



Memorandum:

TO: Chair Cordes and Planning Commission Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: April 28, 2020

SUBJECT: Staff Report: Planning Case 20-004
Zoning Code Amendment: R-3 District Ancillary Buildings
Gasparre Westwood Park, LLC

Description of the Request

The applicant is proposing amendments to City Code Chapter 38, Article III, Division 4 concerning the Residence Three (R-3) District.

Discussion

The City is using its legislative authority when considering action on a City Code amendment request and has broad discretion; the only limitations are that actions must be constitutional, rational, and in some way related to protecting the health, safety and general welfare of the public.

Action Timeline

Received	Complete	60-day Deadline	Extension	120-day Deadline
03/23/2020	03/23/2020	05/22/2020	N/A	07/21/2020

Background

The applicant owns and operates the Westwood Park Apartments located at 669 County Road D. The development contains two buildings with 48 total units on approximately three acres. The applicant is requesting a zoning code amendment to allow construction of an ancillary rental office/residential unit on the property.

Analysis

DRAFT Ordinance 742 (attached) adds “ancillary building as part of a multi-family residential development” as a conditional use in the R-3 District, with several conditions. The proposed conditions were drafted by staff and include the following:

- Only one such building is allowed on the property.
- Uses are limited to offices, one residential unit, attached garage/storage, and community facilities.
- Building height is limited to 35’ or no greater than the adjacent apartment buildings.
- Exterior materials have to match the existing apartment buildings.
- Size limited to 5,000 SF.
- Building setback 10’ from property boundary lines.

The proposed request in this case does not approve the actual construction of a building on the subject property, but creates the opportunity to pursue it further. As proposed, if approved, the property owner is required to submit separate conditional use permit and site plan applications prior to construction.

Public Hearing Notice

City Code Chapter 38, Article II, Section 38-35(c) requires a public hearing notice be published in the official newspaper and mailed to property owners within 350 feet of the subject property at least ten (10) days prior to the date of the hearing. The required notice was published in the April 15 edition of the Vadnais Heights Press and mailed to surrounding property owners on April 17.

Recommended Commission Action

Staff recommends approval of DRAFT Ordinance 742, as proposed or with any additional revisions recommended by the Planning Commission.

Action Requested

Following the public hearing, the Planning Commission may consider the following actions:

1. Recommend *approval* of DRAFT Ordinance 742.

OR

2. Recommend *denial* of DRAFT Ordinance 742, based on findings of fact determined by the Planning Commission.

OR

3. *Table* the request and advise staff to extend the application review period an additional 60 days, in compliance with Minn. Stat. Sec. 15.99.

Attachment(s):

- DRAFT Ordinance 742
- City Code Chapter 38, Article III, Division 4
- Application, including supporting materials
- Public Hearing Notice

1 CITY OF VADNAIS HEIGHTS
2 COUNTY OF RAMSEY
3 STATE OF MINNESOTA

4
5 ORDINANCE NO. 742
6

7 AN ORDINANCE AMENDING CHAPTER 38, ARTICLE III, DIVISION 4,
8 SECTION 38-155 OF THE CITY ZONING CODE, CONCERNING CONDITIONAL
9 USES IN THE RESIDENCE THREE DISTRICT
10

11 The City Council of the City of Vadnais Heights does hereby ordain:
12

13 I.
14

15 Chapter 38, Article III, Division 4, Section 38-155(c) (Residence Three District) of the City Code
16 is hereby amended to read as follows (strikethrough indicates deletions; underline indicates
17 additions):
18

19 (8) Ancillary building as part of a multifamily residential development, subject to the
20 following conditions:

- 21 a. No multifamily residential development shall have more than one (1) such building on
22 the property.
23 b. Uses within the building shall be limited to office(s) for current employee(s) of the
24 property management and/or leasing company, one residential unit for a current
25 employee of the property management and/or leasing company, attached
26 garage/storage space, or laundry and/or community facility for residents.
27 c. Building height shall not exceed 35 feet or the height of the existing multifamily
28 residential building(s) on the property, whichever is less.
29 d. Building design and exterior materials shall match the existing multifamily residential
30 building(s) on the property.
31 e. Building shall not exceed 5,000 square feet of total floor area.
32 f. Building shall be at least ten feet or more from all lot lines of adjoining lots and shall
33 not be located within a drainage and utility easement.
34

35 II.
36

37 This Ordinance shall take effect and be enforced from and after its passage and publication.
38

39 PASSED by the City Council of the City of Vadnais Heights, Minnesota, this _____ day
40 of _____, 2020.
41

42
43
44 _____
45 Heidi Gunderson, Mayor

46 ATTEST:
47

48 _____
49 Kevin Watson, City Administrator

DIVISION 4. - RESIDENCE THREE (R-3) DISTRICT

Sec. 38-154. - Purpose.

The purpose of the R-3 district is to provide for medium- to high-density housing in multiple-family structures and directly related complementary uses.

(Code 1999, § 11.010)

Sec. 38-155. - Uses in the R-3 district.

(a) *Permitted uses.* Permitted uses are as follows:

- (1) Multifamily residential structures containing four or less dwelling units.
- (2) All permitted uses in the R-2 district.

(b) *Accessory uses.* Accessory uses are as follows:

- (1) All accessory uses in an R-1 district.

(c) *Conditional uses.* Conditional uses are as follows:

- (1) Multifamily residential structures containing five or more dwelling units including apartments.
- (2) Housing intended for the elderly, which may include independent living, assisted living or memory care housing, congregate dining rooms, rooms or facilities shared among the residents, shops selling gifts or sundries, nursing services and help with daily activities.
- (3) Nursing homes, in compliance with section 38-159.
- (4) Public buildings.
- (5) Churches.
- (6) Schools.
- (7) Small wireless facilities, in compliance with section 38-606 and chapter 30, article III.

(Code 1999, § 11.020; Ord. No. 723, § XIII(11.020), 2-20-2018; Ord. No. 725, § II(11.020), 3-6-2018)

Sec. 38-156. - Lot area and dimension standards.

<i>Use</i>	<i>Minimum Lot Area Per Dwelling Unit</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>
Single-family detached dwelling	8,400 square feet	70 feet; 90 feet (corner lot)	120 feet
Two-family dwelling	5,000 square feet	80 feet; 100 feet (corner lot)	120 feet
Three to eight-family dwelling	4,000 square feet	N/A	N/A

Apartment building ¹	Bedrooms/unit: 0: 2,500 square feet; 1-2: 3,000 square feet; 3: 3,500 square feet	N/A	N/A
Senior housing	Independent living: 2,000 square feet; assisted living/memory care: 1,500 square feet	N/A	N/A

¹ May be adjusted for certain uses by the schedule of allowances, as in section 38-157.

(Code 1999, § 11.030; Ord. No. 723, § XIV(11.030), 2-20-2018)

Sec. 38-157. - Schedule of allowances.

- (a) For each parking stall in or under the apartment building or otherwise completely underground, subtract 400 square feet from the total minimum lot area.
- (b) For each unit with a balcony of not less than 45 square feet, subtract 200 square feet from the total minimum lot area.
- (c) This schedule of allowances does not apply to senior housing.

(Code 1999, § 11.040)

Sec. 38-158. - Setback and height standards.

The minimum building setback shall be measured from the applicable lot line or public street right-of-way line.

Use	Front Yard Setback	Side Yard Setbacks ¹	Rear Yard Setback	Between Buildings	Building Height
Single-family detached dwelling and two-family dwelling	25 feet; 40 feet (arterial street)	10 feet; 25 feet (corner)	40 feet	N/A	36 feet
Three to eight-family dwelling and townhouse	30 feet; 40 feet (arterial street)	20 feet ² ; 30 feet (corner)	30 feet	Equal to the height of the building	

Senior housing	30 feet	20 feet ² ; 30 feet (corner)	30 feet	
Apartment building	No less than 35 feet, or 40 feet on an arterial street, or the average height of the building, whichever is greater			

¹ Measured from roof projections, as in section 38-101(3), for single-family detached and two-family dwellings.

² Add six inches for each one foot over 20 feet that the average height of the building exceeds.

(Code 1999, § 11.050; Ord. No. 723, § XV(11.050), 2-20-2018; Ord. No. 729, § XV, 9-18-2018; Ord. No. 732, att.(38-158), 2-5-2019)

Sec. 38-159. - Nursing home regulations.

The following standards will be considered when reviewing an application for a conditional use permit for a nursing home:

- (1) Access will be via a collector or arterial street, as defined in the comprehensive plan.
- (2) Nearby housing will be buffered from parking, loading, pick-up areas and trash handling by location, orientation, setback, plantings, fencing and building.
- (3) Nearby housing will be shielded from exterior lighting glare.
- (4) Parking will be provided in compliance with section 38-610(e).

(Code 1999, § 11.052; Ord. No. 723, § XVI(11.052), 2-20-2018)

Sec. 38-160. - Wetland setbacks.

For purposes of the above setbacks, a delineated wetland edge shall be considered the same as a property line or right-of-way line; provided that rear yard attached decks up to ten feet in depth may intrude into the rear yard setback area. Variances to wetland setbacks may be considered by the city council where reasonable use of the land would be difficult or impossible if the standard were strictly adhered to considering the following factors:

- (1) When the lot is a minimum of 16,800 square feet and a large proportion of non-wetland area exists on the site;
- (2) When the proposed structures could be shown to minimize effects on the surrounding neighborhood and blend in with the character of the locality;
- (3) When the slope of the yard from the structures to the wetland is six to one or less;
- (4) When existing significant trees or vegetation could be saved by reducing setbacks;
- (5) The need for protection for various types of wetland;
- (6) When the intrusion into the wetland is minimal, as determined by the appropriate watershed district; or
- (7) When the applicant can mitigate any intrusion on or off site, as determined by the appropriate watershed district.

(Code 1999, § 11.055)

Sec. 38-161. - Minimum buildable area.

At least 4,200 square feet of the minimum lot area shall be non-wetland.

(Code 1999, § 11.057)

Sec. 38-162. - Parking requirements.

Off-street parking shall be provided in accordance with section 38-610. Parking areas or circulation drives shall be setback at least five feet from any lot line.

(Code 1999, § 11.060)

Sec. 38-163. - Accessory buildings.

Accessory buildings shall observe the same setback requirements established for the multiple-residence building, except that accessory buildings located within the rear yard of the multiple-residence building may be located to within ten feet of the rear or interior side property line. The city council may require common walls for accessory buildings where common walls will eliminate unsightly and hazardous areas.

(Code 1999, § 11.070)

Sec. 38-164. - Condominiums.

Condominiums, as defined and regulated by M.S.A. ch. 515, shall be considered as multiple-family dwelling structures in this chapter and shall be subject to all residence three district requirements, except as modified by the following:

- (1) *Approval of condominiums floor plan.* The condominium floor plan required in M.S.A. § 515.13 shall not be filed with the register of deeds until the same has been tendered to and approved by the city. A transparency of the floor plan shall be given to the city along with a copy of declaration required by M.S.A. § 515.11.
- (2) *Converting existing structure to condominium use.* Where any existing multiple-family dwelling is proposed for conversion to a condominium use:
 - a. The proposed condominium use shall comply with all present zoning and building requirements.
 - b. A certificate of occupancy for each unit shall be obtained under section 8-107 prior to approval of the floor plan.
- (3) *Condominium minimum unit size.* Each unit of a condominium shall have minimum dimensions and minimum number of rooms as set forth in section 8-57.

(Code 1999, § 11.080; Ord. No. 732, § III, 2-5-2019)

Secs. 38-165—38-181. - Reserved.



2111 Central Ave NE Minneapolis, MN

Tel: 612/315-5310 FAX: 612/315-5311

Dear Planning Commission and City Council:

Pursuant to Section 38-155; I'm requesting an approval for a conditional use permit to build a rental office/single residential unit for staff to work and live onsite. Currently there is no staff living at Westwood Park Apartments. The proposed office building will be consistent with the current property design. The purpose of this would be to foster a harmonious working relationship with the onsite residents by having staff visible and working onsite. Also, it will protect and enhance the property values, promote the safety, peace, comfort and convenience of its onsite residents.

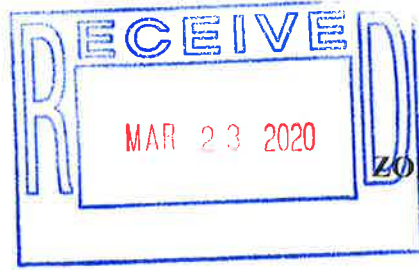
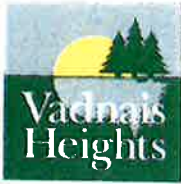
I'm writing to ask that you consider my request for a Zoning Code Amendment to Section 38-155 Uses in the R-3 district.

I welcome any questions and hope that you seriously consider my request.

A handwritten signature in blue ink that reads 'Mark Gasparre'.

Mark Gasparre

Owner



ZONING CODE AMENDMENT APPLICATION

The City of Vadnais Heights
800 East County Road E • Vadnais Heights, MN 55127
Phone: 651.204.6015 • Fax: 651.204.6100
www.cityvadnaisheights.com

Applicant: Gasparre Westwood Park, LLC.

Address: 669 & 689 County Road D.

City: Vadnais Heights State: MN Zip: 55109

Phone: 612 _315 _5316 Cell: 612 _655 _0542 E-mail: stephen@mgmmgmt.net

Section of Zoning Code requested to be amended: Sec. 38-155 Uses in the R-3 district

Proposed language or text requested to be added/deleted (attach a separate sheet if necessary): Pursuant to Sec. 38-155 approve a conditional use permit to build a rental office/single residential unit structure.

Reasons(s) for amendment request: To build an auxiliary building with a rental office/single residential unit for staff to work and live onsite.

How will the community's goals be furthered by the proposed amendment?: Westwood Park Apartments would have staff living and working on the property.

Justify or explain how this proposed amendment will not be injurious to or is keeping with the spirit and intent of the City Code: Foster a harmonious working relationship with the onsite residents. Protect and enhance the property values. Protect and promote the safety, peace, comfort, and convenience of its onsite residents.

Mark Gasparre

Applicant Signature

3-9-2020

Date

Chairperson
Evan Cordes



City of Vadnais Heights

800 East County Road E
Vadnais Heights, MN 55127

Phone: **651.204.6000**
Fax: **651.204.6100**

Planning Commission Members

Dave Anderson
Linda Bigelbach
Ed Caillier
Brian Carnes
Martin Jokinen – Vice Chair
Joseph Stumph
Curt Cooper
Jerry Moynagh – First Alternate
Terri Dresen – Second Alternate

Patricia Youker, City Council Liaison
Nolan Wall, Planning/Community Development Director
Kevin Watson, City Administrator

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vadnais Heights City Planning Commission will meet and conduct a public hearing on **Tuesday, April 28, 2020** at 7:00 p.m. at City Hall, 800 E. County Road E, to consider an Amendment to the Zoning Code application submitted by Gasparre Westwood Park, LLC, to allow for an accessory structure to serve as rental office/community space.

The legal Parcel Identification Number is 323022440003, Ramsey County, Minnesota.

The subject property is located at 669 County Road D East, Vadnais Heights.

Anyone wishing to be heard in regard to this matter will be given an opportunity at this time. The application is available for public review at City Hall during normal business hours. Questions or comments should be directed to Nolan Wall, Planning and Community Development Director, at 651-204-6027 or nolan.wall@cityvadnaisheights.com.

FOR THE PLANNING COMMISSION OF THE
CITY OF VADNAIS HEIGHTS

Kevin P. Watson
City Administrator

Dated: April 9, 2020

Mailed 4-17-20