

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

ORDINANCE #19-02

**AN ORDINANCE OF THE CITY COUNCIL OF LEXINGTON, MINNESOTA,
APPROVING A PLANNED UNIT DEVELOPMENT
FOR THE PLAT
LEXINGTON LOFTS**

WHEREAS, LEXINGTON LOFTS, LLC, (“Applicant”), owns or has agreements to purchase the following parcels of real estate (the “Subject Parcels”):

TRACT 1:

Parcel 1:

Outlots B and C, Lexington Center 2nd Addition.

Anoka County, Minnesota.

Torrens Property.

Located in Zoning District Multiuse-1.

Parcel 2:

Lot 13, Block 3, Lexington Center.

Anoka County, Minnesota.

Torrens Property.

Located in Zoning District Residential-3.

Parcel 3:

Easement for the benefit of Outlot C of Parcel 1 as created in Declaration Access Easement dated October 30, 2015, filed November 5, 2015, as Document No. 534589.001 for pedestrian and vehicular ingress and egress purposed.

Located in Zoning District Multiuse-1.

TRACT II:

Lot 14, Block 3, Lexington Center.

Anoka County, Minnesota.

Torrens Property.

Located in Zoning District Residential-3.

TRACT IV:

Parcel 1:

Lot 15, Block 3, Lexington Center.

Anoka County, Minnesota.

Torrens Property.

Located in Zoning District Residential-3.

Parcel 2:

That portion of Gerald Avenue as dedicated on the plat of Lexington Center to be vacated described as being South and East of Outlot C, Lexington Center 2nd Addition, lying between the Westerly extension of the Northerly line of Lot 15, Block 3, Lexington Center, and the Westerly extension of the Southerly line of Lot 13, Block 3, Lexington Center.

Anoka County, Minnesota.

Torrens Property.

Located in Zoning District Residential-3.

WHEREAS, the Planning and Zoning Commission held a series of land use hearings on applications presented by the Applicant. The purpose of these hearings would combine, plat, and rezone the Subject Parcels into the Plat, Lexington Lofts, as a single parcel in the Multiuse-1 zoning district. All of these applications were brought in conjunction with an application for a Planned Unit Development.

WHEREAS, the Applicant requests to develop Lexington Lofts as a Planned Unit Development requesting variances to the following standards of the Lexington Code of Ordinances:

	<u>Code</u>	<u>Proposed</u>
Zoned	M1 & R3 (7parcels)	M1 with PUD
Units / Acre	20	54
Height	45'-0"	66'-6"
Main Building Setback	35'-0"	13'-0"
Front Setback	35'-0"	8'-0"
Rear Setback	30'-0"	28'-5"
Parking Setback – Side	10'-0"	0'-0"
Parking Setback – Rear	10'-0"	7'-0"
Parking Spaces	2.0 per unit	1.67 per unit
Parking Space Dimensions	9'-0" x 20'-0"	9'-0" x 18'-0"

WHEREAS, the Applicant obtained the RECOMMENDATION of the Planning and Zoning Commission to GRANT variances pursuant to a Planned Unit Development and set forth conditions in the form of a Conditional Use Permit governing the development of the parcel and the construction of improvements thereon.

WHEREAS, the Planning and Zoning Commission made the following FINDINGS with respect to the land use applications submitted by Lexington Lofts. These findings are based on City criteria for granting a Planned Unit Development set forth under each heading:

1. Application for approval of a Planned Unit Development.

- a. The development shall be planned so that it is consistent with the city comprehensive plan.

This development is consistent with the 2030 Comprehensive Plan with the exception of the those parcels currently zoned for the R-3 district. Rezoning these parcels into the M-1 district will make them consistent with the 2030 Comprehensive Plan. (See, rezoning discussion below.) This project is consistent with zoning in a multiuse district as it allows for High Density Residential development. This project is also consistent with the Plan as it is located within the City's Commercial Redevelopment District. This project fulfills the Plan's stated goals and policies:

- Maintain distinct land use districts that minimize the conflict between residential and commercial/ industrial areas.
- Identify and target specific areas of the community that are appropriate for new housing and commercial opportunities, including infill and redevelopment.
- Maintain a variety of housing opportunities for all income and age groups.
- Enforce land use policies to prevent incompatibility of housing and commercial/ industrial land uses.
- Prioritize and redevelop vacant, deteriorated or abandoned properties.

- b. The PUD is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain and similar areas.

The development plan is consistent with the requirements for Open Space. The area has no other distinguishing natural features.

- c. The planned unit development proposal appears to harmonize with both existing and proposed development in the area surrounding the project site.

The plan is an effective use of the site as it acts as a buffer between the existing strip mall and low-density residential housing. The proposed design also harmonizes the design of the structures in the strip mall with the proposed buildings on the development site.

- d. The proposed total development is designed in a manner as to form a desirable and unified environment within its own boundaries.

All buildings and amenities within the development have a uniform and consistent architecture.

- e. Any exceptions to the standard requirements of the zoning and subdivision chapters are justified by the design of the development.

All of the variances requested for this project are justified given planned accommodations within the Project plans. The primary objective of development in an M-1 district is a mix of development alternatives using a planned unit development. Therefore, unlike other zoning districts, density, building height and structure setbacks in an M-1 district are expected to vary due to development using a planned unit development. The Code of Ordinances allow parking standards to be changed without a planned unit development.

Rezoning R-3 to M-1 – The three existing R-3 lots are undeveloped lots that sit like an island inside the existing M-1 district. (Lexington Center, Block 3, Lots 13- 15, and portions of Gerald Avenue). Rezoning these lots to M-1 makes the entire area one consistent zoning district and has no negative impact on the surrounding area given how the parcels are undeveloped.

Increased Density & Building Height – Site buffering and underground parking serve to decrease the neighboring impacts from the increased density. There is little to no impact on the existing neighboring strip mall and abutting medium-density housing. Impacts on the abutting single-family residential property are decreased by the placement of the vast majority of the building's mass on the site opposite from these residential properties. In all respects, this density is similar to other development projects subject to PUDs recently approved by the City Council. The building mass and height are located toward the center of the project or buffered by the distance created by Restwood Road.

Structure Setbacks – Similar to the discussion above, all of the setback variances are located away from all of the abutting single-family residential properties. The largest setbacks along Griggs Avenue only impact buildings within the development. Those setback changes facing parcels on the south side of Restwood Road are buffered by the distance created by the roadway.

Parking Standards – Parking standards can be relaxed without a planned unit development. Various studies have shown how larger-scale projects no longer need two parking spaces per unit, especially where public transportation is regionally available. Some studies show how as little as 1.4 spaces per unit can support all necessary parking on a residential building of this size. The relaxed standards accompanied by the request for 1.67 spaces per unit will be adequate to store all parked vehicles on the development site.

- f. The tract of land shall be under unified control at the time of application and scheduled to be developed as one unit. In addition, the development plan must include provisions for the preservation of natural amenities.

The development has appropriate grading and construction phasing to complete construction in an expeditious manner over a 3-year period. Given the large scale of this development, this period is normal and appropriate.

- g. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.

In addition to the previous standard, this project phases the introduction of rental units into the market in six phases. This structured introduction of units into the market will lessen the chance of creating unrented units in the vicinity of the development.

- h. The PUD will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the district.

The Centennial School District has excess and planned capacity for growth given its location within the Metropolitan area. The developer is physically moving and expanding the existing Tot Park as part of this project.

2. Application to Vacate Gerald Avenue:

Minnesota law requires a City to find that vacating a city street is the “in the interest of the public.” The Commission can make this conclusion after hearing testimony at the public hearing. Ultimately, the Council must pass a resolution vacating Gerald Avenue.

The Developer requests the City vacate that portion of Gerald Avenue within its project site. (See, ‘pink shaded’ area on Map.) That section of the street remains undeveloped such that a roadway or utilities have never been constructed on this section of the street. This section of Gerald Avenue is not a thru street, and only exists on plat maps. Vacation of the street would cost nothing to the taxpayers. Vacation of this section of the street would facilitate a more productive use of the land. For these reasons, the Commission found that vacation of this section of Gerald Avenue is “in the interest of the public.”

Anoka County, MN



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

3. Application To Purchase & Move Tot Park

Minnesota law does not require public approval for the sale of City-owned real property. However, as a best practice, the sale of City-owned real property should be subject to scrutiny by the City and the purpose of such a sale should be transparent to the public. Moreover, as part of its due diligence in seeking approvals for this project, the Developer seeks permission to purchase a City-owned lot. From the City's perspective, the sale of this lot should be subject to conditions that can be set forth in a Conditional Use Permit.

The parcel containing the existing Tot Park sits in the center of the proposed development (Lexington Center, Block 3, Lot 15) (See, "Tot Park" area on Map.). The Developer has offered to purchase that parcel with a condition that it will move the Park to the corner of Restwood Road and 9004 Dunlap Avenue (Lexington Center, Block 3, Lot 12). The Developer has obtained a purchase agreement from the homeowner at that location. As part of a Memorandum of Understanding with the City, the Developer has agreed that it will pay for a reconstructed Park on that site. For these reasons, the Commission recommended the City should approve the sale of the City-owned parcel containing the Tot Park, also known as Lexington Center, Block 3, Lot 15. This

sale, construction of the new Park, and deeding the new parcel to the City, should be a condition of granting the Planned Unit Development. This condition should be governed by a Conditional Use Permit.

WHEREAS, the Planning and Zoning Commission made the following RECOMMENDATIONS with respect to the land use applications submitted by Lexington Lofts:

1. The Commission RECOMMENDS the City Council vacate Gerald Avenue within the project site because it is in the interest of the public;

2. The Commission RECOMMENDS the City Council approve rezoning Lexington Center, Block 3, Lots 13, 14 & 15 and portions of Gerald Avenue from the R-3 district to the M-1 district, and revised the City's 2030 Comprehensive Plan to accept this zoning redistricting change;

3. The Commission RECOMMENDS the City Council approve the Planned Unit Development per the application by Lexington Lofts, LLC;

4. The Commission RECOMMENDS the City Council condition its approval of the Planned Unit Development on a Conditional Use Permit that will be based on those conditions the Commission found during the Public Hearing; that may arise in the near future during the Plat or Plan approval process; and all comments and concerns of the City Engineer, City Planner, City Attorney, City Clerk, City Administrator, Building Inspector and Fire Marshal shall be met;

5. The Commission RECOMMENDS the City Council authorize the sale of the city-owned parcel containing the Tot Park, Lexington Center, Block 3, Lot 15, to the Developer. The Planned Unit Development and the sale of this parcel shall be on the condition that the Developer acquire the parcel located at Lexington Center, Block 3, Lot 12; move and reconstruct a Park on that parcel; and deed same to the City. The design and construction of the new Park shall be governed by the site plans and development agreement. These conditions shall be governed by the Conditional Use Permit;

6. The Commission RECOMMENDS the City Council adopt the Preliminary Plat for Lexington Lofts. The Planned Unit Development shall be on the condition the adoption of the Final Plat for Lexington Lofts. These conditions shall be governed by the Conditional Use Permit; and,

7 That the Commission RECOMMEND that the City Council further condition all of the aforementioned land use approvals on the Applicant's successful purchase and closing of said parcels and the parcel located at Lexington Center, Block 3, Lot 12, for use as a new City park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, MINNESOTA, that it adopts the aforementioned findings of fact related to the requested land use applications for the Subject Parcels, and DOES ORDAIN the adoption of each recommendation of the Planning and Zoning Commission approving a Planned Unit Development for “Lexington Lofts”. This approval by the City Council is subject to the additional conditions:

- a. Applicants shall be subject to a Conditional Use Permit to be approved at the time of final plat approval.
- b. Applicants shall enter into a Development Agreement with the City for the purpose set forth above and as otherwise dictated by law.
- c. Applicants shall pay all applicable building permit fees and other appropriate fees to the City.

Effective Date. This ordinance shall be effective immediately upon its passage.

PASSED AND DULY ADOPTED this 7th day of October 2019 by the City Council of the City of Lexington.

Mike Murphy, Mayor

Attest:

Bill, Petracek, City Clerk