



City of Blaine Anoka County, Minnesota

Blaine City Hall
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Legislation Details (With Text)

File #: ORD 22-2511 **Version:** 5 **Name:** Rezoning (2nd Reading) - Blaine Apartments (22-0048)
Type: Ordinance **Status:** Passed
File created: 12/5/2022 **In control:** City Council
On agenda: 12/5/2022 **Final action:** 12/5/2022
Title: Second Reading

Granting a Rezoning from R-1 (Single Family) and R-3B (Medium Density Multifamily) to DF (Development Flex) at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES)

Sponsors: Sheila Sellman

Indexes:

Code sections:

Attachments: 1. Attachments, 2. Unapproved PC Minutes 081022, 3. City Council Minutes 10/03/22, 4. Additional Public Comments, 5. Presentation

Date	Ver.	Action By	Action	Result
12/5/2022	5	City Council	Adopted	Pass
10/3/2022	4	City Council	Failed	Pass
9/19/2022	3	City Council	Tabled to Date Specific	Pass
9/7/2022	2	City Council	Introduced, Read, and Placed on File for Second Reading	
8/10/2022	1	Planning Commission	Recommended for Approval	

Development Business - *Sheila Sellman, City Planner*

Title

Second Reading

Granting a Rezoning from R-1 (Single Family) and R-3B (Medium Density Multifamily) to DF (Development Flex) at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES)

Executive Summary

The applicant is requesting to rezone to DF (Development Flex) to allow for development of an apartment building in conformance with the HDR (High-Density Residential) land use designation of the 2040 Comprehensive Plan. Staff recommends approval.

Schedule of Actions

Planning Commission (Public Hearing)	08/10/22
City Council (1st Reading)	09/07/22
City Council (2nd Reading)	09/19/22 (Tabled)
City Council (2nd Reading)	10/03/22 (Denied)
City Council (2nd Reading)	12/5/22

Background

Staff report prepared by Elizabeth Showalter, Community Development Specialist, Sheila Sellman, City Planner and Teresa Barnes, Project Engineer

On October 3, 2022, the City Council denied the rezoning request. On November 21, 2022, the City Council voted to rescind the vote (Motion No. 22-195) and have placed the rezoning request on the December 5, 2022, City Council agenda for consideration.

Timeline

The developer met with city staff on January 27, 2022, to review the comprehensive plan and zoning requirements for the subject site. The developer made a formal application in July, and it was deemed complete July 8, 2022. The developer held a neighborhood meeting on August 2, 2022. The Planning Commission held a public hearing on August 10, 2022. The first reading of the rezoning was at the September 7, 2022, City Council meeting. The second reading, Conditional Use Permit and Preliminary Plat was considered at the September 19, 2022, meeting, and action was tabled to the October 3, 2022 meeting.

The developer has provided a response to the need for an October 3, 2022, meeting, which is attached. In addition, they have provided their building schedule. The developer has indicated if delayed past October 3, 2022, they will lose fixed interest rate lock, construction costs will increase per their general contractor citing that the delay will result increased costs due to winter condition construction costs and supply costs for materials that need to be preordered, chance of losing investors, and the purchase agreement with the seller will expire on October 11, 2022.

On October 3, 2022, the City Council denied the rezoning request. On November 21, 2022, the City Council voted to rescind the vote (Motion No. 22-195) and have placed the rezoning request on the December 5, 2022 City Council agenda.

Open House Conflict

The city's open house policy is to hold a neighborhood meeting at least seven days before the public hearing (this is not a state statute requirement). The developer met this requirement by holding the meeting on August 2, 2022. The developer is responsible for scheduling the meeting. After they realized the meeting was scheduled on Night to Unite, they offered additional meeting opportunities. The residents' concerns have been made clear via the open house, at the Planning Commission meeting, and various public comments received via email.

Planning Commission Action

The Planning Commission held the public hearing on August 10, 2022. There were four commission members present which is a quorum. Public testimony was heard and entered into the record and forwarded to the City Council. The Planning Commission is a recommending body and made a recommendation to approve the project with two Commissioners voting in favor and one voting against. One Commissioner abstained from the vote as she lives in the neighborhood and thought it was a conflict of interest for her to vote. The city attorney confirmed that three members could vote since there was a quorum and it is a recommendation not an actual approval.

Comprehensive Plan

The City Council approved the 2040 Comprehensive Plan in 2018. The comprehensive plan is required to be updated every 10 years, and the approval in 2018 was the primary update required. One of the components of the comprehensive plan is the 2040 General Land Use Map which identifies future land use as property develops and guides zoning decisions related to land use.

Most of the property within the city had the same land use designation as the 2030 Comprehensive Plan, however there were nine land use changes made throughout the city for various reasons. The subject land was re-guided from Medium Density Residential (MDR) to High Density Residential (HDR). The reason for the change was that sufficient land use guidance at densities appropriate to meet the community's affordable housing allocation is required. Based on various factors including population and existing affordable housing, the City of Blaine was required to identify 36 acres of vacant land within the land use plan for High Density Residential (HDR) land use to accomplish the minimum allocation of 1,284 affordable housing units. The logic is that land set aside for HDR in the comprehensive plan is conducive for affordable housing. The sites are not required to be developed for affordable housing, however, given the sites proximity to other high-density housing to the south, progressively stepped down density from medium-density land use across 101st Avenue to low density residential further north and east, institutional uses to the west and proximity to transit on University Avenue, the site made sense to be considered HDR land use.

Also included in the comprehensive plan is a development staging map that identifies when certain vacant land could be developed. This site was identified for potential development between 2021-2030.

The subject site is the second apartment being considered since the adoption of the 2040 plan that did not require a comprehensive plan amendment. The total undeveloped land (or participated redevelopment land) guided to allow for HDR uses is 82.73 acres or 0.4 % of the parceled land in the city (excluding platted right-of-way).

Chapter 3 of the Comprehensive Plan is Housing

Goal 2 - The City supports the development of well-designed and appropriately-located multi-family housing projects when these developments improve access to affordable housing and transit, create positive community impacts, and preserve natural resources.

The subject site has been guided for HDR since 2018 and was guided MDR prior to that. This parcel is appropriately located as there is an apartment and institutional use (University Elementary) to the west, shelter to the northwest, townhomes to the east stepping down to single family, quads and single family to the south and fronting on a major collector of 101st Avenue. There is a bus stop at Polk Street and 99th Avenue that can service this development. The development is removing trees but is also preserving trees on the north side of the property and will have a large amount of open space on the south side of the property approximately 1.3 acres will remain preserved. The Planned Business District (PBD) has a minimum open space requirement of 30%, the proposed project has an open space of 56%. The Development Flex (DF) district does not have a requirement for open space.

Chapter 5 of the Comprehensive Plan is Land Use

Goal 2 - Maintain flexibility in land use districts to respond to market conditions regarding the mix of industrial, commercial, and high density residential in key locations. Emphasis will be place on fostering industrial and professional/corporate office business development.

The developer provided a Demand Assessment for Market Rate Rental Housing in Blaine. The Primary Market Area (PMA) for rental housing on this site is defined by the City of Blaine and the City of Coon Rapids. According to the assessment "The Blaine and Coon Rapids submarkets have a combined 1.8% vacancy rate. This low vacancy rate indicates potential for additional units in the area. With strong household growth projected in the PMA over the next five years, this assessment

demonstrates sufficient demand to support approximately 150 to 210 units of market rate rental housing on the site.” The proposed development is responding to market conditions meeting this goal.

Goal 3 - The city recognizes varied housing densities as a means of accommodating community growth. The city will encourage increased density through appropriately designed and located townhomes and apartments, a variety of single family detached-style homes with clustering and varying lot sizes, and open space.

Given the sites proximity to other high-density housing to the south, progressively stepped down density from medium-density land use across 101st Avenue to low density residential further north and east, institutional uses to the west and proximity to transit on University Avenue, the proposal meets this goal.

Traffic

The developer was not required to submit a traffic study due to the limited number of trips that the proposed site will generate.

The original design of the city’s collector roadway of 99th Avenue/101st Avenue was the 4-lane section which started from the basis that the Average Daily Trips (ADT) of 6,894, as measured in 1989, combined with a projected ADT of 14,038 by the year 2009. The city has records indicating that counts were consistently taken on this roadway since 2007. The following are those results:

- 2007 ADT = 6,900
- 2009 ADT = 6,800
- 2011 ADT = 6,700
- 2013 ADT = 7,100
- 2015 ADT = 6,900
- 2017 ADT = 6,900
- 2019 ADT = 6,900

As can be seen by the recorded traffic counts on this corridor, traffic has not fluctuated much over the past 30 years. The road still has capacity available based on the original 4-lane design. Staff has reviewed the stopping sight distance and sight distance required to safely navigate the intersection of 99th Avenue and 99th Avenue/101st Avenue. The sight distance and stopping sight distance for a 45-mph roadway is 500 feet and 350 feet, respectively. Staff has reviewed the intersection for both and have determined there are no obstructions limiting these safety standards.

While turn lanes are not required for this project, there was discussion of introducing turn lanes to the intersection of 99th Avenue and 99th Avenue/101st Avenue. There are several design challenges as the existing intersection of Cloverleaf Parkway is too close to properly develop turn lanes for 99th Avenue and the through lanes would need to alter their current alignments which would require the existing ponding to be drastically altered along with the redesign of the intersection of Cloverleaf Parkway and signal system.

An additional safety measure that can be added is to construct sidewalks on the residential portion of 99th Avenue. This segment of roadway is currently on the city’s 5-year Capital Improvement Program for 2025. During the design process it can be determined if walk should be added to one or both sides of the street.

Parking

When the project was presented to the Planning Commission the plan showed a parking ratio of 1.5 stalls per unit. Since the code requires 2 spaces per unit and one of which is inside, this did not meet code requirements. However, the DF zoning allows variation from code. The original plan did include proof of parking on the south side of the site. Based on the public testimony, comments from the Planning Commission and staff, the applicant revised their site plan to include the proof of parking as part of the site plan and will construct those stalls with construction, meeting the parking requirements for the site.

Royal Oaks Parking

At the public hearing, many residents expressed concerns with parking in the area stating that Royal Oaks (apartment to the west) residents park on the street. While this concern is not directly related to the proposed apartment building, the developer worked with the owner of Royals Oaks to find a solution to their parking problem. The developer agreed to sell a strip of land to Royal Oaks so they can expand their parking lot. This is not a requirement or condition of approval for the proposed development. It is the responsibility of Royal Oaks to expand their parking.

Professional Management and Residents

The proposed apartment will be professionally managed by Level 10 Property Management. There will be one full time property manager and one full time maintenance person onsite. Residents 18-years and older will be subject to a background check that include credit, housing, and criminal history. Key access is given only to those on the lease and that have successfully passed the background checks.

Size, Height, and Density

The site is guided for High Density Residential (HDR) that allows 12-25 units an acre. The proposal results in 24.6 units/acre. The proposed building is 66 feet from the sidewalk, 79 feet from 101st Avenue and 265 feet from the nearest townhouse across 101st Avenue. The proposed apartment building consists of three stories of apartments over one story of parking, the parking level is partially below grade. The adjacent Royal Oaks apartment is 66 units with a density of 24 units/acre.

In 2021 Glenfield Estates (HWY 10 and 85th) was approved for two buildings with a total of 152 units with a density of 19 units/acre. The buildings are 4-stories with 1-story of parking the site received a comprehensive plan amendment for HDR within the Groveland Village Subdivision.

Arris II Apartments (9940 Ulysses Street) received a comprehensive land use amendment from Planned Industrial/Planned Commercial (PI/PC) to HDR2 in 2021. The Conditional Use Permit (CUP) approved 64 units on 2-acres, the building is three levels with one level of parking. The density is 32 units/acre.

In 2021 North Meadows Apartments (Austin Street and 109th Avenue) was approved with a Comprehensive Land Use Plan amendment to change from PI/PC to HDR and a CUP for 178 units. The density for this development is 21 units/acre. North Meadows is a 4-story building with underground parking.

Risor of Blaine (125th and Jefferson) was approved in 2021 for 184-unit senior apartments on 6.5 acres which is 28 units/acre. The building is four stories with one-story garage level partially underground for a height of 53 feet. The site is adjacent to single family homes.

These are recent examples to compare building height and scale.

Lighting

In all commercial, industrial, or multi-family zoning districts, any lighting used to illuminate off-street parking and driving areas, signs, or structures shall, except as permitted under [Section] 33.02(e), consist of downcast style fixtures with a concealed or shielded light source to prevent glare or spill to adjacent right-of-way or properties.

- (b) Pole-mounted lighting in commercial, industrial, or multi-family residential zoning districts shall not have pole heights exceeding twenty (20) feet.*
- (c) No light or combination of lights, including illuminated signs, that cast light upon a public street shall exceed one (1) foot-candle meter reading as measured at the edge of roadway. No light or combination of lights that cast light upon a residentially zoned property shall exceed .4 foot-candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway. The city may limit the hours of operation of outdoor lighting if it is deemed necessary by the city to reduce impacts on the surrounding neighborhood.*

The photometric plan submitted shows 0.2 measurement or less at the property line adjacent to 101st Avenue and 99th Avenue meeting the lighting requirements. The light fixtures are downcast style.

Alternative Uses

If the site was guided for MDR, the density would allow for approximately 57 townhomes. Townhome development would result in removal of more trees, and the entire site would be developed as it would not be compact and in one area of the parcel as is with this proposal.

Tree Removal

City Code requirements for tree replacement:

- (aa) General. All significant trees removed or damaged through activities described in (a) and (b) must be replaced on-site with approval of the Zoning Administrator, or in the form of payment of a fee to the city reforestation fund in an amount established by the City Council. Additional replacement trees shall be required as determined by the Zoning Administrator when trees of any size are removed in violation of this ordinance, or when trees have been impacted by failing to comply with the Tree Preservation Plan. Trees required by the approved landscape plan will be credited to replacement tree requirements if all the requirements of this ordinance have been fulfilled. This requirement may be waived by the Zoning Administrator upon determination that the maximum tree replacement requirement shall apply. The applicant has submitted a landscape plan that includes planting of 26 overstory trees, 18 conifers that are 8-foot trees rather than the 6-foot required, 18 ornamental and 120 shrubs. These quantities are included in the replacement requirements.*
- (cc) On Residentially Zoned Lots. On public right-of-way in residential zoning districts and on residentially zoned lots exceeding one (1) acre in size the total number of replacement trees shall not exceed eight (8) trees per acre of upland. On residentially zoned lots less than one (1) acre in size a one (1) to one (1) replacement of all trees will be required for the first seven trees removed from the lot.*

1. Tree Removal on Lots without Construction or Grading Permits. The proposed development

shows 157 trees being removed and 3.2 acres being disturbed. Applying this code requirement of 8 trees per acre being disturbed the replacement is 26 trees. They are planting 62 trees with 18 being oversized. Eight existing significant trees are remaining as well. Significant trees are any live healthy tree measuring eight inches in diameter or greater, measured at four and one-half feet above the ground.

According to the developer's tree inventory, 53% of the trees being removed are trees that do not meet the minimum requirement of caliper inch in size to be counted as replacement trees, meaning they are small trees. The minimum size for overstory deciduous trees is two and one-half-inch caliper and ornamental is two-inch caliper. In this instance, the replacement trees proposed are larger than those being removed. On the north side of the site there is about .18 acres of trees that will remain.

- 1. The number of trees removed from privately owned land shall be limited to two (2) significant trees per year, unless an approved Forest Management Plan has been obtained. Trees removed because they are an obstruction to traffic or power lines, or trees removed because they pose a hazard to structures or sewer systems, shall be excluded from these requirements.* This section applies when a grading plan is not submitted. Significant trees are any live healthy tree measuring eight inches in diameter or greater, measured at four and one-half feet above the ground. If tree removal of smaller trees occurs there is no need for a Forest Management Plan.

Zoning

The subject property is made up of four parcels with a variety of zoning designations including R-1 (Single Family), R-3B (Medium Density Multifamily), R-3C (High Density Multifamily), and DF. The majority of the property would be retained by the developer to construct the proposed apartment building and are proposed to be rezoned to DF. Properties to be conveyed to the city for existing stormwater and right-of-way will retain their existing zoning as will a strip of land being conveyed to the neighboring apartment property which will retain its current R-3C zoning. The zoning designations of each portion of the property can be seen in the attached existing and proposed zoning map.

Land Use Designations

The subject property is made up of four parcels with a variety of land use designations including HDR, L-MDR (Low to Medium Density Residential), and right-of-way. The land use designations of each portion of the property can be seen in the attached land use map.

The portion of the property proposed for development is guided HDR with an allowed density of 12-25 units per acre. All land guided high density residential is proposed for development and no construction is proposed on any of the other portions of the property. The portion guided HDR and to be retained by the developer is 4.5 acres resulting in a density of 24.6 units per acre, meeting the density allotment for the HDR land use. A large portion of the proposed lot is not proposed for development due to poor soils and low topography. This area is proposed to remain as privately owned open space. This area cannot be developed into residential units while meeting the maximum density of 25 units per acre.

Surrounding Zoning and Land Uses

- Northwest: Alexandra House (Residential Flex/Low to Medium Density Residential)
- West: University Avenue Elementary (R-1 Single Family Residential/Low Density Residential)
- South: Royal Oaks Apartments (R3-C High Density Residential/High Density Residential)
- South of 99th Avenue: Single family homes (R-1 Single Family Residential/Low Density Residential)

- Residential) and quad homes (R-3C High Density Residential/Medium Density Residential)
- North of 101st Avenue: Pleasure Creek neighborhood townhomes and twin homes (Development Flex/Low to Medium Density Residential)
- Density Ranges are as follows: LDR 2.5-6 units/acre. L-MDR 2.5-12 units/acre. MDR 6-12 units/acre. M-HDR 6-25 units/acre and HDR is 12-25 units/acre.

Existing Conditions

The property has an existing single-family home that is proposed to be removed with development.

History

Most of the property was zoned R-1 until 1993 when a portion was rezoned to R-3B to conform to the 2010 Comprehensive Plan. The portion with the existing home was left as R-1 to prevent the structure from becoming non-conforming. At the time, non-conforming laws were much more restrictive and prevented a home from being rebuilt in the case of a fire, natural disaster, etc.

Portions of the site where the development will occur were re-guided in 2018 as part of the 2040 Comprehensive Plan update. Previously, it was guided as medium density residential in the 2030 Comprehensive Plan and was changed to high density residential in the 2040 Comprehensive Plan to meet Metropolitan Council requirements (oversees comprehensive plans), where cities need to guide a certain amount of undeveloped land for high density residential to accomplish affordable housing allocation goals. The logic is that high density residential land use is more conducive for affordable housing, and by requiring cities to set aside vacant land for high density, it creates an opportunity for affordable housing to be built, though it's not required when those sites develop. With that said, the proposed project is not considered an affordable housing project.

Rezoning

Section 27.03 Criteria for granting zoning/comprehensive plan amendments:

The City Council may adopt amendments to the zoning ordinance, zoning map, and comprehensive plan relative to land uses within a particular district or to the location of the district lines. Zoning amendments shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City.

State Statute 473.858 requires that zoning designations be in conformity with the comprehensive plan. Currently, the property is guided in the 2040 Comprehensive Plan for HDR uses, but the zoning for most of the property allows only for LDR or MDR uses. The HDR land use can be implemented by one of three zoning districts: PBD (Planned Business District), which allows for commercial, industrial, and multifamily residential uses, R3-C, which allows for townhomes and apartments, and DF which can be used for any uses with the allowed uses and standards established by a conditional use permit. All of the apartments built in the last decade have utilized the PBD or DF zoning which is better suited to the types of apartments currently constructed and allows for the city to have greater architectural control to promote high quality materials and good design. In this case, the applicant has requested the DF zoning to allow for a lesser setback on the north side of the property (20 feet instead of 21.5 feet) than is allowed by the PBD standards.

The applicant has requested the city rezone three lots to DF. With its DF district, the city intends “to provide greater flexibility in land use planning and maximize the choice of housing types and styles than is possible under the strict application of other sections of this ordinance.” Accordingly, the city does not apply strict standards in DF districts, but rather addresses the unique nature of each property and project by working with stakeholders to create development-specific standards, which

are established in a CUP. Pursuant to Section 29.113(c)(1) of the City's zoning ordinance, the council may not rezone to DF without a CUP establishing the requisite development standards.

Consistent with the unique nature of DF districts, Section 29.112 of the City's zoning ordinance requires the council to consider the following criteria and objectives in processing an application for rezoning to DF:

- (a) That the proposal shall provide for a wider range of housing types, price ranges and styles than could be accomplished under the existing zoning;*
- (b) That the proposal shall provide amenities and facilities and open spaces greater than the minimum requirements under existing zoning;*
- (c) That the proposed development is compatible with the purposes and intents of this ordinance and with the comprehensive plan;*
- (d) That the proposal shall in no way be detrimental to the environment. Scenic aspects and natural features, such as streams, trees, topography, and geological features, shall be protected and preserved to the greatest extent possible;*
- (e) That the proposal shall not impose any undue burden upon the public services and facilities, such as fire and police protection, schools, streets, water systems, sanitary sewer systems, and storm sewer systems;*
- (f) That the proposed development is designed in such a manner to form a desirable and unified environment within its own boundaries, and also which will not be detrimental to future land uses in the surrounding areas; and*
- (g) That the proposal be consistent with all other applicable City and State regulations.*

Evaluation of Request

Plat

The applicant is proposing to plat the four existing parcels into one lot, two outlots, and right-of-way. The portion of the property that is located north of 101st Avenue is currently used as a regional stormwater pond serving Pleasure Creek and is shown as an outlot. A condition has been included that the outlot be deeded to the City.

The city currently maintains the pond and holds a drainage and utility easement over the pond. A portion of the property is located south of 99th Avenue and is proposed to be platted as right-of-way, which is consistent with the comprehensive plan.

No construction is proposed on the proposed outlot or in the proposed right-of-way. The second outlot (Outlot B) is in the location of an existing driveway from 99th Avenue serving the existing home. That outlot is proposed to be sold to the owners of the Royal Oaks Apartments to allow for the construction of additional parking.

Construction of that parking would require the outlot be combined with the Royal Oaks parcel either through a lot combination at the county or a plat.

Architecture

The proposed apartment building consists of three stories of apartments over one story of parking. The parking level is partially below grade.

The proposed building utilizes burnished block, brick, fiber cement siding, wood look metal panels, and glass on all elevations. The design meets the requirements for the use of at least three premium materials comprising at least 50% of each wall area and four-sided design typically applied to developments in the DF district.

The floor plan consists of 111 units and an office, fitness room, mail room, and two club rooms. The unit mix is:

- 18 - studios
- 19 - one bedrooms
- 41 - one bedrooms with dens
- 24 - two bedrooms
- 9 - three bedrooms

Setbacks

The following setbacks are being met:

- Front (101st Avenue and 99th Avenue): 50-foot building/30 feet parking
- Rear (west): 20 feet building/20 feet parking
- Side (south and north): 15 feet building/15 feet parking

These setbacks are generally guided by the PBD setbacks, except that the PBD setbacks require that the building setback be a minimum of 50% of the height of the building. The proposed building is 43 feet tall, so the side and rear yard setbacks would need to be 21.5 feet if zoned PBD. The site plan shows a 20-foot setback on the north property line. The adjacent property to the north is a wooded area adjacent to Alexandra House and will not be adversely impacted by the 1.5-foot shortfall in setback (shortfall if zoned PBD), therefore staff is supportive of allowing the 20-foot setback as part of the DF zoning. The DF zoning district does not provide setback requirements.

Landscaping

The following tree quantities are required:

- Overstory: 26
- Conifer: 18
- Ornamental: 18
- Shrubs: 120

Eight existing significant trees of high-quality species are proposed to remain, which may be counted towards the landscaping requirements. The landscaping quantities proposed by the developer therefore meet the landscaping requirements. Significant trees are any live healthy tree measuring eight inches in diameter or greater, measured at four and one-half feet above the ground.

In many cases the landscaping requirements are increased as described in the Highway Overlay District for apartment projects utilizing DF zoning. Since this project is not located on any arterial roads and is not located within the Highway Overlay District, staff is not recommending increasing the landscaping requirements.

In response to the concerns raised by neighbors about tree removal, the applicant has agreed to oversize the 18 conifer trees to 8-foot trees instead of the required 6-foot height. This has been added as a condition in the conditional use permit resolution.

Tree Preservation

A tree survey has been submitted showing 157 trees being removed. The grading plan shows 3.2 acres disturbed, which results in a tree replacement requirement of 26 trees (8 trees per disturbed acre), which is met by the landscaping requirements.

The developer is retaining trees on the perimeter of the development and on the 1.3 acres of land on the east and north of the property that are not proposed for development.

Park Dedication

The properties were previously platted prior to the incorporation of the City of Blaine and no park dedication has been paid. With the platting of the property, park dedication becomes due for the 111 residential units at a rate of \$4,449 per unit for a total park dedication payment of \$493,839.

Parking

The code requires one parking space per studio unit and two parking spaces per non-studio unit, with at least half of the spaces underground or within the building. The parking requirement based on the code is 204 spaces. Originally, the developer proposed 169 spaces, with 114 of them within the building, which resulted in a parking ratio of 1.5 spaces per unit or one space per bedroom and was requesting that the DF zoning be utilized to reduce the parking requirement. Following the public hearing before the Planning Commission, the developer decided to construct an additional 36 parking stalls on the southern portion of the property, resulting in a total of 205 spaces, meeting the parking requirement.

The developer has reached an agreement with the owners of the Royal Oaks Apartments to sell a strip of land to allow for the construction of additional parking at Royal Oaks. It should be noted that the developer is not responsible for the parking shortfall at Royal Oaks Apartments. Construction of the parking lot expansion would require Royal Oaks receive separate approval and is not part of this application. It is likely that a setback variance would be required to fit the additional parking desired. That variance would be considered by the Planning Commission and Council after submittal of an application by the property owner. Any expansion of the parking lot would require the property owner to go through the administrative site plan review process.

Grading/Storm Drainage

The developer is proposing to grade the entire site as shown on the Coon Creek Water District (CCWD) and city approved grading, drainage, erosion protection and sediment control plans prepared by the Developer's engineer. The plans shall include existing drainage patterns (contours) with flow arrows, soil boring locations, perimeter site protection, tree preservation, tree clearing limits, custom grading, proposed grading contours, proposed drainage patterns with flow arrows, storm water management, SWPPP information, temporary erosion protection Best Management Practices (BMPs), and temporary sediment control BMPs information for the site. The SWPPP may be included in the construction plan sheet(s) or prepared as a separate document and included in the development construction contract specifications.

The developer will also need to submit construction contract documents that include a mass (rough) grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plan sheets. Supporting wetland delineation report, geotechnical investigation report, soil boring logs, and hydrology report shall be included in the submittal for city review and approval.

The grading plan shall provide greater detail on protecting existing trees and providing additional information on adjacent property.

Utilities

Standard water and sanitary sewer access charges (WAC & SAC) become due at the rate established at the time the building permit is issued.

The developer shall be responsible for assessments for trunk sanitary sewer for parcels 30-31-23-21-0004 and 30-31-23-21-0037. 2022 Typical assessment rate for sanitary sewer trunk is \$4,377 per acre. At 0.25 acres of development for these parcels, the assessment total is \$1,904.25.

Wetlands/Watershed

The developer will need to submit the project to CCWD for review, approval and permits required prior to city plan approval and start of site work.

Access/Street Design/Sidewalks/Trails

The development is proposing to gain/provide access from a connection to 99th Avenue NE at an approved location. This proposed access is appropriate as 101st Avenue is a collector street with limited access points. This collector street has additional capacity available as it currently has 7,000 trips per day and can carry 15,000 trips a day as long as access continues to be limited. According to the Institute of Transportation Engineers (ITE) manual, the proposed project is anticipated to generate an additional 750 trips per day.

No additional sidewalks or trails are required nor proposed with the project.

Easements/Right-of-Way/Permits

The developer will need to obtain all required permits to construct the proposed project. A copy of all permits will need to be submitted to the city prior to any site work.

Standard drainage and utility easements shall be dedicated along all lot lines and over areas of delineated wetlands, wetland mitigation, infiltration trenches, drainage swales, and storm water management ponds.

Strategic Plan Relationship

Not applicable.

Board/Commission Review

The Planning Commission voted 2 (Goracke and Swanson) to 1 (Gorzycki) to recommend approval of the rezoning. Commissioner Homan recused herself.

Comments at the public hearing included:

1. Opposition to the removal of trees and natural space.
2. Concern about existing traffic and increase in traffic from the proposed development.
3. General opposition to apartments in that location.
4. Concern about the current shortfall in parking at the Royal Oaks apartments and concern that the proposed apartments will not have enough parking.

Minutes from the Planning Commission meeting are attached where staff provided responses to the questions/concerns that were brought up by the public.

Following the public hearing the applicant has made the following changes to the proposed project:

1. Eliminated the request for a reduced parking ratio by adding 36 additional parking stalls (meets code requirement).
2. Reached an agreement with the owners of the Royal Oaks Apartments to sell a portion of the property allowing for Royal Oaks to construct additional parking to assist in alleviating Royal Oaks parking issues that are not associated with this proposal.
3. Oversized 18 conifer trees to 8 feet in height to better mitigate for proposed tree removal.

Financial Impact

Not applicable.

Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries. The boundary was extended to include the entire townhome neighborhood across 101st Avenue that was within the 350-foot boundary.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.
4. Posted (sign) on the property with contact information for the Planning Department.

In accordance with the Neighborhood Meeting Policy, a neighborhood meeting was held on August 2, 2022. A summary of the meeting is attached.

Comments included:

1. Concern about the current traffic in the area and that the proposed development would make traffic worse.
2. Concern about parking, especially in light of the undersupply of parking at the existing Royal Oaks Apartments.
3. Opposition to the proposed density.

The neighborhood meeting was held on Night to Unite. Upon discovering the conflict, the developer offered to answer questions from neighboring property owners outside of the scheduled meeting and to hold another meeting if desired by neighboring property owners. The neighborhood meeting policy requires the meeting to be held at least seven days before the public hearing, that requirement was met.

At the October 3, 2022 Council meeting the mayor allowed limited public comment the minutes are attached.

Staff Recommendation

By motion, approve the ordinance.

Attachment List

Zoning and Location Map
Narrative
Property Owner's Letter
Blaine Management Letter
Existing and Proposed Land Use
Existing and Proposed Zoning
Preliminary Plat
Existing Conditions
Site Plan
Grading Plan
Utility Plan
Tree Preservation Plan
Landscape Plan
Floor Plans

Elevations
Renderings
Market Study
Neighborhood Meeting Summary
Public Comments
Letter from Property Owner
Unapproved Planning Commission Minutes 8/10/22
City Council Minutes 10/3/22
Additional Public Comments

THE CITY OF BLAINE DOES ORDAIN : (Added portions are underscored and deleted portions are shown with overstrike.)

Section 1. The Official Zoning Map of the Zoning Code of the Municipal Code of the City of Blaine is hereby amended to change the zoning classification of the following described property:

Parcel 1:

Outlot A, Pleasure Creek, according to the recorded plat thereof, Anoka County, Minnesota.
(Abstract Property)

Parcel 2:

The East Half of the North Half of Lot 30, Green Acres, according to the recorded plat thereof, Anoka County, Minnesota, together with that part of vacated President Street NE, dedicated in the plat of Green Acres as Aurelia Drive, accruing thereto, all lying southwesterly of 101st Avenue Northeast.
(Abstract Property)

Parcel 3:

The North Half of Lot 31, Green Acres, according to the recorded plat thereof, Anoka County, Minnesota, together with that part of vacated President Street NE, dedicated in the plat of Green Acres as Aurelia Drive, accruing thereto, all lying southwesterly of 101st Avenue Northeast.
(Abstract Property)

Parcel 4:

South Half (S 1/2) of Lot Thirty-one (31), Green Acres Addition, Anoka County, Minnesota. Being Registered land as is evidenced by Certificate of Title No. 80190.

Section 2. The above-described property is hereby rezoned from:

~~[R-1 (Single Family) and R-3B (Medium Density Multifamily)]~~
to
DF (Development Flex)

Section 3. The City Manager is hereby directed to make the appropriate changes in the Official Zoning Map of the City of Blaine to reflect and show the changes in zoning classification as set forth above.

INTRODUCED and read in full this 7th day of September, 2022.

PASSED by the City Council of the City of Blaine this 5th day of December, 2022.