



DATE: January 25, 2021

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Mike Mroska, Community Development Manager/City Planner

SUBJECT: Planning Case # 20-022
Applicant: Arden Hills RE, LLC
Property Location: 2 Pine Tree Drive
Request: Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Code Amendment

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider the Following:

Adopting motions to approve, table or deny Planning Case 20-022 for Arden Hills RE, LLC proposed development at 2 Pine Tree Drive.

Background

The Applicant is proposing to construct a 192,390 square foot, four (4) story multi-family senior living facility on site. The proposed senior living facility will feature 146 units, with 113 units of independent or assisted living and thirty-three (33) units devoted to memory care. The Subject Property is zoned B-2, General Business District and is guided as Community Mixed Use on the Land Use Plan.

The City Council was asked to hold the required public hearing for Planning Case 20-022 under Agenda Item 9B. A full evaluation of the proposed redevelopment and supporting attachments are included in the staff report under Agenda Item 9B. The remainder of this memo focuses on the requested approvals, findings of fact and the staff recommended conditions if a motion to approve is made.

Requested Action

1. Conditional Use Permit

A Conditional Use Permit is required for a multiple family dwelling use in the B-2 District. City Code Section 1355.04 Subd. 3 of the Arden Hills Zoning Code lists the criteria for evaluating a Conditional Use Permit. The Planning Commission and City Council should consider the effect of the proposed use upon the health, safety, convenience and general welfare of the owners and occupants of the surrounding land and the community in general, including, but not limited to, the following factors and findings:

1. Existing and anticipated traffic and parking conditions;

A traffic study was required and was completed by SRF. The proposed development should not generate much additional traffic and is not expected to impact overall traffic operations within the study area. The use does not add enough traffic to require any geometric or traffic control changes.

2. Noise, glare, odors, vibration, smoke, dust, air pollution, heat, liquid or solid waste, and other nuisance characteristics;

The proposed use does not conflict with the business functions of the surrounding uses and will not pose a significant detrimental risk or nuisance to the health, safety, and general welfare of occupants of adjacent lands. New Perspective Senior Living has an existing relationship with Bethel University. The new facility is adjacent to Bethel's Anderson Center and will provide additional educational opportunities to their students.

3. Drainage;

The proposed site plan does not negatively impact drainage on adjacent properties and the submitted stormwater onsite meets the quantity and quality standards. The Applicant is currently going through the Rice Creek Watershed approval process.

4. Population density;

The Subject Property is guided as Community Mixed Use (CMU) in the Land Use Plan. The area is designated for a broad range of retail, shopping, services, and office space to meet the needs of the community and surrounding areas. This area may also include high density housing with a potential density of twelve (12) to twenty (20) units per acre. The Applicant is proposing requesting the memory care units - which consist of private bedrooms/bathrooms with an opening to a shared central dining and living areas - to be calculated as the equivalent of 0.5 units. If we apply the 0.5 units for density purposes the total number of units is 20 units per acre or 129.5 units and is in conformance with the zoning district and land use plan.

5. Visual and land use compatibility with uses and structures on surrounding land;

The proposed building materials exceed the B2 material requirement as identified in the Design Standards. The ordinance 75 percent of the building exterior be constructed of brick masonry, tile masonry, natural stone (or synthetic equivalent), decorative concrete plank (cement board siding), transparent glass or any combination thereof. The proposed building is 100% approved materials. Multi-family developments such as the proposed senior living facility are generally used to transition between commercial and residential neighborhoods. This allows residents ease of access to shopping, restaurants, and entertainment on the surrounding commercial land uses.

6. Adjoining land values;

The proposed development is not anticipated to negatively impact adjacent property values.

7. Park dedications where applicable;

High density residential requires a park dedication of 20 percent of the total land. A cash contribution in lieu of land dedication may be required at the discretion of the City. The cash payment shall be determined based on the fair market of the land that would otherwise be dedicated to the City.

8. Orderly development of the neighborhood and the City within the general purpose and intent of the Zoning Code and the Comprehensive Development Plan for the City.

Planning Case 20-022 for New Perspective Senior Living proposed development at 2 Pine Tree Drive is consistent with the purpose and intent with the policies within the City's Comprehensive Plan, the B-2 Zoning District and Guiding Plan for the B-2 District.

Suggested Findings of Fact:

The Planning Commission reviewed this application at their January 6, 2021 meeting and have offered the following findings of fact for your consideration:

1. The Applicant submitted an application for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Amendment.
2. The Subject Property is located within the B-2 General Business District and is guided as CMU, Community Mixed Use on the Land Use Plan.
3. The Subject Property is located on approximately 6.40 acres and currently features open space with a wooded area around the wetlands with a segment of the existing Anderson Center trail system running through the site.
4. The Applicant is proposing to construct a 192,390 square foot, 4 story multi-family senior living facility on site.
5. The proposed senior living facility will feature 146 units, with 113 units devoted to independent or assisted living and 33 units devoted to memory care.

6. Flexibility through the PUD process has been requested in the following areas: parking stall count requirements, building height, permitted number of efficiency units and tree mitigation.
7. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: building setbacks, landscape coverage, parking setbacks, planting islands, tree selection, floor area ratio, drainage wetlands and flood plain tree selection, lighting, screening and aesthetics.
8. Where the plan is not in conformance with the City Code, flexibility has been requested by the Applicant and/or conditions have been placed on an approval that would mitigate the nonconformity.
9. A traffic study was required and was completed by SRF. The proposed development should not generate much additional traffic and is not expected to impact overall traffic operations within the study area. The use does not add enough traffic to require any geometric or traffic control changes.
10. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
11. Existing public facilities will be able to absorb the additional demand for public services needed for the proposed use.
12. The maximum dwelling unit density per net area that is allowed within the B-2 District is 20 units per acre.
13. The Applicant is requesting a Zoning ordinance amendment that would to add language allowing memory care units located in the B2 district to be calculated as the equivalent of 0.5 units. If approved, the .5 units for density purposes the total number of units is 20 units per acre or 129.5 units and is in conformance with the zoning district and land use plan.

Options and Motion Language

The Planning Commission reviewed this application at their January 6, 2021 meeting. At that time, they recommended approval of the Arden Hills RE, LLC application for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Code Amendment by a 7-0 vote. The following are motion language options for the City Council to consider.

A Conditional Use Permit is required for multiple family dwelling use in the B-2 District.

1. Approval: Motion to adopt Resolution 2021-006, approving the Conditional Use for Planning Case 20-022 at 2 Pine Tree Drive, based on the findings of fact and the submitted materials.
2. Denial: Motion to deny Resolution 2021-006, approving the Conditional Use for Planning Case 20-022 at 2 Pine Tree Drive, based on the following findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
3. Table: Motion to table Resolution 2021-006, approving the Conditional Use for Planning Case 20-022 at 2 Pine Tree Drive for the following reasons: *a specific reason and/or information request should be included with a motion to table.*

Zoning Code Amendment

1. **Approval:** Motion to approve and authorization to publish ordinance for Planning Case 20-022 for a Zoning Code Amendment to Chapter 13 based on the findings of fact and the January 9, 2021 Report to the City Council.
2. **Approval with Amendments:** Motion and authorization to publish ordinance to approve Planning Case 20-022 for a Zoning Code Amendment to Chapter 13 based on the findings of fact and the January 9, 2021 Report to the City Council with amendments.
3. **Denial:** Motion to *deny* Planning Case Planning Case 20-022 for a Zoning Code Amendment to Chapter 13 based on the findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. **Table:** Motion to *table* Planning Case 20-022 for a Zoning to Chapter 13 for the following reasons: *a specific reason and/or information request should be included with a motion to table.*

Planned Unit Development and Site Plan Review

1. **Recommend Approval with Conditions:** Motion to recommend *approval* of Planning Case 20-022 for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Code Amendment at 2 Pine Tree Drive, based on the findings of fact and submitted plans, subject to the following conditions:
 1. All conditions of the Master PUD and Preliminary Plat approval shall remain in full force and effect.
 2. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
 3. The Conditional Use Permit and Planned Unit Development approvals shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council. The City Council may extend the expiration date of such approval upon written application by the person to whom the approval was granted.
 4. A violation of any condition set forth in the permit shall be a violation of this Code, and shall be cause for revocation of the permit.
 5. A Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Development Agreement shall be fully executed prior to release of a building permit.
 6. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.
 7. Prior to the issuance of a grading permit, all items identified in the December 21, 2020 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.

8. Prior to the issuance of a building permit, a landscape financial security of \$50,000.00 shall be submitted. Landscape financial security is held for two full growing seasons.
9. For any landscaping or screening that is not in accordance with the approved landscaping plan at the end of two growing seasons, the applicant shall replace the material to the satisfaction of the city before the guarantee is released. Where this is not done, the city, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.
10. The Applicant shall submit cash contribution in lieu of land dedication. The cash payment shall be determined based on the fair market of 20 percent of the land that would otherwise be dedicated to the City. The park dedication fee shall be submitted prior to the issuance of a building permit.
11. Prior to the issuance of a grading and erosion permit, planning staff shall approve in writing the final landscaping plan.
12. Prior to the issuance of a grading and erosion control permit the Applicant shall work with the City to locate the additional caliper inches of replacement trees on the site or on the adjacent properties. If the replacement tree plantings cannot be reasonably accommodated on the site, the City can work with the applicant to find off-site locations for the plantings or require that a fee in lieu of the plantings be provided.
13. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. If complaints are received the lighting adjacent to residential uses shall utilize house shields as directed by the City. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
14. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
15. Prior to issuance of a sign grading and erosion control permit, the applicant shall provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the placement of landscaping on their property.
16. Prior to issuance of a sign permit, the applicant shall provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the construction of the proposed monument sign on their property and offsite signs are not permitted.
17. Prior to issuance of a sign permit, the applicant shall provide City staff with written approval from Lake Johanna Fire Department, the owner of Lot 2, Block 1, on permitting the placement of landscaping on their property.
18. No exterior storage shall be permitted.
19. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements.
20. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
21. A Grading and Erosion permit shall be obtained from the City's Engineering Department prior to commencing any grading, land disturbance or utility activities. The Developer shall be responsible for obtaining any permits necessary from other

- agencies, including but not limited to MPCA, Rice Creek Watershed District, Ramsey County and MNDOT prior to the start of any site activities.
22. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
 23. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant.
 24. The Applicant shall provide an executed copy of the City's standard stormwater maintenance and easement agreement prior to approval of the Development Agreement.
 25. The bond or surety shall be provided prior to the issuance of any building or grading permits and shall be valid for two full years from the date of installation, or three years in the case of an extended timeline. The total security shall be addressed in the Development Agreement.
 26. All disturbed boulevards shall be restored with sod. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
 27. The maximum number of units permitted onsite is 146 units.
 28. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be memorialized in the Development Agreement.
 29. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site and off-site stormwater, sanitary sewer, and water main to the City for review and approval. The Applicant will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
 30. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
 31. This approval does not include signs. A separate sign permit is required for all proposed signage. All signage shall meet the requirements of Sign District 4.
 32. The Applicant shall provide a cross parking agreement with Bethel University for the City Attorney to review and for the City Council's approval prior to the approval of the Developer Agreement.
 33. In the event where noise from the loading and delivery area is audible from an adjacent residential district, the activity shall terminate between the hours of 6:00 p.m. and 6:00 a.m.
2. Recommend Approval without Conditions: Motion to recommend *approval* of Planning Case 20-022 for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Code Amendment at 2 Pine Tree Drive, based on the findings of fact and submitted plans in the report to the Planning Commission.

3. **Recommend Denial:** Motion to recommend *denial* of Planning Case 20-022 for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Code Amendment at 2 Pine Tree Drive based on the following findings of fact: *the Planning Commission should identify findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. **Table:** Motion to *table* Planning Case 20-022 for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Code Amendment at 2 Pine Tree Drive for the following reasons: *the Planning Commission should identify a specific reason and/or information request should be included with a motion to table.*

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on December 23, 2020. Pursuant to Minnesota State Statute, the City must act on this request by February 21, 2021 (60 days), unless the City provides the Petitioner with written reasons for an additional 60 day review period. The City may, with the consent of the Applicant, extend the review period beyond the initial 120 days.

Budget Impact

NA

Attachments

- A. Conditional Use Permit - Resolution 2021-007
- B. Ordinance Redline NO. 2021-001
- C. Summary Ordinance NO. 2021-001