Ordinance No. ____-19

Ordinance amending Section 36-268-PUD 9

The City of St. Louis Park does ordain:

Section 1. The City Council has considered the advice and recommendation of the Planning Commission (Case No. 19-21-PUD).

Section 2. The St. Louis Park Ordinance Code, Section 36-268-PUD 9 is hereby amended and replaced in its entirety to read as follows:

Section 36-268-PUD 9.

(a) Development Plan
The property shall be divided into four zones, as indicated on the PUD Exhibit of the Official Exhibits. The zones shall be established by dividing the site into a northwest site, a northeast site, a southwest site, and a southeast site. The northwest site shall be called “Site A – E-Gen”, the northeast site shall be called “Site B – North” the southeast site shall be called “Site C – Hotel” and the southwest site shall be called “Site D – South”.

A. Site A – E-Gen, legally described as Lot 1 Block 1 PLACE ST LOUIS PARK, Hennepin County, Minnesota, and Site B – North, legally described as Lot 1, Block 2 PLACE ST LOUIS PARK, Hennepin County, Minnesota, shall be developed, used and maintained in conformance with the following Final PUD signed Official Exhibits:

1. EX-1 - PUD Exhibit
2. G001 – Cover Sheet
3. G002 – Legend
4. G003 – General Notes
5. C001 – Existing Conditions and Removals – North
6. C003 – Tree Removals and Preservation Plan- North
7. C102 – Site Plan Northwest
8. C103 – Site Plan Northeast
9. C201 – Temporary Erosion Control Plan- North
10. C301 – Grading and Drainage Plan – Overall- North
11. C401 – Sanitary Sewer and Watermain- North
12. C402 – Storm Sewer Plan- North
13. C801 – Site Details
14. C802 – Site Details
15. C901 – City Std Utility Plates
16. C902 – City Std Utility Plates
17. C903 – City Std Utility Plates
18. C904 – City Std Erosion Control Plates
19. C1001 – MNDOT Std Ped Curb Ramp Details
B. Site A – E-Gen and Site B - North shall also conform to the following requirements:

1. Parking will be provided off-street in a surface lot, on-street, and in structured parking. The property shall be developed with 218 residential units, including 18 live/work units, a minimum of 5,100 square feet of ground floor commercial, 0.88 acres of urban forest, an e-generation energy facility and a greenhouse.

   Parking will be provided off-street in a surface lot, on-street parallel parking, and structured parking. A total of 216 will be provided: 193 spaces for residential units or 1.1 spaces per dwelling unit, and 23 spaces for non-residential uses and shared cars. An additional 55 spaces are required as a proof of parking as indicated in the Official Exhibits.

2. The maximum height for Site A – E-Gen shall not exceed 33 feet for the building, and 40 feet for the flute. The maximum building height for Site B – North shall not exceed 61 feet and five stories and 78 feet for the helical wind turbine.

3. The site shall include a minimum of 35,671 square feet of designed outdoor recreation area.

4. The development shall incorporate a Travel Demand Management (TDM) plan including:
   
   i. The development shall offer car-free incentives for a minimum of 60
dwelling units.

ii. The development shall provide 5 cars available as a car share.

iii. The development shall provide a local shuttle until opening day of the Southwest Light Rail Green Line Wooddale Station.

iv. A transportation concierge program shall be maintained.

v. The development shall provide car-free perks for 60 households until the site conforms to the city’s off-street parking requirements.

vi. The TDM plan shall be reported to the city annually for a duration of three (3) years.

C. Site C – Hotel and Site D - South, legally described as Lot 1 Block 3 PLACE ST LOUIS PARK, Hennepin County, Minnesota, shall be developed, used and maintained in conformance with the following Final PUD signed Official Exhibits:

1. EX-1 - PUD Exhibit
2. C1.0 – Existing Conditions - South
3. C1.1 – Tree Preservation Plan - South
4. C2.0 – Site Plan South
5. C3.0 – Grading Plan - South
6. C4.0 – Utility Plan – South
7. C5.0 – Erosion and Sediment Control Plan – South
8. C5.1 SWPPP Notes Sheet 1 - South
9. C5.1 SWPPP Notes Sheet 2 – South
10. C6.0 Detail Sheet General Site – South
11. C6.1 Detail Sheet Water and Sanitary – South
12. C6.2 Detail Sheet Storm Sewer - South
13. C6.3 Detail Sheet Erosion Control – South
14. C7.0 – Photometric Plan - South
15. L100 – Planting Plan – South
16. L500 - Landscape Details - South
17. L501 - Landscape Details – South
18. G0.01 – Cover Sheet – PUD Amendment - South
19. A2.01 – South Building Hotel & Residential Lover Level Floor Plans
20. A2.02 – South Building Hotel & Residential Level 1 Floor Plans
21. A2.03 – South Building Hotel & Residential Level 2 Floor Plans
22. A2.04 – South Building Hotel & Residential Level 3 Floor Plans
23. A2.05 – South Building Hotel & Residential Level 4 Floor Plans
24. A2.06 – South Building Hotel & Residential Level 5 Floor Plans
25. A2.07 – South Building Hotel & Residential Level 6 Floor Plans
26. A2.08 – South Building Hotel & Residential Level 7 Floor Plans
27. A2.09 – South Building Hotel & Residential Floor Plans
28. A2.10 – South Building Elevations South Site Hotel & Residential Elevations & Sections
29. A2.11 – Hotel Elevations South Site Hotel & Residential Elevations & Sections
30. A2.12 – South Building Illustrative Elevations South Site Hotel & Residential Elevations & Sections
31. PLACE – Envelope Proposals
32. PLACE – Sustainability Proposals
D. Site C – Hotel and Site D - South shall also conform to the following requirements:

1. Parking will be provided off-street in a surface lot, in structured parking, and within the public plaza. The property shall be developed with 50 residential units, including 50 live/work units, a 110-room hotel, and a minimum of 5,100 square feet of ground floor commercial space.

   Parking will be provided off-street in a surface lot, and underground structured parking. A total of 173 parking spaces will be provided: 30 spaces for residential units or 0.6 spaces per dwelling unit, 110 spaces for the hotel or 1.0 space per hotel room, 33 spaces for non-residential uses and shared cars. An additional 55 spaces are required as a proof of parking as indicated in the Official Exhibits.

2. The maximum height for Site C – Hotel shall not exceed 70 feet and five stories and the maximum height for Site D – South shall not exceed 80 feet and six stories.

3. The development site shall include a minimum of 1,700 square feet of designed outdoor recreation area.

4. The development shall incorporate a Travel Demand Management (TDM) plan including:

   i. The development shall offer car-free incentives for a minimum of 30 dwelling units.
   ii. The development shall provide 5 cars available as a car share.
   iii. The development shall provide a local shuttle until opening day of the Southwest Light Rail Green Line Wooddale Station.
   iv. A transportation concierge program shall be maintained.
   v. The development shall provide car-free perks for 30 households until the site conforms to the city’s off-street parking requirements.
   vi. The TDM plan shall be reported to the city annually for a duration of three (3) years.

(b) Uses.

A. Site A – E-Gen

1) Permitted with Conditions

   a. Anaerobic digester. Anaerobic digesters shall be permitted only as part of a larger development which contains at least one other principal use, and where electricity and bio-gas produced by the digester is used primarily by the larger development.
i. Organic material, as defined in the Zoning Code, is the only input allowed.

ii. No more than 3,000 tons of organic material shall be processed per year.

iii. The digester system, associated equipment and operations must occur completely within a negative-pressure building.

iv. Organic material shall be deposited from the delivery vehicle directly into an enclosed container integrated with the digester system.

v. Sorting of material must occur in an enclosed container integrated with the digester system.

vi. Odor controlling devices shall be used to prevent odors from being detectable outside of the building containing the digester system.

vii. Flaring of bio-gas is only allowed to burn excess gas and shall not be visible from off-site.

viii. No outdoor storage is allowed.

ix. Retail distribution of compressed natural gas is not allowed.

x. All necessary permits relating to items such as: emissions, solid waste processing, energy production, industrial waste water, and storm water must be obtained from the appropriate agencies.

xi. All necessary contracts or agreements with material providers and utility companies must be submitted to the City prior to the issuance of a building permit.

2) Accessory Uses
   b. Parking lots.
   c. Outdoor seating, with the following conditions:
      i. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
      ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.
   d. Outdoor uses and outdoor storage are prohibited.
   e. Solar panels
      i. Rooftop or building mounted systems
         1. Roof or building mounted solar systems may exceed the maximum allowed height in the PUD zoning district by 3 feet.
      ii. Ground or accessory structure mounted solar systems
         1. The height of a ground or accessory structure mounted solar system, measured when oriented at maximum design tilt, shall not exceed 20 feet.

B. Site B – North
   1) Permitted with Conditions:
      a. Multiple-family dwellings. Uses associated with the multiple-family dwellings, including, but not limited to the residential office, fitness
facility, mail room, assembly rooms or general amenity space.

b. Live-work Type I.
   i. All material or equipment shall be stored within an enclosed structure.
   ii. Operation of the home occupation is not apparent from the public right-of-way.
   iii. The activity does not involve warehousing, distribution or retail sales of merchandise produced off the site.
   iv. No person is employed at the residence who does not legally reside in the home.
   v. No light or vibration originating from the business operation is discernible at the property line.
   vi. Only equipment, machinery and materials which are normally found in the home are used in the conduct of the home occupation.
   vii. No more than one non-illuminated wall sign limited to two square feet in area is used to identify the home occupation.
   viii. Space within the dwelling devoted to the home occupation does not exceed one room or forty-five (45) percent of the floor area, whichever is greater.
   ix. No portion of the home occupation is permitted within any attached or detached accessory building.
   x. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.

c. Commercial uses. Commercial uses are only permitted on the first floor, and are limited to the following: coffee shops, office, private entertainment (indoor), retail shops, service, showrooms and studios.
   i. All parking requirements must be met for each use per Sheet 62 of the Official Exhibits.
   ii. Hours of operation for commercial uses shall be limited to 6 a.m. to 12 a.m.
   iii. Restaurants are prohibited.
   iv. In vehicle sales is prohibited.

d. Civic and institutional uses. Civic and institutional uses are limited to the following: education/academic, library, museums/art galleries, indoor public parks/open space, police service substations, post office customer service facilities, public studios and performance theaters.

2) Accessory Uses:
   a. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed ten percent of the gross floor area of the associated permitted use.
   b. Home occupations complying with all of the conditions in the R-C district
      i. Except family day care is prohibited.
   c. Catering, if accessory to food service, delicatessen or retail bakery.
   d. Gardens.
e. Parking lots.
f. Outdoor seating, with the following conditions:
   i. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
   ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.
g. No outdoor uses or storage allowed.
h. Solar panels
   i. Roof or building mounted solar systems may exceed the maximum allowed height in the PUD zoning district by 3 feet.

3) Wind Energy Conversion Systems (WECS), with the following conditions:
   a. Wind turbines shall be of the helical-type.
   b. Helical wind turbines shall meet the following design requirements
      i. One WECS shall be allowed per lot.
      ii. The WECS unit shall not exceed 17 feet in height, and shall not exceed 79 feet overall, including the building height when attached to the roof of a building.
      iii. The fall zone shall be completely within the property lines of the lot within which the WECS is located.
      iv. Minimize visual impact. WECS design and location shall minimize visual impact.
      v. Color and finish. All WECS shall be white, grey, black or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective.
      vi. Tower lighting. WECS shall not be artificially lighted, except as specified herein and to the extent required by the FAA or other federal or state law or regulation that preempts local regulations.
      vii. Signs and displays. The use of any portion of a WECS for displaying flags and signs, other than warning or equipment information signs, is prohibited.
      viii. Associated equipment. Ground equipment associated with a WECS shall be housed in a structure. Structures housing equipment shall meet the architectural design standards of the Zoning Ordinance. Control wiring and power-lines shall be wireless or underground.
      ix. Braking system required. All WECS shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the structure, rotor blades and turbine components.
      x. Design height. The applicant shall provide evidence that the proposed height of the WECS does not exceed the height recommended by the manufacturer or distributor of the system.
      xi. Interconnection agreement. The applicant shall provide a copy of the utility notification requirements for interconnection, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
xii. Technology standards. WECS must meet the minimum standards of a WECS certification program recognized by the American Wind Energy Association, such as AWEA’s Small Wind Turbine Performance and Safety Standard, the Emerging Technologies program of the California Energy Commission, or other 3rd party standards acceptable to the City.

xiii. Noise. Audible sound due to wind energy system operations shall comply with the standards governing noise contained in the City of St. Louis Park Code of Ordinances.

xiv. If the WECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

C. Site C – Hotel

1) Permitted:
   a. Hotel. Uses associated with the hotel, including but not limited to hotel office, fitness facility, pool, parking, mail room, assembly rooms or general amenity space.

2) Permitted with Conditions:
   a. Commercial uses. Commercial uses are only permitted on the first floor, and are limited to the following: restaurants, coffee shops, office, private entertainment (indoor), retail shops, service, showrooms and studios.
      i. All parking requirements must be met for each use per Sheet 62 of the Official Exhibits.
      ii. Hours of operation for commercial uses shall be limited to 6 a.m. to 12 a.m.
      iii. In vehicle sales is prohibited.
   b. Civic and institutional uses. Civic and institutional uses are limited to the following: education/academic, library, museums/art galleries, indoor public parks/open space, police service substations, post office customer service facilities, public studios and performance theaters.

3) Accessory Uses:
   a. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed ten percent of the gross floor area of the associated permitted use.
   b. Catering, if accessory to food service, delicatessen or retail bakery.
   c. Parking lots.
   d. Outdoor seating, with the following conditions:
      i. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
      ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.
e. No outdoor uses or storage allowed.

f. Solar panels
   i. Roof or building mounted solar systems may exceed the maximum allowed height in the PUD zoning district by 3 feet.

D. Site D – South
   1) Permitted with Conditions:
      a. Multiple-family dwellings. Uses associated with the multiple-family dwellings, including, but not limited to the residential office, fitness facility, mail room, assembly rooms or general amenity space.
      b. Live-work Studio.
         i. All material or equipment shall be stored within an enclosed structure.
         ii. Operation of the home occupation is not apparent from the public right-of-way.
         iii. The activity does not involve warehousing, distribution or retail sales of merchandise produced off the site.
         iv. No person is employed at the residence who does not legally reside in the home.
         v. No light or vibration originating from the business operation is discernible at the property line.
         vi. Only equipment, machinery and materials which are normally found in the home are used in the conduct of the home occupation.
         vii. No more than one non-illuminated wall sign limited to two square feet in area is used to identify the home occupation.
         viii. Space within the dwelling devoted to the home occupation does not exceed one room or forty-five (45) percent of the floor area, whichever is greater.
         ix. No portion of the home occupation is permitted within any attached or detached accessory building.
         x. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.
         xi. A Registration of Land Use (RLU) shall be required from the city when there is a change in tenant.
      c. Live-work Studio Type II.
         i. Live-work uses as defined by Sec. 36-142 of city code are permitted on the first floor.
         ii. A Registration of Land Use (RLU) shall be required from the city when there is a change in tenant.
      d. Commercial uses. Commercial uses are only permitted on the first and second floors, and are limited to the following: coffee shops, office, private entertainment (indoor), retail shops, service, showrooms and studios.
         i. All parking requirements must be met for each use per Sheet 62 of the Official Exhibits.
ii. Hours of operation for commercial uses shall be limited to 6 a.m. to 12 a.m.

iii. Restaurants are prohibited.

iv. In vehicle sales is prohibited.

e. **Civic and institutional uses.** Civic and institutional uses are limited to the following: education/academic, library, museums/art galleries, indoor public parks/open space, police service substations, post office customer service facilities, public studios and performance theaters.

2) Accessory Uses:
   a. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed ten percent of the gross floor area of the associated permitted use.
   b. Home occupations complying with all of the conditions in the R-C district.
   c. Catering, if accessory to food service, delicatessen or retail bakery.
   d. Gardens.
   e. Parking lots.
   f. Outdoor seating, with the following conditions:
      i. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
      ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.
   g. No outdoor uses or storage allowed.
   h. Solar panels
      i. Roof or building mounted solar systems may exceed the maximum allowed height in the PUD zoning district by 3 feet.

(c) **Special Performance Standards**

1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to: outdoor lighting, architectural design, landscaping, parking and screening requirements.

2) The site is exempt from the shadowing requirements specified in Section 36-366(b)(1)g of the zoning ordinance.

3) Each commercial, civic or institutional tenant space on the ground floor facing West 36th Street shall have a direct and primary access to and from the 36th Street (south) building façade and the access shall remain open during business hours.

4) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure.

5) Signage shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
a. Pylon signs are prohibited;
b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility;
c. Maximum allowable number, sizes, heights and yards for signs shall be regulated by section 36-362, MX requirements.
d. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.
e. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
   1. Non-residential wall signs permitted by this section that do not exceed seven percent of the exterior wall area of the ground floor tenant lease space.
   2. The sign is located on the exterior wall of the ground floor tenant lease space from which the seven percent sign area was derived.
   3. No individual wall sign shall exceed 100 square feet in area.

6) Façade.
   a. Fibrous cement, high performance brick veneer with rain screen cladding systems, and vertically integrated photovoltaic panels shall be considered Class I Materials.
   b. The following façade design guidelines shall be applicable to all ground floor non-residential street-facing facades and all ground floor non-residential facades on the west façade of Site D South, including live/work type II units:
      1. The minimum ground floor transparency shall be 60% at the pedestrian level.
      2. No more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.
      3. Active permitted uses, not including storage areas or utility closets, shall be maintained for a minimum depth of 15 feet.
      4. Visibility into the space shall be maintained for a minimum depth of ten feet. This requirement shall not prohibit the display of merchandise.

7) Awnings.
   a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
   b. Backlit awnings are prohibited.

Section 3. The contents of Planning Case File 19-21-PUD are hereby entered into and made part of the public hearing record and the record of decision for this case.
Section 4. This ordinance shall take effect January 10, 2020

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<td>First reading</td>
<td>December 2, 2019</td>
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<td>Second reading</td>
<td>December 16, 2019</td>
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<tr>
<td>Date of publication</td>
<td>December 26, 2019</td>
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<td>Date ordinance takes effect</td>
<td>January 10, 2020</td>
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Reviewed for administration: 
Adopted by the City Council December 16, 2019

Thomas K. Harmening, city manager
Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Soren Mattick, city attorney

DRAFT