

**TO:** Planning Commission  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** November 15, 2016  
**SUBJECT:** Case #16-17



**REQUEST:**

Westview Park Apartments is requesting the approval of multiple applications for the development of a new 4-story, 56-unit market rate apartment at 260 Marie Avenue E.:

- 1) Rezoning from I1, Light Industrial to PMD, Planned Multi-use Development with R4, Multiple Family Residential underlying zoning
- 2) Conditional Use Permit to allow a structure containing more than 16 dwelling units and for a structure over three stories in height
- 3) Site Plan review
- 4) Preliminary/Final Plat Review

**Attachments:**

*Memos from the City Civil Engineer & Environmental Committee  
Applications/Letters of Support/Notice  
Copies of submitted plans*



## **EXISTING LAND USES**

The subject property is currently vacant (former Southview Athletic building was recently demolished). Adjacent properties to the west, north, and east consist of light industrial uses, adjacent properties to the southeast and south consist of multi-family apartment buildings, and adjacent properties to the southwest consist of single-family homes.

## **ZONING**

The subject property and adjacent properties to the west, north, and east are zoned I1, Light Industrial. Adjacent properties to the southeast and south are zoned R4, Multiple Family Residential. Adjacent properties to the southwest are zoned R1, Single-family.

### **1) REZONING ANALYSIS**

The property is currently zoned I1, Light Industrial. The applicant is requesting to rezone the property to allow multi-family residential. Since the property abuts an R4, Multiple Family Residential District, the property can legally be rezoned to R4. The primary concern with the proposed request is the potential impact to the adjacent single-family homes to the southwest. The redevelopment of the property, whether it is residential as proposed or industrial per current zoning, calls for careful consideration of how the site is developed. More detail regarding this is provided under the Conditional Use Permit and Site Plan analysis.

In researching the viability of the proposed project, the applicant completed a market study for the property (a copy is provided on the city website under “agendas”). The study suggests that there is strong demand for market rate units in the West St. Paul, specifically amenity rich complexes similar to what is being proposed.

In order to provide the necessary flexibility to maximize the most efficient use of the land and with the use, the applicant is requesting to zone the property as a PMD, Planned Multi-use Development.

There are two reasons for the requested designation as a PMD:

- 1) Flexibility with Density and Setbacks – the R4 District requirements limit the density to 25 units for the property (~12 units per acre). However, the City’s Comprehensive Plan allows a higher density of up to 42 units per acre. The proposed development has a density of 28 units/acre. The Planned Development designation allows the proposed density for the project. The PMD designation will also provide flexibility with some setback requirements which will be discussed in greater detail in the Site Plan review.

- 2) Proposed Commercial Space - the PMD designation allows the applicant the ability to rent space on the first floor to service related businesses. In addition to a fitness room and community room on the first floor in the east wing of the

building for the residents, the applicant is proposing several “units” for service related businesses that will not only serve the residents of the building but also the public (see floor plans). Staff is recommending a condition of approval limiting the types of uses to those allowed in the B2, Neighborhood Zoning District. Should any future proposed use require a Conditional Use Permit in the B2 District, the applicant shall be required to obtain a Conditional Use Permit.

If the proposed rezoning is approved by the City, Staff will initiate the process of amending the land use plan in the Comprehensive plan. The property is currently listed as “Industrial” per the current zoning. As a result, the land use plan would also have to be amended by changing the land use designation to “Multi-family Residential”. Staff is recommending a condition of approval that the proposed development of the property is contingent on City Council/Met Council approval of the land use plan amendment.

## **2) CONDITIONAL USE PERMIT ANALYSIS**

The applicant has applied for a Conditional Use Permit to allow for more than 16 units in a structure and to allow a structure that is greater than three stories in height. The proposed building contains 56 units and is four stories in height.

As mentioned, the applicant is proposing a 56-unit market rate apartment building. Per the attached narrative, the applicant’s vision for the property is to ‘build a green energy efficient contemporary building with underground parking and amenities that include: native landscaping, rainwater gardens, preservation of the existing trees, and creation of a treed and vegetative buffer screen for our neighbors. The proposed building includes: a grand glass entry; studio, one, and two bedroom apartments, plus several unique two-story loft apartment homes; a rooftop picnic area with solar panels; community areas for gathering, a fitness room, bicycle storage; and other services for residents’.

Staff’s primary concern with the proposed Use is the impact to the single-family homes to the southwest. In order to provide adequate screening as required by code, the applicant is proposing significant screening in the form of landscaping along the western property line. The applicant is proposing to maintain the existing tree line (30’-50’ spruce trees) immediately adjacent to the neighboring single-family home. The applicant is also proposing five new 20’ tall spruce trees adjacent to the northeast corner of the single-family lot and another 18 trees along the western property line of the property. In addition, the adjacent single-family home has an existing privacy fence adjacent to the property line. Given the extent of landscaping, Staff is comfortable that no additional landscaping requirements are needed as a condition of the CUP. Additional analysis regarding the proposed landscaping for the property as a whole is provided in the site plan section.

### **3) SITE PLAN ANALYSIS**

#### **Proposal**

The applicant is proposing to construct a 4-story, 56-unit Assisted Living Facility on the 2.02 acre subject property.

#### **Density**

The R-4 District requires a maximum density of 1 unit per 3,500 sq. ft. The subject property is 2.02 acres (after platting) which equates to 87,991 sq. ft. Per code, the maximum density allowed is 25 units. As mentioned with the Rezoning request, the applicant is requesting flexibility with the density requirement to allow the proposed 56 units. The PMD process allows for that flexibility without the need for a variance.

#### **Setbacks**

The proposed building meets all required setbacks with the exception of the front building setback from Marie Ave (40' proposed for the west wing of the building, code requires 50') and the side building setback adjacent to the west property line (15' proposed which matches the setback of the previous building, code requires 40'). The proposed building exceeds the minimum rear/side yard setback of 40' to the neighboring single-family home to the southwest.

The proposed parking lot meets all required setbacks with the exception of the side yard setback adjacent to the northeast corner of the single-family home (15' proposed, code requires 20'). Again, the PMD allows for flexibility for setbacks without the need for a variance.

#### **Access**

Proposed ingress and egress for the property is provided via three driveways. The underground parking driveway is located on the north side of the property via Marie Ave. The front entry parking lot is also accessed off of Marie Ave via a one-way drive aisle which also exits to Marie Ave. Finally, the rear parking lot is accessed via a driveway off of Kathleen Drive on the south side of the property.

#### **Parking**

The Zoning Code requires 2 stalls per unit, one enclosed stall per unit and one surface stall per unit, which equated to 112 stalls (56 units). The applicant is proposing a total of 112 parking spaces: 48 surface level stalls, 56 underground stalls, and 8 "proof of parking" stalls (code allows proof of parking to count toward total parking calculation).

#### **Drive Aisles**

The proposed site plan does not provide the dimension for all of drive aisles. Staff is recommending a condition of approval requiring that upon application of a building permit the applicant shall revise the site plan by including all drive aisle dimensions. Said drive aisle dimensions must meet minimum width requirements per code.

Staff spoke with the applicant who stated that meeting the minimum width requirements is a non-issue.

### **Parking Stall Dimensions**

All parking stalls meet minimum dimension requirements of 9' x 20'.

### **Landscaping**

Based on the exterior linear feet of the property, code requires a total of 33 trees on-site (1 tree per 40 lineal ft. of property). The applicant is proposing a total of 23 deciduous trees and 13 evergreen trees. The applicant is proposing to maintain roughly 15 quality trees on-site per the plan and plant a large number of native plantings throughout the site. In addition to the proposed landscaping, the applicant is also proposing six raingardens on-site to help with stormwater infiltration. The redevelopment of the property results in a decrease of 6,497 sq. ft. of impervious surface.

The Environmental Committee reviewed the proposed landscape plan at their November 2, 2016 meeting. The Committee was very pleased with the overall plan. They were encouraged by the addition of the rainwater gardens and the preservation of the 15 mature trees by the developer. The Committee unanimously voted to approve the site plan, with an additional comment that they strongly encourage the developer to use “pollinator friendly” native plants that were not treated with “neonicotinoids”.

### **Irrigation**

The landscape plan does not mention that the property will be irrigated as required. Staff is recommending a condition of approval requiring an irrigation plan upon submittal of building permits.

### **Screening**

The Zoning Code requires screening in the form of fencing or landscaping for all adjacent single-family or two-family uses. The adjacent single-family home already has an existing privacy fence. In addition, the applicant is proposing to maintain the existing tree line which consists of 30'-50' tall spruce trees and add significant tree coverage along the west property line. Staff feels that the proposed screening satisfies the Zoning Code requirement for screening.

### **Sidewalks**

The applicant is proposing internal sidewalks connecting the parking lots to the building. In addition, the proposed plans call for a sidewalk in the Marie Ave right-of-way. Per the recommendation provided by the City Civil Engineer, Staff is recommending a condition of approval requiring that the proposed sidewalk be replaced with a 10-foot bike path per the City's Bike/Ped Plan.

### **Lighting**

The submitted lighting plan calls for three pole mounted LED lights for the rear parking lot, two pole mounted LED lights for the front parking lot, one pole mounted light for the garage driveway and two wall mounted sconces (one above the garage door and one at the rear door of the west wing). With the exception of some lighting

bleeding over onto Marie Ave, all lighting levels are at zero foot candles at the property lines as required by code.

### **Signage**

The proposed plans do not include signage at this time. Staff is recommending a condition of approval requiring that all signage meet the requirements of Section 153 of the Zoning Ordinance.

### **Construction Design Requirements**

Section 153.031 of the zoning code which outlines Residential Site Plan requirements does not require specific building materials or specific design standards for new buildings as is done for Commercial Site Plans. However, the R-4 District does require that exterior building materials be comprised of siding, stucco, brick, glass or other comparable material.

The applicant is proposing fiber cement wall panels for the exterior of the building with different finishes per the submitted elevations. The use of fiber cement paneling is becoming more and more common for residential and commercial buildings. The material allows for a contemporary look and is a durable material. Staff feels that the proposed building materials meet the intent of the code.

### **Engineer's Recommendation**

The City Engineer has provided a memo with fourteen (14) recommended conditions pertaining to the Site Plan (see attached memo). Staff is recommending a condition of approval that the applicant adhere to the recommendations in the memo. The conditions are as follows:

1. Permits from the appropriate regulatory agencies must be obtained, including but not limited to the MPCA, Dakota County, MnDOT, etc.
2. Parkland dedication shall be paid upon application of a building permit. Fee shall be in accordance to City Ordinance, Section 1022.11.
3. Insert standard plate sheet. Add applicable West St. Paul, Watershed, and MnDOT plates and standard plans. City staff to provide electronic copies of needed city plates.
  - B612 Curb & Gutter (include tipout)
  - B618 Curb & Gutter
  - Bituminous Trail
  - Catch Basin 2'x3' Rectangular
  - Catch Basin Manhole
  - Commercial Driveway Apron
  - Development Info Sign
  - Concrete Sidewalk
  - Concrete Washout Area
  - Flared End Section and Trash Guard
  - HDPE Pipe Bedding
  - Rock Construction Entrance
  - Silt Fence

- Sod Placement
  - Any applicable Saint Paul Regional Watershed standard plates/plans
  - MnDOT Std. Plate 7113A (Concrete Approach Nose Detail)
  - MnDOT Std. Plan 5-297.250 (Pedestrian Curb Ramp Details)
  - MnDOT Std. Plan 5-297.405 (Storm Drain Inlet Protection)
  - Dakota County SWCD Bioretention Plates
    - Installation Notes
    - Typical Cross Section
    - Curb & Gutter Opening to Retention Cell
    - Under-drain Valve & Valve Box
4. Rain gardens 2 & 4 are too small to be functional. Re-size rain gardens 1, 3, 5, & 6 to accommodate the removal of rain gardens 2 & 4.
  5. 5' concrete walk along Marie Ave to be replaced with 8' bituminous trail. City staff will provide pavement section to be inserted into plan set.
  6. Update plan to show no curb cut at mid-block pedestrian crossing at Kathleen Dr. Sidewalk can be poured to back-of-curb, however, no permanent pedestrian crossing will be allowed.
  7. Applicant will be required to remove 25' of existing concrete raised median on Marie Ave. to accommodate a full-access entrance to the parking garage. Concrete approach nose to be added. Bituminous patch to be placed in the void.
  8. Display all proposed signage on the plans.
  9. Update plans to show commercial concrete aprons at all entrances. Label widths and curb radii. Label the transition between B618 & B612 at concrete aprons.
  10. Label proposed curb & gutter type and radii on plan. Update the grading plan to show difference between regular and tip out curb & gutter.
  11. Add "Inlet protection to be installed prior to all construction activities begin." on Grading and Erosion Control Plan.
  12. Remove "Underground Filtration Basin" detail from pg. 3. Contractor to follow Dakota County Soil and Conservation District standard detail.
  13. Update Landscape Plan with hatching/shading to show the difference between sodded areas and seeded areas. Restoration in the public right-of-way is to be sod.
  14. City owned street lights to be impacted by concrete apron installation. Add note to Utility Plan, "Contractor to install conduit and reroute direct-bury wire in conduit at three driveway locations."

#### **4) PRELIMINARY/FINAL PLAT ANALYSIS**

##### **Proposal**

Since the existing property was not previously platted, the City is requiring that the applicant plat the property (see attached preliminary/final plat).

Staff is recommending a condition of approval requiring that the plat be recorded at the County prior within one year and prior to the submittal of a building permit.

**STAFF RECOMMENDATION**

**Staff recommends APPROVAL of the REZONING of 260 Marie Ave from I1, Light Industrial to PMD, Planned Multi-use Development with R4, Multiple Family Residential underlying zoning subject to the following conditions:**

1. Council approval of the corresponding Conditional Use Permit, Site Plan, and Plat applications.
2. MetCouncil approval of a Land Use Plan amendment changing the current designation of the property as “Industrial” to “Multi-Family”
3. The identified spaces for commercial use shall be limiting to those uses allowed in the B2, Neighborhood Zoning District. Should any future proposed use require a Conditional Use Permit in the B2 District, the applicant shall be required to obtain a Conditional Use Permit.

**Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow a structure with more than 16 units and to allow a structure over three stories in height in an R4, Multiple Family Residential District at 260 Marie Ave subject to the following condition:**

1. Council approval of the corresponding Rezoning, Site Plan and Plat applications.

**Staff recommends APPROVAL of the SITE PLAN for the development of 260 Marie Ave Oakdale subject to the submitted plans and the following conditions:**

1. Council approval of the corresponding Rezoning, Conditional Use Permit and Plat applications.
2. The applicant shall apply for all applicable building and sign permits. All proposed signage must meet the requirements of Section 153 of the Zoning Ordinance.
3. Upon application of a building permit the applicant shall provide the following:
  - a. an irrigation plan. All landscaping is required to be irrigated per Section 153.031(4)(b) of the Zoning Ordinance.
  - b. a revised site plan including all drive aisle widths. Said drive aisle widths must meet the minimum with requirements per Section 153.347 of the zoning ordinance.
4. The applicant shall adhere to the recommendations outlined in the attached memos provided by the City Civil Engineer, and the Environmental Committee.

**Staff recommends APPROVAL of the PRELIMINARY/FINAL PLAT for 260 Marie Ave subject to the submitted plat drawings and the following conditions:**

1. Council approval of the corresponding Rezoning, Conditional Use Permit, and Site Plan applications.
2. The Final Plat shall be recorded within one year and prior to application of a building permit.