



# **PLANNING COMMISSION STAFF REPORT**

**PC MEETING DATE: JULY 26, 2010**

## **ITEM FOR PLANNING COMMISSION CONSIDERATION:**

Public hearing regarding a planned unit development plan for Lyndale Commons project. Consideration of 1) rezoning the property located at 6401 Lyndale Avenue, 515 64th Street West and 521 64th Street West from C-2 (general commercial) and R (single family residential) to PMR (planned multi-family residential) and 2) A final development plan and conditional use permit for a 90-unit apartment building.

### **I. RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion:**

- 1. Recommend approval of a planned unit development plan for the Lyndale Commons project and the rezoning of related property from C-2 and R to PMR.**
- 2. Recommend approval of a final development plan and conditional use permit for a 90-unit apartment building comprising the Lyndale Commons project at 6401 Lyndale Avenue, 515 64th Street West and 521 64th Street West.**

### **II. BACKGROUND**

Michael Development is proposing to construct a 90-unit apartment building at the southeast corner of 64th Street West and Lyndale Avenue. The nearly 26,000 square-foot residential building will replace two retail buildings totally approximately 25,000 square-feet and a vacant lot (currently owned by the Richfield Housing and Redevelopment Authority (HRA)). The building is proposed to include nine-studios, 42 one-bedroom units, 36 two-bedroom units and four three-bedroom units. It is three and four stories tall with a main courtyard greenspace fronting on Lyndale Avenue, a playground area (that could potentially be dedicated as a City Park), an enhanced transit stop and installed mature landscaping throughout the site. Both surface and below-grade parking will be provided at a rate of 1.32 stalls per unit. Surface parking will be screened from the adjacent neighbors through use of a privacy fence and significant landscaping in areas that allow. Right-hand turns out of the development will be prevented to minimize traffic in the surrounding single-family neighborhood.

As far back as 1998, the City identified this area for redevelopment as part of the Lakes at Lyndale Plan. In 2008, the City once again confirmed its desire to see reinvestment in the 66th Street and Lyndale Avenue area by designating this area as "Mixed Use" in

the Comprehensive Plan. The intent of this designation being a focus on continued expansion of the City's "downtown" by incorporating residential housing, commercial, office and recreational opportunities.

### **Existing Land Use and Zoning**

The properties currently occupied by the retail strip center (Market Plaza) and the smaller retail building to the north are zoned C-2 (General Commercial). The HRA property is currently zoned R (Single-Family Residential), a designation that is not consistent with the Comprehensive Plan. As mentioned above, all of the involved properties are designated as "Mixed Use" in the Comprehensive Plan. The applicant proposes to rezone all three properties to PMR (Planned Multi-Family Residential). This zoning would be consistent with the Comprehensive Plan.

## **III. BASIS OF RECOMMENDATION**

### **A. POLICY**

- In 1998, the City adopted the Lakes at Lyndale Plan that called for the redevelopment of these parcels after 2010.
- In 2008, the City approved designation of the entire Lakes at Lyndale area as a "Mixed Use" area to incorporate a variety of uses including high-density residential, commercial, office and recreational uses.
- The proposed development area is 1.81 acres. In order to provide an enhanced transit facility and enlarged boulevard area, the applicant has proposed dedication of nearly 7,000 square-feet of public right-of-way.
- Discussions are also underway regarding the dedication of land for a public "pocket park;" the developer has expressed a willingness to grant this to the City if the City is interested.
- Zoning Code requirements:
  - Planned unit developments are intended to encourage the efficient use of land and resources and to encourage innovation in planning and building. PUDs provide flexibility in the application of dimensional requirements, density and land uses if the proposed development is well designed and can be successfully integrated into the neighborhood.
  - The guiding district for a Planned Multi-Family Residential (PMR) District development of this size is the High-Density Residential (MR-3) District.
  - The purposes of the MR-3 District regulations are to *"reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities; preserve as many as possible of the desirable characteristics of the single-family district, while permitting higher population densities; provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment; minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the surrounding infrastructure; and to provide multi-family residential areas that are safe and attractive."*
  - While the development is not required to meet the requirements of the MR-3 District, it does meet most of them (lot minimum, lot

width, floor area, height, lot coverage, outdoor open space, rear setback to residential). The development does not meet the minimum lot area requirement (148,000 square feet for 90-units as designed) or the front setback requirement (40 feet). The proposed development is 78,814 square feet. If the development were to meet the required lot area for a 90-unit building, it would not reach the density required by the Comprehensive Plan in this area. These reductions do allow for a visually interesting site that respects the proximity of the adjacent single-family homes. Underground parking and a reduced front setback allow for the building mass to be situated farther from the single-family homes to the east making for a more gradual transition. A large open front plaza and tot lot provides greenspace for apartment occupants, meeting the intent of the minimum lot area requirement.

- Parking requirement:
  - 113 – 162 spaces
  - Proposal includes 119 stalls with area for the addition of 22 additional stalls (141 total) if parking is found to be lacking once the development is occupied.
- General Zoning requirements call for a 15-foot setback for parking lots abutting residential property. The area in which this setback is not met will be screened to 100 percent opacity by a wood privacy fence.
- All other Zoning Code requirements are met (trash and recycling location, screening of mechanical equipment, provision of bicycle parking, parking lot islands, landscaping, architectural design, pedestrian connections to street, irrigation, etc.)
- On April 12th, the Planning Commission found that the proposed development was consistent with the Comprehensive Plan.
- In May the City Council approved a resolution approving the creation of the Woodlake Housing Tax Increment Finance District.
- The sale of 515 – 64th Street West by the HRA to Michael Development will take place once the rezoning and PUD process are complete.

### **Required Findings**

The following findings are necessary for approval of a PUD application (542.09 Subd. 3):

1. *The proposed development conforms to the goals and objectives of the City's Comprehensive Plan and any applicable redevelopment plans; The City's Comprehensive Plan designates these properties as part of a larger mixed use district encompassing the 66th Street and Lyndale Avenue area. Residential development of 50 or more dwelling units per acre is an approved use in this area.*
2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries; The building is designed provide on-site amenities like greenspace and parking to the residents.*
3. *The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development; The development is in substantial compliance with the guiding MR-3 District. Setbacks have been reduced to provide for a*

more interesting building design, the incorporation of a large plaza area to be visible from Lyndale Avenue and to maximize tree preservation and usable greenspace.

4. *The development will not create an excessive burden on parks, schools, streets or other public facilities and utilities that serve or area proposed to serve the development;* Right turns onto 64th Street from the development will be prohibited to minimize traffic in the adjacent neighborhood and utilities will be upgraded to accommodate the new building. Greenspace, including a tot lot, will be provided for use by the residents. The development also sets aside an area for an enhanced transit facility to serve the neighborhood as a whole.
5. *The development will not have undue adverse impacts on neighboring properties;* Traffic in the neighborhood will be minimized by prohibiting right turns out of the development. This movement is not currently prohibited from the commercial development. The site has been designed to locate the building closer to Lyndale Avenue and farther from the single-family properties to the east. The parking lot will be screened with a privacy fence and landscaping.
6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* The final development plan, which establishes the terms and conditions of the development, meets this requirement.

All uses are conditional uses in the PMR District. The findings necessary to issue a Conditional Use Permit (CUP) are as follows (Subd. 547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan;* The City's Comprehensive Plan designates these properties as part of a larger mixed use district encompassing the 66th Street and Lyndale Avenue area. Residential development of 50 or more dwelling units per acre is an approved use in this area.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use;* The proposed use will assist in the implementation of the City's Comprehensive Plan by adding additional high-density housing to the City's "downtown" area. The use is consistent with the intent of the Planned Multi-Family Residential (PMR) District and the underlying High-Density Multi-Family Residential (MR-3) District.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines;* The Lakes at Lyndale Plan was incorporated into and updated through the Comprehensive Plan update process. The proposed use is consistent with guidance for mixed use.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code;* The proposed use will comply with landscaping, screening, architectural, lighting, parking, pedestrian circulation, utility and stormwater management requirements.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements;* There are or will be adequate facilities, utilities, streets and services to support the development.
6. *The use will not have undue adverse impacts on the public health, safety, or welfare;* Adequate provisions have been made to protect the public health, safety and welfare.
7. *There is a public need for such use at the proposed location;* There is a need for new and larger rental units in the City.
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.

## B. CRITICAL ISSUES

- The Comprehensive Plan calls for a mix of uses throughout the Lakes at Lyndale area. Residential uses are suggested to be developed at 50 or more dwelling units per acre. The proposed development meets this requirement (50 units per acre).
- The developer hosted a neighborhood meeting regarding the proposed development on May 5, 2010.
- The developer seeks to provide “move-up” rental housing that is currently lacking in Richfield.
- The proposal provides additional right-of-way, an enhanced transit area and the potential for a public pocket park.
- As a condition of approval, the property will need to be replatted.

## C. FINANCIAL

- The HRA and the City Council approved the Woodlake Housing Tax Increment Finance District earlier this year.
- Required application fees have been paid.

## D. LEGAL

- **Zoning:**
  - Existing: C-2, R (General Commercial, Single-Family Residential)
  - Proposed: PMR (Planned Multi-Family Residential)
- **Land Use:**
  - Existing: Commercial buildings, vacant
  - Proposed: Multi-Family Housing
- **Comprehensive Plan:** Mixed Use
- **Notification:** Notice of the hearing was mailed to residents and property owners within 350 feet of the proposed development and published in the Sun Current Newspaper.
- **Other Actions:**
  - **Council:** First reading is scheduled for August 9, 2010.  
Second reading is scheduled for September 14, 2010.

### Stipulations of Approval:

1. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
2. The property owner is responsible for replacing any required landscaping that dies.
3. This approval does not include the signs shown on the drawings. Separate sign permits are required.
4. That a final lighting plan be submitted to and approved by the Community Development Director and Public Works Director.
5. That a final sediment and erosion control plan be submitted to and approved by the Public Works Director.
6. That a final stormwater management plan be submitted to and approved by the Public Works Director.
7. That a final plan for walkways and sidewalks, both public and private, be submitted to and approved by the Community Development Director and Public Works Director.

8. That a maintenance agreement related to sidewalks, landscaping and park area be executed.
9. That a final utility plan be submitted to and approved by the Public Works Director.
10. That a traffic control plan for disruptions on Lyndale Avenue be submitted and approved by the Public Works Director.
11. That a final plan and maintenance agreement for the proposed “pocket park” be submitted to and approved by the Recreation Services Director.
12. That the property be platted.
13. Prior to the issuance of an occupancy permit, Michael Development shall:
  - a) Receive approval and record final plat;
  - b) Submit a copy of Hennepin County’s approval of the final plat; and
  - c) Submit a surety equal to 125% of the value of any landscaping improvements not yet complete.

#### IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend approval the planned unit development plan, rezoning, final development plan, and conditional use permit with additional conditions.
- Deny the planned unit development, rezoning, final development plan, and conditional use permit with a finding that the proposed project does not meet City requirements.

#### V. ATTACHMENTS

- Council Bill for Planned Unit Development and Rezoning
- Council Resolution for Final Development Plan and Conditional Use Permit
- Proposed plans
- Planning & Zoning maps

#### VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Michael Development Representative

**BILL NO. 2006-\_\_\_**

**AMENDMENT TO SECTION APPENDIX 1  
OF THE ORDINANCE CODE OF THE  
CITY OF RICHFIELD**

**(Cedar Point Commons Planned Unit Development Plan and Rezoning)**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Findings of Fact. The City Council hereby makes the following findings of fact:

- A. The City's zoning ordinance establishes zoning classifications for individual property. The properties located at 6401 Lyndale Avenue, 515 64<sup>th</sup> Street West and 521 64<sup>th</sup> Street West are zoned C-2 (general commercial) and R (single family residential) [the "subject area"].
- B. Michael Development has submitted an application to the City for a planned unit development plan [the "PUD plan"] in the subject area. The PUD plan proposes to construct 90 residential units and 119 parking stalls.
- C. The City has reviewed the zoning ordinance and determined that it would be appropriate to rezone the subject area as PMR (planned multi-family residential) and approve the PUD plan to establish the regulations governing the PMR district.
- D. The Planning Commission has conducted a public hearing concerning the PUD plan and amending the zoning ordinance in the subject area. The Planning Commission recommended approval of the PUD plan and zoning ordinance amendment on July 16, 2010 following a public hearing. The City Council held a first reading of the rezoning on August 9, 2010 and second reading and consideration of the PUD plan on September 14, 2010.
- E. The City's zoning ordinance provides criteria for approving a PUD plan and rezoning of property to a planned unit development. The City Council finds that the PUD plan and rezoning of property in the subject area meets the criteria in the following ways:
  - 1) The proposed development conforms with the goals and objectives of the City's Comprehensive Development Plan and any applicable redevelopment plans:
    - a) The City's Comprehensive Plan designates these properties as part of a larger mixed use district encompassing the 66th Street and Lyndale Avenue Area.
    - b) The Comprehensive Plan describes the intent in this area "is to continue the expansion of the city center area by incorporating residential housing at 50+ units per acre..."
    - c) The PUD plan and rezoning are also consistent with the following Comprehensive Plan Housing Policy:

“Encourage the creation of ‘move-up’ housing through new construction and home remodeling.”

- d) The PUD plan and rezoning are consistent with the Comprehensive Plan goal to, “Ensure sufficient diversity in the housing stock to provide for a range of household sizes, income levels and needs.”
- 2) The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries: The building is designed to provide on-site amenities like greenspace and parking to the residents. The proposal also connects the site to the neighborhood through sidewalk connections.
- 3) The development is in substantial conformity with the purpose and intent of the original MR-3 zoning district, and departures from the original district regulations are justified by the design of the development. Setbacks have been reduced to provide for a more interesting building design, the incorporation of a large plaza area to be visible from Lyndale Avenue and to maximize tree preservation and usable green space.
- 4) The development will not create an excessive burden on parks, schools, streets, or other public facilities and utilities which serve or are proposed to serve the development: Right turns onto 64<sup>th</sup> Street from the development will be prohibited to minimize traffic in the adjacent neighborhood and utilities will be upgraded to accommodate the new building. Greenspace, including a tot lot, will be provided for use by the residents. The development also sets aside an area for an enhanced transit facility to serve the neighborhood as a whole.
- 5) The development will not have undue adverse impacts on neighboring properties: Traffic in the neighborhood will be minimized by prohibiting right turns out of the development. This movement is not currently prohibited from the commercial development. The site has been designed to locate the building closer to Lyndale Avenue and farther from the single-family properties to the east. The parking lot will be screened with a privacy fence and landscaping.
- 6) The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interests: A final development plan, which establishes the terms and conditions of the development, is required before construction can commence.

Section 2. Appendix 1 of the zoning ordinance code of the City of Richfield entitled “Richfield Zoning Code: Boundaries of Zoning Districts” is hereby amended:

A. Section 3, Paragraph (26) is amended to read as follows:

(26) M-5 (E of Lyndale between 64th and 65th) Lots 3 through 5 and Lots 4-18 through 20, Block 6, Lyndale Oaks Addition except for the Northwesterly 25 feet of Lot 18; and Lot 2, Block 2, J.N. Hauser’s Second Addition. (Amended, Bill No. \_\_\_\_\_).

B. Section 8, new paragraph (6) is added to read as follows:

(6) M-5 (Southeast corner of Lyndale Avenue and 64<sup>th</sup> Street West) Lots 10 through 17 and the Northwesterly 25 feet of Lot 18, Block 6, Lyndale Oaks Addition, together with that part of the vacated alley that accrued to said Lots by reason of the vacation thereof. (Added, Bill No. \_\_\_\_\_).

Section 3. This amendment constitutes a rezoning of the following property:

R to PMR: 515 64th Street West

C-2 to PMR: 6401 Lyndale Avenue South and 521 64th Street West

Section 4. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 14th day of September, 2010.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Gibbs, City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE LYNDALE COMMONS PROJECT**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for a 90-unit residential development on land located at 6401 Lyndale Avenue South, 515 64<sup>th</sup> Street West and 521 64<sup>th</sup> Street West, legally described as:

Lot 11, 12, 13, 14, 15, 16, 17 and the Northwesterly 25 feet of Lot 18, Block 6, "Lyndale Oaks", according to the recorded plat thereof, and situated in Hennepin County, Minnesota, together with that part of the vacated alley that accrued to said Lots by reason of the vacation thereof; and

Lot 10, Block 6, Lyndale Oaks Addition, including adjacent ½ of vacated alley, Hennepin County, Minnesota.

**WHEREAS**, the Planning Commission held a public hearing on the request for a final development plan and conditional use permit on July 26, 2010 and recommended approval; and

**WHEREAS**, notice of the public hearing was published in the Sun-Current and mailed to residents and property owners within 350 feet of the subject property on July 13, 2010; and

**WHEREAS**, the City Council considered the final development plan and conditional use permit on September 14, 2010; and

**WHEREAS**, the proposed residential use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan:

- a) The City's Comprehensive Plan designates these properties as part of a larger mixed use district encompassing the 66<sup>th</sup> Street and Lyndale Avenue Area.
- b) The Comprehensive Plan describes the intent in this area "is to continue the expansion of the city center area by incorporating residential housing at 50+ units per acre..."
- c) The PUD plan and rezoning are also consistent with the following Comprehensive Plan Housing Policy: "Encourage the creation of 'move-up' housing through new construction and home remodeling."
- d) The PUD plan and rezoning are consistent with the Comprehensive Plan goal to, "Ensure sufficient diversity in the housing stock to provide for a range of household sizes, income levels and needs."

**WHEREAS**, the residential use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the project will be located. The proposed use complies with the purpose of the Zoning Code to assist in the implementation of the City's Comprehensive Plan by adding additional high-density housing to the City's "downtown" area. The use is consistent with the intent of the Planned Multi-Family Residential (MR-3) District; and

**WHEREAS**, the residential use is consistent with any officially adopted redevelopment plans or urban design guidelines. The Lakes at Lyndale Plan was incorporated into and updated through the Comprehensive Plan update process. The proposed use is consistent with guidance for Mixed Use development in this area; and

**WHEREAS**, the residential use is or will be in compliance with the performance standards specified in Section 544 of the Zoning Code. The proposed use will comply with landscaping, screening, architectural, lighting, parking, pedestrian circulation, utility and stormwater management requirements; and

**WHEREAS**, the residential use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. : There are adequate facilities, utilities and services to support the development; and

**WHEREAS**, the residential use will not have undue adverse impacts on the public health, safety, or welfare. Adequate provisions have been made to protect the public health, safety and welfare; and

**WHEREAS**, there is a public need for such use at the proposed location. There is a need for new and larger rental dwelling units in the City; and

**WHEREAS**, the commercial use meets or will meet all the specific conditions set by this code for the granting of a final development plan and conditional use permit; and

**WHEREAS**, the City has fully considered the request for approval of the final development plan and conditional use permit; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council adopts as its Findings of Fact the WHEREAS clauses set forth above.
2. A final development plan and conditional use permit are approved for a residential development as described in City Council Report No. \_\_\_\_, on the Subject Property legally described above.
3. The final development plan and conditional use permit are subject to the following conditions:
  - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
  - The property owner is responsible for replacing any required landscaping that dies.
  - This approval does not include the signs shown on the drawings. Separate sign permits are required.
  - That a final lighting plan be submitted to and approved by the Community Development Director and Public Works Director.
  - That a final sediment and erosion control plan be submitted to and approved by the Public Works Director.
  - That a final stormwater management plan be submitted to and approved by the Public Works Director.

- That a final plan for walkways and sidewalks, both public and private, be submitted to and approved by the Community Development Director and Public Works Director.
  - That a maintenance agreement related to sidewalks, landscaping and park area be executed.
  - That a final utility plan be submitted to and approved by the Public Works Director.
  - That a traffic control plan for disruptions on Lyndale Avenue be submitted and approved by the Public Works Director.
  - That a final plan and maintenance agreement for the proposed “pocket park” be submitted to and approved by the Recreation Services Director.
  - That the property be platted.
  - Prior to the issuance of an occupancy permit, Michael Development shall:
    - i. Receive approval and record final plat;
    - ii. Submit a copy of Hennepin County’s approval of the final plat; and
    - iii. Submit a surety equal to 125% of the value of any landscaping improvements not yet complete.
4. The final development plan and conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the Zoning Ordinance, Section 547.09, Subd. 9

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of September, 2010.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Gibbs, City Clerk