Bigos Kelley Park Phase III

PROJECT REVIEW

Existing Conditions

Property Location:	Northwest corner of 153rd Street and Fresco Terrace and Northeast corner of 153rd Street and Fresco Terrace.		
Legal Description:	Blocks 9 and 10, LEGACY OF APPLE VALLEY NORTH		
Comprehensive Plan Designation	MIX-Mixed Use		
Zoning Classification	PD-739, Zone 2 (Blk 9) and Zone 3 (Blk 10)		
Existing Platting	Platted lots.		
Current Land Use	Vacant.		
Size:	Lot 1, Block 9: 55,610 sf (1.277 acres) Lot 1, Block 10: 56,916 sf (1.31 acres) Lot 2, Block 10: 50,311 sf (1.15 acres) Total Block 10: 107,227 sf (2.462 acres)		
Topography:	Flat		
Existing Vegetation	Grasses		
Other Significant Natural Features	NA		
Adjacent Properties/Land Uses	**NORTH**	**Kelley Park**	
		Comprehensive Plan	P-Parks and Open Space
		Zoning/Land Use	PD-739
	SOUTH	**Legacy of Apple Valley, The Seasons of Apple Valley, Legacy Townhomes**	
		Comprehensive Plan	MIX-Mixed Use
		Zoning/Land Use	PD-716, Zones 2 and 1
	EAST	**Orchard Pointe**	
		Comprehensive Plan	MD-Medium Density, 6 to 12 units/acre
		Zoning/Land Use	PD-679, Zone 1
	WEST	**Parkside Village Galante (Under construction)**	
		Comprehensive Plan	MIX-Mixed use
		Zoning/Land Use	PD-739, Zone 3

Development Project Review

Comprehensive Plan: The Comprehensive Plan guides the development of the site for MIX – Mixed Uses. The lots are located in the Legacy North of Apple Valley subdivision which is part of the Central Village. The Central Village was envisioned to be an integrated, compact, mixed-use development adjacent to the City's existing downtown core. By developing the site with smaller block sizes, a one-way coupler street system, higher residential densities and taller mixed-use retail and office buildings, the area was designed to be an energetic, sustainable and walkable neighborhood. Development of the Central Village slowed down during the recession, but development has resumed in the area. The vision for the area has been tempered and refined over time to respond to the realities of the real estate market.

Central Village Plan: The Central Village Plan dated January 19, 2004, provided the vision and framework for Planned Development Zoning District No. 739. The vision for the development of the area was the following:

"The intent of the [Central Village] plan is to manage growth and development of the entire Downtown Apple Valley by guiding it towards the realization of specific urban design objectives for the downtown, while demonstrating strategies for mixed-use development. […] The 'urban village' envisioned in the Comprehensive Plan is to be energetic and sustainable, and provide for a variety of housing types, neighborhood commercial uses, live/work units and meaningful green spaces."

Completed Central Village Projects:

Residential	Units
Legacy Square Townhomes	105
Haralson Apartments	36
The Seasons at Apple Valley (senior continuum of care)	134
Remington Cove Apartments Phase I	101
Remington Cove Apartment Phase II (under construction)	(95)
Parkside Village Gabella	196
Parkside Village Galante (under construction)	(134)
Total Residential	**572 (229 under construction)**

Retail	Sq. Ft.
Vivo Restaurant	14,000
RE/Max Real Estate	16,000
The Shops on Galaxie	45,000
Grandstay Hotel	(78-room hotel with 11,000 sq. ft. commercial/retail)
Total Office/Retail	**142,000 sq. ft.**

Park/Open Space	Acres
Kelley Park	8.28
Winkler Pond and Trails	8.21
Total Park/Open Space	**16.5**

Zoning: The site is currently zoned "PD-739" which allows for a mix of residential, commercial, and park uses. The petitioners are requesting amendments to the zoning designation to allow for construction of multiple family apartment buildings on Block 9 and Block 10. The petitioners state that they currently have higher demand for the 1-bedroom units than 2- and 3-bedroom units in their Parkside Village Gabella apartment development north of Kelley Park. The petitioners state that the current market trends favor smaller apartment living units in buildings with higher amenity community spaces. Examples of some of the community spaces proposed include party rooms, community gathering areas, Wi-Fi cafes, movie rooms, full exercise facilities, and an outdoor community patio area with swimming pool, grills and yard games.

The petitioners wish to construct a 61-unit building on Block 9 and a 114-unit building on Block 10. The following amendments to the PD zoning district are requested:

Summary of Requested Amendments to PD-739:

- Allow reduced building and parking setbacks (from 15' to 10').

- Allow compact parking stalls in the lower level garage. Seventeen of the 136 spaces in the Block 10 garage are proposed to be 8.5' wide (rather than 9' wide).
- Use extra garage parking spaces to make up for surface parking shortfall on Block 10.
- Reduced parking stall depth or width of drive aisle in underground garages.
- Use of metal panels for exterior building material.

The City's vision for this area has been for a higher density residential development. As the City transitions from standard suburban development to a suburban-intensive form, challenges are raised that will need to be evaluated. Currently, the highest density market-rate development in Apple Valley is the Galante apartment development at 46 units/acre which is currently under construction on the northeast corner of Galaxie Avenue and 153rd Street. The senior continuum of care, Seasons at Apple Valley, has a density of 55 units/acre. The proposed density on Block 9 would be 47.8 units/acre and on Block 10 would be 46.3 units/acre.

Preliminary Plat: Not requested or required. It will be necessary for the petitioners to replat Block 10 to combine the two existing lots into a single parcel. The replat would be reviewed by the City Council.

Site Plan: When the Bigos Kelley Park project was initially designed, the petitioners proposed constructing a 76-unit apartment building on Block 9 and a 5-story 164-unit building on Block 10. In early meetings, the developer and City staff discussed the possibility of including an attached indoor park to the building on Block 10 similar to the indoor park at Edinborough in Edina. To make the joint use of the property work financially for the developer, the petitioners proposed to construct a 5-story building on Block 10.

On June 29, 2017, Bigos Management hosted a neighborhood meeting to present revised plans that reduced the number of units on the property and addressed some of the concerns raised by the neighborhood. Approximately 20 neighbors attended the meeting.

The new plans proposed to develop the property as follows:

Block 9:

- 61 units on 1.3-acres (47.8 units/acre) in a 4-story building.
- 1,100 sq. ft. live-work space provided that includes office, lounge area, conference room and rest rooms.
- Access to underground garage from west on Galante Lane.
- Surface parking lot access west from Galante Lane and south from 153rd Street.
- 64 garage parking spaces provided (61 garage spaces required); thirty-two (32) surface parking spaces and 28 on-street spaces for a total of 60 surface spaces provided (61 surface spaces required). The petitioners propose making up for the surface parking shortfall by providing additional garage spaces.
- Rooftop deck.

Block 10:

- 114 units on 2.46 acres (46.3 units/acre) in a 3- and 4-story building.
- Access to underground garage from north off of Fortino Street.
- Access to north surface parking lot from Fortino Street.

- 136 garage parking spaces provided (114 required); 44 surface parking spaces and 28 on street spaces provided for a total of 72 surface spaces (96 surface spaces required). Petitioner plans to address surface space shortfall by providing extra garage spaces. Total parking spaces provided 208; total parking spaces required 210.
- Outdoor swimming pool and outdoor community area.
- Rooftop deck.

Floor Plan: Preliminary floor plans have not yet been submitted, but the petitioners state that the one bedroom units will range in size from 650 sq. ft. to 750 sq. ft. and two bedroom units will range from 1,000 sq. ft. to 1,400 sq. ft. Some two-level "penthouse" style units will also be constructed within the building.

The petitioners state that there is market demand for smaller units in buildings that provide higher amenity community spaces. Both buildings will have amenities including community rooms, club rooms, theater, and fitness centers. Both buildings will have a rooftop deck and Block 10 will have an outdoor community space with pool, patio, grilling stations, bocce ball court and a dog run.

Grading Plan: The grading plan was reviewed by the City Engineer and his memo is attached. Issuance of the building permit will be subject to final review and approval of the grading plan by the City Engineer.

Elevation Drawings: The exterior building materials are proposed to be a combination of cementitious panels and lap siding, brick, architectural concrete veneer, and metal panel siding. Additional information is attached concerning the proposed metal panel system. The petitioners have been asked to provide a sample of the proposed metal panel material.

The rooftop height of the two buildings varies with the tallest section on Block 9 at 51' and 48' for Block 10 in the 4-story section on the west side. The 3-story building on Block 10 will have a maximum height of 37'. The maximum building height allowed in Zone 2 is 80' (6 stories) and Zone 3 is 60' (4 stories).

Landscape Plan: A variety of plantings are shown for both Blocks 9 and 10. Currently, the landscape value of the plantings is at approximately 1% of the construction value of Block 9. The site is very constrained and staff expects that there will be credit given for the amenities proposed on the rooftop deck. Block 10 has more greenspace and is currently at a value of 1.7% of the value of the construction of the building. Block 10 will also have an outdoor pool and community patio area along with a rooftop deck. Staff expects that there will be credit given for the outdoor amenities provided on the site.

Municipal Utilities: The utilities plan was reviewed by the City Engineer and his memo is attached. Issuance of the building permit will be subject to the final review and approval of the utility plan by the Engineer. Utilities are stubbed into the site and available. An 8" water line would need to be removed from Block 10. The City Engineer will need to review to determine whether the removal could be done privately with an executed Design and Private Installation Agreement or as part of a public project. On Block 9, the petitioners plan to reconfigure the existing stormwater infiltration basin and will add a surface basin and underground infiltration structure to manage the stormwater. The infiltration basin on Block 10 will be maintained in its current location.

Street Classifications/Accesses/Circulation:

- **Foliage Ave (80' ROW)** – Minor community collector. No direct access is proposed from Lot 10 to Foliage Ave.
- **153rd Street (64' ROW)** – One-way west-bound minor community collector. Block 9 has access from 153rd Street to parking areas on the south sides of the building.
- **Fortino Street (60' ROW)** Local access street. Access to Block 10's surface parking and underground garage will be taken from Fortino Street.
- **Galante Lane (75' ROW)** Local access street. One drive access to Block 9 surface parking lot.
- **Fresco Terrace (51' ROW plus planted center median)** Local street designed as a landscaped parkway entrance to Kelley Park. No access to either site proposed.

Pedestrian Access: The primary focus of the central village is to create a pedestrian-oriented neighborhood that can easily be accessed on foot and bicycle. Sidewalk links are shown throughout the two sites providing access to surrounding streets. The first floor apartment units are planned to be walk-up units similar to what was constructed at the Parkside Gabella site and what is currently under construction at the Galante site. Walk up units provide a second access for residents to the street and provide increased pedestrian activity.

Public Safety Issues: None identified at this time. The police department is likely to be concerned about the availability of resident parking and the prohibition of overnight parking on public streets. Overnight on-street parking has been an issue at the Parkside Gabella building. Residents find it convenient to park on the street in front of their units. On-street parking is prohibited between 3:00 a.m. and 6:00 a.m.

Recreation Issues: Park dedication is expected to be a cash-in-lieu of land dedication.

Signs: No sign approvals are given at this time. No signs may be installed prior to the issuance of a permit. A separate sign permit must be obtained prior to the installation of any signs on the site or the building.

Public Hearing Comments: The public hearing was held on October 18, 2017. The following comments were received:

1. **How is parking calculated for the Live-Work units?** *Staff response*: The Live-Work area would be calculated as a separate activity within the building. The PD zoning district requires one parking space per 400 sq. ft. of office floor area. At 1,100 sq. ft., a minimum of three parking spaces would be required for the Live-Work area. The petitioner indicates that the parking spaces will have a time limit so that at the end of the work day, the spaces would become available to the residents for surface parking.

2. **Please discuss strategies for promoting use of underground parking spaces.** *Staff response*: Bigos Management indicates that the underground parking stalls would be made part of the rental package. The surface parking lot on Block 9 has 134 spaces which is 0.56 spaces/unit. Block 10 has 44 spaces which is 0.39 spaces per unit. The petitioners propose to add underground parking spaces to make up for the surface space shortfall. Parkside Village Gabella has 228 surface parking spaces which is 1.16 spaces per unit. Parkside Village Galante has 114 surface parking spaces which is 0.85 spaces per unit. Staff notes

that the number of surface parking spaces has decreased with each apartment development phase in this area.

The petitioner states that by making the garage spaces part of the rental package and with strong parking enforcement by the City, residents will learn that on-street parking overnight will not be an option. Staff is concerned that there will be higher demand for surface parking spaces than what will be available on site. Managing parking through parking enforcement will place additional burden on the Police Department. Staff is also concerned that surface parking demand will extend to the areas adjacent to Kelley Park and may impact the availability of parking for those who wish to use the park.

3. **Concern about popularity of Kelley Park and significant parking demand for Music in Kelley Park and Oktoberfest events. During some of the busiest times, notice that people park on the grass during Music in Kelley Park events**. *Staff response*: The City is aware that there is high demand for parking during popular events in Kelley Park. Overflow surface parking is available on the west side of Galaxie Ave in the City's surface parking lot. The City Code requires that all vehicles must be parked on a paved surface.

4. **What are some strategies for ensuring that there is sufficient parking available for users of Kelley Park? Would the City consider placing time limits on parking?** *Staff response*: The City has the authority under City Code § 70.02(B) to restrict parking on public streets by resolution. More restricted parking requirements would require more monitoring and enforcement by the police department. Additional resources would be needed which have not been identified as priorities at this time.

5. **Please provide renderings that show how the buildings will relate to Fresco Terrace**. *Staff response*: Petitioner to provide.

6. **Buildings are being constructed 10' away from the sidewalks. Are these livable units? What about pollution and noise? Thinks larger setbacks are needed.** *Staff response*: PD-739 established reduced setbacks to promote walkable and active streets in the Central Village area. The development layout is quite different from the typical suburban development model seen at Cub Foods or Target or Kingston Green in the downtown. Rather than having a parking lot between the building and the street, the zoning district encourages buildings to be placed in close proximity to the street. This was intended to provide a more active and vibrant area. The petitioners state that the walkup units in the Gabella building are the most popular units. Those who enjoy a more urban (or, suburban intensive) environment will enjoy the close interaction with the street.

7. **In what ways will this development be sustainable?** *Staff response*: Petitioner to address.

8. **Block 9 has no pool or outdoor patio area. How will that be addressed?** *Staff response*: Block 9 is proposed to have a rooftop deck. The petitioners indicate that Blocks 9 and 10 will share the outdoor amenities including the outdoor swimming pool and the community patio area provided on Block 10.

9. **Why are only one- and two-bedroom units proposed in these buildings? Wouldn't the location be great for families?** *Staff response*: The decision to not include 3-bedroom

apartments is based on the petitioners' market analysis. Bigos Management has found that the three-bedroom units in the Gabella building are the most difficult to lease up.

10. **Does the live-work area meet the requirements for mixed-use development? Does the overall development meet the vision of mixed-use for this area?** *Staff response*: When the Central Village Area was planned, the City envisioned the area of Galaxie Ave and 153rd Street/Founder's Lane to be made up of boutique retail shops, apartment buildings, townhomes, and buildings with first floor retail with apartments on the upper stories. The market reality is that it is difficult to create vertical mixed-use, that is, mixed-use within a single building. The proposed apartment development on Block 9, with the Live-Work office space, is an innovative way to address the mixed-use requirement and promotes home-based businesses and entrepreneurship.

11. **The plan is incomplete if the City Engineer is requesting revisions to the plan**. *Staff response*: The review of land use development applications is an iterative process. Plans are submitted and then revised as they are reviewed by City staff. The required plans were submitted and changes are requested as the plans are under review.

12. **Will the rooftop decks create noise at night? How will the outside activity impact adjacent properties? Will the pool area activity negatively impact adjacent properties?** *Staff response*: Staff has not received plans that show how the upper level decks will be constructed. A wall or fencing will likely be needed to provide noise mitigation from the area. The shape of the building on Block 10 should help to screen some of the sound from the pool and ground level patio. Staff further expects that the apartment building will have quiet hours when outdoor activities will not be permitted. No noise complaints were received this summer regarding activities at the Parkside Village Gabella building.

13. **Concern that this development will result in decreased property values.** *Staff response:* Property values are determined by a complex set of variables that are difficult to attribute to a single adjacent land use. Instead, property values are impacted by overall City development patterns. The proposed development will be required to meet the strict development standards of the City and of the Central Village Planned Development zoning district.