

## REQUEST FOR COUNCIL ACTION

DATE: 7/13/2009

ITEM NO: 12.d

Department Approval

City Manager Approval



---

Item Description: Request by Art Mueller for a **COMPREHENSIVE LAND USE MAP AMENDMENT, REZONING, AND GENERAL CONCEPT PLANNED UNIT DEVELOPMENT** to redevelop the property at 2025 County Road B into a senior living community (**PF09-002**).

---

1 **1.0 BACKGROUND**

2 1.1 Mr. Art Mueller (in cooperation with Mr. Andy Weyer – property owner) proposes a  
3 three-story, 55-unit senior housing community at the corner of County Road B and  
4 Midland Grove Road.

5 1.2 On March 4, 2009, the Planning Commission held the public hearing regarding the Art  
6 Mueller request. At this meeting the Commission discussed a number of issues and  
7 concerns regarding the proposal including, mass, height, density and placement of  
8 structure. The Commission ultimately voted 4-3 to recommend in-favor of the  
9 Comprehensive Land Use Map Amendment from Low Density Residential (LR) to High  
10 Density Residential (HR) and Rezoning the property (R-1 to PUD), but failed to support  
11 the General Concept Plan.

12 1.3 On May 11, 2009, the Roseville City Council reviewed the proposal and continued action  
13 on The Orchard proposal to their meeting of July 13, 2009, in order to seek comments  
14 from the public and the Planning Commission regarding the revised General Concept  
15 Planned Unit Development (PUD). The subject plan was modified to further address  
16 resident concerns after the Planning Commission meeting of March 4, 2009 and the City  
17 Council determined that the proposal had been modified enough that the Planning  
18 Commission should review and consider the General Concept once again.

19 1.4 Specifically the City Council sought input from the Planning Commission on the  
20 following items:

- 21 a. *Review of the appropriate impervious coverage calculations on the site;*
- 22 b. *Review of the building's relative height based on sight lines and topography of*  
23 *the site;*
- 24 c. *Review of actual scale perspectives relative to height issues from various angles*  
25 *and giving consideration to roof slopes, number of stories, etc.;*

d. *Review whether sufficient improvements have been made with respect to distances from adjacent properties based on setback requirements and perspectives from adjacent properties;*

e. *Review of the safety of access points and traffic issues on Midland Grove Road, not only based on number of vehicles, but more specifically density of the area and design of the road; and connections to various and major intersections in that area (i.e., County Road B at Midland Grove Road).*

1.4 On June 3, 2009, the Roseville Planning Commission held the public hearing regarding the modified General Concept PUD, at which meeting citizens addressed the Commission and Commissioners sought additional information from the Planning Staff (minutes attached). The Commission voted 5-2 to recommend approval of the revised General Concept PUD.

## 2.0 REQUESTED ACTION

Art Mueller (in cooperation with Sue and Andrew Weyer - property owners) seeks approval of a COMPREHENSIVE LAND USE MAP AMENDMENT, REZONING, AND GENERAL CONCEPT PLANNED UNIT DEVELOPMENT to redevelop the property at 2025 County Road B into a 3-story, 55-unit senior living community.

### PROJECT REVIEW HISTORY

- Public Open House held: February 19, 2009
- Applications Submitted and Determined Complete: February 24, 2009
- 60-Day Review Deadline: April 25, 2009
- 60-Day Extension: June 24, 2009
- Applicant Extension to July 13, 2009
- Project Report Recommendation: July 13, 2009
- Planning Commission Action (5-2 approval recommendation): June 3, 2009
- Anticipated City Council Action: July 13, 2009

## 3.0 SUMMARY OF RECOMMENDATION

The Roseville Planning Commission held the duly noticed public hearing on March 4, 2009 and made the following recommendations (see attached minutes):

a. RECOMMENDED APPROVAL (4-3) of a COMPREHENSIVE LAND USE MAP AMENDMENT from LOW DENSITY RESIDENTIAL (LR) to HIGH DENSITY RESIDENTIAL (HR). This action does not qualify as a formal recommendation due to a super-majority vote for Comprehensive Plan Amendments being required as stipulated in Section 201.07 or the Roseville City Code.

b. RECOMMENDED APPROVAL (7-0) of a REZONING from SINGLE FAMILY RESIDENCE DISTRICT (R-1) to PLANNED UNIT DEVELOPMENT (PUD)

The Roseville Planning Commission held the duly noticed public hearing on June 3, 2009 and made the following recommendations (see attached minutes):

c. RECOMMENDED APPROVAL (5-2) of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT

- 67 **4.0 SUGGESTED CITY COUNCIL ACTION**  
68 **By Motion, Approve the request for a Comprehensive Land Use Map**  
69 **Amendment, Rezoning, and General Concept Planned Unit Development for**  
70 **2025 County Road B, for Art Mueller,** with conditions (see Section 11 for detailed  
71 recommendation).
- 72 **5.0 SITE CHARACTERISTICS/DEVELOPMENT PROPOSAL**
- 73 5.1 Since the March Planning Commission meeting, the applicant has met with  
74 representatives of the Minnesota Department of Transportation (MNDOT) regarding the  
75 ownership of the land area west of Midland Grove Road. The conclusion is that Mr.  
76 Mueller owns the underlying land area, an approximately 70 by 238-foot parcel that will  
77 be conveyed back to him from MNDOT. With this additional land, the Orchard parcel  
78 size has now increased from 2.23 acres to 2.61 acres.
- 79 5.2 The site is located to the east of Cleveland Avenue, directly adjacent to County Road B,  
80 and south of the Midland Grove Condominiums. A single-family residence and the  
81 Ferriswood Townhome community are located to the east, and single-family homes are  
82 located to the south, across County Road B.
- 83 5.3 The subject property has an existing Comprehensive Land Use Plan designation of Low  
84 Density Residential; Midland Grove Condominiums has a designation of High Density  
85 Residential; and Ferriswood Townhomes along with the adjacent single-family parcel has  
86 a designation of Medium Density Residential.
- 87 5.4 Zoning in the area includes a mix of R3A (Multi-Family Residence District, Three to  
88 Twenty-Four Units) at Midland Grove Condominiums, PUD (Planned Unit  
89 Development) at Ferriswood Townhomes and the single family residence to the east, and  
90 R-1 (Single Family Residence District) on properties south across County Road B.
- 91 5.5 Previously, the applicant submitted a proposal to construct a 4-story, 77-unit senior  
92 housing complex on this site. After a negative recommendation at the February 4, 2009  
93 Planning Commission meeting, the applicant withdrew the original proposal and  
94 submitted the current proposal, which lowered the height and reduced the number of  
95 units.
- 96 5.6 The General Concept proposal seeks to develop a 3-story, 55-unit active senior living  
97 community with an underground parking garage. The facility would include a variety of  
98 1, 2, and 3-bedroom units, as well as amenities such as community-, game-, craft-, and  
99 exercise rooms, kitchen, library, private dining, office, mailroom, and sitting areas.

**101 6.0 REVIEW OF COMPREHENSIVE PLAN**

102 6.1 The Roseville Comprehensive Land Use Plan (the future development guide for property  
103 in Roseville) designates the subject parcel as LR, Low Density Residential. During the  
104 2008 Comprehensive Plan Update process there was no mention or discussion of this  
105 property. The Planning Division considers this parcel to be a land use anomaly that is  
106 better suited by a High Density residential Land Use designation other than Low Density.

107 6.2 For purposes of clarity, residential land use designations are categorized in the following  
108 density ranges: Low Density is 0-to-4 units per acre, Medium Density is 5-to-12 units  
109 per acre, and High Density is greater than 13 units per acre.

110 6.3 The applicant's proposal seeks to change the Comprehensive Land Use designation of the  
111 subject parcel from Low Density Residential to High Density Residential, similar to  
112 Midland Grove Condominiums.

113 6.4 The Planning Division recommends that the Council's action be concentrated first on the  
114 Comprehensive Land Use Map Amendment request before discussing zoning and the  
115 proposed planned unit development.

116 6.5 The Planning Commission has heard numerous concerns/objections due to the  
117 anticipated/perceived increase in traffic and potential intersection conflicts. As a result  
118 of these concerns, the Development Review Committee (DRC) has on several occasions  
119 reviewed and considered the multi-family access and increase in traffic, concluding that  
120 the subject parcel is best accessed from Midland Grove Road versus County Road B, due  
121 to topographic challenges and for vehicle safety. The DRC further concluded that if the  
122 parcel remained single-family, it could possibly be split into 4 single-family lots. The  
123 DRC also determined that the location of the subject parcel is not a desirable location for  
124 new single-family housing given the location relative to Cleveland Avenue, Highway 36,  
125 and necessary access to County Road B, as well as the higher density residential  
126 developments located to the north and east of the subject parcel.

127 6.6 Using the Institute of Transportation Engineers manual to analyze traffic impacts for a  
128 senior housing facility, City Staff analyzed the impacts this project would have on the  
129 existing transportation network and concluded there will be a minimal increase in traffic  
130 and that it can be accommodated by the current roadway network. The existing accesses  
131 and intersections are designed to accommodate traffic volumes far greater than currently  
132 generated and, therefore, will not be negatively impacted by this development proposal.

133 6.7 The DRC, and especially the Planning Division, has considered the impacts of changing  
134 the land use designation of the subject 2.61-acre parcel. This parcel is located adjacent to  
135 or near three major thoroughfares (Highway 36, Cleveland Avenue, and County Road B)  
136 for which the DRC and Planning Division have concluded that low density residential  
137 (single family homes or town homes) is not an appropriate future use. While such a  
138 future use would be consistent with the use across County Road B (a natural dividing line  
139 for land use designations), it is not consistent with or complementary to the land use it  
140 lies directly adjacent to, Midland Grove Condominiums.

141 6.8 Another factor taken into consideration by the Planning Division is that of fundamental  
142 planning principles. It is clear from the Planning Division's review of the record that

143 future use of this remnant parcel did not receive proper consideration in the 1960's, nor  
144 in the most recent Comprehensive Plan update process. Had a planning process occurred  
145 during the original discussions regarding development on the former farmstead, it is the  
146 Planning Division's opinion that the existing parcel would have been guided to either  
147 medium or high density.

148 6.9 Basic planning principles would provide for increased residential density in this location  
149 to buffer the lower densities to the east, especially when adjacent to or at the intersection  
150 of two major roadways. The Metropolitan Council, through its System Statement, is  
151 expecting Roseville to add 1,902 new households by 2030. With very little land  
152 available for single-family or town home developments, multiple-family residential  
153 developments of varying densities will need to be supported by the City to meet this  
154 requirement. The City also recently completed an update to the Comprehensive Plan,  
155 which supports increased density on infill lots in order to maintain the stock of non-  
156 residential areas and to better utilize land not at its highest and best use.

157 6.10 While it could be debated whether medium or high density is the best designation for the  
158 parcel, the proposal in front of the City falls into the high-density category. Since the  
159 request is asking for a change to high density residential, staff review has been limited to  
160 whether or not the high-density designation is appropriate and whether the change  
161 will lead to excessive negative effects. To do any detailed analysis on the suitability of  
162 medium density on this parcel would be difficult and too speculative without a specific  
163 proposal. From staff review, while the proposal would change the land use and create a  
164 more intense use than what is there today, the high density use is appropriate given the  
165 location of the parcel, the density of the surrounding area, and limited access for the  
166 property.

167 6.11 Based on our analysis above, the DRC and Planning Division recommend guiding of the  
168 subject 2.61-acre parcel from Low Density Residential to High Density Residential.

## 170 **7.0 REVIEW OF ZONING/PLANNED UNIT DEVELOPMENT**

171 7.1 To gain a better understanding of historical actions, the Planning Division completed  
172 additional archival review of the subject area. We have concluded that in 1967 the  
173 Village Council rezoned the property to R-3A, but the minutes do not reflect a discussion  
174 of land use or a subsequent designation. The Village Council also supported an  
175 apartment/townhome project on the 10+ acre parcel to the north. However, that project  
176 never came to fruition and, instead, the existing Midland Grove Condominium project  
177 was issued permits by the Village staff.

178 7.2 The Planning Division has concluded the City had a “Comprehensive Development Plan”  
179 in 1969 that identified the Midland Grove property as “Mixed Development” and  
180 Ferriswood and the two residential parcels adjacent to County Road B as “Single  
181 Family”.

182 7.3 Further research by the Planning Division concludes that the Village had three original  
183 residential zoning districts (R-1, R-2 and R-3). However, in 1966 the Village added a  
184 number of new districts including the R-3A residential district (3-to-24 units per  
185 building). Our analysis of Midland Grove Condominiums concludes that the number of  
186 units per building does not conform to the requirements of the R-3A District. Instead the  
187 development would better be served by the R-3 designation.

188 7.4 Research into Ferriswood Townhomes approval concludes that the retaining wall was  
189 installed prior to the construction of Ferris Lane. The record further concludes that the  
190 property received approval of a special use permit for a planned unit development,  
191 effectively rezoning the land to planned unit development, which included the home at  
192 1995 County Road B. The Planning Division also concluded that no formal discussion or  
193 action regarding land use guiding occurred. Unfortunately, the microfiche file does not  
194 exist so our research is limited. Since the early 1990’s the Ferriswood property and 1995  
195 County Road B have been guided Medium Density Residential in the City’s  
196 Comprehensive Plan.

## 197 **8.0 REVIEW OF PLANNED UNIT DEVELOPMENT**

198 8.1 The GENERAL CONCEPT PLANNED UNIT DEVELOPMENT is a process by which a  
199 development/redevelopment proposal is formally presented in a public hearing to the  
200 Planning Commission for consideration. A PLANNED UNIT DEVELOPMENT (PUD) is a  
201 zoning district, which may include a single or mix of uses on one or more lots or parcels,  
202 and is intended to be used in unique situations to create more flexibility, creativity, and  
203 efficient approach to the use of the land subject to procedures, standards, and regulations  
204 contained in the City Code. If the City Council ultimately approves the GENERAL  
205 CONCEPT, the applicant then prepares fully detailed development plans for final approval  
206 by the City Council.

207 8.2 Concept PUD: Art Mueller seeks consideration of a General Concept PUD to pursue  
208 finalization of a senior living community at 2025 County Road B. The 2.61-acre parcel  
209 would consist of a 3-story, 55-unit structure primarily oriented along the north and east  
210 sides of the parcel and the property would be rezoned from Single Family Residence

211 District (R-1) to Planned Unit Development (PUD). The Planning Division utilized the  
212 General Residence District (R-3) as a general guide for the site development.

213 8.3 Building Height: The proposed Orchard development will be 3-stories of senior housing  
214 with underground parking and storage. The overall height of the building is anticipated  
215 to be approximately 46-feet; however when measured to the midpoint of the roof truss  
216 (the Code-required height measurement), the height will be 38 feet. The Roseville City  
217 Code has a height limitation of three stories and a maximum of 30 feet for buildings  
218 within the R-3 district. The Planning Division has concluded that these two requirements  
219 are in conflict with one another and difficult to rationally apply to development  
220 proposals. By comparison, Midland Grove Condominiums (a flat roof building) is  
221 approximately 34 feet in height to the top of roof parapet. The Planning Division has  
222 also reviewed multi-story senior or other housing projects dating back to 2000 and  
223 concluded most of these buildings meet the 3-story limitation, but exceed the 30-foot  
224 height limitation. These include Greenhouse Village, Midland Villas, Applewood Pointe,  
225 and Sunrise Assisted Living.

226 8.4 Building to Lot Size: The R-3 District requires 2,000 sq. ft. of lot area for each one-  
227 bedroom unit and 2,800 sq. ft. of lot area for each 2 to 4 bedroom unit. A calculation of  
228 the proposed unit mix (10 1-bedroom, 30 2-bedroom, and 15 3-bedroom units) would  
229 require lot area totaling 146,000 sq. ft. or lot 3.35 acres in size. Similarly, the City Code  
230 limits floor area ratio to .5 or 50% of the lot area. A calculation of floor area for the  
231 proposed Orchard concludes 92,571 sq. ft. of floor area and a floor area ratio of .95. The  
232 Planning Division has reviewed the similar projects approved by the City since 2000  
233 (Green House Village, Midland Villas, Applewood Pointe, and Sunrise Assisted Living)  
234 and determined that all have been allowed to deviate from this standard requirement as  
235 part of a PUD. The Planning Division believes that the nature of a Planned Unit  
236 Development, intended to be used in unique situations to create more flexibility,  
237 creativity, and efficient approach to the use of the land, gives the ability for this project to  
238 deviate from certain standards.

239 8.5 Building Design: Since the March Planning Commission's consideration of the project  
240 the applicant has made a number of modifications to the building footprint to address  
241 massing and setback concerns.

242 a. The northeast corner of the building is now proposed at a 45-degree angle versus  
243 the previous 90-degree. This modification softens the view by breaking up the  
244 wall expanse and lessens the visual impact from properties to the east and  
245 northeast.

246 b. The building now includes various jogs to assist in breaking-up the long expanse  
247 for the north and south sides.

248 c. The southeast "L" wing of the building now jogs at an angle when it approaches  
249 County Road B. This design element will soften the impact of the building and  
250 give it added character, privacy, and curb appeal. The third floor now steps back  
251 10 feet further from the property line than the lower floors. At the northwest  
252 corner of the building, the third floor steps back a full unit.

253 d. The angled "L" wing also features a small end-capped roof to soften the perceived  
254 height of the structure. The roofline has been lowered and additional design

- 255 features have been added to give the appearance of a single family structure at the  
256 south elevation.
- 257 **e.** The setbacks of the building adjacent the north and east property lines have been  
258 increased.
- 259 **f.** Exterior material would be maintenance-free, likely to include asphalt shingles,  
260 metal/aluminum soffit and fascia, vinyl or concrete (Hardiboard) siding, brick  
261 and/or rock-face block.
- 262 **8.6** Setbacks: The Orchard has a minimum 10-foot front yard setback from Midland Grove  
263 Road, a varying corner side yard setback adjacent to County Road B of 28.4 to 39.8 feet,  
264 a varying side yard setback from the north property line of 21 to 36.9 feet (the proposed  
265 structure would lie approximately 180 feet from the Midland Grove Condominium  
266 building), and a varying rear yard setback from the east property line of 30.5 to 51.7 feet.  
267 Decks and patios would extend 6 feet closer to the north and east property lines. The  
268 Roseville City Code (R-3 District) requires a 30-foot front-yard setback (west), a 30-foot  
269 corner side yard setback (south), a 10-foot interior side yard setback (north), and a 30-  
270 foot rear-yard setback (east). As shown on the Site Plan, the Orchard meets most of these  
271 setback requirements.
- 272 **8.7** Access/Traffic: The applicant proposes to access the site via Midland Grove Road (a  
273 public road). Trip Generation engineering data (Institute of Transportation Engineers'  
274 Trip Generation Report, 8th Edition (2008) provided by the applicant's consultant  
275 indicates that a 55-unit senior development could generate approximately 193 trips/day  
276 overall or approximately 3.5 trips/day per household. Midland Grove Condominiums is  
277 not age restricted housing, therefore it has an average daily trip generation of 6.72 per  
278 unit (Institute of Transportation Engineers' Trip Generation Report, 7th Edition, 2003) or  
279 1,170 trips per day and a combined total estimated at 1,363 vehicle trips per day.
- 280 **8.8** Parking: Section 1019.10(A) of the City Code sets minimum parking standards by use.  
281 The City Code has established parking requirements for nursing homes and senior  
282 housing at one space per four beds and one enclosed space plus 0.3 spaces of visitor  
283 parking, respectively. The Planning Division has determined that on-site parking  
284 required under Code shall be 55 enclosed and 16 surface spaces, or 71 total spaces.  
285 Based on the proposal, resident and employee parking will be accommodated through  
286 enclosed parking located under the building in approximately 83 underground stalls and  
287 with another 19 surface parking lot spaces for visitors.
- 288 **8.9** Landscaping: The applicant has indicated a strong desire to preserve as many trees as  
289 feasibly possible, especially those near the intersection of County Road B and Midland  
290 Grove Road and north along Midland Grove Road. The applicant will also attempt to  
291 preserve and/or transplant some of the apple trees that dot the property. As for proposed  
292 landscaping, the plan indicates boulevard trees, interior trees and shrubs throughout the  
293 site. Shrubs would act as a natural screen for the main level patios and all storm water  
294 management areas will require some form of heightened landscape.
- 295 **8.10** Pathways and Sidewalks: Section 1013.07 of the City's Code requires that new non-  
296 motorized pathways be constructed as part of new development on properties that are  
297 designated in the official pathway system plan. However, the plan does not indicate  
298 sidewalk or path requirement along the north side of County Road B. The DRC is  
299 recommending a sidewalk from the Midland Grove Condominium parcel to County Road



300 B adjacent Midland Grove Road and is looking into a way in which sidewalk can be  
301 provided from Midland Grove Road to Cleveland Avenue, where the identified crossing  
302 lies.

303 8.11 Storm Water: Storm water will be collected and treated on site. The conceptual storm  
304 water management plan indicates three infiltration areas, one at the rear of the building to  
305 assist with drainage from adjacent properties, and the other two in the southwest corner  
306 of the property.

307 8.12 Sanitary Sewer and Water: Sanitary sewer and water will be provided by a water main  
308 and sanitary sewer connection located within County Road B.

309 8.13 Private Utilities: The private utilities, such as electricity, cable, telephone, and natural  
310 gas, will be designed and coordinated through the Public Works Department to be  
311 underground and utilize a joint trenching system, where applicable.

312 **9.0 STAFF COMMENTS**

313 9.1 In order for the City Council to gain a better understanding of the process of the Planning  
314 Division in formulation a recommendation to oppose/support a given development  
315 proposal, we begin by reviewing/analyzing the proposal against: Imagine Roseville 2025,  
316 the current/proposed Comprehensive Land Use Plan, Metropolitan Council's system  
317 statement, and past policy decisions by the City.

318 9.2 Imagine Roseville 2025 indicates that the City should support increased residential  
319 density to reduce housing costs; ensure life-cycle housing throughout that city to attract  
320 and retain a diverse mix of people, family types, economic statuses, ages, and so on; and  
321 employ flexible zoning for property redevelopment to meet broader housing goals such  
322 as density, open space, and lot size.

323 9.3 The recently-completed Comprehensive Planning process did not allocate sufficient  
324 resources to give full consideration of future land use changes for all parcels in the city;  
325 consequently some parcels – including this one – were overlooked in favor of focusing  
326 on areas that seemed more likely to be redeveloped in the near term. Nevertheless, basic  
327 planning principles would provide for increased residential density to buffer the lower  
328 densities lying east, especially when adjacent to or at the intersection of two major  
329 roadways (Cleveland Avenue and County Road B).

330 9.4 The Metropolitan Council, through its System Statement, is expecting Roseville to add  
331 1,902 new households by 2030. With very little land available for single-family or town  
332 home developments, multiple-family residential developments of varying densities will  
333 need to be supported by the City to meet this requirement.

334 9.5 The City's recently-completed Comprehensive Plan supports increased density on infill  
335 lots in order to maintain the stock of non-residential areas and to better utilize land not at  
336 its highest and best use.

337 9.6 Since 2000, Roseville's policy has been to approve multiple-family residential projects  
338 through the planned unit development process, which have deviated from similar general  
339 standards of the City Code. There have been seven such projects, each with a land use  
340 designation of High Density Residential and lying adjacent to single-family homes. All  
341 of these developments except Heritage Place are a minimum of three stories tall and  
342 contain more than 25 units per acre.

9.7 To gain a better perspective, the Planning Division has completed an analysis of the seven previous multiple-family residential projects and determined their density, impervious coverage, and lot-area-to-unit-type (or minimum lot size) ratios. Staff has included calculations regarding the two adjacent developments, Ferris Wood Townhomes and Midland Grove Condominiums. These results include (also see Attachments D1–D6):

**Sunrise Assisted Living:** 79 units on 2.9 acres = 27.3 units per acre. Impervious coverage calculated at 53,838 or 43.5% of the 123,710 sq. ft. lot size. The project includes 79 one-bedroom units with a minimum lot size requirement of 158,000 sq. ft. of 3.63 acres (D1).

**Heritage Place:** 50 units on 1.95 acres = 25 units per acre. Impervious coverage calculated at 42,356 sq. ft. or 50% of the 84,942 sq. ft. lot size. The project includes 19 one-bedroom units and 31 two-bedroom or greater units with a minimum lot size requirement of 124,800 sq. ft. or 2.87 acres (D2).

**Accessible Space:** 22 units on .82 acres = 26.8 units per acre. Impervious coverage calculated at 20,334 sq. ft. or 57% of the 35,719 sq. ft. lot size. The project includes 22 one-bedroom units with a minimum lot size requirement of 44,000 sq. ft. or 1 acre (D3).

**Applewood Pointe:** 96 units on 3.5 acres = 27.4 units per acre. Impervious coverage calculated at 78,887 sq. ft. or 52% of the 150,481 sq. ft. lot size. The project includes 19 one-bedroom units and 77 two-bedroom or greater units with a minimum lot size requirement of 253,600 sq. ft. or 5.82 acres (D4).

**Greenhouse Village:** 102 units on 4.5 acres = 26.6 units per acre. Impervious coverage calculated at 104,345 sq. ft. or 54% of the 194,240 sq. ft. lot size. The project includes 22 one-bedroom units and 80 two-bedroom or greater units with a minimum lot size requirement of 268,000 sq. ft. or 6.15 acres (D5).

**McCarrons Pond:** 42 units on 1.27 acres = 33 units per acre. Impervious coverage calculated at 32,555 sq. ft. or 58% of the 55,321 sq. ft. lot size. The project includes 17 one-bedroom units and 25 two-bedroom or greater units with a minimum lot size requirement of 104,000 sq. ft. or 2.39 acres (D6).

**Applewood Pointe II:** 96 units on 3.4 acres = 28 units per acre. Impervious coverage calculated at 75,804 sq. ft. or 51% of the 148,104 sq. ft. lot size. The project includes 8 one-bedroom units and 87 two-bedroom or greater units with a minimum lot size requirement of 259,600 sq. ft. or 6 acres.

**Ferriswood Townhomes:** 47 units on 12 acres = 3.92 units per acre. Impervious coverage calculated at 215,717 sq. ft. or 41% of the 526,659 sq. ft. lot size.

**Midland Grove Condos:** 174 units on 10.3 acres = 17 units per acre. Impervious coverage calculated at 203,425 sq. ft. or 45% of the 448,370 sq. ft. lot size. The project includes 57 one-bedroom and 117 two-bedroom or greater units with a minimum lot size requirement of 441,600 sq. ft. or 10.1 acres.

**The Orchard:** 55 units on 2.23 acres = 25 units per acre or 55 units on 2.61 acres = 21 units per acre. Impervious coverage calculated at 50,002 sq. ft or 51% of the 97,515 sq. ft. lot size or 44% of the 113,691 sq. ft. lot size. The project includes 10 one-bedroom and 45 two-bedroom or greater units with a minimum lot size requirement of 146,000 sq. ft. or 3.35 acres.

|                                 | Units | Units/Acre | Lot Size<br>(acres) | Lot Size<br>Req.<br>(acres) | Impervious<br>Coverage | Stories              |
|---------------------------------|-------|------------|---------------------|-----------------------------|------------------------|----------------------|
| <b>Sunrise</b>                  | 79    | 27.3       | 2.9                 | 3.63                        | 44%                    | 3                    |
| <b>Heritage<br/>Place</b>       | 50    | 25         | 1.95                | 2.87                        | 50%                    | 3 above<br>parking   |
| <b>Accessible<br/>Space</b>     | 22    | 26.8       | .82                 | 1                           | 57%                    | 3                    |
| <b>Applewood<br/>Pointe</b>     | 96    | 27.4       | 3.5                 | 5.82                        | 52%                    | 3-4 above<br>parking |
| <b>Greenhouse<br/>Village</b>   | 102   | 26.6       | 4.5                 | 6.15                        | 54%                    | 3 above<br>parking   |
| <b>McCarrons<br/>Pond</b>       | 42    | 33         | 1.27                | 2.39                        | 58%                    | 3 above<br>parking   |
| <b>Applewood<br/>Pointe II</b>  | 96    | 28         | 3.4                 | 6                           | 51%                    | 3 above<br>parking   |
| <b>Ferriswood<br/>Townhomes</b> | 47    | 3.92       | 12                  | N/A                         | 41%                    | 1+                   |
| <b>Midland<br/>Grove</b>        | 174   | 17         | 10.3                | 10.1                        | 45%                    | 3 above<br>parking   |
| <b>Orchard</b>                  | 55    | 25 (21)    | 2.23 (2.61)         | 3.35                        | 51% (44%)              | 3 above<br>parking   |

9.8 During the City Council meeting of May 11, the Council forwarded specific items for the Planning Commission to consider; these include:

- a. *Review of the appropriate impervious coverage calculations on the site;*
- b. *Review of the building's relative height based on sight lines and topography of the site;*
- c. *Review of actual scale perspectives relative to height issues from various angles and giving consideration to roof slopes, number of stories, etc.;*
- d. *Review whether sufficient improvements have been made with respect to distances from adjacent properties based on setback requirements and perspectives from adjacent properties;*
- e. *Review of the safety of access points and traffic issues on Midland Grove Road, not only based on number of vehicles, but more specifically density of the area and design of the road; and connections to various and major intersections in that area (i.e., County Road B at Midland Grove Road).*

9.9 The Roseville City Code does not include an impervious coverage requirement for any zoning district other than R-1 and R-2 properties, so it is difficult for the Planning Division to comment on whether the proposal includes too much impervious coverage – especially since the Rice Creek Watershed and City Code require storm water management be provided that address water quality and volume/rate of run-off. It is worth noting that most of the projects analyzed above all have a similar impervious coverage, generally above 50%. The Planning Division has concluded that there is no rationale for determining appropriate impervious coverage when the City does not have a policy.

- 410 9.10 The Orchard as proposed will be of a similar height (3-stories) to Midland Grove  
411 Condos, however their over height is different give the flat roof and approximately 34  
412 foot height of Midland Grove and the truss roof and 46 feet of The Orchard. There has  
413 also been much discussion about the single family home at 1995 County Road B. When  
414 the Planning Division considers the impacts of the Orchard to surrounding uses, this  
415 parcel is determined to have a future land use designation of Medium Density  
416 Residential, with a future allowance of 4 units per acre or up to three attached townhomes  
417 meeting the dimensional requirements indicated in the Roseville City Code. Staff and the  
418 applicant have taken the concerns of this property owner seriously, and the applicant has  
419 made a number of modifications to the plans to minimize the perceived impact, but at the  
420 end of the day this property is not given the same deference as if it were guided low  
421 density. Additionally, the Planning Division has assessed building height relative to  
422 sight lines and topography and concluded that most of the townhomes that lie within  
423 Ferriswood will not be able to see the Orchard structure. Those that will view or have a  
424 partial view include 2175, 2179, 2181, 2191, 2193, 2195 2201 and 2203 Ferris Lane. It  
425 is worth noting that all of the units identified above also have a view of Midland Grove  
426 Condominium, with the majority located closer to that building than to the proposed  
427 Orchard building.
- 428 9.11 The Orchard is proposed at 3-stories with a truss roof that is 38.6 feet at its midpoint and  
429 46.5 feet to the top of peak. This height (though taller) is similar to that of Midland  
430 Grove Condominiums which stands at approximately 34 feet, but just as important, the  
431 proposed height is consistent with the City's policy decisions on Greenhouse Village,  
432 Applewood Pointe, and McCarrons Pond all with similar height, mass, and proximity to  
433 existing single-family residential neighborhoods.
- 434 9.12 Given Roseville's limited land availability, the stated need and desire to increase density,  
435 past policy decisions, similarities between the Orchard and most other multiple-family  
436 residential projects approved by the City since 2000, and the documented limited impacts  
437 the Orchard will pose to the surrounding neighbors, Planning Division staff believes that  
438 the project ought to be supported as submitted.
- 439 9.13 During the two Planning Commission public hearings and the City Council meeting,  
440 adjacent residents raised concerns regarding the difficulties in accessing County Road B  
441 from Midland Grove Road, the sight line in and around this intersection, and the volume  
442 of traffic (both current and proposed) and conflicts/congestion it will bring. To address  
443 this matter, the Planning Division inspected and took photos of County Road B from  
444 Fairview Avenue to Cleveland Avenue and the two intersecting streets to gain a better  
445 understanding of sight lines, signage, roadway markings, and volume of traffic  
446 (Attachment F1-F11). Staff has inspected and reviewed the photos and concluded that  
447 appropriate road markings and signs are placed to properly direct and advise drivers on  
448 County Road B, Cleveland Avenue and Midland Grove Road, and determined that the  
449 turn lanes along County Road B provide ample stacking for the current and anticipated  
450 volume of traffic. Since its work began on the Orchard, the Planning Division has been  
451 to the site at 2025 County Road B numerous times to inspect varying items, but has never  
452 experienced any complications regarding exiting on to County Road B (see Attachment  
453 I).
- 454 9.14 The Engineering Division has reviewed the roadway design of County Road B at  
455 Cleveland Avenue and Midland Grove Road and determined that the road is of adequate

size and proper design to accommodate motorists traveling attentively at the posted speed. Further, Midland Grove Road is designed appropriately to accommodate vehicles traveling from Midland Grove Condominiums as well as those entering and exiting the Orchard. The Engineering and Planning Divisions share the opinion that the development of the Orchard will eliminate a slight site-line issue looking east from Midland Grove Road as well as provide more light to the road adding safety for vehicles traveling towards County Road B. Staff has researched and concluded that only two accidents have been documented over the past ten years at the Midland Grove/County Road B intersection.

9.15 The Planning Division is interested in working with the applicant's architect on the possible modifications to the exterior elevation of the building through the use of building materials, colors, and architectural features.

9.16 It is worth noting that the vast majority of Roseville's multiple-family housing was built in the 1960's and 1970's, and that they lie predominately adjacent to single-family residences, are zoned Limited Business (B-1), and that do not appear to have been held to any of the multiple-family residential Code standards.

## **10.0 PROJECT RECOMMENDATION**

10.1 On June 3, 2009, the Roseville Planning Commission held the duly-noticed public hear regarding the Comprehensive Land Use Map Amendment and the Rezoning (see attached minutes).

10.2 At the hearing a number of area residents spoke in opposition to the Comprehensive Land Use change from Low Density Residential to High Density Residential and to the Rezoning to Planned Unit Development. These individuals also spoke to the item being heard before the Planning Commission, the General Concept Planned Unit Development. Their comments and the Commissions comments are generalized below:

a. Peter Coyle, Attorney with Larkin Hoffman representing Ferriswood Townhomes and Midland Grove Condominiums addressed the Commission expressing his clients concerns over size, mass, density and traffic the project would have on the area. He also cautioned the Commission over giving up their ability to control development if the Comprehensive Plan and Zoning for/on the property are changed.

b. Mr. Gary Stenson, 2179 Ferris Lane, provided his interpretation of illustrations submitted and discussed in the project report, questioned the Planning Staff's position that the impacts, mass, scale and other attributes were similar to the Orchard's impact on it surroundings. Mr. Stenson also questioned the applicants attempt to increase the lot's size.

c. Mr. Scott Roste, President of the Midland Grove Condominium Association, wondered whether other projects provided as a comparison in the project report had the same level of opposition and the Orchard did. He added that the Association was disgruntled with the inclusion of land the Association thought was theirs. Mr. Roste asked that the Orchard be considered on its own merits as it relates to density, size of available acreage, and location of other uses, and not judged against the other developments presented in the project report. He continued by stating that increased traffic was a major safety concern for the

Association based on the curvature of the road and the realities of vehicles traveling down the middle, their speed, lack of lighting, and pedestrians walking along the shoulder.

- d.** Mr. Dick Taylor, 2211 Midland Grove Road #302, pointed out an address that was misidentified and indicate that he felt the building was much taller than its representation in the documents and than any surrounding buildings. He also was stated a concern over the added traffic.
- e.** Ms. Joyce Thielen, 2210 Midland Grove Road #203 discussed the drainage issues incurred at Midland Grove and her concern over the projects impact on their property and felt the the Orchard would only serve to further compound the issues in the area.
- f.** Mr. Steve Enzler, 1995 County Road B, stated that he felt the design and footprint of the proposed Orchard was a massive building that had not materially changed from the previous iteration. He added that while the developer has broken-up the exterior elevations, there was still a mass of building adjacent his single family home. Mr. Enzler expressed concern over the accuracy of the applicants illustrations. He continued by agreeing with the already stated traffic concerns and questioned why the project is being proposed and why it was so large.
- g.** Mr. Merlyn Scroggins, 2237 Cleveland Avenue, indicated the he believed in the City and that there would always be negative comments on any give project before the City for approval. He added the Orchard was good for Roseville, was a quality development, and a type of necessary housing in the community. He stated that both Midland Grove and Ferriswood were developed out of certain needs and necessities, which changed the character of the City/neighborhood when the were developed. Having lived in the area for 40 years it was his opinion that traffic was not an issue even though is has been increasing.
- h.** Mr. Vijay Pottgrugod, 2250 Midland Grove Road #105, stated his opinion that the apparent rational for supporting the project was added tax base. He added he felt that if the development was constructed as presented the condos he lives in would become less valuable as well as other properties in the surrounding area, and stated his concern over the financial viability of the project.
- i.** Mr. Andy Weyer, 2025 County Road B, property owner and applicant, stated that his family owner the land on which Midland Grove was built and that it once was the family farm and orchard. He indicated that the City was continuing to change as it did when his father had to sell the 10 acres for Midland Grove to pay road assessments. Mr. Weyer added that his family fully supported the project and disputed the information presented by other area residents.
- j.** Ms. Jackie Eastman, 2250 Midland Grove Road #107, opposed the project because of the loss or trees and green space in the area. She added that traffic is a concern and that the Roseville Police Department has issued numerous speeding tickets along County Road B in the general vicinity.
- k.** Commissioner Best thanked the staff for the added information and details in the report and its assistance with addressing this difficult proposal, specifically the comparables and relative impact on adjacent properties. Commissioner Best added stated he felt the items the Council sought review, comment, and

recommendation upon, had been addressed to his satisfaction, and questioned why this project should not be considered differently than from the other similar projects. He added that the Planning Staff provided due diligence in their review and while initially opposed to the project he appreciated the way in which the revised plan addressed various concerns and spoke in support of the project as presented.

**l.** Chair Doherty noted that he had not been a big supporter of the other iterations of the project, but complemented that Planning Staff and applicant/developer for their efforts in making significant revisions. Chair Doherty noted that the mass and scale had been too large, but the developer scaled back the project in response to previous concerns expressed by the Commission and echoed Commissioner Best's comments and spoke in support of the revised project.

**m.** Commissioner Gottfried spoke in opposition of the revised proposal and his continued concerns with the project, specifically its height, mass and scale. He gave the developer credit for making numerous modifications to address previous concerns, but indicated the project would need to lose another floor, reduce the height, and that he would only be comfortable with medium density on the site.

**n.** Commissioner Wozniak noted that he did not support the previous iterations and he does not support the revised proposal. He stated that he was impressed with the modifications the developer and his consultants made to the project, however the building was still too big. He expressed concern over traffic and the intersection of Midland Grove Road and County Road B. Commissioner Wozniak stated he felt there was not enough changes between the plans, there were still too many units for the acreage involved, expressed his preference in Mr. Mueller stepping-up and taking responsibility for the past errors that have been brought forward by residents in his projects.

**o.** Commissioner Gisselquist noted that this was the first official time he was seeing the project, noting that he had been following the past discussions as a resident living on the other side of the Fairview Community Center. He stated that on one hand it would be sad to see the orchard and open space removed, but sympathized with the property owner and developer's position and the need for directed development on the property. Commissioner Gisselquist indicated that the comparison table provided by the Planning Division in the report put things into perspective and stated that the developer had taken favorable steps to bring density down and that he would be supporting the project.

**p.** Commissioner Cook stated that he saw no major issues with the proposal and that this type of housing is needed in the community. He indicated he liked the looks of the project and he would be supporting the proposal as presented.

**q.** Vice Chair Boerigter recognized all the comments, support and objections received during the public hearing portion of the item. He continued by indicating the Roseville has limited opportunities for such developments and given the mandated of the Metropolitan Council and the guidance of the Comprehensive Plan, from this perspective this was a worthy project and indicated his support for the project as presented. Vice Chair Boerigter stated that the project did have some impact on the Enzler and Stenson properties, however

the Orchard was not significantly out of line with the Midland Grove development, nor did its height pose a great impact to Midland Grove or Ferriswood Townhomes. He added that the applicant has made great strides in the building's design elements and structure, with improvements to the aesthetics and a reduction in the scale and mass of the project and stated his decision-making perspective is one of the greater Roseville Community. He continued by stating that the General 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. Vice Chair Boerigter added the past development projects by Mr. Mueller and the financing of the project were "red herrings" not germane to the land use approval.

10.3 On March 4, 2009, the Roseville Planning Commission voted 4-3 to support the Comprehensive Land Use Amendment. However, under Section 201.07 of the City Code, this is not a recommendation in the affirmative. The Code requires a 5/7 vote of the Commission to actually qualify as a recommendation. In the absence of such a recommendation the Council is not prevented from acting on the request.

10.4 On March 4, 2009, the Planning Commission also voted 7-0 to rezone the property from Single Family Residence to Planned Unit Development.

10.5 On June 3, 2009 the Roseville Planning Commission voted 5-2 to recommend approval of the General Concept PUD as presented in the project report dated June 3, 2009, subject to the following conditions:

- a. The applicant/architect shall work with staff on the exterior elevation of the proposed building;
- b. Parking shall meet the standard requirement of the City Code;
- c. The final landscape plan shall include additional screening along the east, south and north sides of the building. This screening may include a decorative fence and/or berm as well as landscaping;
- d. The final grading and drainage plan shall meet the requirements of the Rice Creek Watershed and the City of Roseville;
- e. The Roseville Fire Marshall shall approve all fire hydrant locations;
- f. The final site plan shall be modified to include a sidewalk along the east side of Midland Grove Road from County Road B to the Southern property line of Midland Grove Condominiums;
- g. The final site plan shall also be modified to include a sidewalk within the County B right-of-way from Midland Grove Road to Cleveland Avenue;
- h. The building be LEED certified or equivalent (*the Planning Division does not recommend that any project be required to be LEED certified due to the tremendous cost and time necessary. However we do support and recommend that projects be encouraged to follow LEED principles and implement "green" technologies*).

## 11.0 SUGGESTED CITY COUNCIL ACTION:

**The Planning Division recommends that the Roseville City Council take the**



631 following action regarding Art Mueller's request to redevelop 2025 County Road B  
632 with a 55-unit active senior living community:

633 11.1 **Adopt a Resolution approving a COMPREHENSIVE LAND USE MAP AMENDMENT** of  
634 2025 County Road B from Low Density Residential (LR) to High Density Residential  
635 (HR). The land use map designation change will not become final until the City receives  
636 support from the Metropolitan Council.

637 11.2 **By motion, support the requested REZONING** of 2025 County Road B from Single  
638 Family Residential (R-1) to Planned Unit Development (PUD). The PUD Agreement, if  
639 approved in the FINAL phase of the PUD review process, will become the development  
640 contract on which the REZONING is based.

641 11.3 **By motion, approval of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT** as  
642 prepared for the May 11, 2009 City Council meeting, subject to the conditions of Section  
643 9 of this report. Final approval by the City Council will be considered after all conditions  
644 and required documents and permits have been submitted for final approval. Final  
645 approvals are considered a separate application process.

**Prepared by:** City Planner, Thomas Paschke

|                     |                               |                                         |
|---------------------|-------------------------------|-----------------------------------------|
| <b>Attachments:</b> | A: Area map                   | G: Open house summary                   |
|                     | B: Aerial photo               | H: Email responses/letter               |
|                     | C: Comp Plan designations map | I: Planning Commission minutes (2 sets) |
|                     | D: Development photos (1-6)   | J: Project Plans (10)                   |
|                     | E: Roadway photos (1-11)      | K: Draft resolution                     |
|                     | F: Project narrative          |                                         |