

To: **Planning Commission**  
 From: **Melissa Sonnek, City Planner**  
 Date: **January 21, 2020**

## Conditional Use Permit, Site Plan, and Preliminary Plat Review for 1140 Robert St.

### **REQUEST:**

On behalf of Wakota Life Center, Dan Saad is requesting the approval of the following applications in order to construct a new 9,785 sq. ft. medical office at 1140 Robert St:

1. Site plan for the redevelopment of the property,
2. Conditional use permit to allow a medical office, and
3. Preliminary plat to combine lots.

### ***Attachments:***

*Applications/Narrative/Notice*

*Memos from the Env. Comm. and Engineering Consultant*

*Submitted plans*



### **CURRENT USES AND ZONING:**

	<b>Use</b>	<b>Zoning</b>
<b>Subject Property</b>	Medical Office	B3, General Business
<b>Properties to North</b>	Commercial	B3, General Business
<b>Properties to East</b>	Single-family homes	R1, Single-family
<b>Properties to South</b>	Commercial	B3, General Business
<b>Properties to West</b>	Commercial	B3, General Business

## 1) SITE PLAN ANALYSIS:

### Proposal

Wakota Life is proposing to tear down their existing 2,000 sq. ft. building at 1140 Robert St. and build a new, two story 9,785 sq. ft. building (see attached plans). The proposed building will be located on the same lot as the existing building (fronting Robert St.) with parking remaining at the rear of the property. As stated in the applicant's narrative, the proposed expansion is to accommodate programming growth in response to the community's evolving needs.

### Building Setbacks

The B3 - General Business District requires the below listed building setbacks. The proposed site plan/preliminary plat complies with all of the building setbacks.

	<b>Req. Setbacks</b>	<b>Proposed Setbacks</b>
<b>Front</b>	10 – 40 ft.	13.3 ft.
<b>Rear</b>	20 ft. min	50 ft.
<b>Side (north)</b>	0 ft. min.	0 ft.
<b>Side (south)</b>	0 ft. min.	0 ft.

### Parking Setbacks

The B3 - General Business District requires the below listed parking setbacks.

	<b>Req. Setbacks</b>	<b>Proposed Setbacks</b>
<b>Front</b>	Not Permitted	N/A
<b>Rear</b>	10 ft. min	0 ft.
<b>Side (north)</b>	0 ft, min	0 ft.
<b>Side (south)</b>	0 ft, min	0 ft.

The proposed site plan complies with all of the parking setbacks as detailed, with the exception of the rear parking lot setback. Despite the fact that the rear parking setback is located on the Raddatz lot (east half of the parking lot is owned by Raddatz Dance Studio with the west half owned by the applicant), since the eastern lot is not owned by Wakota Life, the City is unable to require that the adjacent property be brought into compliance. The two properties are currently in negotiation to repave and restripe the entire parking lot and to install curb and landscaping on the eastern most side of the property. The City is intending to plant the boulevard area to match the adjacent properties.

### Parking Counts

The proposed site plan includes a total of 15 parking stalls in the Wakota side of the parking lot located behind the building. Based on the size of the new building, the site would need a total of 37 parking stalls to be in compliance with the code.

In order to provide the additional required parking, Wakota has obtained two parking agreements from adjacent properties; Twin Ventures at 1152 Robert has agreed to share 14 parking stalls and Rivera Chiropractic has agreed to share 10 parking stalls. With these parking agreements in place (see attachments), Wakota is able to provide the number of parking stalls required by code without a variance.

The code does allow for shared parking across multiple properties, as long as there is enough parking for each use. As such, City Staff is recommending a condition of approval that Wakota Life is to

maintain the minimum number of parking spaces required by code. If Wakota is unable to provide the necessary parking (i.e. a parking agreement is terminated) then the conditional use permit may be revoked.

### **Drive Aisle and Parking Stall Dimensions**

The submitted plans call for one-way circulation through the parking lot. The zoning ordinance allows for a minimum one-way drive aisle width of 15 feet. The proposed parking lot layout meets this requirement. In regard to parking stall dimensions, the proposed layout calls for 9' x 20' parking stalls and 9' x 23' parallel parking stalls, both of which meet minimum requirements.

### **Curbing**

The proposed site plan only includes curbing for a proposed sidewalk at the rear of the new building. The zoning ordinance requires curbing for all commercial parking lots. Since the existing parking lot is being modified as part of this project, typically the site plan process would require that the entire lot be brought into compliance with this requirement. However, this parking lot is unique in that all of the adjacent parking lots are also legal non-conforming and do not have curbing. Based on this and the proposed shared parking across multiple properties, Staff does not believe it is necessary to require curbing along the west, south, and north property lines.

### **Site Access and Sidewalk Connectivity**

Vehicular access to the Wakota lot will be provided via an existing curb cut on Westchester Place, at the rear of the property through the Raddatz parking lot. Pedestrian access to the new building will be provided by a sidewalk from the public sidewalk on Robert St. to the front door, as well as through a door at the rear of the building.

### **Lighting**

The applicant is not proposing exterior lighting as part of the project. Should the applicant opt to include exterior lighting in the future, all lighting shall be subject to the zero foot-candle requirement at all property lines.

### **Landscaping**

The property currently has a small lawn between the Robert St. sidewalk and the front of the building. There are currently no trees on-site. The landscaping portion of the zoning code outlines a requirement of one quality tree per 20 lineal feet of property line, which equates to 30 trees. The proposed landscape plan calls for a smaller/reduced green space in the front yard setback, which will include 3 deciduous Swedish Aspen trees and 16 Juniper bushes.

Staff is comfortable recommending approval of the proposed landscaping due to relatively small amount of impervious surface being added. Staff also believes that the proposed landscaping area would not be able to support a larger number of mature trees.

### **Environmental Committee Review**

The Environmental Committee reviewed the proposed landscape plan at their December 4, 2019 meeting. The Committee discussed the plan, including looking at aerial images of the existing conditions. Members were fine with the proposed number and variety of trees, and the choice of bushes. There was some concern about the increase in impervious surface area and the plan for stormwater treatment. Members agreed that a green roof would be a great addition to this development. There was also a short discussion about dressing up the rear parking area. Members would like to see native plantings in this area and not just a mowed lawn.

The Environmental Committee recommended approval of the plans with following additional recommendations:

1. The applicant is encouraged to use “pollinator friendly” native plants that were not treated with “neonicotinoids”,
2. The applicant is encouraged to consider a green roof for stormwater treatment,
3. The applicant is encouraged to utilize dark sky technology for exterior lighting, and
4. The applicant is encouraged to include native plantings in rear yard landscape buffer.

Staff is requiring as a condition of approval that the applicant consider the recommendations of the Environmental Committee.

### **Construction Materials**

The applicant is proposing a combination of cement based lap siding (primary material), masonry (primary material), aluminum storefront (primary material), and metal (secondary material). The proposed materials adhere to the requirements of the zoning ordinance.

### **Window Coverage**

The submitted plans show an adequate amount of window coverage on the east and west elevations. The code requires that buildings maintain a minimum of 40% window coverage for walls that face a street, parking lot or open space. Since the proposed southern elevation does not meet the minimum window coverage requirement, City Staff is requiring as a condition of approval that the applicant alter the building elevations to incorporate at least 40% window coverage on the southern elevation.

Typically, City Staff would recommend the same for the northern elevation as well. However, the applicant is unable to provide the necessary windows on the northern elevation due to the proximity of the proposed building to the building to north (DulceMex – Candy Store). Building code does not allow for any openings on the northern side of the building, as a method for fire prevention/slowing.

### **Visual Relief**

In the B3 – General Business district, all exterior walls that face a street, parking lot, or open space, which in this case is all sides, must not exceed 60 feet in length without visual relief. Visual relief can be accomplished by meeting two of the below listed criteria:

- The façade is divided architecturally with different materials and textures,
- There are horizontal offsets of at least two feet in depth,
- There are vertical offsets in the roofline of at least two feet, and
- The windows on the first floor are recessed horizontally at least one foot.

The submitted plans detail that the east, west, and south elevation meet this requirement; however, the northern elevation does not. Therefore, City Staff is requiring as a condition of approval that the applicant revise the plans to incorporate at least two of the visual relief criteria into the northern elevation in order to meet the code requirements.

### **Mechanical**

The submitted plans do not include details on mechanical protrusions. As such, City Staff is requiring a condition of approval that all mechanical protrusions are properly screened as per section 153.032 (F).

### **Trash Enclosure**

The submitted plans do not include a trash enclosure. Staff inquired as to whether or not the applicant was planning to include exterior trash and the applicant stated that they are planning to include an

enclosure at the southwest corner of the parking lot. If the applicant opts to include an enclosure, Staff is recommending a condition of approval that inclusion of exterior trash containers require a trash enclosure as detailed in Section 153.032 (F)(6) of the zoning ordinance.

### **Signage**

The proposed plans do not include specifics on 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.

### **Engineering/Storm water Review**

The site plan was reviewed by an engineering consultant to specifically review stormwater requirements for the project.

The engineering consultant listed a number of recommendations regarding obtaining proper permits, storm and drainage calculations, and plan specifics. As such, City Staff is requiring as a condition of approval, that the applicant adhere to all items outlined in the WSB Engineering Memo dated January 8, 2020.

In addition, Staff is recommending a condition of approval that prior to obtaining a building permit, the applicant enter into a stormwater management agreement with the City for the proposed stormwater filtration basin.

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

### **Zoning Ordinance**

§ 153.171 CONDITIONAL USES.

Within the B3 - General Business District, no structure or land shall be used for the following uses, except by conditional use permit:

- Dental or medical office or clinic;

The B3 District requires a Conditional Use Permit for all medical offices. The existing business predates this requirement. Therefore, the business has been operating as a legal non-conforming use. The request to redevelop the property triggers the need to bring the use into compliance by obtaining a Conditional Use Permit.

### **Business Overview**

Wakota's medical services include pregnancy testing and ultrasounds. They partner with Dr. Timothy Hernandez from Entira Family Clinics to interpret ultrasounds, providing 550 medical services in 2018.

Their material assistance program provides women and families maternity clothes, baby clothing through size 3T, diapers, wipes, car seats, high chairs, portable cribs, etc. Clients can come once a month to pick up diapers and clothes.

In 2018, Wakota distributed more than 99,000 diapers and 680 large baby items, such as car seats, portable cribs, strollers, and high chairs. They also offer family life education classes, which cover topics from natural fertility options and childbirth to breastfeeding and parenting. Other classes include: finance/budgeting, food/nutrition, healthy relationships, and employment. They are looking to add a mental health practitioner as well as part of the expansion.

## **Employees**

Wakota currently has four full-time employees and five part-time employees. After completion of the new building, the applicant expects to add one additional full-time employee and one additional part-time employee in year one and again in year two.

## **Hours of Operation**

Monday–Friday, 9 AM-5 PM

### **3) PRELIMINARY PLAT ANALYSIS:**

Since the subject property was not previously platted, the City is requiring that the applicant plat the property (see attached preliminary plat drawing). The existing property consists of two un-platted parcels, the proposed plat would result in one parcel/lot consisting of .30 acres.

### **STAFF RECOMMENDATION:**

**Staff recommends APPROVAL of the SITE PLAN to allow for the construction of a new medical office building at 1140 Robert St. subject to the submitted plans and the following conditions:**

1. Council approval of the corresponding conditional use permit and plat applications,
2. The applicant shall apply for and obtain all applicable building and sign permits,
3. The applicant shall ensure that all lighting levels will not exceed zero foot candles at all abutting property lines, and no direct glare shall extend into the public street, public open space, or neighboring properties,
4. The applicant shall alter the building elevations to incorporate at least 40% window coverage on the southern elevation prior to submitting building permit applications,
5. The applicant shall revise the plans to incorporate at least two of the visual relief criteria on the northern elevation,
6. The applicant shall ensure that all mechanical protrusions are properly screened as per section 153.032 (F) of the code,
7. The applicant shall ensure that any/all trash enclosures comply with section 153.032 (F)6 of the zoning code,
8. The applicant shall ensure that all signage meet the requirements of Section 153 of the zoning code,
9. The applicant shall adhere to the recommendations of the Environmental Committee per the attached memo dated December 11, 2019.
10. The applicant shall adhere to all items outlined in the WSB Engineering Memo dated January 8, 2020, and
11. The applicant shall enter into a stormwater management agreement with the city for the proposed stormwater filtration basin.

**Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow a Medical Office in a B3, General Business District at 1140 Robert St. subject to the following condition:**

1. Council approval of the corresponding site plan and plat applications, and
2. The property is to maintain the minimum number of parking spaces required by code.

**Staff recommends APPROVAL of the PRELIMINARY PLAT for 1140 Robert St. subject to the submitted preliminary plat drawing and the following conditions:**

1. Council approval of the corresponding conditional use permit and site plan applications,
2. The applicant shall submit a final plat for formal review by the Planning Commission and City Council within one year,
3. Upon submittal of the final plat, the applicant shall include 10 foot drainage/utility easements along the front property line and a 5 foot drainage/utility along all interior property lines with the exception of those areas covered by the proposed building, and
4. The applicant shall record the final plat at Dakota County prior to issuance of a building permit to construct the new building.