



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Text

File #: RES 22-147, Version: 3

Development Business - *Sheila Sellman, City Planner*

Title

Granting a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES)

Executive Summary

The requested conditional use permit is required for any development within the Development Flex (DF) zoning district. The proposed development generally follows the Planned Business District (PBD) standards for multifamily buildings except for a 1.5-foot shortfall from a setback on the northern property line. In exchange for that flexibility, the developer is leaving 1.3 acres of the property as untouched open space and will be oversizing all the required conifer trees.

Schedule of Actions

Planning Commission Public Hearing	08/10/22
City Council (Conditional Use Permit)	09/19/22 (Tabled)
City Council (Conditional Use Permit)	10/03/22 (Denied)
City Council (Conditional Use Permit)	12/05/22

Background

Staff report prepared by Elizabeth Showalter, Community Development Specialist and Teresa Barnes, Project Engineer

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

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/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/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) 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 that 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 (MDR) in the 2030 Comprehensive Plan and was changed to High Density Residential (HDR) 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 HDR 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.

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.

Conditional Use Permit

The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable.

- 1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. The land is guided for high density residential. The proposed apartment use will not put an excessive burden on parks, schools, streets, or utilities. The site is served by existing parks Cloverleaf Park and Swan Park.*
- 2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. The surrounding properties are developed as medium to high density development or public uses. The proposed use is compatible.*
- 3. The use shall have an appearance that will not have an adverse effect upon adjacent properties. The proposed use is well designed. The proposed building utilizes burnished block, brick, fiber cement siding, wood look metal panels, and glass on all elevations. About one and one-third an acre will remain as open space.*
- 4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.*
- 5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use. The proposed DF district is to provide for flexibility in land use and maximize housing choice. The proposed development is consistent with that purpose.*
- 6. The use shall not be in conflict with the comprehensive plan of the City. The use has a net density of 24.6 units per acre, which is consistent with the High-Density Residential land use which allows for 12-25 units per acre.*
- 7. The use will not cause traffic hazard or congestion. This proposed development will access 99th Avenue this 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 is capable of carrying 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. Based on this volume both 99th Avenue (residential) and 101st Avenue (collector) have the capacity to accommodate the existing and added traffic of the proposed development.*
- 8. The use shall have adequate utilities, access roads, drainage, and necessary facilities. The proposed development, once constructed, will have the required utility services, adequate roads and necessary drainage facilities to service the proposed development. This proposed development will access 99th Avenue this 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 is capable of carrying 15,000 trips a day as long as access continues to be limited.*

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 policy requires the meeting to be held at least seven days before the public hearing, that requirement was met.

Public comment was allowed at the October 3, 2022 City Council meeting, the minutes from that meeting are attached.

Staff Recommendation

By motion, approve the Resolution.

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 10/03/22
Additional Public Comments

WHEREAS, an application has been filed by Mark J. Goers and Debra J. Goers as Conditional Use Permit Case File No. 22-0048 for Blaine Apartments; and

WHEREAS, said case involves the property described as follows:

Lot 1 Block 1 Green Acres Second Addition

WHEREAS, the Blaine Planning Commission held a public hearing on August 10, 2022, and recommended approval regarding said Conditional Use Permit; and

WHEREAS, the Blaine City Council has reviewed said case on September 19, 2022, October 3, 2022 and December 5, 2022; and

WHEREAS, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a

conditional use permit is hereby approved per Section 29.110 and 27.04 of the Zoning Ordinance to allow for the construction of a 111-unit apartment building in a DF (Development Flex) zoning district with the following conditions:

1. Floor plans, elevations, and civil plans shall be generally consistent with the plans submitted on July 11, 2022, and dated July 8, 2022 (floor plans and elevations) and June 15, 2022 (civil plans). The 36-stall parking lot on the southern portion of the property shall be constructed upon development.
2. The following setbacks shall be met:
 - Front (101st Avenue): 50-foot building/30 feet parking
 - Rear (west): 20 feet building/30 feet parking
 - Side (south and north): 15 feet building/15 feet parking
 - Driveway: 10 feet
3. At least three premium materials shall be present on each elevation comprising at least 50% of the wall area of each façade and the building and all elevations shall be treated similarly. Premium materials include any materials listed in 32.54(a)(1) of the zoning code.
4. All disturbed areas, except for those within stormwater basins or associated buffers shall be sodded.
5. At least 204 parking stalls shall be constructed on site.
6. The following tree quantities are required:
 - Overstory: 26 (2.5 caliper inch)
 - Conifer: 18 (8-foot height)
 - Ornamental: 18 (2 caliper inch)
 - Shrubs: 120
7. Eight high quality trees shall be preserved as shown on the above referenced plans.

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