

REQUEST FOR COUNCIL ACTION

DATE: 8/22/2011
ITEM NO: 12.e

Division Approval



City Manager Approval



Item Description: Request by TOTI Roseville RE, LLC for approval of an assisted living facility as a **conditional use** at 621-637 Larpenteur Ave (PF11-013).

1.0 REQUESTED ACTION

The applicant proposes to construct a 44-bed assisted living facility in the northwest corner of the intersection of Larpenteur Avenue and Dale Street, to be operated by Suite Living, if approved as a CONDITIONAL USE.

Project Review History

- Application submitted and determined complete: May 5, 2011
- Review deadline (extended by applicant): September 2, 2011
- Planning Commission recommendation (6-0 to approve): June 1, 2011
- Project report prepared: August 17, 2011
- Anticipated City Council action: August 22, 2011

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff concurs with the recommendation of the Planning Commission to approve the proposed CONDITIONAL USE; see Section 8 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

Adopt a resolution approving the proposed CONDITIONAL USE, pursuant to §1005.03 (Commercial Uses) and §1009.02 (Conditional Uses) of the City Code; see Section 9 of this report for the detailed action.

4.0 BACKGROUND

The City Council originally reviewed this application at its meeting of July 25, 2011. The item was tabled in order to address three outstanding concerns: screening along the neighboring residential property boundaries, building height, and the “usable open space” required for each resident of the assisted living facility. This report addresses these three issues and provides a recommendation based on the full analysis of the project, but the full analysis of the proposed CONDITIONAL USE is not reprised here because the Council did not indicate any concerns with the remainder of the analysis by City staff or the recommendation of the Planning Commission. The minutes from the July 25th City Council meeting are included with this staff report as Attachment D.

5.0 SCREEN FENCE

To improve the screening of the adjacent residential properties from headlights in the assisted living parking area, the applicants propose to use a 6-foot tall, board-on-board-style fence made of a maintenance free material with a color that resembles brown stained wood. The fence would be erected a short distance from the northern property line to minimize any impact on the existing lilac bushes. Such a fence meets all of the zoning requirements pertaining to such screening and is supported by Planning Division staff.

6.0 BUILDING HEIGHT

6.1 As noted in the previous discussion with the City Council, the proposed pitched roof was selected by the applicant as a feature that attempts to reflect the residential nature of the building and to make an architectural reference to the neighborhood of one-family homes. At an overall height of 38 feet, and an official height of about 30 feet (as measured to the mid-point of the roof), the building is within the 35-foot height limit established in the zoning code. To demonstrate that the height of the roof will have little impact beyond its visual presence, the applicant has provided an illustration of the maximum shadow produced by the building at midday on the winter solstice, the date on which the sun is at its lowest angular height in the sky; the illustration is included with this staff report as Attachment E. The illustration indicates that the building’s shadow would cross onto the adjoining parcel to the north, but that it would fall short of the home on that property.

6.2 Planning Division staff wishes to point out that the illustrated shadow is based on the peak of the roof at a gabled end on the north side of the building. While the shadow is accurately represented for this peak, it overstates the shadow that would be cast by the bulk of the building. The building’s main peak runs east-to-west nearly 50 feet south of the northern gabled end, meaning that the great majority of the building’s shadow would end about 30 feet within the property’s northern boundary. Aside from the small shadow caused by the roof as illustrated, the 6-foot fence near the property line should cast much more shade on the adjoining parcel than the proposed building would.

7.0 USABLE OPEN SPACE

7.1 The zoning code requires that nursing homes and assisted living facilities provide at least 150 square feet of “usable open space” within the property unless it is located within 300 feet of some other public open space. Because Suite Living’s level of care and safety protocols prevent residents from being allowed outside of the secured areas of the facility, Planning Division staff reasoned that this requirement does not presently apply

but that, if this practice were to change in the future and residents would be able to leave the building freely, this requirement would become applicable at that time and the facility would have to find a way to meet this requirement at that time. Some members of the City Council were uncomfortable with this position as it left open the possibility that a facility with different cultural practices would either be forced to scale back (or even close) or to operate—illegally—in some degree of noncompliance with this open space provision. Although the City Code does not define “usable open space,” Planning Division staff has conservatively conceived of it as places where people can walk around, sit on benches, lawn bowl, or the like. Practically speaking, such features as a rain garden or a perennial bed are not being counted as “usable” even though those features are conventionally considered as attractive open space.

7.2 The proposed 44-bed facility would require 6,600 square feet of usable space to meet the requirement; during the July 25th City Council meeting, Planning Division staff was unsure of how much open space was included in the proposed site plan. Planning Division staff has prepared an illustration, based on the applicant’s landscape plan, of the usable open space contained in the proposal; this illustration is included with this staff report as Attachment F. The secure patio area on the south side of the building comprises about 970 square feet, and the yard to the north and east of the building has another 3,665 square feet, for a total of 4,635 square feet (or about 70% of the total requirement).

7.3 In order to achieve the full 6,600 square feet of open space, the applicant has investigated the possibilities of obtaining a 99-year lease or permanent vacation of the adjacent Dale Street right-of-way to include it as part of its legal yard space, and of reconfiguring the northern row of parking stalls with a sort of turf “paving” system that looks like lawn space but that can accommodate vehicles without damage to the ground. Planning Division staff continues to believe, however, that the answer lies in the Dale Street right-of-way—with or without a vacation or long-term lease. As part of an approval of the proposed CONDITIONAL USE, the applicant would be required to restore the entire right-of-way with turf grass and a sidewalk. This right-of-way lawn, being contiguous with the assisted living property, will be maintained by the assisted living facility exactly as any one-family homeowner maintains the right-of-way in front (and, perhaps, to the side) of his or her house. Homeowners do this not just because it is required of them, but also because they use the right-of-way as an integral part of their own yard. The same is true in the present situation: the grassy right-of-way will have the outward appearance and practical effect of being part of the assisted living facility’s yard even though it is (and may continue to be) public right-of-way. Adding the right-of-way area to the usable open space within the property boundaries would increase the available usable open space to more than 150% of the required amount.

8.0 RECOMMENDATION

8.1 With the previous discussion of the City Council and the comments and findings outlined in Sections 5-7 of this report, the Planning Division continues to support the recommendation of the Planning Commission to approve the proposed CONDITIONAL USE pursuant to §1004.07 and §1009.02 of the Roseville City Code, based on the following findings:

- a. The proposed assisted living facility is not in conflict with the Comprehensive Plan because it advances the Comprehensive Plan’s several goals related to buffering

residential neighborhoods from busy commercial areas or major roadways like Larpenteur Avenue;

- b.** The proposed use is not in conflict with a Regulating Map or other adopted plan since no such plans apply to the property;
- c.** The proposed use is not in conflict with City Code requirements since permits will not be issued if the plans fail to meet all of the relevant requirements and, moreover, the conditional use approval can be rescinded if the use or the property fails at any time to comply with all applicable Code requirements or conditions of the approval;
- d.** Since the infirm and/or elderly nature of the residents of a nursing home or assisted living facility suggests that use of nearby parks would be limited primarily to employees and visitors and, because the traffic analysis concluded that vehicle trips generated by the proposed use are limited, especially during the typical a.m. and p.m. peak traffic periods, the proposed use will not create an excessive burden on parks, streets, and other public facilities;
- e.** As a relatively quiet and low-impact residential use, the proposed assisted living facility will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare;
- f.** The proposal, which is located adjacent to a neighborhood of one-family homes, includes access to arterial streets with a one-way, entrance-only access from Larpenteur Avenue and a two-way entrance/exit to Dale Street in the same location as the southern end of Alta Vista Drive;
- g.** While residents of the proposed secure facility would not fully utilize the required 150 square feet of open space per person, the yard and the adjacent right-of-way combine to provide approximately 240 square feet of usable open space per bed; and
- h.** An appropriate transition area between the use and adjacent property can be accomplished by the proposed landscaping in conjunction with a 6-foot privacy fence, which will be consistent with the residential character of the neighborhood.

8.2 Planning Division staff also concurs with the recommendation of the Planning Commission to approve the proposed CONDITIONAL USE with the following conditions:

- a.** The applicant shall remove the existing paved area in the Dale Street right-of-way as part of preparing the site for the proposed development, shall install a sidewalk within the right-of-way consistent with Roseville's Pathway Master Plan, and shall restore the remainder of the right-of-way with turf grass and/or other approved landscaping;
- b.** The applicant shall provide a diagram illustrating the movements of trash collection and other large vehicles into and through the site to verify that the turning radiuses are adequate;
- c.** The applicant shall install a fire suppression sprinkler system and, if nursing services are to be provided, the applicant shall also install an alarm system;
- d.** The applicant shall establish screening along the northern and western property boundaries consistent with the landscape plan reviewed with this application as part of Attachment C with the addition of a 6-foot tall opaque fence in those areas; and

151 e. Once the location of outdoor mechanical equipment has been determined, the
152 applicant shall continue to work with staff to determine the location for the trash
153 enclosure that best minimizes any impacts to the neighboring property to the north
154 without compromising good internal circulation within the site.

155 **6.0 SUGGESTED ACTION**

156 **Adopt a resolution approving an assisted living facility as a CONDITIONAL USE** at 621-
157 637 Larpenteur Avenue, based on the comments and findings of Sections 4-6 and the
158 recommendation and conditions of Section 7 of this staff report.

Prepared by: Associate Planner Bryan Lloyd

Attachments: A: Area map

B: Aerial photo

C: Proposed plans

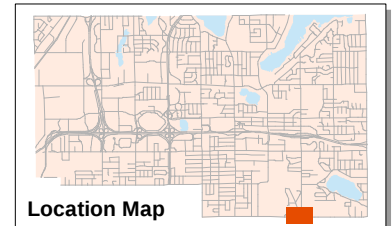
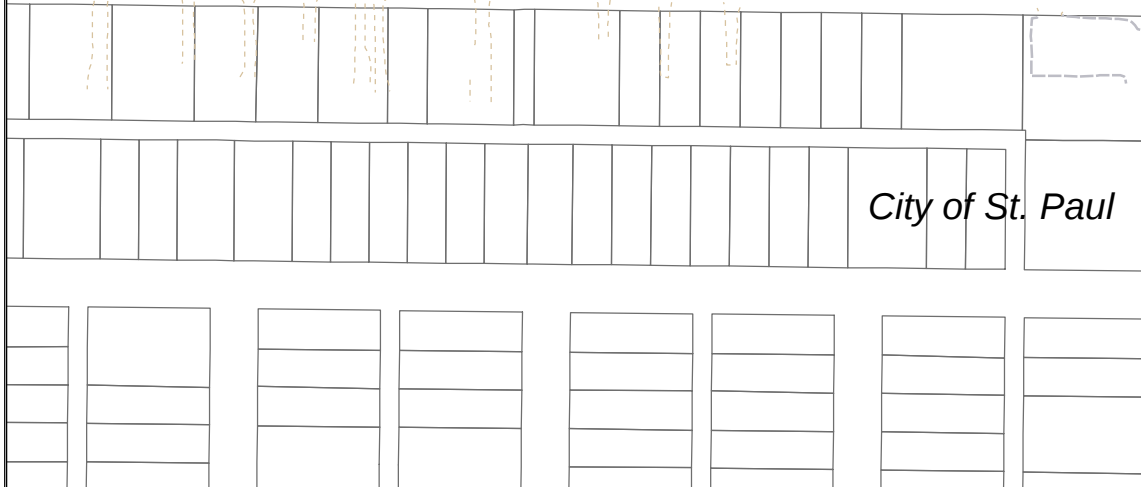
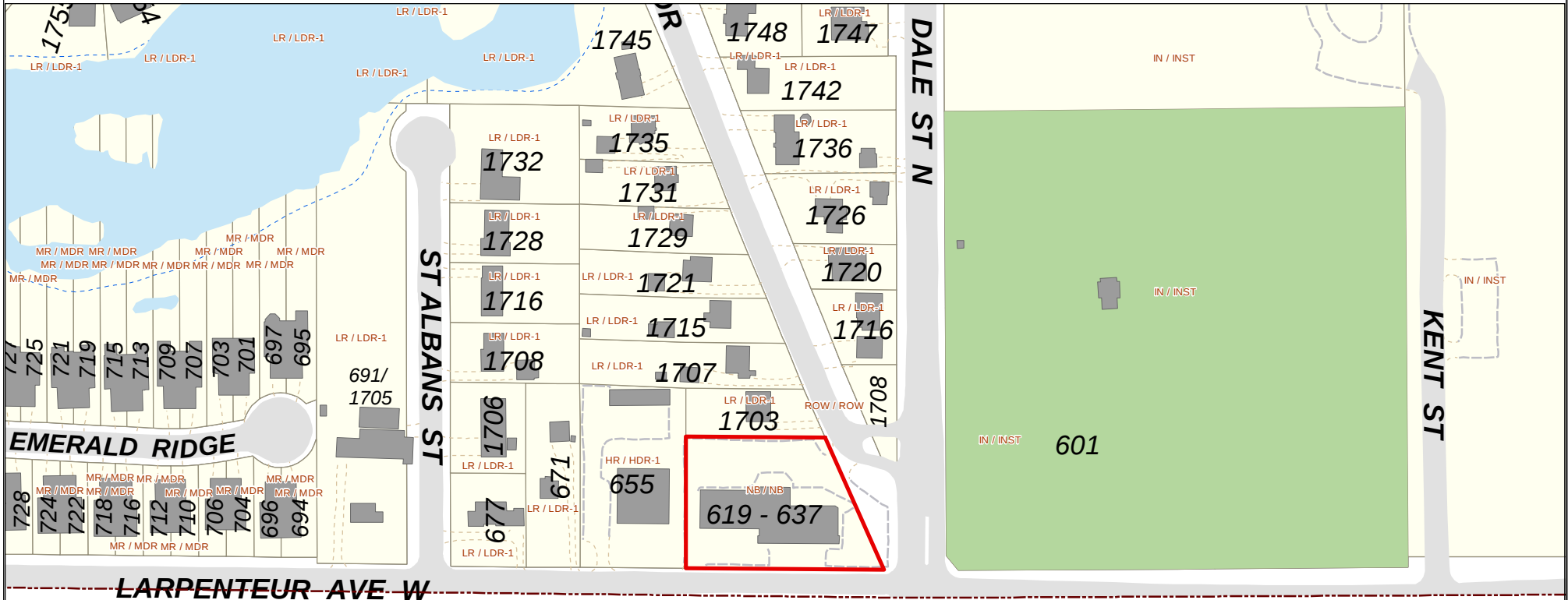
D: 7/25/2011 City Council minutes

E: Shadow illustration

F: Usable open space illustration

G: Draft resolution

Attachment A: Location Map for Planning File 11-013



Prepared by:
Community Development Department
Printed: May 10, 2011



Site Location

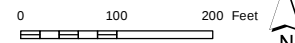
LR / R1 Comp Plan / Zoning
Designations

Data Sources

* Ramsey County GIS Base Map (5/2/2011)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 11-013



Prepared by:
Community Development Department
Printed: May 10, 2011



Site Location

Data Sources

* Ramsey County GIS Base Map (5/2/2011)
* Aerial Data: Kucera (4/2009)

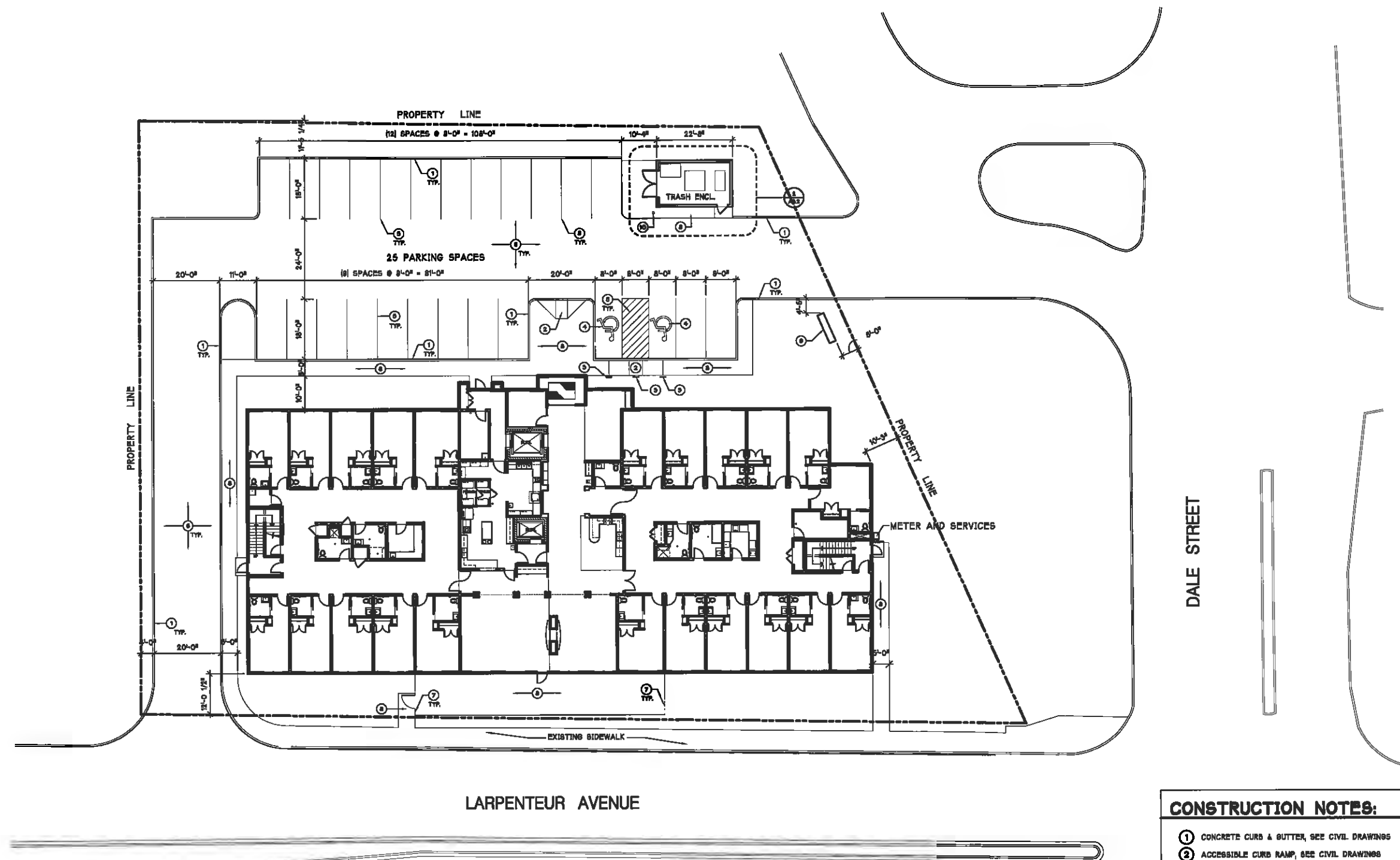
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0 50 100 Feet





CONSTRUCTION NOTES:

- ① CONCRETE CURB & GUTTER, SEE CIVIL DRAWINGS
- ② ACCESSIBLE CURB RAMP, SEE CIVIL DRAWINGS
- ③ ACCESSIBLE PARKING SIGN, SEE DETAIL 4/A12
- ④ PAINTED HANDICAP SYMBOL
- ⑤ 4" WIDE WHITE PAINT STRIPING
- ⑥ BITUMINOUS PAVING
- ⑦ 5'-0" HIGH PRE-FINISHED ALUMINUM FENCE BY AMERISTAR "ECHELON PLUS" SERIES OR EQUAL
- ⑧ 4" CONCRETE WALK W/ 6x6 W1.4 x W1.4 W.W.P. ON 6" COMPACTED FILL
- ⑨ MONUMENT SIGN, (SEE DETAILS 1, 2 & 3/A12)
- ⑩ CONCRETE PIPE BOLLARD, SEE DETAIL 8/A12



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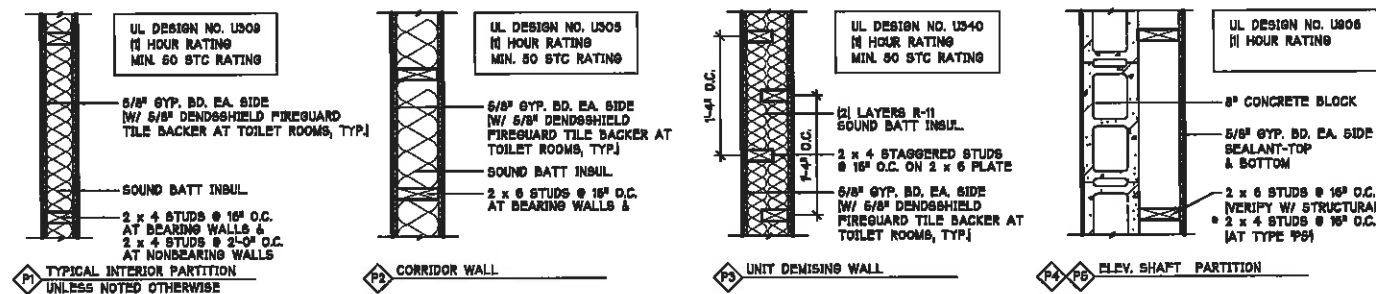
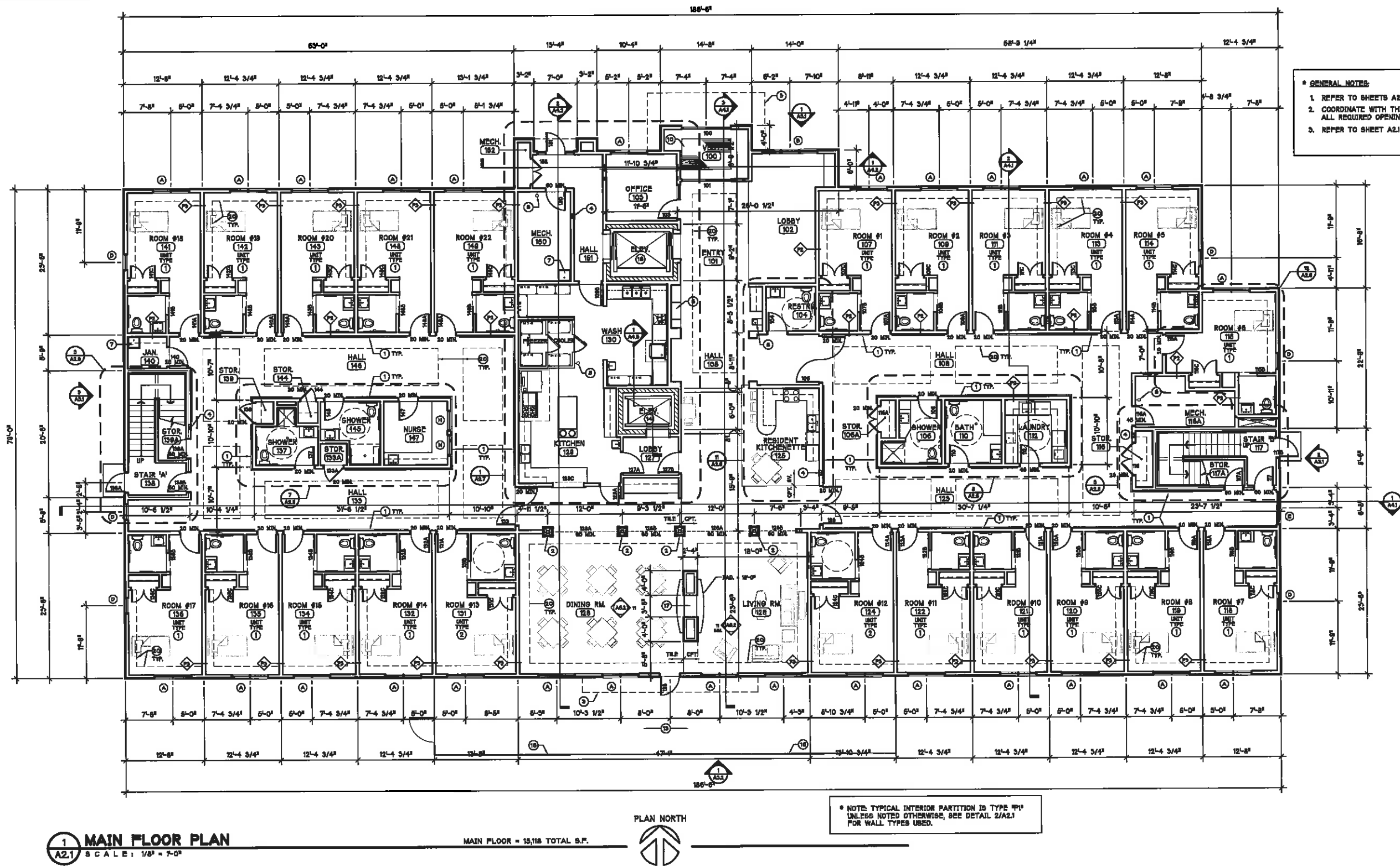
SuiteLiving

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ROSEVILLE, MN

PROJECT NO. 10-041

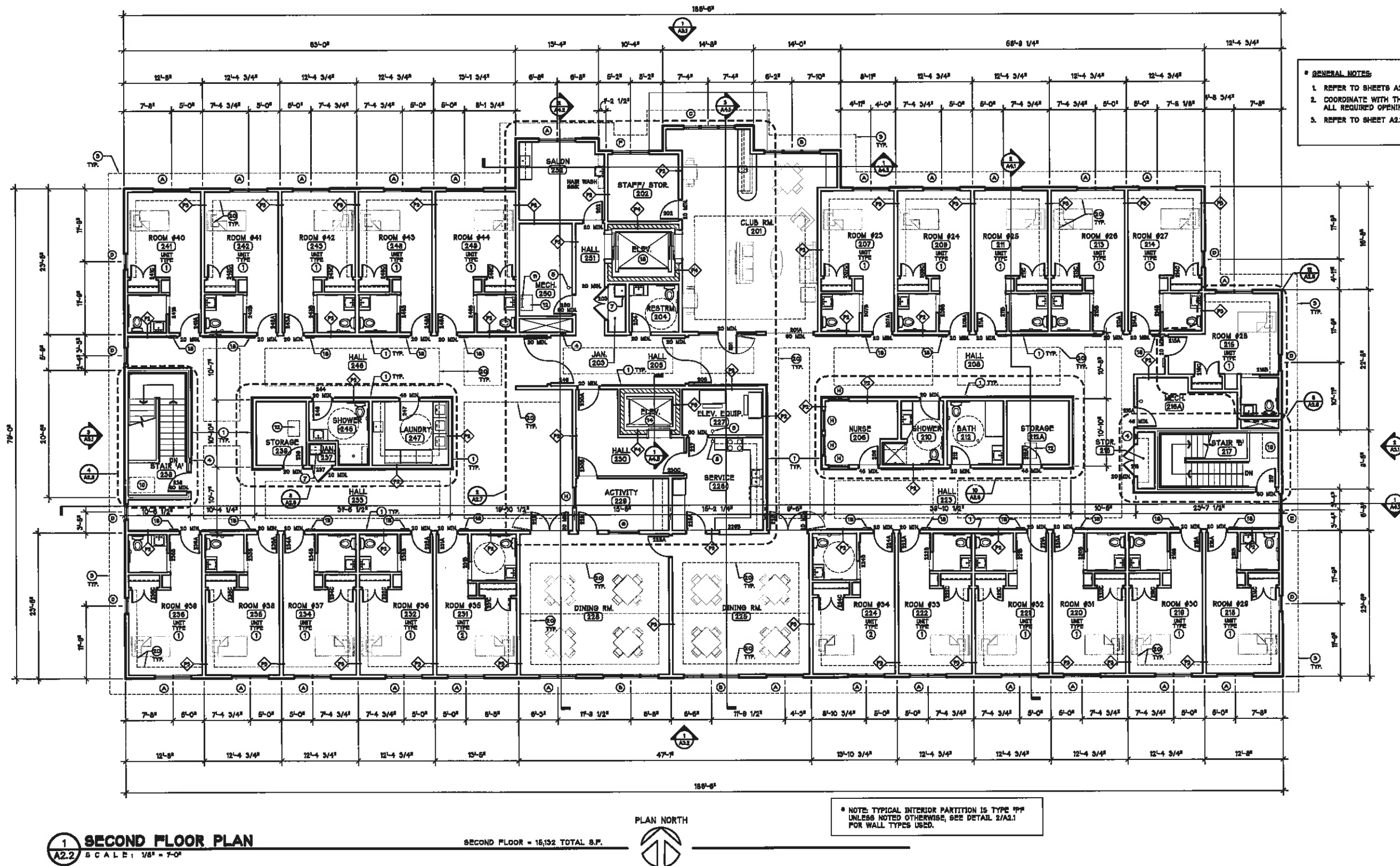
FIRST FLOOR PLAN

A21

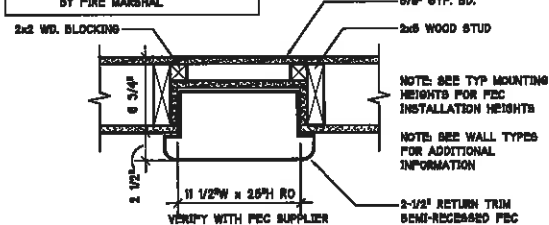


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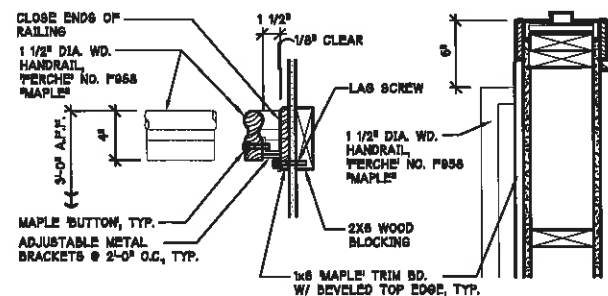
1. CONTINUOUS WOOD HANDRAIL, [INSTALL TOP OF RAIL @ 3'-0" A.F.F.] (PERCHIE MILLWORK, INC.'S P868 - W.D. SPECIES: MAPLE) [SEE DETAIL 3/A2.2]
2. MAPLE COLUMN BUILDOUT, SEE DETAIL 6/A2.6
3. DASHED LINE INDICATES THE EXTENT OF ROOF OVERHANG, ABOVE.
4. SEMI-RECESSED FIRE EXTINGUISHER AND CABINET, [SEE DETAIL 2/A2.2]
5. BRACKET MOUNTED FIRE EXTINGUISHER
6. 'SALESURY INDUSTRIES' FRONT LOADING - USPS ACCESS 4C HORIZONTAL MAILBOXES IN BRONZE FINISH. PROVIDE [2] MODEL #57160-16, [1] #57165-09 [PROVIDE STANDARD LOCKS]
7. FLOOR MOP SINK, [SEE MECHANICAL & DETAIL 12/A2.2]
8. ELECTRIC WATER COOLER, [BY MECHANICAL]
9. FIRE DEPT. CONNECTION, [SEE CIVIL ENGINEERING DRAWINGS]
10. 6'-0" x 6'-0" RECESSED FLOOR MAT, [REAR SERIES NO. 546]
11. PREFABRICATED PAINTED METAL ACCESS LADDER
12. 22" x 30" ATTIC ACCESS DOOR, [1] HR. FIRE RATED
13. 4" CONCRETE PATIO W/ 6" x 6" - W14 x W14 W.W.P. ON 6" COMPACTED GRANULAR FILL
14. ELEVATOR: FURNISH AND INSTALL [1] 2500# HYDRAULIC HOELESS PASSENGER [SCHINDLER 330A OR APPROVED EQUAL] - 2 STOPS. COORDINATE REQUIREMENTS WITH THE MANUFACTURER.
15. ELEVATOR: FURNISH AND INSTALL [1] 4500# HYDRAULIC HOELESS HOSPITAL/SERVICE ELEVATOR [SCHINDLER 330A OR APPROVED EQUAL] - 2 STOPS. COORDINATE REQUIREMENTS WITH THE MANUFACTURER.
16. 6'-0" HIGH PRE-FINISHED ALUMINUM FENCE BY 'AMERISTAR' - 'TECHLON PLUS' SERIES. PROVIDE PANIC HARDWARE AT EACH GATE
17. SEE-THROUGH NATURAL GAS FIREPLACE - 'HEATILATOR' 60S743361 TOP VENTED OR EQUAL
18. MEMORY BOARD DISPLAY CABINET, SEE DETAIL 7/A2.8
19. 30" x 48" AREA OF REFUGE, PROVIDE TWO-WAY COMMUNICATION SYSTEM INCLUDING BOTH AUDIBLE AND VISIBLE SIGNALS AS REQUIRED BY CODE
20. DASHED LINE INDICATES EXTENT OF SOPFIT, ABOVE



*NOTE: PROVIDE FIRE EXTINGUISHER CABINET SIGNAGE AS REQUIRED BY FIRE MARSHAL.



2 SEMI-RECESSED F.E. CAB
A2.2 SCALE: 1 1/2" = 1'-0"



3 HANDRAIL DETAIL
A2.2 SCALE: 1 1/2" = 1'-0"

NUMBERED CONSTRUCTION NOTES:

- CONTINUOUS WOOD HANDRAIL, INSTALL TOP OF RAIL @ 3'-0" A.F.F. (PERCHE MILLWORK, INC.'S F888 - WD. SPECIES: "MAPLE" (SEE DETAIL 3/A2.2))
- MAPLE COLUMN BUILDOUT, SEE DETAIL 6/A2.2
- DASHED LINE INDICATES THE EXTENT OF ROOF OVERHANG, ABOVE.
- SEMI-RECESSED FIRE EXTINGUISHER AND CABINET, (SEE DETAIL 2/A2.2)
- BRACKET MOUNTED FIRE EXTINGUISHER
- "SALSBURY INDUSTRIES" FRONT LOADING - USPS ACCESS 4C HORIZONTAL MAILBOXES IN BRONZE FINISH. PROVIDE (2) MODEL #37150-18, (1) #37158-08 (PROVIDE STANDARD LOCKS)
- FLOOR MOP SINK, (SEE MECHANICAL & DETAIL 12/A2.2)
- ELECTRIC WATER COOLER, (BY MECHANICAL)
- FIRE DEPT. CONNECTION, (SEE CIVIL ENGINEERING DRAWINGS)
- 6'-4" x 6'-0" RECESSED FLOOR MAT, (RESEE SERIES NO. 644)
- PREFABRICATED PAINTED METAL ACCESS LADDER
- 22" x 30" ATTIC ACCESS DOOR, (1 HR. FIRE RATED)
- 4" CONCRETE PATIO W/ 8" x 8" W14 x W14 W.W.F. ON 6" COMPACTED GRANULAR FILL.
- ELEVATOR: FURNISH AND INSTALL (1) 2500# HYDRAULIC HOLESLESS PASSENGER (SCHINDLER 530A OR APPROVED EQUAL) - 2 STOPS. COORDINATE REQUIREMENTS WITH THE MANUFACTURER.
- ELEVATOR: FURNISH AND INSTALL (1) 4500# HYDRAULIC HOLESLESS HOSPITAL/SERVICE ELEVATOR (SCHINDLER 530A OR APPROVED EQUAL) - 2 STOPS. COORDINATE REQUIREMENTS WITH THE MANUFACTURER.
- 8'-0" HIGH PRE-FINISHED ALUMINUM FENCE BY AMERISTAR - "ECHOLON PLUS" SERIES. (PROVIDE PANIC HARDWARE AT EACH GATE)
- SEE-THROUGH NATURAL GAS FIREPLACE - "HEATILATOR" 608T43351 TOP VENTED OR EQUAL.
- MEMORY BOARD DISPLAY CABINET, SEE DETAIL 7/A2.2
- 30" x 48" AREA OF REFUGE, PROVIDE TWO-WAY COMMUNICATION SYSTEM INCLUDING BOTH AUDIBLE AND VISIBLE SIGNALS AS REQUIRED BY CODE.
- DASHED LINE INDICATES EXTENT OF BOFFIT, ABOVE.

PRICING SET
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ARCHITECTS
115 N. 2nd St., Ste. 111, Roseville, MN 55123 (612) 339-1111

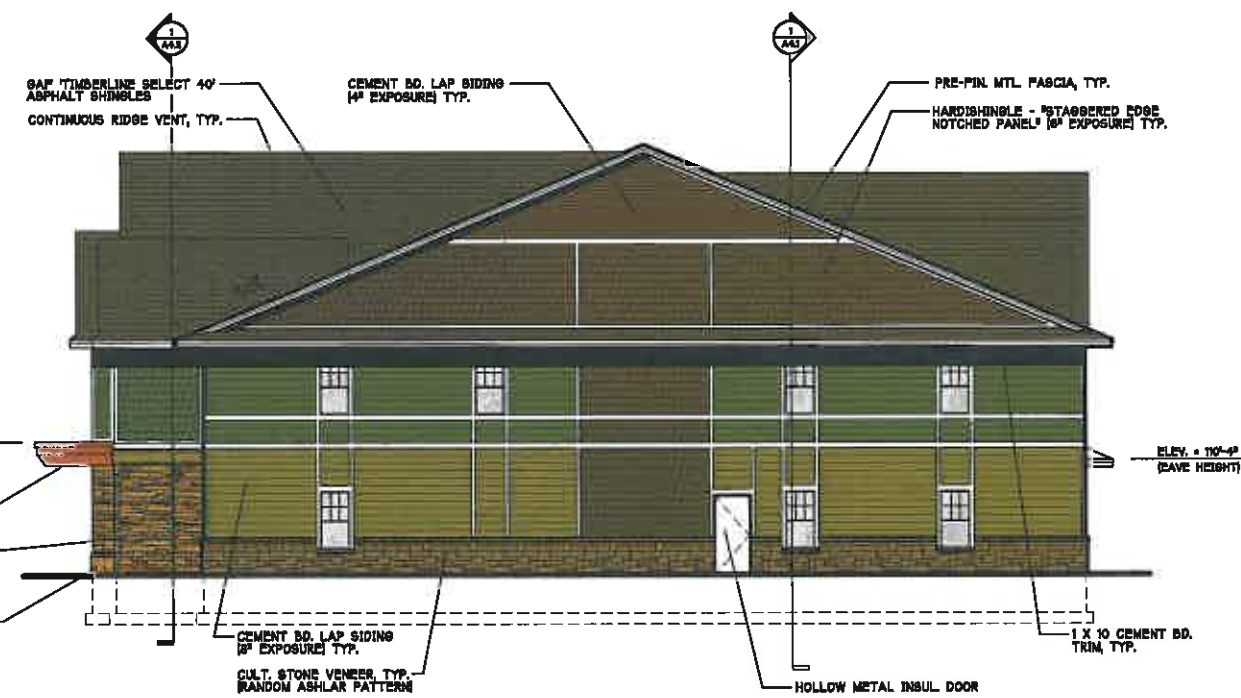
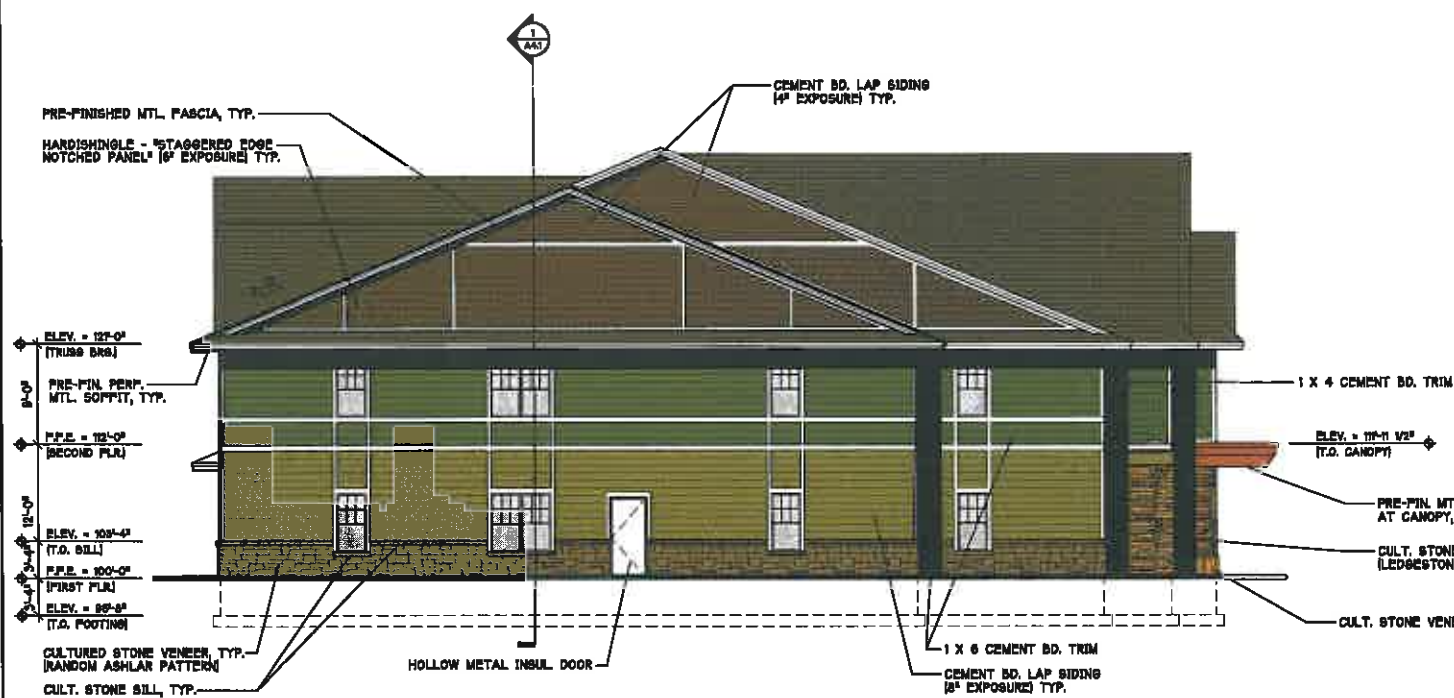
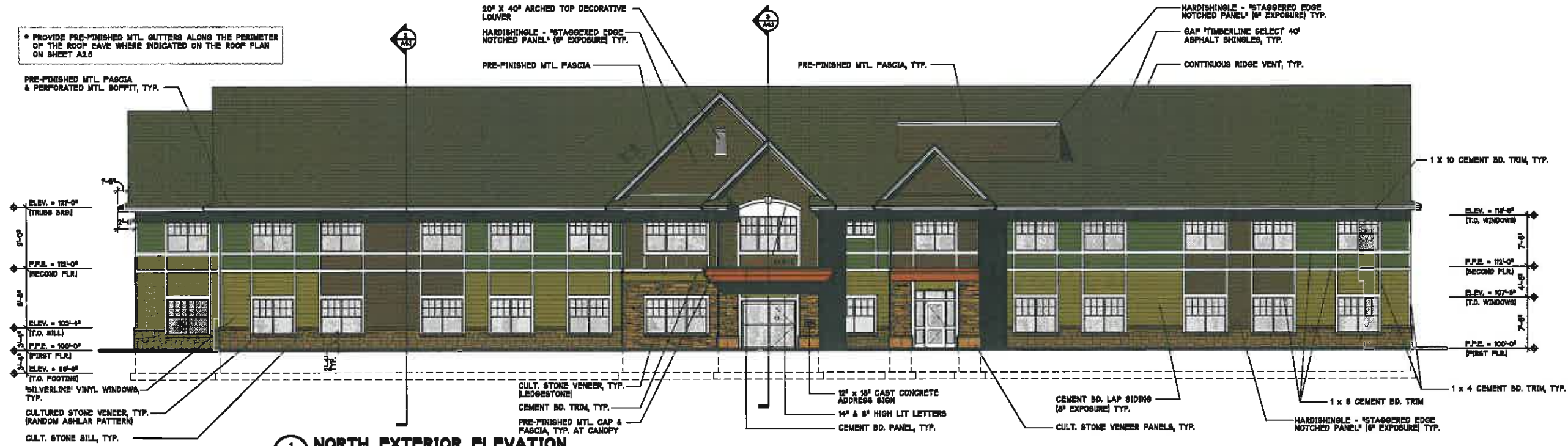
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PROJECT NO. 10-041

SECOND FLOOR
PLAN

A2.2



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F

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PROJECT NO. 12-041

EXTERIOR
ELEVATIONS

A3.1

* PROVIDE PRE-FINISHED MTL. GUTTERS ALONG THE PERIMETER OF THE ROOF EAVE WHERE INDICATED ON THE ROOF PLAN ON SHEET A3.5

PRE-FINISHED MTL. FASCIA & PERFORATED MTL. SOFFIT, TYP.

CONTINUOUS RIDGE VENT, TYP.

18" HIGH LIT LETTERS, TYP.

30" HIGH LIT LETTERS, TYP.

60" TIMBERLINE SELECT 40' ASPHALT SHINGLES, TYP.

20" X 40" ARCHED TOP DECORATIVE LOUVER

16 X 30 ARCHED TOP DECORATIVE LOUVER

PRE-FINISHED MTL. FASCIA, TYP.

1 X 10 CEMENT BD. TRIM, TYP.

ELEV. = 121'-0"
(T.O. DRG.)

F.F.E. = 118'-0"
(SECOND FLR.)

ELEV. = 109'-0"
(T.O. SILL)

F.F.E. = 100'-0"
(FIRST FLR.)

ELEV. = 98'-0"
(T.O. FOOTING)

ELEV. = 118'-0"
(T.O. WINDOWS)

F.F.E. = 118'-0"
(SECOND FLR.)

ELEV. = 107'-0"
(T.O. WINDOWS)

F.F.E. = 100'-0"
(FIRST FLR.)

SILVERLINE VINYL WINDOWS, TYP.

CULTURED STONE VENEER, TYP.
(RANDOM ASHLAR PATTERN)

CEMENT BD. LAP SIDING
(6" EXPOSURE) TYP.

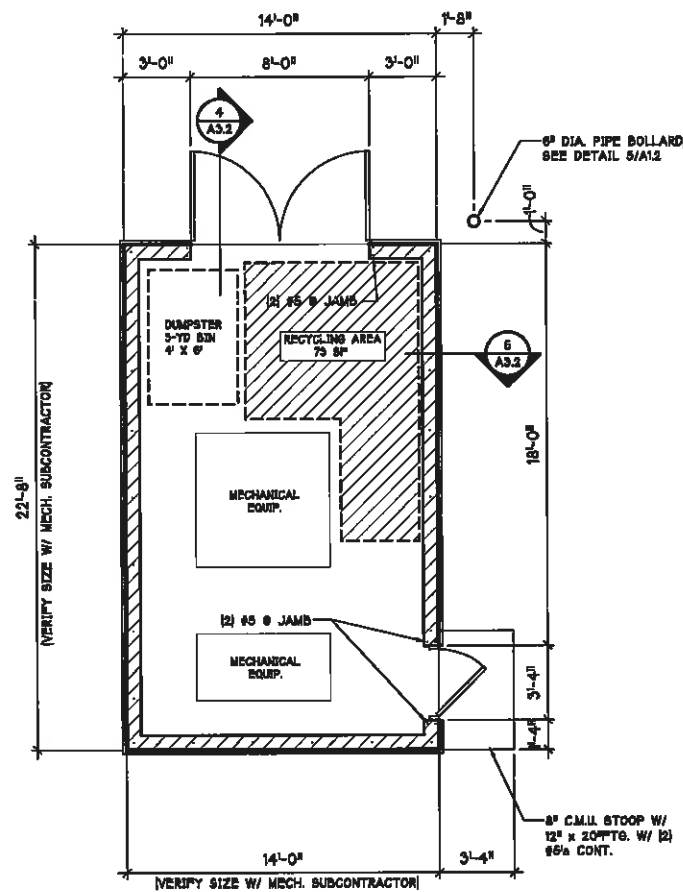
1 X 6 CEMENT BD. TRIM, TYP.

HARDISHINGLE - STAGGERED EDGE
NOTCHED PANEL (6" EXPOSURE) TYP.

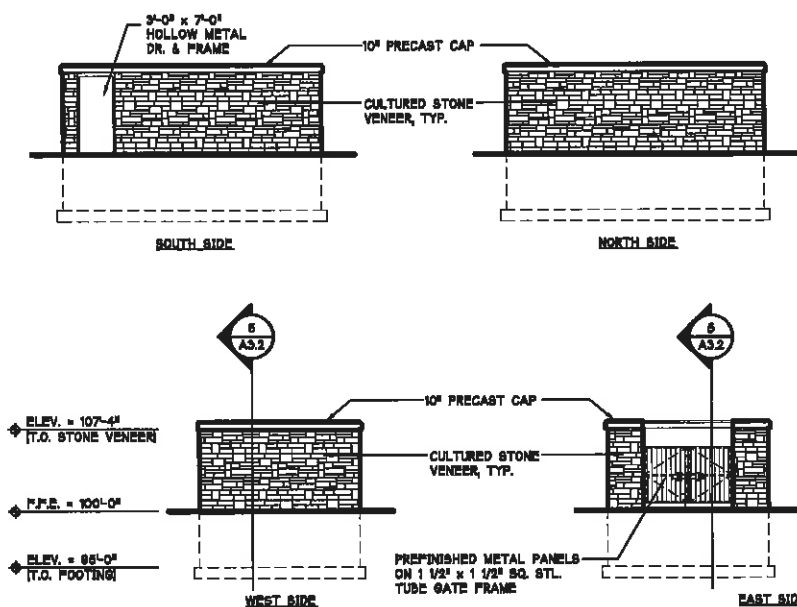
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CULT. STONE SILL, TYP.

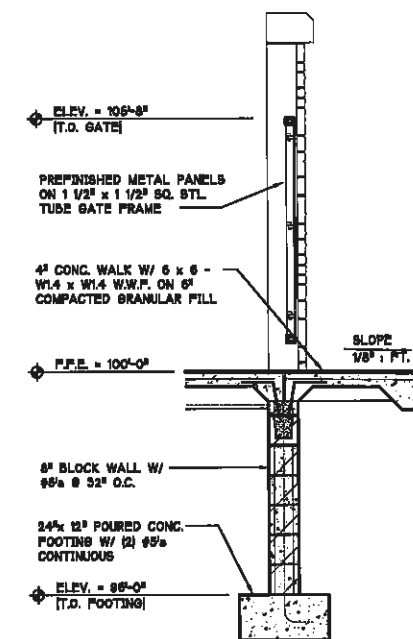
1 SOUTH EXTERIOR ELEVATION
A3.2 SCALE: 1/8" = 1'-0"



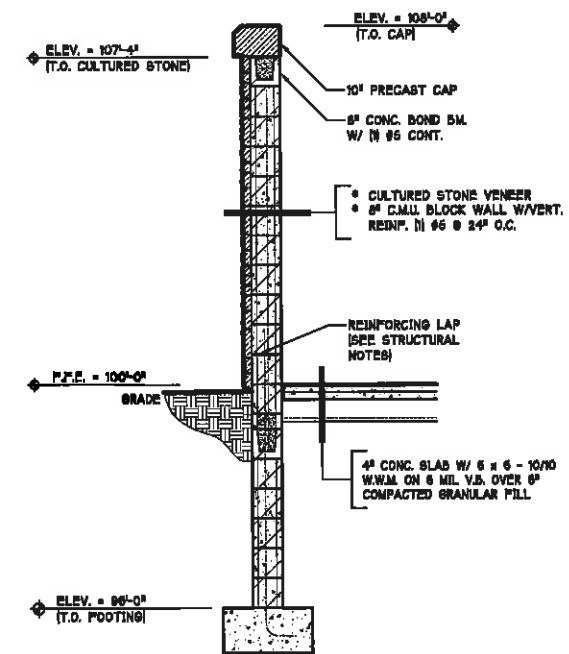
2 TRASH ENCLOSURE PLAN
A3.2 SCALE: 1/4" = 1'-0"



3 TRASH ENCLOSURE EXTERIOR ELEVATIONS
A3.2 SCALE: 1/8" = 1'-0"



4 WALL SECTION
A3.2 SCALE: 1/2" = 1'-0"



5 WALL SECTION
A3.2 SCALE: 1/2" = 1'-0"

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311 N. 1st St., Ste. 101, Roseville, MN 55113 Tel: 763.414.1111 Fax: 763.414.1115

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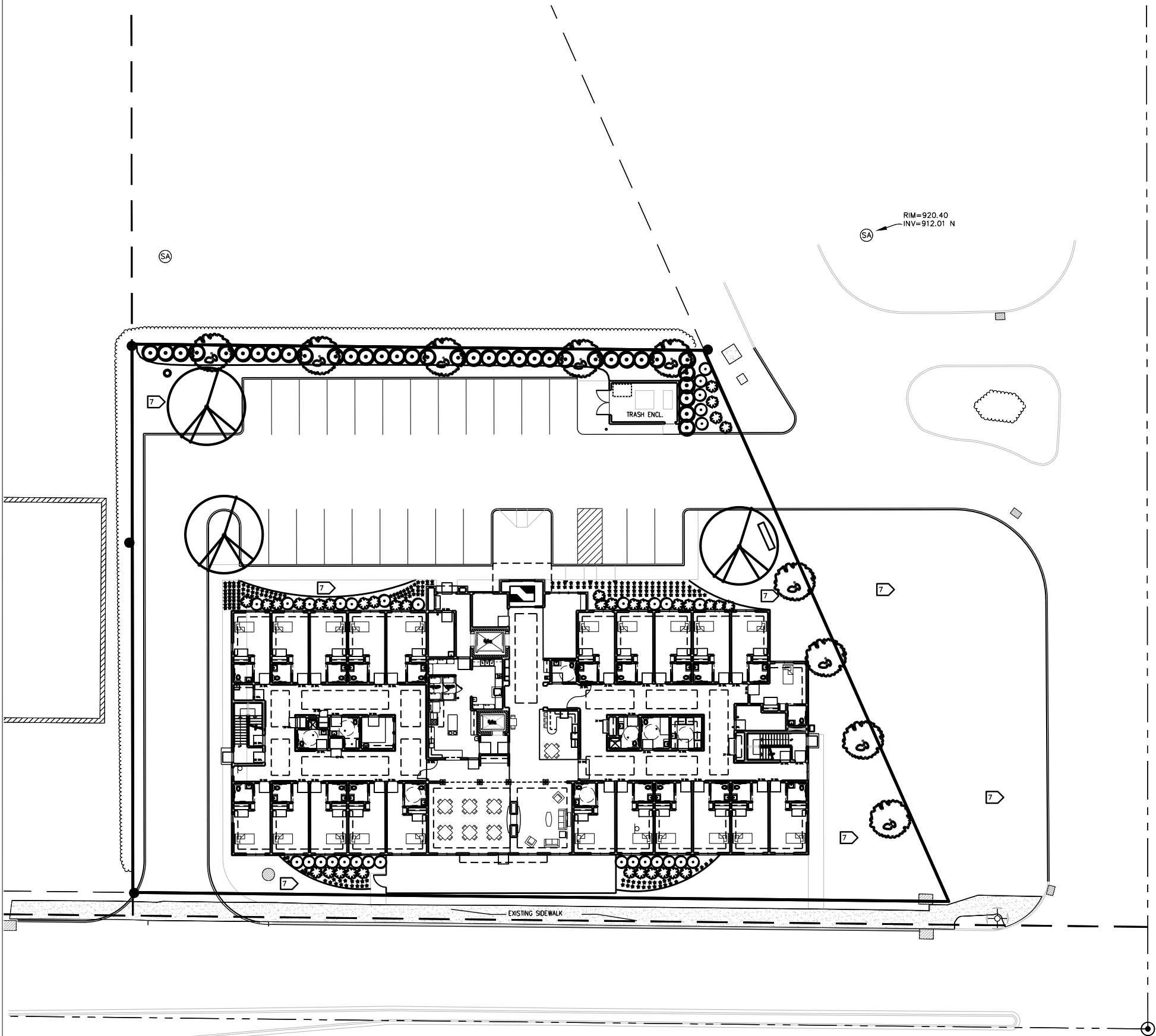
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ROSEVILLE, MN

PROJECT NO. 12-041

EXTERIOR
ELEVATIONS

A3.2



PLANT SCHEDULE							
SYMBOL	COMMON NAME	SCIENTIFIC NAME	PLANTING SIZE	ROOT COND.	MATURE SIZE	COMMENTS (SEE NOTES)	SPECIAL FEATURES
DECIDUOUS TREES							
	THORNLESS HONEYLOCUST	GLEDITSIA TRIACANTHOS INERMIS 'SUNBURST'	2.5" CAL.	B&B	40'H x 30'W		FALL COLOR
	SPRING SNOW CRAB	MALUS 'SPRING SNOW'	2.5" CAL.	B&B	20'H x 15'W		FALL COLOR
DECIDUOUS SHRUBS							
	ANTHONY WATERER SPIREA	SPIRAEA X ARGUTA 'COMPACTA'	5 GAL.	POT	4'H x 4'W		FLOWERING
	DWARF BLUE LEAF ARCTIC WILLOW	SALIX PURPUREA 'NANA'	5 GAL.	POT	4'H x 6'W		FALL COLOR
	DWARF BURNING BUSH	EUONYMUS ALATUS	5 GAL.	POT	4'H x 6'W		FALL COLOR
CONIFEROUS SHRUBS							
	COMMON JUNIPER	JUNIPERUS COMMUNIS	5 GAL.	POT	10'H x 10'W		FALL COLOR
PERENNIALS							
	BLACK EYED SUSAN	RUDBECKIA FULGIDA 'GOLDSTRUM'	1 GAL.	POT	30"H x 22"W		FLOWERING

- LANDSCAPE NOTES**
- LANDSCAPE CONTRACTOR SHALL VISIT THE SITE, PRIOR TO SUBMITTING A BID, TO BECOME FAMILIAR WITH SITE CONDITIONS. THE LANDSCAPE CONTRACTOR SHALL HAVE ALL UNDERGROUND UTILITIES LOCATED PRIOR TO ANY DIGGING. THE LANDSCAPE CONTRACTOR SHALL COORDINATE INSTALLATION WITH GENERAL CONTRACTOR.
 - ALL PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. IF THERE IS A DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE LIST AND THE NUMBER SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
 - ALL SHRUB BEDS SHALL BE EDGED WITH 6-INCH BLACK VINYL EDGING (BLACK DIAMOND OR APPROVED EQUAL).
 - ALL TREES NOT PLACED WITHIN A SHRUB PLANTING BED SHALL HAVE A 4-FOOT DIAMETER SHREDDED HARDWOOD BARK MULCH DISH (4 INCHES DEEP) INSTALLED AROUND THE TREE. NO VINYL EDGING IS REQUIRED FOR TREES NOT LOCATED IN SHRUB BED AREAS UNLESS NOTED OTHERWISE.
 - MULCH TO BE 4-INCH SHREDDED HARDWOOD BARK MULCH IN ALL SHRUB/TREE BED AREAS.
 - MULCH TO BE 2-INCH TO 3-INCH SHREDDED HARDWOOD BARK MULCH IN ALL PERENNIAL BED AREAS.
 - SOD/SEED ALL TURF AREAS DISTURBED BY CONSTRUCTION UNLESS OTHERWISE NOTED.
 - PLANT MATERIAL IS TO BE SPACED 18-INCHES ON CENTER IN ALL PERENNIAL BED AREAS. QUANTITIES LISTED ON PLANT SCHEDULE ARE TOTAL QUANTITIES FOR DESIGN. CONTRACTOR IS TO PLACE PLANTS ACCORDING TO LAYOUT WITH PROPER SPACING. THE AREA INDICATED AND THE SPACING OF PLANTS SHALL GOVERN FINAL QUANTITIES OVER QUANTITY IN PLANT SCHEDULE.
 - PLANTING SOIL FOR BACKFILLING PLANTING PITS SHALL CONSIST OF TOPSOIL TO WHICH 3 POUNDS OF COMMERCIAL FERTILIZER AND 1/5 YARD OF PEAT HUMUS PER CUBIC YARD HAS BEEN ADDED.
 - ALL PERENNIAL BED AREAS ARE TO RECEIVE 18-INCH MINIMUM DEPTH OF PLANTING SOIL PRIOR TO PLANTING. LANDSCAPE CONTRACTOR IS TO COORDINATE WITH GENERAL CONTRACTOR TO ENSURE THAT DESIGN GRADES ARE MET AS SPECIFIED ON GRADING PLAN.
 - ALL DISTURBED AND NEWLY PLANTED AREAS SHALL BE IRRIGATED WITH AN UNDERGROUND IRRIGATION SYSTEM. THE SYSTEM SHALL BE DESIGNED BY THE IRRIGATION CONTRACTOR. THE IRRIGATION CONTRACTOR IS TO SUBMIT SHOP DRAWINGS OF IRRIGATION DESIGN AND CALCULATIONS FOR REVIEW BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. IRRIGATION CONTRACTOR IS TO MEET ALL PLUMBING CODES AND REQUIREMENTS.

**Adopt a Resolution Approving Assisted Living Facility as a Conditional Use at 621-637
Larpenteur Avenue (former Consent Item 7.h)**

At the request of Mayor Roe, Associate Planner Bryan Lloyd summarized this request as detailed in the Request for Council Action (RCA) dated July 25, 2011. Mr. Lloyd advised that all site development was required to meet zoning code requirements with the exception of some setbacks that didn't presently meet requirements, but were not recommended by staff for the same precision as some in the past.

Councilmember McGehee questioned rationale in removing the code requirement for 150 square feet of green space for each individual in an assisted living facility; and her difficulty in separating this facility from that of a prison. Councilmember McGehee questioned what type of assisted living facility this represented when residents couldn't go outside. While recognizing the need to avoid residents wandering off, Councilmember McGehee opined that they should still be able to have sufficient green space to allow residents and staff, or residents and their visitors to go outside. Councilmember McGehee, while wanting the project to move forward, requested that the requirement remain.

Related to other issues and concerns provided to her by neighbors, Councilmember McGehee advised that those concerns were related to fencing and buffering for adjacent properties, as well as the height of the building. Councilmember McGehee advised that she had not found any place in the conditions of the Conditional Use that would provide peace of mind to neighbors on those issues beyond discussions held at the Planning Commission's Public Hearing level. Councilmember McGehee referenced a particular example in place in Roseville and lack of that Conditional Use in place to provide any resolution for that situation, advising that she didn't want to create a similar problem on this site, and sought more specificity in the Conditional Use and related conditions to avoid a recurrence.

Councilmember McGehee opined that the exterior of this building looked like a "barracks" and suggested the developer articulate the building design better while also providing for some interior open space for potential outside access for residents, staff and/or family members while keeping everyone safe. Councilmember McGehee questioned the height of this building to the adjacent apartment buildings.

Mr. Lloyd noted that this proposed structure was taller than the flat roof apartment building next door; but that the pitched roof of the building was within height limitations of that zoning district; and advised that the building would appear shorter with a flat roof versus a pitched roof. As addressed at the Planning Commission's Public Hearing, Mr. Lloyd advised that the applicants had attempted to design the building to reflect the residential nature of this building and that of the adjacent residential to the north with the pitched roofs of those homes, even though it added some height.

Councilmember McGehee questioned how tall the [adjacent apartment] building was; with Mr. Lloyd responding that there were three (3) living stories, with one of those at garden level.

Councilmember McGehee advised that she had no issue with the building, provided it had more articulation and didn't shade the buildings to the north.

Mr. Lloyd advised that staff had done some preliminary review of potential shading of this building to adjacent properties, including the apartment building; and found that it would not create shadows on the apartment building, only on the project site. Related to concerns that a

chain link fence would be installed, Mr. Lloyd advised that the City's zoning code would not allow for a chain link fence to be used for screening or buffering, but would require it to be constructed of composite materials or wood to provide privacy fencing. While it was not staff's practice to apply conditions to a Conditional Use or other applications for requirements already addressed elsewhere in City Code, Mr. Lloyd noted that it was the Council's prerogative to add additional conditions at their discretion.

Councilmember McGehee opined that additional conditions may provide neighbors with the assurance that they had been heard. However, Councilmember McGehee opined that she felt strongly about not removing the 150 square feet per resident for green space.

Mayor Roe asked that staff provide their rationale for whether or not it was a good idea to eliminate that 150 square foot requirement.

Mr. Lloyd advised that staff's rationale, during their review and assessment, was that the nature of that requirement for usable open space for residents on the property was not specific to the culture of this proposed operation that didn't allow residents to freely roam the site or go off-site; making the 150 square foot minimum requirement irrelevant for this proposal. If the City Council mandated that this Conditional Use requirement be met, based on future operations or different clientele, Mr. Lloyd advised that the requirement could be met through vacating a part of the wide Dale Street right-of-way, and adding more of a side yard; or through access to public parks and open spaces within 300' of the property. Mr. Lloyd noted that there are both located within that area; however, their entrances would be further away; but advised that a determination could be made at the time a future operator or use didn't meet that requirement. If not meeting them at that time, Mr. Lloyd advised that the operator would then be forced to operate with fewer beds to meet Conditional Use requirements.

Mayor Roe questioned if that was laid out in recommended conditions.

Mr. Lloyd responded that it was not laid out specifically; but that with any Conditional use, it must meet all relevant code requirements.

Mayor Roe questioned if the 150 square foot requirement needed to be addressed as a condition.

Mr. Lloyd responded that it could be a condition, and may not be redundant with other City code; however, he noted that there were other code requirements in a Commercial District that may have the same setback requirements as other residential uses in that district; however, there were no other setbacks for residential uses and thus not addressed in the recommended conditions of approval.

Councilmember Pust questioned if vacation by the City of its right-of-way was the only option to bring the property into compliance if the use changed.

Mr. Lloyd advised that it would be one option; and noted that this project had been before the city in some fashion for three (3) years; and staff was willing to work on vacating some of that right-of-way as long as sufficient right-of-way was retained for the underground infrastructure needs. Mr. Lloyd advised that this had always been a viable situation considered by staff regardless of who owned the property or who had use of that surface.

Councilmember Pust opined that she was uncomfortable in approving this, if the only option for the owner is for the City to vacate its right-of-way to allow compliance for the 150 foot requirement or make them close their doors. While not her area of expertise, Councilmember

Pust questioned why the applicant for this assisted living facility would not want to provide green space for its residents in a secured area.

Mr. Lloyd noted a fenced area available on the Larpenteur Avenue side for some outdoor leisure, providing benches and landscaping.

Discussion included the building and green space location immediately adjacent to Larpenteur Avenue; and how close the applicant was to achieving the 150 square foot requirement for green space on the entire site; and the number of beds required to meet code requirements depending on the type of service provided,

Councilmember Pust questioned why the applicant was suggesting twenty-five (25) parking stalls when only eleven (11) were needed.

Mr. Lloyd advised that this had been a revision by the applicant to address neighborhood concerns about street parking on Alta Vista, and their attempt to facilitate those concerns from their original plan of 14-15 spaces presented by the applicant at the Public Hearing to maximize parking on the site.

Councilmember McGehee questioned if the applicant could consider use of the right-of-way for parking instead of behind the building, allowing for additional green space.

Mayor Roe opined that he would prefer to credit the applicant with use of the right-of-way for their green space requirements versus for parking. Mayor Roe questioned whether he would be willing to support the use of right-of-way for anything other than green space.

Discussion ensued on the application review timing and possibility for the City to extend it another 60 days for additional review; with Mr. Lloyd advising that state statute provided the City with the ability to extend the review period.

Mayor Roe reviewed the options available for Council action tonight: vote to approve, vote to deny; or vote to table with instructions.

Councilmember Johnson opined that the business model would drive the customer; and if the customer was willing to accept this model and design, it was fine with him rather than his attempting to micromanage assisted living facilities. Councilmember Johnson advised that he was prepared to proceed in approving this application tonight; and if the only concern was whether clients would have sufficient area to walk around outside, he opined that it was up to the applicant to meet market demand in designing for their clientele. Councilmember Johnson spoke in support of approval of the request as presented.

Councilmember Willmus advised that he was concerned with the open space area requirement and wondered if this proposed project wasn't too big for the site. Councilmember Willmus opined that he would like to allow additional time for the developer to take a second look; but overall he liked the project and would typically concur with Councilmember Johnson's comments with the exception of the right-of-way being figured into the open space requirements. Councilmember Willmus spoke in support of tabling action to a time specific.

Mayor Roe noted that, if the item was tabled until the August 22, 2011 meeting, action could still be taken before the September 2, 2011 review deadline.

Mr. Lloyd advised that the applicant had extended the application for completion of the traffic study.

127 Related to the proposed sidewalk location, Mayor Roe questioned staff's recommended location.

128 Mr. Lloyd advised that it was a universal acknowledgment at the staff level that users of the
129 pathway would not be coming from Dale Street and such a location would be less useful or
130 convenient than one going toward Alta Vista Drive. Mr. Lloyd advised that the Public Works
131 Department had recommended this location based on the overall pathway master plan and the
132 more angled alignment consistent with how the site would be used.

133 Mayor Roe asked that, if the action was to table this item, staff look more specifically and
134 whether the sidewalk could be put in the right-of-way and provide additional flexibility on site.

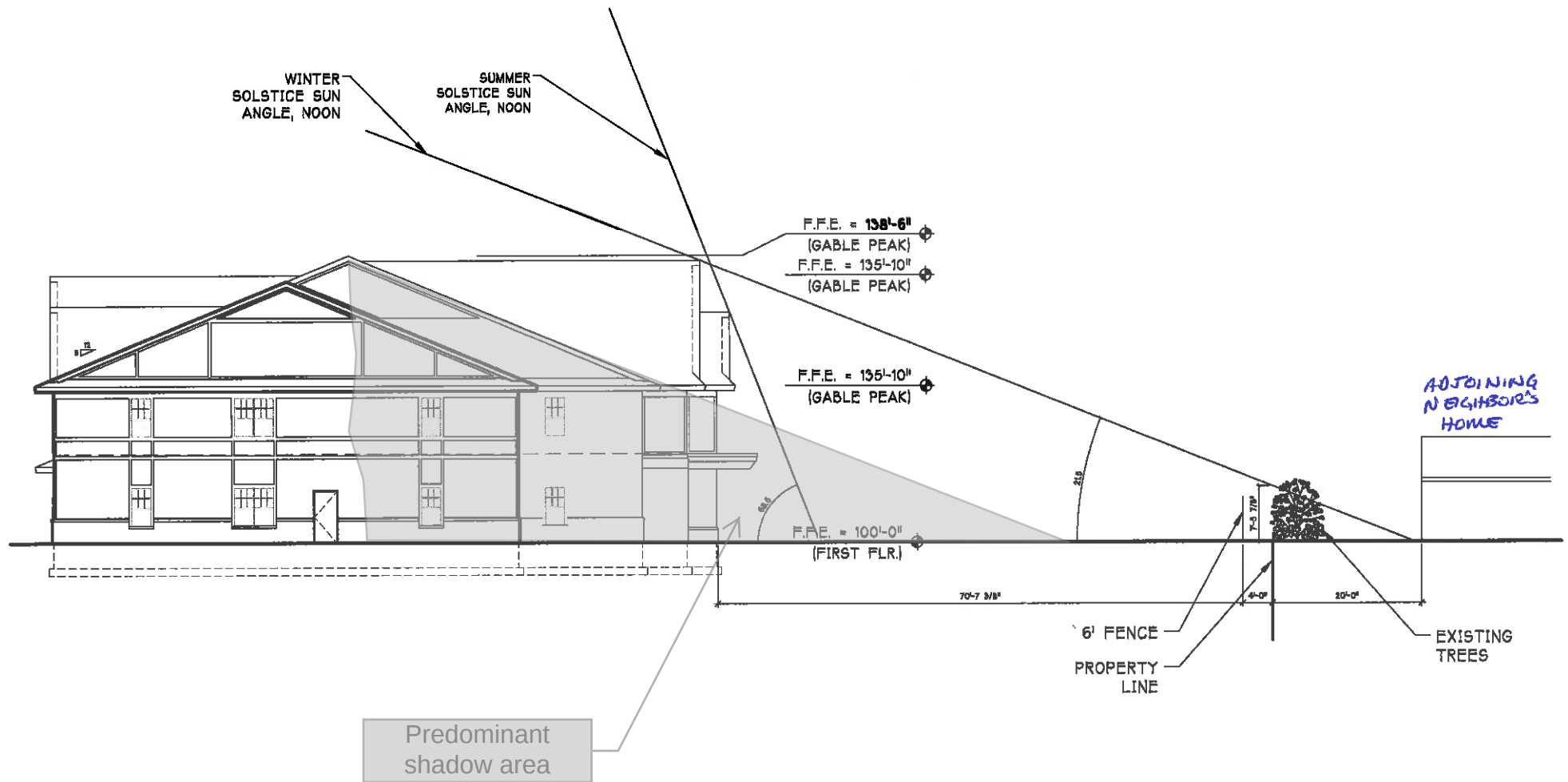
135 McGehee moved, Pust seconded, TABLING action on this item until the August 22, 2011
136 regular City Council meeting.

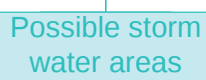
137 Roll Call

138 Ayes: Pust; Willmus; McGehee; and Roe.

139 Nays: Johnson.

140 Motion carried.





**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 22nd day of August 2011 at 6:00 p.m.

The following Members were present: _____;
and _____ were absent.

Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. _____
A RESOLUTION APPROVING AN ASSISTED LIVING FACILITY AS A
CONDITIONAL USE AT 621-637 LARPENTEUR AVENUE (PF11-013)**

WHEREAS, TOTI Development, LLC, applicant for approval of the proposed conditional use, owns the property at 621-637 Larpenteur Avenue, which is legally described as:

**PIN: 14-29-23-44-0046
Asylum Out Lots, subject to easements and roads, the S 185 feet of the part W of Water
Works Road right of way of Block 1**

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed CONDITIONAL USE on June 1, 2011, voting 6-0 to recommend approval of the use based on the comments and findings of the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the proposed CONDITIONAL USE will not result in adverse impacts to the surrounding properties based on the following findings:

- a.** The proposed assisted living facility is not in conflict with the Comprehensive Plan because it advances the Comprehensive Plan's several goals related to buffering residential neighborhoods from busy commercial areas or major roadways like Larpenteur Avenue;
- b.** The proposed use is not in conflict with a Regulating Map or other adopted plan because no such plans apply to the area surrounding the property;
- c.** The proposed use is not in conflict with City Code requirements since permits will not be issued if the plans fail to meet all of the relevant requirements and, moreover, the conditional use approval can be rescinded if the use or the property fails at any time to comply with all applicable Code requirements or conditions of the approval;
- d.** Since the infirm and/or elderly nature of the residents of a nursing home or assisted living facility suggests that use of nearby parks would be limited

primarily to employees and visitors and, because the traffic analysis concluded that vehicle trips generated by the proposed use are limited, especially during the typical a.m. and p.m. peak traffic periods, the proposed use will not create an excessive burden on parks, streets, and other public facilities;

- e.** As a relatively quiet and low-impact residential use, the proposed assisted living facility will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare;
- f.** The proposal, which is located adjacent to a neighborhood of one-family homes, includes access to arterial streets with a one-way, entrance-only access from Larpenteur Avenue and a two-way entrance/exit to Dale Street in the same location as the southern end of Alta Vista Drive;
- g.** While residents of the proposed secure facility would not fully utilize the required 150 square feet of open space per person, the yard and the adjacent right-of-way combine to provide approximately 240 square feet of usable open space per bed; and
- h.** An appropriate transition area between the use and adjacent property can be accomplished by the proposed landscaping in conjunction with a 6-foot privacy fence, which will be consistent with the residential character of the neighborhood.

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the proposed assisted living facility at 621-637 Larpenteur Avenue as a CONDITIONAL USE in accordance with Section §1009.02 of the Roseville City Code, subject to the following conditions:

- a.** The applicant shall remove the existing paved area in the Dale Street right-of-way as part of preparing the site for the proposed development, shall install a sidewalk near the western edge of the right-of-way consistent with Roseville's Pathway Master Plan, and shall restore the remainder of the right-of-way with turf grass and/or other approved landscaping;
- b.** The applicant shall provide a diagram illustrating the movements of trash collection and other large vehicles into and through the site to verify that the turning radiuses are adequate;
- c.** The applicant shall install a fire suppression sprinkler system and, if nursing services are to be provided, the applicant shall also install an alarm system;
- d.** The applicant shall establish screening along the northern and western property boundaries consistent with the landscape plan reviewed with this application as part of Attachment C with the addition of an opaque fence at least 4 feet in height in those areas; and
- e.** Once the location of outdoor mechanical equipment has been determined, the applicant shall continue to work with staff to determine the location for the trash

74 enclosure that best minimizes any impacts to the neighboring property to the
75 north without compromising good internal circulation within the site.

76 The motion for the adoption of the foregoing resolution was duly seconded by Council
77 Member _____ and upon vote being taken thereon, the following voted in favor: _____;
78 and _____ voted against.

79 WHEREUPON said resolution was declared duly passed and adopted.

[illegible]

WITNESS MY HAND officially as such Manager this 22nd day of August 2011.

(SEAL)