

To: **Mayor and City Council**
From: **Melissa Sonnek, City Planner**
Date: **January 27, 2020**

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

BACKGROUND INFORMATION:

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.

Please refer to the attached Planning Commission report for more details on the request.

ATTACHMENTS:

Applications and Public Notice
Planning Commission Staff Memo
Staff Correspondence
Submitted Plans

PLANNING COMMISSION:

The Planning Commission met in regular session on January 21st, 2020 and held a public hearing. Several members from the public came forward to speak on this item, many voicing multiple concerns around the following themes:

- If the proposed use properly aligned with the code definition of a “medical use”,
- If the building design, footprint, and scale are in harmony with the recommendations of the Renaissance Plan Update,
- Unfavorable toward the business/building since the non-profit status does not pay property taxes,
- The characteristics of the proposed building do not complement the existing buildings or area,
- Integrity and value of the medical services being provided at the site,
- False or misinformation on the Wakota website,

The Planning Commission discussed the following items:

- Pedestrian safety concerns if the shared parking lots are not directly abutting the property,
- The potential increase in traffic and if the proposed parking would be able to accommodate the increase,
- Signage and enforcement of the parking agreements to ensure patrons are parking in appropriate locations,
- Long term plans to maintain the required amount of parking, and
- Overall scale of the building/footprint on the site.

The Planning Commission voted 6-0 to recommend denial of all the applications. Denial of the conditional use permit, as they did not believe the site truly operated as a medical office use, denial of the site plan due to the large building footprint, and denial of the preliminary plat due to the denial of the site plan.

Since this time, City Staff has communicated (see attached memo dated 01/23/2020) that since only 13% of the services Wakota Life offers can be considered medical, this does not qualify the site as a medical office. Therefore, if the use is not a medical office, then the use becomes a general office. If and when Wakota Life decides to expand or alter its services to be primarily medical, meaning more than 50%, they can apply for a conditional use permit at that time. Wakota Life would like to move forward with the request as a CUP (see attached response from their attorney).

STAFF RECOMMENDATION:

City Staff is recommending approval of the site plan because the building side, location, and overall footprint all comply with the zoning ordinance.

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 property is to maintain the minimum number of parking spaces required by code.
3. The applicant shall ensure that Wakota employees park in one of the shared parking lots, rather than the adjacent Wakota lot,
4. The applicant shall apply for and obtain all applicable building and sign permits,
5. 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,
6. The applicant shall alter the building elevations to incorporate at least 40% window coverage on the southern elevation prior to submitting building permit applications,
7. The applicant shall revise the plans to incorporate at least two of the visual relief criteria on the northern elevation,
8. The applicant shall ensure that all mechanical protrusions are properly screened as per section 153.032 (F) of the code,
9. The applicant shall ensure that any/all trash enclosures comply with section 153.032 (F)6 of the zoning code,
10. The applicant shall ensure that all signage meet the requirements of Section 153 of the zoning code,
11. The applicant shall adhere to the recommendations of the Environmental Committee per the attached memo dated December 11, 2019.
12. The applicant shall adhere to all items outlined in the WSB Engineering Memo dated January 8, 2020, and
13. The applicant shall enter into a stormwater management agreement with the city for the proposed stormwater filtration basin.

Staff recommends DENIAL of the CONDITIONAL USE PERMIT to allow a Medical Office in a B3, General Business District at 1140 Robert St. for the following reason:

1. Based on the discussion during the Planning Commission public hearing and the testimony from the applicant, evidence supports that the subject property is not being used as a medical office, and therefore the CUP should be denied.

City Staff is recommending approval of the preliminary plat because all components comply with the 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 occupancy of the new building.