

## RESOLUTION NO. 2018-63

### APPROVING FINAL REZONING FROM MDD-6, MIXED DEVELOPMENT DISTRICT TO PUD-15, PLANNED UNIT DEVELOPMENT – 15, INCLUDING, FINAL DEVELOPMENT PLAN FOR PHASE I AN OVERALL DEVELOPMENT PLAN AND FINAL PLAT FOR CHASE REAL ESTATE AND PENTAGON REVIVAL LLC

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

#### Section I. BACKGROUND.

- I.01 Pentagon Revival LLC and Chase Real Estate are requesting an all housing redevelopment of the Pentagon Park parcels located north of 77<sup>th</sup> Street. All parcels combined, the site is 28.91 acres in size.
- I.02 The property is legally described as follows:
- See attached Exhibit A.
- I.03 A Preliminary Rezoning to PUD with a draft Overall Development Plan was approved for these parcels for an office development in 2014, however, no Final Rezoning was sought and no Final Development Plan was approved.
- I.04 The use and overall development plan proposed for the north parcel (residential) is very different than the uses and development plan proposed in 2014 (office). At that time, however, the Planning Commission and City Council both expressed a desire to develop this site with some residential uses to create a mixed use development. Residential uses are permitted under the current MDD-6 zoning designation. The approved preliminary plan contemplated four stories adjacent to Fred Richards Park, and five stories on 77<sup>th</sup> Street. The Comprehensive Plan allows up to 12 stories; while the current Zoning Ordinance maximum is four stories.
- I.05 At full development build out, the project would include 1,500 new housing units. The overall density would be 52 units per acre.
- I.06 The first phase of the project is proposed by Chase Real Estate Group to develop a 10.86 acre portion of the site (4600-4660 77<sup>th</sup> Street west), with a 360-unit market rate apartment and a 225-unit senior apartment (585 total units).
- I.07 As proposed the development would require the following:
- Rezoning from MDD-6 to PUD-15, Planned Unit Development;
  - Final Development Plan for Phase I;
  - An Overall Development Plan; and

➤ Final Plat.

- I.08 On May 9, 2018, the Planning Commission held a public hearing and recommended denial of the Preliminary Rezoning & Preliminary Development Plan. Vote: 5 Ayes and 3 Nays.
- I.09 On May 15, 2018, the City Council held a public hearing and approved a Comprehensive Plan Amendment and Preliminary Rezoning.
- I.10 On August 21, 2018, the City Council considered the Final Rezoning and the Final Development Plan for Phase I.

## **Section 2. FINDINGS**

2.01 Approval is based on the following findings:

1. The proposed land use is consistent with the Comprehensive Plan.
2. The proposed buildings would be a high quality brick, stone and glass.
3. The PUD would ensure that the building proposed would be the only building built on the site, unless an amendment to the PUD is approved by City Council.
4. Addresses the Development Principles established in the Greater Southdale Area Planning Framework Vision. The following principles are included:
  - Improved pedestrian connections to move people through and around the site and connect to the Regional Trail and Fred Richards Park to the north.
  - Provides the potential for additional public space along the north lot line in conjunction with Fred Richards Park;
  - Opportunity to provide increased stormwater and ponding features in connection to Fred Richards Park;
  - High quality building design; and
  - The potential for significant affordable housing in a future phase of development.
5. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. Movement Patterns.
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.

- Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.)
  - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under “Issues” will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
- b. Encourage infill/redevelopment opportunities that optimize use of City infrastructure and that complement area, neighborhood, and/or corridor context and character.
  - c. Support and enhance commercial areas that serve the neighborhoods, the City, and the larger region.
  - d. Increase mixed-use development overall in Pentagon Park where supported by adequate infrastructure to minimize traffic congestion, support transit, and diversify the tax base.
  - e. Increase pedestrian and bicycling opportunities and connections between neighborhoods, and with other communities, to improve transportation infrastructure and reduce dependence on the car.
  - f. Buildings should be placed in appropriate proximity to streets creating pedestrian scale.
  - g. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
  - h. Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
6. The existing roadways and parking would support the project. WSB conducted a traffic and parking impact study, and concluded that the proposed development could be supported by the existing roads and proposed parking, subject to conditions.
  7. The proposal meets the City’s criteria for PUD zoning. The PUD zoning would:
    - a. Create a more pedestrian-friendly development with the construction of improved sidewalks and connections to the Nine Mile Creek Regional Trail and Fred Richard Park. The project would bring more vibrancy to the area.
    - b. The building would be of high quality brick architectural metal, stone, and glass.
    - c. Ensure that the buildings proposed would be the only buildings built on the site, unless an amendment to the PUD is approved by City Council.
    - d. Project could significantly add to the City’s affordable housing stock in the future.
    - e. Provide for a more creative site design, consistent with goals and policies in the Comprehensive Plan.
    - f. Enhance green space and landscaping and utilize sustainable concepts.
  8. The proposed uses would be a significant upgrade to the current buildings on the site.

**Section 3. APPROVAL**

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Final Rezoning from MDD-6, Mixed Development District to PUD-15, Planned Unit Development District, including an Overall Development Plan, Final Development Plan for Phase I and Final Plat.

Approval is subject to the following conditions:

1. Phase I shall be developed per the Final Plans submitted and date stamped July 10, 2018.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Chapter 36 of the Zoning Ordinance. A performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures at the time of any building permit.
3. Work with the City to expand the public space north of the parking area into the Fred Richards Park including expansion of the dog park area, pedestrian connection and stormwater retention.
4. The Final Lighting Plan must meet all minimum requirements per Section 36-1260 of the City Code.
5. Roof-top mechanical equipment shall be screened per Section 36-1459 of the City Code.
6. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
7. A Developer's Agreement is required at the time of Final Approval.
8. Regarding affordable housing, the following must be satisfied prior issuance of a building permit:
  - a. Within the two residential buildings, at least 10% of all rentable area shall be priced at 50% AMI or 20% of all rentable area priced at 60%; or
  - b. Submittal of \$5.85 million in cash, real estate, or letter of credit or combination thereof, in lieu of affordable units as 'buy-in' for the 585 proposed units; or
  - c. An equivalent combination of a. or b. above to satisfy the city's affordable housing policy subject to staff approval.

A land use restrictive covenant must be filed on the property that requires the affordability for 15-years from the date of occupancy. The covenant could be eliminated upon the delivery of equivalent affordable housing units located at 4820 W. 77<sup>th</sup> Street within 3-years of the execution of the Development Contract.

9. Compliance with all of the conditions outlined in the sustainability coordinator's memo dated May 2, 2018.

10. Compliance with all of the conditions outlined in the director of engineering's memo dated May 1, 2018.
11. Compliance with the WSB Traffic & Parking Study recommendations.
12. All crosswalks shall be marked with ground-in premark preformed thermoplastic in a standard or "continental" pattern per Edina Standard Plate No. 716 to clearly identify the pedestrian crossings.
13. Subject to the Zoning Ordinance Amendment creating the PUD-15, Planned Unit Development for this site.
14. Dedication of public access easements along the entrance to Fred Richards Park and the drive aisle and parking stalls along the north lot line subject to review and approval of the city attorney. The easement shall provide pedestrian and vehicular access to the Park.
15. Metropolitan Council approval of the Comprehensive Plan Amendment regarding density.
16. Provide mitigation measures acceptable to the City of Edina, to address the state law requirement requirements for noise in regard to the Seagate operation to the south prior to issuance of a building permit. Mitigation shall include sound proofing the new apartment buildings or retrofitting the Seagate exhaust systems to comply with the MPCA noise standards for adjacency to residential uses.
17. A total of 230 public parking stalls shall be provided by the applicant/property owner for shared use by the Fred Richards Park at no cost to the City. Approximately 100 stalls must be provided in Phase I, with the remainder to be provided in later phases.

Adopted by the City Council of the City of Edina, Minnesota, on August 21, 2018.

ATTEST: \_\_\_\_\_  
Debra A. Mangan, City Clerk

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James B. Hovland, Mayor

STATE OF MINNESOTA            )  
COUNTY OF HENNEPIN        )SS  
CITY OF EDINA                    )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of August 21, 2018, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Debra A. Mangan, City Clerk