

**EXTRACT OF THE JUNE 3, 2009 DRAFT
ROSEVILLE PLANNING COMMISSION MEETING MINUTES**

d. PLANNING FILE 09-002

Review of the revised request by Art Mueller for approval of a GENERAL CONCEPT PLANNED UNIT DEVELOPMENT to redevelop the property at 2025 County Road B into a senior living community (PF 09-002)

Vice Chair Boerigter opened the Public Hearing for Planning File 09-002 at 7:54 p.m.

City Planner Thomas Paschke noted the correct Item Description provided in the Request for Planning Commission action dated June 3, 2009, rather than the inaccurate description on the meeting agenda; and in following the specific charge to the Planning Commission from the May 11, 2009 City Council meeting, as detailed in Section 7.8 of the staff report. Mr. Paschke noted that all other related actions had previously been acted upon by the Planning Commission and forwarded to the City Council.

For the record, Mr. Paschke noted receipt of a letter dated June 2, 2009 from Steve and Kathy Enzler; and three (3) e-mails received by Chair Doherty and or staff, and with copies provided to Commissioners and copies made available to the public in the back of the Council Chambers. Vice Chair Boerigter noted receipt of those items into the record, attached hereto and made a part thereof.

Mr. Paschke reviewed staff's analysis of the revised GENERAL CONCEPT PLANNED UNIT DEVELOPMENT (PUD) by Art Mueller (in cooperation with Sue and Andrew Weyer – property owners) to redevelop the property at 2025 County Road B into a 3-story, 55-unit senior living community.

Mr. Paschke noted that the staff report, in Section 7.7, provided comparison data of seven (7) previously multiple-family residential projects and their characteristics to provide perspective for this requested project. Mr. Paschke noted that, on two (2) previous occasions, staff had gone on record as having no issues or concerns with the proposed volume of traffic with the addition of this project; as well as functioning of specific intersections and their design to accommodate this type of development. Mr. Paschke noted that Midland Grove Road was a public street and that it was sufficient to handle additional traffic volume. Mr. Paschke advised that staff's recommendation, as well as that of the Design Review Committee remained intact with the modified design for this project. Mr. Paschke noted that the applicant had mitigated many issues, concerns and impacts addressed by previous public comment; and recognized that some remained opposed to the project itself. Mr. Paschke advised that staff, whose recommendations were based on established policies for guidance, opined that this project with its modifications and adjacent high- and medium-density residential uses was a good fit for the neighborhood and that staff continued to support the project.

Staff recommended approval of the request as presented; based on the comments and findings of Section 4 and the conditions of Section 5 of the project report dated June 03, 2009.

Applicant Representatives, Darrel LeBarron and Tim Johnson with Station 19 Architects, made a presentation titled “The Orchard ‘Active’ Senior Living,” with the presentation *attached hereto and made a part thereof.*

Mr. LeBarron, a resident at 2101 W County Road B in Roseville, as President and Chief Planner for Station 19 Architects; provided a detailed synopsis of the Orchard owner/developer and design teams and their respective expertise.

Mr. LeBarron reviewed previous projects completed by some or all of the members of the owner/developer team; addressed the age and maintenance conditions of Midland Grove and Ferriswood; clarified zoning and land use misprints; and make up of the subject property. Mr. LeBarron reviewed the original 77-unit building and minimal setbacks compared to the current, revised 55-unit building, at 71% of the original with increased setbacks. Mr. LeBarron defined building elevations and details; computer-generated sight lines; and detailed site and design revisions in response to previous public comment, and recommendations of the Planning Commission and City Council, and assisted by City staff. Mr. LeBarron advised that the applicant was open to further revisions, based on factual and constructive criticisms as the project developed, and in keeping with the project’s design quality concepts and goals.

Chair Doherty complimented the applicant on their improved façade articulation to break up the building mass.

Commissioner Wozniak opined that the project had come a long way since initial presentation; and expressed his surprise at how residential it looked compared to those original sketches; however, he opined that it was still a big building.

Mr. LeBarron advised that the smallest project he’d ever developed had been at fifty (50) units, and that 50 units was the bottom of the economic feasibility break, noting that this was at the small end of multiple housing spectrums.

Commissioner Gottfried sought clarification of the threshold allowing the project to remain economically feasible.

Mr. LeBarron advised that the original proposal with 77 units had provided a better safety margin, and that this was now at 10%, providing for a small cushion from economic risk.

Public Comment

Mr. Paschke requested that the Planning Commission focus public comment specifically on the request before them, as per City Council directive.

Vice Chair Boerigter asked the public to keep their comments focused on the General Concept Plan as opposed to issues for rezoning or Comprehensive Plan Amendment, noting that this specific request would be going before the City Council in the near future; and advising that any other discussion would be considered out of order.

Peter Coyle, land use attorney from Larkin, Hoffman, et al, 7800 Xerxes, Bloomington, MN (Ferriswood Development and Midland Grove Condominiums)

Mr. Coyle cautioned that, if the City approved the Comprehensive Plan and Rezoning as previously recommended by the Planning Commission on a divided vote, they would be giving up their ability to control development on the property. Mr. Coyle opined that the building, as revised, remained too tall, too

big, and too much mass for the site, as had been borne out in discussion of this site, referencing similar concerns voiced by the City Council in their discussions of the Comprehensive Plan Amendment and their concerns with the high density of the proposal. Mr. Coyle opined that the PUD exceeded zoning outside the project, and that it remained clear from City Council discussions, that they were uncomfortable with the size of the building, and that the building was essentially the same, with the wings altered for the site and simply shifted around on the property.

Mr. Coyle restated previously-raised objections; and noted remaining concerns of several Planning Commissioners related to the size and mass of the building and its close proximity to Ferriswood with the large east wall expanse. Mr. Coyle requested additional design changes that would be compatible with medium density use.

Gary Stenson, 2179 Ferris Lane

Mr. Stenson requested that staff display various Attachments provided by staff for comparison purposes; and proceeded to provide his interpretation of those comparables on a case by case basis with their respective locations, adjacent roadways, properties and uses, in addition to their lack of impact to single-family homes. Mr. Stenson questioned the applicant's attempts to increase the lot size based on Mr. Mueller's Quit Claim Deed, opining that it was not relevant based on property ownership.

In response to Vice Chair Boerigter's request, Mr. Stenson identified the location of his property in relationship to The Orchard; recognizing that the property would not remain single-family designation, and opining that he was not opposed to medium density, but could not support high density.

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

Mr. Roste opined that the other projects completed by and the expertise of the applicants were irrelevant; and that the specifics of this project were the only consideration that she be considered at tonight's meeting but, as a matter of interest, questioned if previous projects had the same level of opposition as this project. Mr. Roste further opined that the volume and strength of that opposition should be what the Planning Commissioners and City Councilmembers took away from the discussion, and reminded Commissioners that they were in receipt of a previously-filed petition with 107 names; and that the petitioners remained opposed, even with the minor cosmetic revisions now before the Commission. Mr. Roste speaking on behalf of the petitioners, advised that they remained disgruntled that land to the west of Midland Grove Road was apparently being included for calculation purposes, while the actual ownership of the property remained unclear, and that over the last twenty (20) years, Midland Grove residents had performed maintenance of the disputed area; and asked that the Planning Commission and City Council clearly understand that issue and to ignore that parcel entirely in calculations. Mr. Roste, in addressing the other multi-family project comparables used, asked that the Orchard Project be considered on its own merits as it relates to density, size of available acreage for the project; and abutment to other properties, mostly single-family housing throughout the entire area. Mr. Roste noted that Midland Grove was built on 9-10 acres with large amounts of green space isolating the property; however, that the proposed Orchard project abutted the property line and building mass dominated

space. Mr. Roste referenced Section 6.4 of the staff report related to the applicant's inability to meet City Code requirements, thus the need for the PUD (i.e., floor area ratio calculations) and the need for a variance.

City Planner Thomas Paschke clarified that this project does not and has not requested a "variance"; that the PUD process allows for a development that deviates from Code standards and is completely different than a variance.

Vice Chair Boerigter concurred, noting that the deviation referenced in the chart in the staff report compared deviations from underlying code requirements.

Mr. Roste further addressed the Midland Grove project developed by Mr. Mueller forty (40) years ago, and the persistent water drainage issues experienced in the underground parking garages, and due to the scope of the work, requiring ongoing deferral, and now causing those residents to face a total assessment of \$600,000 for major excavation required to alleviate the problem. Mr. Roste questioned how many of these water drainage problems could have been avoided when the units were originally constructed; and questioned if similar problems would be created when the Orchard project was constructed, and whether it would further impact Midland Grove drainage issues.

Mr. Roste further addressed traffic in the vicinity; with the staff report estimated an additional 193 trips/day. Mr. Roste advised that this was a major safety concern for Midland Grove residents, based on the curvature of the road and realities of vehicles driving down the middle of the road, their speed, lack of lighting, and pedestrian traffic sharing the road as well. Mr. Roste addressed the proposed location of the Orchard access, its impacts on the road and views from the intersection of County Road B and Cleveland Avenue. Mr. Roste opined that this would only further exacerbate high speed traffic from I-35W after closure of Highway 280.

Mr. Roste concluded by addressing concerns of the proposed financing for the project, ownership/rental of units, association fees; and what guarantees residents had of future management, use and management, respectfully asking that the project be denied.

Dick Taylor, 2210 Midland Grove, #302

Mr. Taylor pointed out, on Attachment A (location map) from the staff report, misidentification of Building Numbers 2200 (should be 2210), and 2210 (should be 2200); and noted that the proposed building was on much higher elevation than surrounding buildings and that topography should be taken into consideration, as well as the flat roof of Midland Grove opposed to the proposed Orchard pitched roof; and questioned the actual number of stories referenced in Section 5.6 of the staff report, due to the ground level entry of the garage. Mr. Taylor opined that this also didn't change the building dimensions, but that the topography be taken into consideration accordingly.

Mr. Taylor advised that, related to traffic concerns, referenced Sections 6.6 and 6.7 of the staff report, and proposed allocation of right-of-way; however, he suggested that the City of Roseville should retain the right-of-way for future modification or reconfiguration of Midland Grove Road to improve safety issues.

Joyce Thielen, 2210 Midland Grove Road, Unit #203

Ms. Thielen opined that water drainage would be an issue on the proposed Orchard project; and noted the major engineering improvements currently being

faced by residents at Midland Grove Condominiums. Ms. Thielen referenced her conversations with the State of MN regarding drainage issues; and opined that the proposed project would only serve to further compound drainage issues in the area; and that the ultimate outcome for Roseville may be the collapse of the Midland Grove units, loss of tax base by the City of Roseville, and potential litigation issues.

Steve Enzler, representing family, 1995 W County Road B

Mr. Enzler requested that his letter of June 2, 2009 be included in the record; with Vice Chair Boerigter advising that staff had done so, and the written comments were part of the record, *attached hereto and made a part thereof*.

Mr. Enzler assured Commissioners that his comment was not simply based on “not in my backyard” mentality; and opined that his comments about the developer and concerns with him had nothing to do with the age of previous projects; but with the reality of the discoveries found on his property over the last two (2) years due to inaccurate measurements, City Codes, and boundary issues.

Mr. Enzler opined that the design and footprint of the proposed massive building had not materially changed, while the developer had broken up the exterior elevations; and that the building mass was immediately adjacent to his single-family home. Mr. Enzler advised that he had attempted to reconcile himself to the building’s placement, and reviewed various photos from the Developer’s presentation, based on his visual interpretations and perspectives. Mr. Enzler opined that Mr. Mueller was a great guy; but he expressed his concern about accurate measurements for this project, noting the two (2) examples currently existing on his property. Mr. Enzler addressed potential development on his property, based on its topography, and opined that it would remain a single-family lot, and asked the Commission consider that in their deliberations.

Mr. Enzler addressed similar traffic concerns already expressed, and opined that, while not supported by hard data, the reality was that due to the speed and amount of traffic, seniors would be put in harm’s way.

Mr. Enzler questioned why this project was being proposed, and why was it so large; and opined that it was basically due to financial considerations, both for the developers, and the City’s tax base. Mr. Enzler further opined that it was wrong that there was a chance that changes to the City’s Comprehensive Plan would transfer value from his home to the developer; and asked that the Commission consider approval only based on at a maximum medium density, not high density, and not PUD.

Merlyn Scroggins, 2237 N Cleveland Avenue N

Mr. Scroggins advised that he believed in the City; and opined that there would always be a number of negative comments on any project before the City. Mr. Scroggins opined that this was a good thing for Roseville; the quality of the proposed housing was exactly right for him to consider at this stage of his life; and that overall, property development in Roseville, is good for the entire City, that it shouldn’t be disruptive to people, and he further opined that this project wouldn’t be. Mr. Scroggins reviewed development in the area over the last forty (40) years, and his observations during that time as Ferriswood and Midland Grove developments came to fruition, changing the original character of the neighborhood. Mr. Scroggins compared those developments to the original nature of the neighborhood, and understood the inherent desire for people to

retain low density and preserve natural habitat areas. Mr. Scroggins opined that people don't attend meetings to voice their support of things that are worthwhile, and only attend to object to projects. Mr. Scroggins further opined that this was not a bad development, was well-done, and well-created. Mr. Scroggins opined, from his observation of the traffic hub, he didn't see this project as being much of a contributor, since the problem already existed. Mr. Scroggins opined that, while he didn't have any statistical data to share, he believed the project was good and he would look forward to moving in there.

Vijay Pottgrugod, 2250 Midland Grove Road, #105

Mr. Pottgrugod opined that the apparent rationale for the project seems to be to increase the City's tax base; however, Mr. Pottgrugod suggested that the 174 units in the Midland Grove project would become less valuable, in addition to the twenty (20) units of Ferriswood, and the single-family homes along County Road B and along Cleveland and Fairview Avenues. Mr. Pottgrugod further opined that the City may actually end up losing revenue over the long term, experiencing a net loss, especially if this proposed project proved not to be financially viable.

Andy Weyer, 2025 W County Road B, Property Owner and Applicant

Mr. Weyer noted the many revisions to the proposed project over a year of development; and opined that the presentation addressed and was tailored to accommodate previous public comments, in addition to those of the City Council and Planning Commission. Mr. Weyer provided a historical perspective from his family's point of view, and the previous development of Midland Grove and Ferriswood, with Mr. Mueller serving as developer on those projects as well. Mr. Weyer opined, from his discussions with Orchard project engineers and architects, that drainage issues could be solved, with all property owners working together. Mr. Weyer further opined that an inordinate amount of time had been spent on developing this project to-date, and asked that this area, inadvertently skipped during the recent Comprehensive Plan review, be slated for directed development. Mr. Weyer opined that this had not been an easy project for him, even though he believed in the project, but facing the need to give up the family orchard. Mr. Weyer advised that the family supported this project as presented; and suggested that the Commission ask the project team to return to dispute misinformation presented during public comment tonight; and looked forward to the Commission's strong vote of support for this project.

Jackie Eastman, 2250 Midland Grove, #107

Ms. Eastman spoke in opposition to the project, as she'd previously indicated in signing the petition. Ms. Eastman opined that she liked the green space and trees. Ms. Eastman addressed the number of tickets given out by the City's Police Department for speeding on Cleveland off Highway 36 now that County Road B was a dead end, and opined that the roadway served as an extension of the freeway, since it provided a more visible route. Ms. Eastman asked that the City Council investigate the need for this type of senior housing, since many of the existing senior housing facilities had vacancies.

Vice Chair Boerigter invited Mr. LeBarron to respond to and/or address any factual inaccuracies presented; however, Mr. LeBarron declined.

Vice Chair Boerigter closed the Public Hearing for Planning File 09-002 at 9:48 p.m.

Commissioner Best thanked staff for providing additional information in the staff report and its assistance in addressing this difficult proposal, specifically the comparables and relative impact to adjoining properties. Commissioner Best opined that those items that the Commission had been asked by the City Council to look at, as detailed in Section 7.8 of the staff report, had been addressed; that sufficient revisions had been made by the developer/applicant; and that this project seemed comparable to previous projects as noted. Commissioner Best questioned why this project should be considered differently from those other projects; opined that staff had provided due diligence in their review; and while he was initially opposed to the project, it appreciated the way it had been revised to address various concerns; and spoke in support of the project as presented.

City Planner Paschke reminded Commissioners that they were being asked to consider a General Concept plan to be forwarded as recommended to shape the project; and that the finer details of the Plan would develop as the project proceeded, with further modifications to address certain impacts. Mr. Paschke asked that the Commission articulate for specific comments to further shape the project.

Commissioner Wozniak asked what role the City had in assuring that the project is built as portrayed.

Mr. Paschke noted that this project, based on current City Code and the PUD process itself, provided a much higher scrutiny than during development of Ferriswood and/or Midland Grove Condominiums. Mr. Paschke advised that final plan design documents, as a PUD Agreement, are part of a contractual obligation between the development and City, and would remain as presented unless further PUD Amendments were sought.

Vice Chair Boerigter noted that during the construction process, the location of the building and field conditions would be monitored by Building Officials in accordance with current City Code.

Mr. Paschke concurred; and further noted that neither Ferriswood nor Midland Grove had to proceed through the stringent stormwater management process that this project would endure; with this project required to achieve a higher standard and responsibility for drainage produced on its site, and flow from Mr. Enzler's property, in providing a stormwater management plan that would meet the City's and Rice Creek Watershed District requirements.

Commissioner Doherty noted that he had not been a big supporter of this project in the past; but complimented staff and the developer for making the significant revisions from what the Commission had reviewed at previous meetings.

Commissioner Doherty noted that the scale had been too large, and that the developer had scaled back the project; and had been responsive to concerns previously expressed by the Commission, the City Council, and the public. Commissioner Doherty echoed Commissioner Best's comments, and spoke in support of the revised proposal.

Commissioner Gottfried spoke specifically about his ongoing concerns with the project: that it was too large and that the height shouldn't be more than two (2) or three (3) stories total; and retain a forty foot (40') setback. Commissioner Gottfried noted the need to address the economic viability of the site and developer's rationale for fifty-five (55) units; however, he opined that the project

would have to be reduced to fewer than forty (40) units at a maximum to get the project scope down to an appropriate size for this site. Commissioner Gottfried gave credit to the developer and staff for revisions to-date; however, opined that another floor needed to come off, to reduce the height; and that he would only be comfortable with the low range of the high density designation.

Commissioner Wozniak noted that he didn't support the project when previously presented, and that he would not support it today. Commissioner Wozniak opined that he remained impressed with the changes made to-date by the design team; however, that the building was still too big; and expressed concern about traffic circulation on County Road B and Highway 280, and that any increased traffic on County Road B at this intersection raised safety concerns for him. Commissioner Wozniak expressed appreciation for staff's table of comparisons, however, opined that he saw enough differences between this and others presented; and was not convinced that this project fit favorably in that table. Commissioner Wozniak opined that there were too many units per acre, given the true acreage involved. Commissioner Wozniak further opined that Mr. Mueller had a development history in the community, and questioned if it was all favorable. Commissioner Wozniak expressed his preference that Mr. Mueller step up and take responsibility for past errors and attempt to make amends.

Commissioner Gisselquist noted that this was his first time officially seeing this proposal as a Commissioner; however noted that he had been following past discussions as a resident living on the other side of the Fairview Community Center. Commissioner Gisselquist opined that it would be sad to see the green space removed; however, he sympathized with Mr. Mueller's position and the need for directed development of the property. Commissioner Gisselquist advised that the comparison table provided by staff put things in perspective with those other projects; and while hating to see the green space go away, opined that it was not for him to dictate what others did with their private property; and that the developer had taken favorable steps to bring the density down; and that he would support the project.

Commissioner Cook opined that he saw no major conflicts with traffic movements; that this type of senior housing was a need in the community; that it looked like a good project as revised; and that he would support the project.

Vice Chair Boerigter recognized the comments and objections made by those making public comments; however, he noted his decision-making perspective in considering the greater Roseville Community. Vice Chair Boerigter opined that, from this perspective, this was a worthy project, and he spoke in support of it, if the developers deemed that they could make the project work financially. Vice Chair Boerigter opined that the developer had made great strides in the building's design elements and structure, with improved aesthetics; and further opined that, based on size and scope of the project, it was not out of line with other projects in Roseville. Vice Chair Boerigter recognized that the project had impacts on the Stenson and Enzler properties, but that there was a greater good for Roseville. In light of the mandate by the Metropolitan Council to provide higher density housing, Vice Chair Boerigter noted that, given the City's limited opportunities to do so, the required units could only be achieved through smart and careful development. Vice Chair Boerigter opined that, when looking at the Midland Grove development, this project was not significantly out of line, nor did its height indicate a great impact on Midland Grove, only Mr. Stenson and Mr.

Enzler, and questioned if the Commission or City Council should determine projects based on impacts to 1 or 2 properties. Vice Chair Boerigter concurred with Commissioner Cook that staff had performed careful analysis of traffic issues. Vice Chair Boerigter addressed the past development projects of Mr. Mueller, and opined that they were “red herrings” and not relevant to the issues at hand before this Commission. Vice Chair Boerigter opined that this Concept Plan was good and provided a positive influence on the area and Roseville society, whether or not it increased the City’s tax base; and clarified that the Commission was not looking at the project from that perspective; but personally opined that this project would not negatively impact the assessed values of surrounding properties.

MOTION

Member Boerigter moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT and the request of Art Mueller to redevelop 2025 County Road B with a 55-unit active senior living community; as prepared for the June 3, 2009 Planning Commission meeting, subject to the conditions of Section 8 of the staff report dated June 3, 2009; noting that final approval by the City Council will be considered after all conditions and required documents and permits have been submitted for final approval, and considered as a separate application process.

MOTION

Member Gottfried moved, seconded by Member Wozniak to RECOMMEND TO THE CITY COUNCIL that the project be LEED Certified, as presented at this meeting.

Roll Call Vote (Amendment)

Ayes: 2 (Wozniak; Gottfried)

Nays: 4 (Best; Cook; Doherty; Boerigter; Gisselquist)

Motion failed.

MOTION

Member Wozniak moved, seconded by Member Gottfried to RECOMMEND TO THE CITY COUNCIL friendly amendment of the original motion that the building be LEED certified or the equivalent thereof; with the makers of the original motion, Members Boerigter and Doherty, accepting the amendment.

Roll Call Vote (Original motion as amended)

Ayes: 5 (Best; Cook; Doherty; Boerigter; Gisselquist)

Nays: 2 (Gottfried; Wozniak)

Motion carried.

Vice Chair Boerigter advised that the Case was scheduled to be heard at the City Council meeting of June 29, 2009.

March Planning Commission Meeting Minutes

- 1 d. **PLANNING FILE 09-002**
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**

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

10 City Planner Thomas Paschke reviewed staff's analysis of the request of Art Mueller, in
11 cooperation with Sue and Andrew Weyer, property owners, to redevelop the property at
12 2025 County Road B into a three (3) story, fifty-five (55) unit senior living community.

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

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

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

21 9.1 RECOMMEND APPROVAL of the COMPREHENSIVE LAND USE MAP
22 AMENDMENT of 2025 County Road B from Low Density Residential (LR) to High
23 Density Residential (HR)

24 9.2 RECOMEMND APRPOVAL of the REZONING of 2025 County Road B from Single
25 Family Residential (R-1) to Planned Unit Development (PUD), with an underlying
26 zoning of General Residence District (R-3).

27 9.3 RECOMMEND APPROVAL of the GENERAL CONCEPT PLANNED UNIT
28 DEVELOPMENT, as prepared for the March 4, 2009 Planning Commission meeting;
29 subject to the conditions detailed in Section 9 of the staff report; with final approval by
30 the City Council considered after all conditions and required documents and permits
31 have been submitted for final approval; with those final approvals considered as a
32 separate application process.

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

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

39 **Applicant, Art Mueller, 2201 Acorn Road**

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

45 **Tim Johnson, Station 19 Architects**

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

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

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

55 Chair Bakeman, at 9:45 p.m., opened the meeting for public comment; respectfully
56 requesting that speakers limit their comments to the specific issue before the
57 Commission.
58

Public Comment

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

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

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

71 **NEW PETITION**

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

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

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

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

91 Chair Bakeman read the petition into the record.

92 **Marie Woehlke, 2181 Ferris Lane, Ferriswood Condominium Association**

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

98 **Ann Bursh, 2220 Midland Grove, #201**

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

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Ronald G. Rumpsa, 2201 Ferris Lane (Ferriswood Apartments)

Mr. Rumpsa concurred with the comments of Mr. Coyle, opining that density was the major issue of concern; and opined that this proposed use was such a dramatic deviation, and that it was inconsistent with the adjacent properties. Mr. Rumpsa asked that residents' quality of life be enriched, not reduced. Mr. Rumpsa further addressed existing traffic volumes on County Road B between Fairview and Cleveland Avenues, and impacts with additional units in that area.

Allene Wiley, 2220 Midland Grove Road, #206

Ms. Wiley concurred with Mr. Rumpsa's traffic concerns; and further addressed the proposed exit road from the development site onto Midland Grove Road, and negative impacts to access ability, in addition to emergency vehicle considerations.

Russ Sherer, 2203 Ferris Lane

Mr. Sherer expressed concern related to egress from Ferriswood, when heading east of Highway 36 and exiting on Cleveland and the need to cross over three (3) lanes of traffic to make a left hand turn onto County Road B.

Dorothy Kunze, 2220 Midland Grove Road, #205

Ms. Kunze provided comment, opining that tax revenue should not be the only consideration for the City, but also that of aesthetics; and opined that this was too large of a building on too small of a plot of land, and that this was not what the Roseville residents have known for a considerable amount of time.

Eileen Stack, RN, 2220 Ferris Lane

Ms. Stack, as a Faith Community Nurse at the Church of Corpus Christi, noted that she had clients in many area homes; and that based on the current economy, they were continuing to live in their homes, rather than move, due to their inability to sell their homes; and opined that this should be of major concern to the City.

Bob Stoika, 2220 Midland Grove Road, #106

Mr. Stoika concurred with concerns expressed about whether this proposal would fit in with the neighborhood; opining that Midland Grove was a park-like setting; and that this project would not fit in.

Vijaya (SP) Pothapragada, 2250 Midland Grove Road, #105

Mr. Pothapragada addressed Section 6.1 of the staff report, detailing traffic and daily trips based on the proposed number of units; and asked that other complications be considered (i.e., employee and staff parking needs; visitor parking; deliveries to the site; and emergency ambulance services) and those additional traffic impacts to the neighborhood.

Fred Christianson, 2220 Midland Grove

Mr. Christianson, as a former Planner in the United States and Canada, applauded the efforts of those speakers and their eloquence. Mr. Christianson asked that the Commission remember that their decisions were long-term; and concurred with the comments of Attorney Peter Coyle.

Steve Enzler, representing family, 1995 W County Road B

Mr. Enzler read an e-mail from Frank Walton of the Roseville Historical Society, related to the historical nature of his family property, identified on the Heritage Trail, #47, and the lack of notice of the Historical Society of any proposed activities on this site; and future notice in accordance. Mr. Walton's comments addressed concerns with mass and the need to honor the green space indicative of this property.

Mr. Enzler's personal comments included opining that the current proposal may more accurately reflect future use of the property; that it was apparently not the intent of the Comprehensive Plan to eliminate his single-family residential property. Mr. Enzler opined that Mr. Mueller was attempting to undermine code limits by use of the PUD application; and further opined that the building still remained massive in relationship to his property and home; and that his property would experience dramatic and negative impacts to sunlight, air and view; and opined that it seemed to be a reasonable claim that this could damage the value of their home in addition to their quality of life.

161 Mr. Enzler noted previous lot line delineation errors; and expressed his willingness to
162 work with Mr. Mueller in seeking resolution.

163 **Andy Weyer, 2025 W County Road B**

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

172 **Allene Wiley**

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

180 **Art Mueller, Developer**

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

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

188 **MOTION (9.1)**

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

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

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

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

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

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

212 Commissioner Best noted that Midland Grove to the north was High Density; and opined
213 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 APPROVAL**
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.