

GENERAL INFORMATION

Applicant:	Humboldt Properties, Daniel Gill, and Loren Gross (Owners) MWF Properties, LLC (User)
Location:	600 and 520 W. 93 rd Street and 9216 Garfield Circle
Request:	<ol style="list-style-type: none">1. Comprehensive Land Use Guide Plan Amendment to change the land use designation from General Commercial and Industrial to High-Density Residential;2. Rezone from B-2 and I-3 to RM-50(PD) High-Density Residential (Planned Development);3. Preliminary and final development plans for a five-story, 125-unit senior affordable apartment building.4. Preliminary and final plat to combine three parcels into one.
Existing Land Use and Zoning:	Vacant commercial land and a single-family residence; zoned B-2 General Commercial and I-3 General Industrial
Surrounding Land Use and Zoning:	North – Auto service; zoned B-2 South – vacant commercial land and single-family residential; zoned B-2 and I-3, respectively East – Single-family residential and industrial; zoned I-3 West – Restaurant and auto service; zoned B-2
Comprehensive Plan Designation:	Community Commercial and Industrial

CHRONOLOGY

Planning Commission	09/08/2022	Recommended City Council approval of the Comprehensive Guide Plan Amendment, rezoning, preliminary and final development plans, and preliminary and final plat.
Council	10/03/2022	Public hearing (ordinances and resolutions)

DEADLINE FOR AGENCY ACTION

Application Date:	08/02/2022
60 Days:	10/01/2022
120 Days:	11/30/2022
Applicable Deadline:	11/30/2022 (Extended by City)
Newspaper Notification:	Confirmed – (08/25/2022 Sun Current – 10-day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10-day notice)

STAFF CONTACT

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PROPOSAL

MWF Properties proposes redeveloping three parcels into a 5-story, 125-unit senior affordable apartment building. The proposed building would be located at a 20-foot setback from W. 93rd Street with surface parking along the perimeter and one-level of structured parking. The proposed affordability levels and corresponding unit counts are as follows:

- Three units affordable at 30 percent area median income (AMI)
- 22 units at 50 percent AMI
- 69 units at 60 percent AMI
- 31 units at 70 percent AMI

The existing parcels are a mix of Comprehensive Plan land use designations and zoning districts. To allow redevelopment, the Comprehensive Land Use Guide Plan designation must be amended from Community Commercial and Industrial to High-Density Residential. The site must be rezoned to RM-50(PD) High-Density (Planned Development), preliminary and final development plans approved, and a preliminary and final plat to combine the three parcels into one.

ANALYSIS

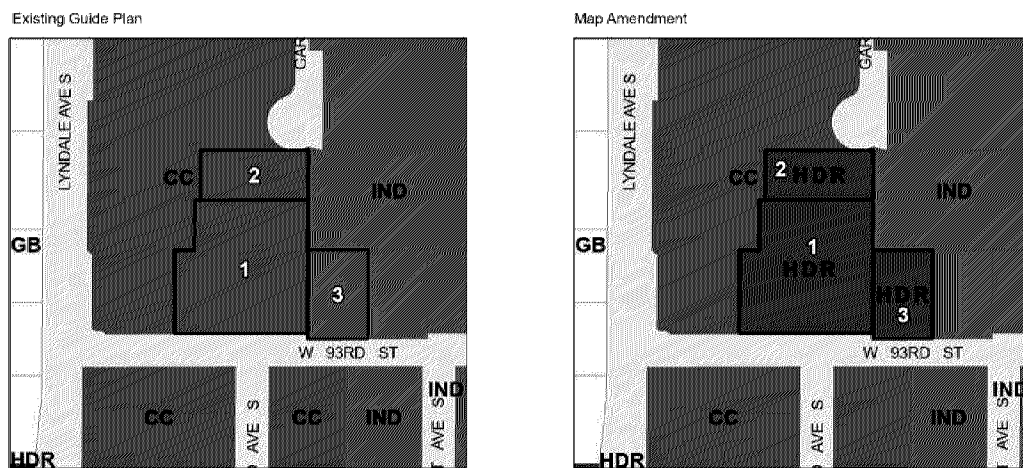
Land Use

The largest of the three properties is a former car wash. The car wash was demolished many years ago and has been vacant since. The Garfield Circle property is a vacant outlot without public street access and could not be developed unless it is platted and combined with an abutting parcel. 520 W. 93rd is an industrially zoned (legal non-conforming) single-family home. The proposed High-Density Residential land use designation would be consistent with the residential-only development. Figure 1 depicts the current and proposed land use designation. The Metropolitan Council is the final review authority for Comprehensive Plan Amendments.

When a Comprehensive Plan Amendment is proposed, staff reviews the policy guidance in the Plan. For this amendment, staff reviewed guidance which supports the Land Use Guide Plan change. Staff also sought guidance from the Lyndale Avenue Retrofit Plan, which is incorporated within the Comprehensive Plan. The site is not located along Lyndale Avenue. Rather, it is immediately east of Lyndale Avenue, but is part of the overall corridor. The vision and policies established in the Lyndale Avenue Retrofit Plan are relevant for this development.

1. **Redevelopment and Intensification (Comprehensive Plan Section 2.2):**
The Plan's Land Use and Redevelopment Strategy encourage infill development and redevelopment. That infill and redevelopment should be comprised of higher intensity land uses along arterial and collector roads – Lyndale Avenue is an arterial road. Further, the Plan promotes the redevelopment of outdated or under-utilized land uses. Vacant commercial land and non-conforming single-family residences are good candidate properties for redevelopment.
2. **Support for affordable housing (Comprehensive Plan Sections 3.1, 3.5, and 3.7):**
It is a City of Bloomington policy to support the retention and construction of affordable housing. The proposed project would be consistent with the City's objective to add more affordable housing. It would bring the City closer to meeting goals established by the Metropolitan Council by adding 25 units affordable at or below a 50 percent AMI level.

Figure 1: Existing and Proposed Land Use Designation



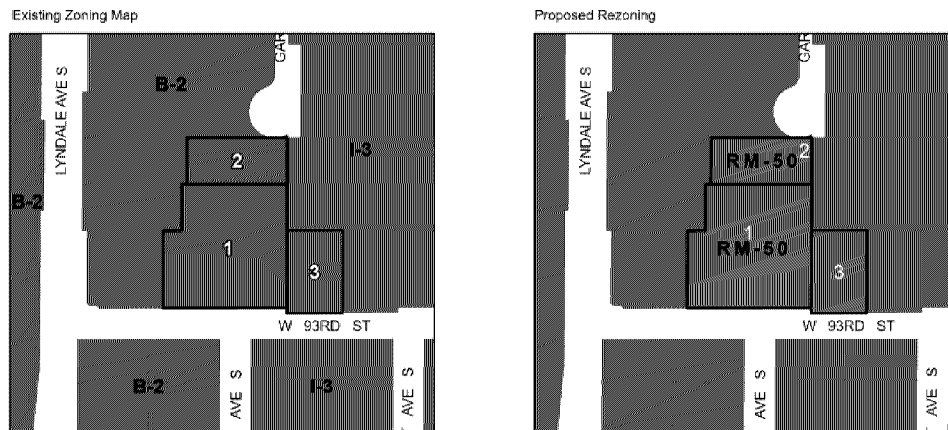
Including 520 W. 93rd within the redevelopment initially gave staff pause since it is identified in the Comprehensive Plan as “protected industrial” property. After analyzing the Plan, staff believes including the roughly 17,000 square foot property in the redevelopment is acceptable and supportable. The protected industrial policy does not entail a rigid map boundary. Rather, it is intended to provide policy guidance in maintaining the City's industrial base. The opportunity to redevelop 520 W. 93rd into a stand-alone industrial development is virtually non-existent. That, along with the fact it is a non-conforming residential use, not an industrial use, supports redevelopment as residential.

The Lyndale Avenue Retrofit Plan was adopted in April 2021 to guide and shape the future of the Lyndale Avenue Corridor. The Plan does not include any specific guidance for the subject site, but the overall vision entails a diverse, compact, and walkable corridor with a mix of commercial and residential uses. Dense residential housing and new sidewalk connections for transit users align with the Plan's mobility objectives. Overall, the proposed development is consistent with that vision and is a step towards realization.

Rezoning

Figure 2 depicts the existing and proposed zoning designation. The properties must be rezoned to accommodate the proposed development.

Figure 2: Existing and Proposed Zoning Designation



Provided the City Council approves the Comprehensive Plan Amendment to High-Density Residential, the proposed RM-50 zone would be the most consistent zoning district for the proposed development. The development would entail 61 units/acre, which is denser than the 20 to 50 dwelling unit density range for the RM-50 zoning district. The proposed density is within the allowance when the Opportunity Housing Ordinance density bonus is applied.

While the proposed land use classification changes are consistent with the Lyndale Avenue Retrofit goals and objectives, the change would impact the adjoining properties and uses. This includes but is not limited to:

- The City Code has a lower noise threshold when adjacent to residential uses. The allowed noise limits would be decreased by ten dBA. The 9240 Grand Avenue property is a distribution center with busy docks along the building's South side, in clear view of the proposed residential units. Having adjacent residential use would limit future noise levels.
- The City Code requires additional setbacks for commercial and industrial uses near residential uses. 9240 Grand Avenue and 9255 Lyndale Avenue would become legally non-conforming. 9211, 9215, and 9225 Lyndale Avenue would require variances or development flexibility to expand the business to the rear of the existing structures, where Code complying options exist before the land use change. The owner at 9225 Lyndale had discussed possible expansion to the east of the building for additional service bays.
- The City Code allows trash collection and storage to be placed exterior to a building with screening for industrial uses in Industrial Districts unless the site is within 300 feet of residentially zoned and used sites. With the addition of the proposed residential, the current exterior trash collection locations at 9216 and 9240 Grand Avenue would become legally non-conforming. A 25 percent or greater expansion at the industrial sites would require Code complying changes for trash collection and storage.

- At 9256 Lyndale Avenue, the drive through order board and speaker are approximately 25 feet from the adjoining property line and faces the proposed residential units. This may result in noise complaints.
- Due to the setback required from residential developments, any commercial redevelopment at 9256 Lyndale would require variances for a reasonable redevelopment.

Code Compliance

The proposed development complies with most City Code development requirements in the RM-50 zoning district when applying OHO development incentives. Table 1 provides a Code analysis of items that meet or exceed the City Code. Table 2 identifies one non-compliant item and the building setback deviation requested.

Table 1: City Code Requirement Compliance Analysis

Standard	Code Requirement	Proposed	Compliance
Minimum site area	80,000 square feet	89,269 square feet	Yes
Density	50 dwelling units/acre	61 units/acre	Yes – with OHO incentive, unit count is 154 (75 units/acre)
Building side and rear setback	Side (west) – 16.5 feet; Side (east) – 16.25 feet; Rear – 30 feet	Side (west) – 43 feet; Side (east) – 97 feet Rear – 52 feet	Yes
Parking lot setback – along W. 93 rd Street	20 feet	29’6” feet before ROW dedication; 19’6” after dedication	Minor revision required
Impervious surface coverage	90 percent maximum	72.4 percent	Yes
Landscaping	36 trees 89 shrubs	37 trees 113 shrubs	Yes – Quantity only
Parking islands	8 feet inside of curb to the inside of curb; at least one deciduous tree	Width compliant; two islands without trees	Minor revision required
Landscape yard	No encroachments into landscape yard except sidewalks or landscaping	No encroachments into landscape yard except sidewalks or landscaping	Yes
Parking	194 stalls	155 stalls	Yes – the parking requirement is 155 stalls with an OHO incentive
Enclosed parking	N/A	68 stalls	Yes

Standard	Code Requirement	Proposed	Compliance
Trash and recycling	Interior	Collected and stored in the underground garage	Yes
Retaining wall setback	< 4 feet – 5 feet > 4 feet – 10 feet	~12 feet	Yes
Sidewalks	6 feet minimum along W. 93 rd ; 7 feet along parking stalls	6 feet minimum along W. 93 rd ; 7 feet along parking stalls	Yes
Storage space – other than what is provided in units	N/A – in-unit storage required	36 storage units	Yes

Table 2: City Code Requirement Compliance Analysis

Standard	Code Requirement	Proposed	Compliance
Building setback – along W. 93 rd Street	40 feet	20 feet	Development flexibility requested
Usable open space	300 square feet per unit – 28,125 square feet with OHO incentive (25% reduction)	~ 22,250 square feet (6,500 square feet of land area)	Development flexibility is required. Staff recommending revisions to the landscaping plan

Opportunity Housing Ordinance and Incentives

With 125 units, 12 affordable housing units at 60 percent AMI or below are required to comply with the Opportunity Housing Ordinance. The application proposes that units will be affordable for 20 years for households earning various incomes. The number of affordable units is significantly greater than the OHO requires and meets integration, dispersion, design, phasing, and concurrent construction objectives. The site qualifies as a Designated Transit Area under the OHO.

The Affordable Housing Plan, included within the packet, provides detailed information on how the project relates to the OHO. Requested OHO Incentives include:

- Parking stall reduction
- Alternative exterior materials
- Density bonus
- Expedited plan review
- Tax Increment Financing.

The proposed residential density, 61 units/acre, is significant. To accomplish this density, the applicant would take advantage of the OHO's density bonus incentive. Based on the affordability level, 119 additional units would be permitted with 244 units. However, there is a cap on increased density to no more than 50 percent. The RM-50 zoning district's density cap is 75 units per acre. In this case, the development is eligible for the 50 percent density increase but proposes a 22 percent increase.

Building and Site Design

The building design would have a more urban character than the surrounding land uses. Staff is supportive of the reduced setback along W. 93rd Street. The reduced setback allows for greater overall density and would have an increased visual presence along the Lyndale Avenue corridor. The building is centered on the site to increase the side and rear setbacks. With a drive-through restaurant to the west and industrial land uses to the east, a building located close to either property line would lead to land use conflicts. Nonetheless, residents particularly sensitive to drive-through noise or some truck traffic may not appreciate this location. Redevelopments in the Lyndale Avenue Corridor, especially on the east side of Lyndale Avenue, will continue to be challenged by sub-optimal land use transitions.

Proposed building materials include a mix of architectural concrete, glass, metal panels, and fiber cement panels. The architectural concrete and glass are permitted primary exterior materials. The metal panels identified on the south building elevation would need to be considered a primary exterior material, necessitating additional review. Metal panels are acceptable as a primary exterior material if they include a minimum 30-year manufacturer finish warranty and are of sufficient gauge (thickness). Fiber cement panels are a popular choice that fall into the secondary materials category and are limited to 15 percent of each building elevation. The OHO, however, provides some relief from exterior material requirements on non-street facing building elevations. The site only faces one street along the south side – the south elevation is not eligible for alternative exterior materials incentive. The exterior materials, when taking the OHO incentive into account, are compliant with City Code.

Landscaping, Screening and Lighting

Landscaping, including trees, shrubs, grasses, and perennials, are provided, although staff believes more could be done to improve screening and break up the building mass at ground level. The proposed landscaping quantities meet City Code. However, staff believes there are elements of the landscaping plan that need to be improved:

- No trees are proposed between the building and the street. While staff supports a reduced setback, not having any trees in the front yard will contribute oversized massing. Trees help “break-up” this mass along a street.

- Minimal building foundation plantings are proposed. The City's landscaping policy guidelines stipulate that at least 50 percent of the street-facing foundation must have plantings.
- Outdoor amenity space is lacking. While the development includes several indoor amenity spaces, there is limited outdoor areas, approximately 6,500 square feet excluding the decks, for residents and guests for active or passive recreation. The City Code does not have design requirements for outdoor amenity spaces. However, since the development requires more significant flexibility than the reduced usable open space OHO reduction provides, staff believes enhancements to outdoor amenity spaces is vital. Due to the limited land area, the expansion of the decks is the most viable option. Staff is recommending a condition of approval requiring greater outdoor amenity spaces totaling 28,125 square feet prior to issuing a building permit.

An exterior lighting plan was provided for review. The plans provided include an "initial" plan with no light loss factor and a "maintained" plan with a 0.81 light loss factor. Lighting plans for the site and parking structure were included and meet City Code. The plan has also been signed by a professional engineer (PE). The applicant is not seeking deviations from any landscaping, screening, or lighting requirements.

Access, Circulation, and Parking

Two access points at W. 93rd Street are proposed with surface parking along the site's perimeter. The parking structure access is in the southwest portion of the site. Residents and guests are allowed access to the parking garage without having to traverse the surface parking areas.

The proposed 6-foot public sidewalk along W. 93rd Street extends from the east property line to Lyndale Avenue in front of Popeye's. The sidewalk is not shown in the 10-foot sidewalk/bikeway easement required as part of the final plat. The sidewalk must be relocated into the easement. City staff requested that the sidewalk continues to Lyndale Avenue within an existing sidewalk bikeway easement. The sidewalk would connect the apartment site to Lyndale Avenue. An 8-foot sidewalk would connect the public sidewalk to the main entrance. The private sidewalk must be at least 5 feet clear, although sidewalks immediately in front of parking stalls must account for vehicle overhand. The site plan depicts 7-foot-wide sidewalks, which is compliant.

Table 3 identifies the unit mix, parking requirement, and the proposed City Code deviation. Given the level of affordability, the OHO provides a 20 percent reduction in parking. The applicant requests a 20 percent reduction in parking supply; the proposed parking supply is consistent with the Code requirement once the OHO incentive is applied. With 125 senior apartment units and a party room, the total Code requirement is 194 parking stalls. A total of 155 parking stalls are proposed. Unlike non-age-restricted apartments, senior housing does not require structured/garage parking stalls. The applicant is proposing 67 parking stalls in a one-level parking structure.

Table 3: City Code Analysis for Required Parking Stalls

Parking Categories	Code Standard	Proposed	Code Required Parking Stalls
Senior Units	1.5	125	188
Party Room	One space per 100 square feet	625 square feet	6
Total Parking Required			194 stalls
Proposed Parking			155 stalls
Total Parking Required – with OHO Incentive (20% reduction)			155 stalls

Preliminary and Final Plat

The preliminary and final plat meet relevant zoning standards. Because the building would cross existing property lines and one lot is an outlot, the plat must be recorded before a building permit may be issued. Before the plat is recorded, Park Dedication Fees must be satisfied. At the time of application, the Park Dedication fees for the development are estimated to be \$181,700. Conditions pertaining to platting, park dedication, and easements are included in the proposed conditions of approval.

Stormwater Management

Stormwater must be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume. The Stormwater Management Plan calculations and narrative are currently under review and appear to meet the City of Bloomington Comprehensive Surface Water Management Plan requirements.

A Stormwater Maintenance Agreement must be provided, signed by the property owner, and recorded at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required prior to issuing a grading, footing/foundation or building permit.

The proposed development is located within the MPCA defined Lyndale Avenue Corridor Superfund Site which will restrict or prohibit certain stormwater management techniques, including infiltration. The final design of the stormwater management for the site will need to take this into account.

Utilities

The subject property is served by City sanitary sewer and water service. The City Engineer must approve utility Plans prior to issuing grading or other building permits. Sanitary sewer service to the site would be provided via Irving Ave. Based on the applicant's estimated peak hour wastewater flows, the City sanitary sewer network capacity is sufficient to handle the increased flows from the proposed development. A looped water system for the proposed building will be required.

Traffic Analysis

The site is served by two driveways onto W 93rd Street and is located just east of Lyndale Ave, an arterial roadway. There is adequate capacity on the adjacent roadway network to accommodate the trips generated from the site. No significant impacts on the adjacent traffic patterns have been identified due to the proposed development.

Fire Prevention and Public Safety

The access and circulation design must meet or exceed the minimum standards for fire prevention and be maintained in accordance with the approved plan, including a surface to provide all-weather driving capabilities. Apparatus access roads must be asphalt or concrete and support a minimum of 80,000 pounds.

The applicant must provide adequate water supply with a hydrant within 50 feet of the fire department connection and within 150 feet of any exterior wall. The Utilities and Fire Prevention Divisions will approve hydrants. A looped water supply feeding a single, combined water service into the building is required for the domestic and sprinkler system water demand.

The building must be addressed plainly and visible from the street or road using numbers contrasting with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches. A Knox box will be required at the main entrances and other areas as designated by the Fire Prevention Division.

Stairwell access doors must be provided into all stairwells on all levels including the first floor. The Fire Code requires standpipe hose valves within 200 feet of all areas within the structure.

Emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code must be provided.

The applicant must also ensure proposed landscaping plans do not interfere with access to the building. Any changes made to the current plans, including building location, access roads, water supply, and addressing, must be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

Status of Enforcement Orders

There are no open enforcement orders for the property.

Planning Commission Action

The Planning Commission held a public hearing on September 8th. No property owners or members of the public provided testimony, but one email was received from a neighboring property owner expressing concern for the impact the development would have on future expansion. The Planning Commission acknowledged the concern about future expansions and abrupt land use transitions from residential to commercial and industrial uses but expressed their strong support of the Lyndale Avenue Retrofit Plan. The Planning Commission unanimously recommended City Council approval of the redevelopment and directed staff to consider what changes to the City Code would facilitate future growth along the corridor.

FINDINGS

Required Preliminary Development Plan Findings – Section 21.501.02(e)(1-7)

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan	Finding made – Provided the Comprehensive Land Use Guide Plan is amended, there would be no conflict between the proposed development and the Comprehensive Plan. The proposed apartment building would be consistent with the proposed High-Density Residential designation.
(2) The proposed development is not in conflict with any adopted District Plan for the area	Finding made – The proposed development is not located in an area with an adopted District Plan.
(3) The proposed development is not in conflict with state law and all deviations from city code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval	Finding made – The proposed deviations would facilitate a development compatible with the land use transition along the Lyndale Avenue Corridor. The building's height, density, massing, and design would contribute to Lyndale Avenue Retrofit Plans vision of the corridor.
(4) Each phase of the proposed development is of sufficient size, composition and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit.	Finding made – The planned development is proposed to be completed in one phase and is not dependent upon a subsequent unit.

(5) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development	Finding made – Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system, or the water system.
(6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent with multiple-family development within the City of Bloomington.

Required Final Development Plan Findings – Section 21.501.03(e)(1-7)

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan	Finding made – Provided the Comprehensive Land Use Guide Plan is amended, there would be no conflict between the proposed development and the Comprehensive Plan. The proposed apartment building would be consistent with the proposed High-Density Residential designation.
(2) The proposed development is not in conflict with any adopted District Plan for the area	Finding made – The proposed development is not located in an area with an adopted District Plan.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site	Finding made – The proposed development is proposed to be completed in one phase. The preliminary and final development plans are the same.
(4) The proposed development is not in conflict with state law and all deviations from city code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval	Finding made – The proposed deviations would facilitate a development compatible with the land use transition along the Lyndale Avenue Corridor. The building's height, density, massing, and design would contribute to Lyndale Avenue Retrofit Plans vision of the corridor.
(5) The proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit	Finding made – The planned development is proposed to be completed in one phase and is not dependent upon a subsequent unit.

(6) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and	Finding made – Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system, or the water system.
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent with multiple-family development within the City of Bloomington.

Required Preliminary Plat Findings - Section 22.05(d)(1-8):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the Comprehensive Plan	Finding made – The plat is not in conflict with the Comprehensive Plan. The land use would be consistent with the proposed High-Density Residential land use designation.
(2) The plat is not in conflict with any adopted District Plan for the area	Finding made – The proposed plat is not located in an area with an adopted district plan.
(3) The plat is not in conflict with City Code provisions	Finding made – The plat is not in conflict with City Code provisions. The proposed plat meets the minimum lot area, width, and access requirements.
(4) The plat does not conflict with existing easements	Finding made – There are no known easements that cannot be vacated and rededicated. The plat does not conflict with existing easements.
(5) There is adequate public infrastructure to support the additional development potential created by the plat	Finding made – There is adequate public infrastructure to support the development intended for the lot created by the plat.
(6) The plat design mitigates potential negative impacts on the environment, including but not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers, and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and stormwater storage needs	Finding made – The plat will establish new drainage and utility easements. In addition, stormwater management must meet City and Watershed District standards. Contaminated soils would also be addressed.
(7) The plat will not be detrimental to the public health, safety and welfare	Finding made – The plat will not result in new development and will not be detrimental to the public health, safety, or general welfare.

(8) The plat does not conflict with an approved development plan or plat.	Finding made – The proposed plat would result in a lot that accommodates a high-density residential development consistent with proposed development plans.
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Required Final Plat Findings – Section 22.06(d)(1):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the approved preliminary plat or preliminary plat findings	Finding made – The final plat is consistent with the preliminary plat and preliminary plat findings, subject to conditions of approval.

RECOMMENDATION

The Planning Commission and staff recommend approval using the following motions:

Motion by _____, seconded by _____, to adopt Resolution No. 2022-____, A RESOLUTION AMENDING THE CITY OF BLOOMINGTON 2040 COMPREHENSIVE PLAN TO REGUIDE 600 W. 93RD STREET AND 9216 GARFIELD CIRCLE FROM THE COMMUNITY COMMERCIAL TO THE HIGH-DENSITY RESIDENTIAL LAND USE DESIGNATION AND 520 W. 93RD STEET FROM THE INDUSTRIAL TO THE HIGH-DENSITY RESIDENTIAL LAND USE DESIGNATION.

Motion by _____, seconded by _____, to adopt Ordinance No. 2022-____, AN ORDINANCE AMENDING THE ZONING MAP BY REZONING 600 W. 93RD STREET AND 9216 GARFIELD CIRCLE FROM B-2 GENERAL COMMERCIAL TO RM-50(PD) HIGH DENSITY RESIDENTIAL (PLANNED DEVELOPMENT) AND 520 W. 93RD STREET FROM I-3 GENERAL INDUSTRY TO RM-50(PD) HIGH DENSITY RESIDENTIAL (PLANNED DEVELOPMENT).

Motion by _____, seconded by _____, to approve preliminary and final development plans for a five-story, 125-unit senior affordable apartment building 520 and 600 W. 93rd Street and 9216 Garfield Circle, subject to conditions and Code requirements attached to the staff report.

Motion by _____, seconded by _____, to approve a Type III preliminary plat and adopt Resolution No. 2022-____, A RESOLUTION APPROVING THE PLAT OF OXBORO HEIGHTS.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2022-153

Project Description: Comprehensive Plan Amendments to redesignate the future land use at 600 W. 93rd and 9216 Garfield Circle from Community Commercial to High-Density Residential and 520 W. 93rd from Industrial to High-Density Residential; rezoning 600 W. 93rd and 9216 Garfield Circle from B-2 General Business to RM-50(PD) High Density Residential (Planned Development) and 520 W. 93rd from I-3 General Industry to RM-50(PD) High Density Residential (Planned Development) ; Preliminary and Final Development Plans to develop a five-story, 125 unit senior apartment building; Preliminary and Final Plat to combine 600 W. 93rd, 520 W. 93rd, and 9216 Garfield Circle into one lot.

Address: 520 and 600 W. 93rd Street and 9216 Garfield Circle

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

Preliminary and Final Development Plan Conditions of Approval

1. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit The properties must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of any permits (22.03(a)(2)).
3. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
4. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
5. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
6. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
7. Prior to Permit Parking lot and site security lighting plans must satisfy the requirements of City Code Section 21.301.07.
8. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15). The plan must be revised to incorporate additional outdoor amenity spaces and trees along 93rd Street as outlined by staff.
9. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
10. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
11. Prior to Permit An erosion control surety must be provided (16.08(b)).

12. Prior to C/O Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
13. Prior to C/O Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
14. Prior to C/O Minimum 6-foot sidewalk must be installed along W. 93rd street connecting the development to Lyndale Avenue at the developer's expense (Section 21.301.04(b)(1)).
15. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
16. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
17. Ongoing All pickup and drop-off must occur on site and off public streets.
18. Ongoing All construction stockpiling, staging, and parking must take place on site and off adjacent public streets and public right-of-way.
19. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
20. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
21. Ongoing Alterations to utilities must be at the developer's expense.

Preliminary and Final Plat Conditions of Approval

1. A title opinion or title commitment that accurately reflects the state of title of the properties being platted, dated within 6 months of requesting City signatures, must be provided.
2. A consent to plat form from any mortgage company with property interest must be provided.
3. Park dedication must be satisfied.
4. A sidewalk and bikeway easement must be provided as approved by the City Engineer.
5. Vacation of existing drainage and utility easement is recommended upon the dedication of new drainage and utility easements on the new plat.