski, Member Strohmeier opined that this
 261 was a change, and with the location of the building adjacent to Eagle Crest with many seniors walking on
 262 Lincoln Drive to parks and shopping, it created concerns. Member Strohmeier advised that he had heard
 263 residents from that facility, as well as in the area, express their grave concerns with the continued
 264 expansion of Northwestern College and the multiple and negative impacts of the expansion. Member

265 Strohmeier opined that the traffic issue should be looked at more closely by staff prior to their
 266 presentation to the City Council, specific to County Road C-2 and Lincoln Drive, as well as in the general
 267 area, given the uniqueness of that road.

268 Member Strohmeier stated that he would support this request, given his recognition of the critical need for
 269 nurses; however, he admonished that the College needed to be a good partner with the City of Roseville;
 270 and should not expand without community input.

271 Mr. Paschke asked Member Strohmeier if the use, a nursing school, wasn't associated or affiliated with
 272 Northwestern College, would he still have the same issues or concerns.

273 Member Strohmeier responded "yes," with his concerns mostly related to traffic.

274 Mr. Paschke asked that the Commission as a whole consider this use specific to a building they already
 275 own, and not associated with campus expansion. Mr. Paschke clarified that, in theory, the College had
 276 already expanded off-site as owner of the building in question, and the request was whether the building
 277 could be used as a nursing school. Mr. Paschke suggested that the Commission keep some separation
 278 between the College and the use itself when considering this and other requests from a broader sense.
 279 While recognizing the concerns about the campus expanding, Mr. Paschke questioned if this request
 280 rises to that level of consideration for additional off-site expansion.

281 Member Lester noted that when this particular building was constructed, roads, access, parking, and
 282 square footage were all in reality addressed at that time for the structure. Member Lester opined that the
 283 only consideration by the Commission was related to the internal use of an existing building.

284 Mr. Paschke concurred with Member Lester's observation.

285 To further address Member Strohmeier's concerns with traffic, Mr. Paschke agreed that higher education
 286 facilities create concern for increasing traffic; however, he opined that this type of use occupying an
 287 existing building did not. Mr. Paschke noted that, as part of staff's analysis of the request, consideration
 288 was given to whether the proposed use was an appropriate fit in a given area or building; whether there
 289 would be any dramatic increase in traffic or whether the existing roads could support it. As part of staff's
 290 overall review, as always but not necessarily detailed in the staff report, Mr. Paschke noted that staff's
 291 experience indicated office buildings generate more traffic and staff had all agreed that the proposed
 292 classroom use would generate similar numbers. Even if the building was to be completely used for higher
 293 education, Mr. Paschke advised that he was not sure if there would be any detrimental impact on traffic.
 294 Mr. Paschke assured Commissioners that staff internally reviewed each application based on a broad
 295 array of topics as outlined in City Code; and attempted to apply that Code consistently for any and all
 296 applications under review.

297 Member Strohmeier clarified with the applicant that shuttle service would be provided, and thanked the
 298 applicant for that service; opining that that was actually part of his rationale in supporting the request.
 299 However, Member Strohmeier continued to be concerned with traffic, especially for seniors walking in that
 300 area, and reiterated his request that those concerns be flagged or City Council consideration.

301 Vice Chair Gisselquist stated that he would support the request; and opined that, from his perspective; he
 302 had appreciated the discussion, finding the proposed use good and instructive in finding out the intent of
 303 Northwestern College for this site. From his personal perspective, Vice Chair Gisselquist opined that
 304 Northwestern College had proven to be a good partner with the City; and further opined that this use was
 305 appropriate; and welcomed those involved in that use and overall benefits to Roseville and the broader
 306 community to allow this type of nursing instruction. Vice Chair Gisselquist opined that his only concern
 307 was who else may take advantage of the proposed Zoning Text Amendment and Zoning Code that could
 308 prove not to be a positive result. Vice Chair Gisselquist questioned the comment regarding the rocky past
 309 or confrontational issues; and opined that this request was reasonable in consideration of the other
 310 existing educational uses in Roseville as a model. Vice

311 Chair Gisselquist suggested that, whether there was a fear for further Northwestern College campus
 312 expansion, others at the City Council level could address those concerns; but he would support this
 313 Zoning Code change.

314 **Ayes: 5**
 315 **Nays: 1 (Olsen)**
 316 **Motion carried.**

317 Staff advised that anticipated City Council action was scheduled for June 18, 2012.

City of Roseville

ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT OF SECTIONS 1001 (INTRODUCTION), 1005 (COMMERCIAL AND MIXED-USE DISTRICTS), 1006 (EMPLOYMENT DISTRICTS), 1007 (INSTITUTIONAL DISTRICT), 1009 (PROCEDURES), AND 1011 (PROPERTY PERFORMANCE STANDARDS) OF TITLE 10 "ZONING CODE" OF THE ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to better differentiate campus- and office-based academic activities and to allow and regulate office-based academic land uses more broadly in commercial properties.

SECTION 2. Section 1001 is hereby amended as follows:**1001.10: Definitions**

COLLEGE OR POST-POST-SECONDARY SCHOOL, CAMPUS: An institution for post-secondary education, public or private, offering courses in general, technical, or religious education, which ~~operates in buildings owned or leased by the institution for~~ **incorporates** administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, **and/or other related facilities in a campus environment.**

COLLEGE OR POST-SECONDARY SCHOOL, OFFICE-BASED: An institution for post-secondary education, public or private, offering courses in general, technical, or religious education, which **operates in commercial-type buildings, wholly or partially owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, and/or other related facilities.**

SECTION 3. Section 1005 is hereby amended as follows:

Table 1005-1	NB	CB	RB	CMU	Standards
Office Uses					
Office	P	P	P	P	
Clinic, medical, dental or optical	P	P	P	P	
Commercial Uses					
Retail, general and personal service*	P	P	P	P	
Civic and Institutional Uses					
College, or post-secondary school, campus	NP	NP	P	P	Y
College or post-secondary school, office-based	P	P	P	P	Y
Community center, library, municipal building	NP	NP	P	P	
Place of assembly	P	P	P	P	Y
School, elementary or secondary	NP	NP	P	P	Y
Theater, performing arts center	NP	NP	P	P	Y

24 **SECTION 4. Section 1006 is hereby amended as follows:**

Table 1006-1	O/BP	I	Standards
Office and Health Care Uses			
Office	P	P	
Clinic, medical, dental, or optical	P	NP	
Hospital	C	NP	
Office showroom	P	P	
School of business or trades College or post-secondary school, office-based	CP	P	

25 **SECTION 5. Section 1007 is hereby amended as follows:**

Table 1007-2	INST	Standards
Civic/Institutional		
College, or post-secondary school, campus	C	Y
Community center	P	
Emergency services (police, fire, ambulance)	P	
Government office	P	
Library	P	
Museum, cultural center	P	
Multi-purpose recreation facility, public	P	
Place of assembly	P	Y
School, elementary or secondary	P	

26 **SECTION 6. Section 1009 is hereby amended as follows:**27 **1009.02: Conditional Uses**

28 **D. Specific Standards and Criteria:** When approving the conditional uses identified below, all of the
29 additional, specific standards and criteria shall apply.

30 | 6. ~~College,~~ **or Post-secondary School, Campus:**

31 a. A facility established after the effective date of this ordinance shall have vehicular access to a
32 collector or higher classification street.

33 | b. A campus master plan ~~may~~ **shall** be required. ~~Such plan shall~~ **to** address the management of
34 pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and
35 screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.

36 **SECTION 7. Section 1011 is hereby amended as follows:**37 **1011.12: Additional Standards for Specific Uses in All Districts**38 **C. Civic and Institutional Uses:**

39 1. Church, Religious Institution: A facility established after the effective date of this ordinance within a
40 predominantly residential or mixed-use area shall have vehicular access to a collector or higher
41 classification street.

42 2. School, Elementary or Secondary: A facility established after the effective date of this ordinance
43 within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher
44 classification street.

45 | 3. ~~College,~~ **or Post-secondary School:**

46 | **a. An office-based** facility established after the effective date of this ordinance **within a**
47 | **Neighborhood Business district** shall have vehicular access to a collector or higher classification street,
48 | **and shall have buffer area screening consistent with Section 1011.03B of this Title.**

49 | **b.** A campus master plan, approved by the City Council, may be required **for campus facilities** ~~for~~
50 | ~~expansion of existing facilities. The plan shall to~~ address the management of pedestrian, bicycle and
51 | vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses
52 | to mitigate any impacts of ~~the expansion~~ **a new or expanded/intensified campus.**

53 | 4. Theater (Live Performance) Performing Arts Center: A facility established after the effective date of
54 | this ordinance shall have vehicular access to a collector or higher classification street.

55 | **SECTION 8. Effective Date:** This ordinance amendment to the Roseville City Code shall take effect
56 | upon passage and publication.

57 | Passed this 9th day of July 2012

City of Roseville

ORDINANCE SUMMARY NO. ____

AN ORDINANCE AMENDING SELECTED TEXT OF SECTIONS 1001 (INTRODUCTION), 1005 (COMMERCIAL AND MIXED-USE DISTRICTS), 1006 (EMPLOYMENT DISTRICTS), 1007 (INSTITUTIONAL DISTRICT), 1009 (PROCEDURES), AND 1011 (PROPERTY PERFORMANCE STANDARDS) OF TITLE 10 "ZONING CODE" OF THE ROSEVILLE CITY CODE

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on July 9, 2012:

The Roseville City Code, Title 10, Zoning Ordinance, has been amended to better differentiate campus- and office-based academic activities and to allow and regulate office-based academic land uses more broadly in commercial properties.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
William J. Malinen, City Manager