



City of Blaine
Anoka County, Minnesota
Text File

Blaine City Hall
10801 Town Sq Dr NE
Blaine, MN 55449

File Number: RES 18-139

Agenda Date: 7/12/2018

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: 11.-6

DEVELOPMENT BUSINESS - *Bryan K. Schafer, Planning and Community
Development Director*

Title

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE
CONSTRUCTION OF ONE APARTMENT BUILDING WITH 138
UNITS IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT,
LOCATED AT 117TH AVENUE/ULYSSES STREET NE. TYR
DEVELOPMENT, LLC. (CASE FILE NO. 18-0006/LSJ)**

Schedule of Actions

Planning Commission (Public Hearing)	04/08/18
City Council (Comp Plan Amendment/1st Reading Rezone)	05/03/18 (Motion Failed)
City Council	05/17/18 (Motion Rescinded)
City Council (Comp Plan Amendment/1st Reading Rezone, CUP and Plat)	07/12/18
City Council (2nd Reading Rezoning)	08/02/18
Action Deadline	08/15/18

Planning Commission Action

The Planning Commission voted unanimously to deny the rezoning, comprehensive land use plan amendment, preliminary plat and conditional use permit. Comments at the public hearing and received via email included concern for property values, increased traffic and safety, impact to schools and roads, and buffering from noise and light.

Background

The City Council originally denied these applications, but elected to place the items back on the agenda for further review. The applications for this project have been amended and the two sites (north and south) are being handled

separately. The new amended plan was presented to the City Council on June 14th. An open house for the neighborhood was held on June 28th.

NORTH PARCEL

Tyr Development, LLC is proposing to develop a reduced scale 138-unit apartment site on the southwest corner of 117th Avenue and Ulysses Street. There are three separate parcels that will be re-platted into one lot for the development, for a total development site of 6.5 acres. In order to construct the apartments, the applicant needs the approval of a comprehensive plan amendment, a rezoning, a preliminary plat and a conditional use permit, which are discussed below.

Comprehensive Plan Amendment

The proposed comprehensive plan amendment would change the land use of the 6.5 acres from MDR (Medium Density Residential) to HDR (High Density Residential). This land use amendment was discussed with the City Council in the Fall of 2017 and they indicated their support for such amendment. It has also been written into the “DRAFT” 2040 Plan.

The land use change falls in line with the apartment use and the site is a good location for higher density development given the proximity to commercial property, pedestrian systems and the park and ride just to the north. The site also has good access to major intersections and road systems.

This will, if approved, be processed as a 2030 Comprehensive Plan Amendment and sent as an individual amendment to the Metropolitan Council prior to formal submission of the overall 2040 Comprehensive Plan.

Rezoning

The zoning of the north parcel (6.5 acres) is currently FR (Farm Residential). In order to facilitate the development of the apartment buildings and to have flexibility in requirements for landscaping, materials used on the building and other items, the DF (Development Flex) zoning district is proposed for this development. The DF zoning has been used in the majority of residential development over the past several years within the City of Blaine, as it provides the City with the greatest flexibility and control over the aesthetic and livability elements within the development.

Conditional Use Permit

The project consists of a 138 market rate apartment on 6.5 acres. The unit mix is

described below:

For the 138 unit building (a 4 and 5-story building above one level of parking)

18 studios-560 square feet

57 One Bedrooms-814 square feet

63 Two Bedrooms, Two Baths plus den-1,030 to 1,152 square feet

The rents for these units will range from \$1,000 to \$2,000 depending on the size and location of the units. All units will have covered decks, solid/surface and stone countertops, stainless steel kitchen appliances, full sized washer/dryers in the units, tile/wood flooring and carpet. All ceilings will be 9 feet in height with extensive wood trim moldings.

A common area for residents surrounds the front entrance to the building. This area will include a large patio and exterior recreation area. Other common area amenities within the building includes a main floor common area, secure mail and package units, fitness area and an upper floor event room with panoramic view.

The exterior of the building includes a precast base with a stone finish. The lower levels include masonry on the exterior while the upper levels include composite siding. This site needs to meet the Highway 65 Overlay District requirements for exterior materials because the Council has required this of all DF sites regardless of proximity to Highway 65 and the issuance of a conditional use permit. The proposed building meets these requirements.

There is one level of underground parking provided with 140 underground stalls and 1xx surface parking stalls for a total number of 172 parking stalls for the 138 units. This meets the City's high density parking requirement of 2.4 stalls per unit.

The landscaping on site needs to meet the Highway 65 Overlay District requirements so the following trees must be provided on site:

45 overstory trees (2/12 inch caliper)

45 conifer trees (6 feet)

45 ornamental trees (2 inch caliper)

Shrubs

The City's standards sizes for the trees are listed above, but 25% of the trees need to be oversized to meet the Highway 65 Overlay District standards. Oversized

trees must be 3 inch caliper overstory trees, 8-foot conifer trees, and it is not recommended that ornamental trees be oversized. A landscape plan must be provided that meets these requirements. It should be noted that there will be extensive tree removal for this development, but the City's overall landscaping requirements exceeds the number of trees required through the tree preservation ordinance.

There is also an issue of where some of the landscaping is located on the landscape plan that needs to be rectified. The applicant is proposing to plant trees in the storm water areas on the site. The City does not allow trees to be planted in any of these areas so the landscape plan must be modified to remove the trees from these areas.

A lighting plan will need to be provided that meets ordinance requirements. All lighting needs to be downlit and shielded to prevent glare or spill. Pole mounted lighting is limited to 20-feet in height.

SAC and WAC payments will also become due prior to the issuance of building permits.

The applicant will need to obtain a Coon Creek Watershed District permit prior to City approval of construction plans and specifications.

SOUTH PARCEL

The south parcel, with the exception of the plat, has been removed from this set of applications and will be handled under a new application with a different project proposed. It is the intent of the applicant to develop a medium density townhome project under an application to be submitted sometime later this summer.

Preliminary Plat (this applies to both the north and south parcel)

As stated previously, the project area is comprised of 5 existing parcels that will be combined into one 6.5 acre (north) lot and one 5.3 acre (south) lot with a preliminary plat called Cedar Point Apartments. 116th Court (off of Ulysses Street) will provide an access road to the 138 unit building on Lot 1 as will Pierce Court NE (off of 117th Avenue).

Park dedication will be required for the north lot (Lot 1) at the residential rate for 2018. Since there will be 138 units in total for this lot, and the current residential park dedication rate is \$4,320 per unit, a total park dedication fee of \$596,160 will be required for Lot 1.

Lot 2, which will likely be proposed for some form of townhome development at some point in the future, will be directly accessed from Ulysses Street. Park dedication for Lot 2 will be calculated and due once a specific project density has been determined

The developer will need to apply for the vacation of the existing 116th Avenue right-of-way and this will need to be recorded in conjunction with the new Cedar Point Apartment plat, which is dedicating new right-of ways for 116th Court NE and Pierce Court NE.

There are several structures on the three north lots that need to be removed prior to construction. Demolition permits for these structures must be obtained from the City's Building Inspection Department prior to removal.

Because the land use change from MDR to HDR will require approval by the Metropolitan Council, all of the recommendations below are contingent upon Metropolitan Council review and approval and cannot be implemented until that occurs.

Recommendation

By motion, approve the Resolution.

Attachments

See Report for Comprehensive Plan Amendment.

Body

WHEREAS, an application has been filed by Tyr Development, LLC as Conditional Use Permit Case File No. 18-0006; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on April 10, 2018; and

WHEREAS, the Blaine Planning Commission recommends said Conditional Use Permit be denied; and

WHEREAS, the Blaine City Council has reviewed said case on July 12, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 29.80 of

the Zoning Ordinance to allow for the construction of a 138-unit apartment building in a DF (Development Flex) zoning district at 117th Ave/Ulysses Street NE based on the following conditions:

1. This building needs to meet the Highway 65 Overlay District requirements for exterior materials including composite siding.
2. The landscaping on site needs to meet the Highway 65 Overlay District requirements so the following trees must be provided on site:

For the 138 unit site

45 overstory trees (2/12 inch caliper)

45 conifer trees (6 feet)

45 ornamental trees (2 inch caliper)

Shrubs

The City's standards sizes for the trees are listed above, but 25% of the trees need to be oversized to meet the Highway 65 Overlay District standards. Oversized trees must be 3 inch caliper overstory trees, 8-foot conifer trees, and it is not recommended that ornamental trees be oversized. A landscape plan must be provided that meets these requirements. It should be noted that there will be extensive tree removal for this development, but the City's overall landscaping requirements exceeds the number of trees required through the tree preservation ordinance.

3. Formal Site Plan approval is required prior to the start of any site work.
4. The City does not allow trees to be planted in any of the storm water basins or swales on site, so the landscape plan must be modified to remove the trees from these areas.
5. A lighting plan will need to be provided that illustrates that the lighting provided meets ordinance requirements. All lighting needs to be downlit and shielded to prevent glare or spill. Pole mounted lighting is limited to 20 feet in height.
6. SAC and WAC payments will also become due prior to the issuance of building permits.
7. The applicant will need to obtain a Coon Creek Watershed District permit prior to City approval of construction plans and specifications.
8. All units and buildings will need to be licensed under the City's annual Rental License Program.
9. This CUP approval does not constitute Site Plan Approval nor does it guarantee a building permit. Separate Site Plan Approval and review for issuance of building permits is required.

10. Because the land use change from MDR to HDR for this project will require approval by the Metropolitan Council, the approval of the conditional use permit is contingent upon Metropolitan Council review and approval and cannot be implemented until that occurs.
11. Approval of this Conditional Use Permit is contingent upon the City Council rezoning the property (Second Reading) from FR (Farm Residential) to DF (Development Flex).

PASSED by the City Council of the City of Blaine this 12th day of July, 2018.