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## MEMORANDUM

TO: St. Anthony Village Planning Commission

FROM: Stephen Grittman, City Planner

DATE: April 15, 2021

MEETING DATE: April 20, 2021

RE: St. Anthony Village –Work Session –  
R-4 Zoning District Amendments

NAC FILE: 323.01

This memorandum accompanies a set of proposed changes to the City's R-4, Multiple Family Zoning District. Included in the packet is a copy of the current regulations in place, as well as a table-form document that proposes a series of potential amendments to the district in redline. As part of the redline document, comments are provided for each proposed change discussing the rationale behind the new language.

The current district language was established many years ago, and reflects a more moderate density, suburban style of multi-family development. Just in the past few years, the City has considered multi-family projects on four different sites (one of which did not proceed). Each of those were required to utilize the PUD zoning process due to a series of modifications the projects required from typical R-4 regulations, including density, setbacks, parking calculations, height, and other factors.

The current R-4 District restricts density to anywhere from about 13 units per acre up to 24 units per acre, depending on the size of the building. Over the past two years, the City considered, and adopted, an updated Comprehensive Plan that directs development in high density zoning districts to between 20 and 40 units per acre.

While PUD is still a viable path for projects that exceed density or other aspects of the R-4 standards, it can be difficult to process when the individual aspects of the project are of borderline quality or push the envelope in some way. Without baseline standards that reflect a reasonable expectation for development in the district, everything is left to negotiation, which can put the City in a difficult position.

That said, PUD is a valuable tool for the community in regulating development and advancing its land use objectives. The ability to require a PUD rezoning of property, rather than the CUP process incorporated into the draft language, yields a greater degree of discretion for City review. A discussion of this policy aspect would be an important part of the discussion around these proposed changes.

The revisions to the district are intended to create a threshold for higher density projects that set an expectation for development. Beyond this, the threshold for PUD consideration would also then be higher, as this becomes the new baseline.

If the Planning Commission has other areas for standards to be considered, those would be welcomed as topics of discussion at the upcoming work session. While we have not experienced issues with building materials, site landscaping or open space, or related concerns, these would be examples of elements that could be added to list of CUP conditions.

At the work session, we hope to generate discussion around these or related topics, with enough clarity to plan for a public hearing on an ordinance amendment process in the upcoming month or two. If you have any questions or comments prior to the work session, please feel free to contact me at any time.

**R-4 MULTIPLE-FAMILY DISTRICT**

§ 152.100 PURPOSE. The purpose of the R-4 District is to provide areas for housing other than 1- and 2-family dwellings and townhouses, and which may serve as a transitional use between less dense residential uses and nonresidential uses.

§ 152.101 PERMITTED USES. Within an R-4 District, the only permitted uses are rental apartment units and condominium apartment units.

§ 152.102 PERMITTED CONDITIONAL USES. Within an R-4 District, the following uses are permitted only if a conditional use permit has been issued for that use by the City Council:

- (A) Uses permitted as conditional uses in the R-1, R-1A, R-2, and R-3 Districts;
- (B) Townhouses;
- (C) Service or convenience type businesses, including grocery stores, pharmacies, barber shops and beauty shops catering to the residents of an apartment or condominium building or complex, not to exceed 1,000 square feet in size and provided there is no advertising or signing on the exterior of the building or in any yard;
- (D) A state licensed residential facility serving from 7 through 16 persons;
- (E) A state licensed day care facility serving from 13 through 16 persons; and
- (F) Nursing home.

§ 152.103 ACCESSORY USES. Subject to the provisions of §§ 152.175 through 152.186, the accessory uses permitted in the R-1, R-1A, R-2, and R-3 Districts are permitted in the R-4 District.

§ 152.104 DIMENSIONAL REGULATIONS.

- (A) Height. No building or structure may exceed 35 feet in height or contain more than 3 stories.
- (B) Area. No dwelling may be constructed or placed on a lot which is less in area than the following, except as allowed in §152.227:

<b>Building Size</b>	<b>Minimum Lot Size</b>
2 to 8 units	12,000 square feet plus 2,500 square feet per each unit over 2
9 to 16 units	27,000 square feet plus 2,000 square feet per each unit over 8
17 or more units	43,000 square feet plus 1,750 square feet per each unit over 16

- (C) Floor area ratio. The floor area ratio within the R-4 District may not exceed 1.0.
- (D) Front yard. There must be a front yard with a setback of at least 30 feet.
- (E) Side yards.

- (1) There must be 2 side yards with a minimum width of at least 15 feet each.
- (2) Side yards adjacent to a public right-of-way must be at least 30 feet in width.
- (3) There must be a distance equal to the height of the highest building on a lot between any buildings on the same lot, to a maximum required distance of 30 feet.
- (F) Rear yard. The rear yard must have a depth equal to the greater of 20% of the entire lot or 40 feet.

(G) Minimum floor area.

- (1) Efficiency units must contain at least 500 square feet.
- (2) One-bedroom units must contain at least 650 square feet.
- (3) Units with more than 1 bedroom must contain at least 650 square feet plus 125 square feet for each bedroom in excess of 1.

(H) Lot coverage. The lot coverage may not exceed 50%.

§ 152.105 GENERAL REGULATIONS.

Property in the R-4 District is also subject to the provisions of §§ 152.175 through 152.186.

Section No.	Issue	Proposed Text
<b>R-4 MULTIPLE-FAMILY DISTRICT</b>		
§ 152.100 PURPOSE.	The use of the “transitional” phrase may be inappropriate, given the varied land use pattern. The Comprehensive Plan identifies the allowable locations. Further, the language is not clear as to townhouses, which are allowed in the district by CUP.	The purpose of the R-4 District is to provide areas for <u>multiple family housing</u> <del>other than 1- and 2-family dwellings and townhouses, and which may serve as a transitional use between less dense residential uses and nonresidential uses.</del>
§ 152.101 PERMITTED USES		Within an R-4 District, the only permitted uses are <b>rental apartment</b> units and <b>condominium apartment</b> units. <u>Permitted multi-family buildings shall meet the standards and requirements of this Section.</u>
§ 152.102 <del>PERMITTED</del> CONDITIONAL USES	It could be confusing the use the term “permitted” with the term “conditional”. “Permitted” uses are typically considered to be allowed by right, whereas “conditional” uses require additional review and processing.	Within an R-4 District, the following uses are <del>permitted</del> <u>allowed</u> only if a conditional use permit has been issued for that use by the City Council:
(A)		Uses permitted as conditional uses in the R-1, R-1A, R-2, and R-3 Districts;
(B)	Townhouses remain here, but it is noted that under the Comprehensive Plan, densities are to be between 20 and 40 units per acre. It is very difficult to develop townhouses at more than 10 -12 units per acre.	Townhouses;
(C)	This clause allows (by CUP) commercial services within a multi-family building – such as those often found in senior assisted-living housing - but not “mixed use” in the sense that such a business would also be permitted to serve the general public. It is highlighted here for discussion as to whether the allowance for commercial-residential mixed use would be considered.	Service or convenience type businesses, including grocery stores, pharmacies, barber shops and beauty shops catering to the residents of an apartment or condominium building or complex, not to exceed 1,000 square feet in size and provided there is no advertising or signing on the exterior of the building or in any yard;
(D)	Language added here from State statutes that limit the use of CUP conditions.	A state licensed residential facility serving from 7 through 16 persons, <u>provided conditions are necessary to protect public health, safety, and welfare, and similar to the conditions required and applied to other conditional uses in the district;</u>
(E)	Language added here from State statutes that limit the use of CUP conditions.	A state licensed day care facility serving from 13 through 16 persons <u>provided conditions are necessary to protect public health, safety, and</u>

		<u>welfare, and similar to the conditions required and applied to other conditional uses in the district; and</u>
(F)		Nursing home.
<u>(G)</u>	<p>A CUP provision is established here to allow buildings of greater height and density than the base R-4 district which is 3 stories and effectively about 24 units per acre. Projects exceeding those limits may be allowed under this CUP process, with the conditions noted, as well as the any additional conditions noted related to the Comprehensive Plan or the character of the neighborhood.</p> <p>This provision is intended to establish a more straightforward process for the development of multi-family housing per Comp plan goals (such as density), avoiding the PUD zoning process, but retaining the ability of the City to individually process and review each project.</p> <p>The PUD zoning process would continue to be available to project developers who seek additional zoning flexibility outside of the limitations of the district.</p> <p>It should be noted that the creation of this clause slightly lessens the City’s discretion related to multi-family housing – Conditional Uses are a presumed acceptable use, subject to the conditions to be applied. PUD zoning grants greater discretion to the City, but is a more complex process, and sometimes is limited by the lack of more explicit standards.</p>	<p><u>Multi-family housing which exceeds the height and density standards of this section, provided that:</u></p> <p><u>(1) Maximum height shall be limited to sixty (60) feet and no more than five (5) stories (parking garages that are constructed which are at least 50% below natural grade shall not count as a “story” for the purposes of this section);</u></p> <p><u>(2) Density shall be limited to between twenty (20) and forty (40) unit per acre;</u></p> <p><u>(3) Multi-family housing constructed under this provision shall be required to meet setbacks which are double those of this Section;</u></p> <p><u>(4) Such housing shall be located on a parcel that is within four hundred (400) feet of a public transit stop. Such housing shall provide off-street parking of no less than 1.1 spaces per bedroom, or 1.5 spaces per unit, whichever is greater, no less than 50% of which shall be underground or under the principal building;</u></p> <p><u>(5) Such housing located on a parcel more than four hundred (400) feet from a public transit stop may be allowed, but shall provide off-street parking of at least 2.0 spaces per unit, no less than 50% of which shall be underground or under the principal building;</u></p> <p><u>(6) Additional conditions deemed necessary by the City Council to support the goals and policies of the Comprehensive Plan and the conditions found in the immediate neighborhood of the proposed development.</u></p>
<u>(H)</u>	See the comments noted above for Multi-Family housing in Subd (G).	<p><u>Multi-family housing restricted to units which are occupied by at least one senior citizen 55 years of age and older, provided that:</u></p> <p><u>(1) The development provides at least 75% of its required parking underground or under the building;</u></p> <p><u>(2) The required parking for the facility totals no less than 1.1 parking spaces per unit;</u></p>

		<p><u>(3) The facility is located on a collector or arterial status street as identified in the Comprehensive Plan;</u></p> <p><u>(4) Unit sizes may fall below the thresholds in this Section, but shall include a demonstration by plan as to how such units may be converted to meet the requirements of this Section if the building is redesigned to accommodate occupants that are not senior citizens;</u></p> <p><u>(5) Density of the project shall be limited to between twenty (20) and forty (40) units per acre;</u></p> <p><u>(6) Additional conditions deemed necessary by the City Council to support the goals and policies of the Comprehensive Plan and the conditions found in the immediate neighborhood of the proposed development.</u></p>								
§ 152.103 ACCESSORY USES		Subject to the provisions of §§ 152.175 through 152.186, the accessory uses permitted in the R-1, R-1A, R-2, and R-3 Districts are permitted in the R-4 District.								
§ 152.104 DIMENSIONAL REGULATIONS										
(A)		Height. No building or structure may exceed 35 feet in height or contain more than 3 stories.								
(B)	<p>This section yields densities that range from 13 unit per acre on the low end to approximately 24 units per acre on the high end, depending on the size of the project. The recently adopted Comprehensive Plan states that high-density guided sites should apply densities of between 20 and 40 units per acre.</p> <p>In this structure, this section (along with the attendant performance standards) is left in place for buildings that can be constructed as permitted uses. On small parcels, smaller buildings may be more appropriate to blend in with the neighborhood. Additional standards are identified for the larger, more dense projects under the CUP provisions noted in the CUP section above.</p>	<p>Area. No dwelling may be constructed or placed on a lot which is less in area than the following, except as allowed in §152.227:</p> <table border="1"> <thead> <tr> <th>Building Size</th> <th>Minimum Lot Size</th> </tr> </thead> <tbody> <tr> <td>2 to 8 units</td> <td>12,000 square feet plus 2,500 square feet per each unit over 2</td> </tr> <tr> <td>9 to 16 units</td> <td>27,000 square feet plus 2,000 square feet per each unit over 8</td> </tr> <tr> <td>17 or more units</td> <td>43,000 square feet plus 1,750 square feet per each unit over 16</td> </tr> </tbody> </table>	Building Size	Minimum Lot Size	2 to 8 units	12,000 square feet plus 2,500 square feet per each unit over 2	9 to 16 units	27,000 square feet plus 2,000 square feet per each unit over 8	17 or more units	43,000 square feet plus 1,750 square feet per each unit over 16
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(C) Floor area ratio	This clause is a way of limited intensity of development on a site, which usually works in combination with density, building height/stories, and setbacks. The allowance to exceed the listed FAR is provided by CUP under the proposed text.	The floor area ratio within the R-4 District may not exceed 1.0 <u>except by Conditional Use Permit.</u>
(D) Front yard	The front setback from the street is proposed to be reduced to 20 feet, with attendant changes in side and rear setbacks below. The intent is to accommodate an increase in the separation between buildings on adjoining property, allowing a more limited “front yard” area which is usually occupied by little, if any, usable space.	There must be a front yard with a setback of at least <del>30</del> <u>twenty (20)</u> feet.
(E) Side yards	The side setbacks here are modified to provide greater separation from adjoining property (in concert with the reduced front yard setback). Setback to adjoining property is related to the height of the building, with a fixed minimum.	<ol style="list-style-type: none"> <li>(1) There must be 2 side yards with a minimum width of at least <del>15</del> <u>twenty (20)</u> feet each, <u>or at least 50% of the height of the building, whichever is greater.</u></li> <li>(2) Side yards adjacent to a public right-of-way must be at least <del>30</del> <u>twenty (20)</u> feet in width.</li> <li>(3) There must be a distance equal to the height of the highest building on a lot between any buildings on the same lot, to a maximum required distance of 30 feet.</li> </ol>
(F) Rear yard.	Rear setback is adjusted to relate to the height of the building, with a fixed minimum.	The rear yard must have a depth equal to <del>the greater of 20% of the entire lot or</del> 40 feet <u>or 50% of the height of the building, whichever is greater.</u>
(G) Minimum floor area	Relates to the Senior Housing allowances in the CUP section.	<ol style="list-style-type: none"> <li>(1) Efficiency units must contain at least 500 square feet.</li> <li>(2) One-bedroom units must contain at least 650 square feet.</li> <li>(3) Units with more than 1 bedroom must contain at least 650 square feet plus 125 square feet for each bedroom in excess of 1.</li> <li><u>(4) Units in buildings designated for senior occupants may utilize smaller units under the CUP allowed by this section, with the provisions for future conversion as noted.</u></li> </ol>
(H) Lot coverage.	Additional text creates a specific process for demonstrating that a higher lot coverage can be accommodated through proper improvements. The SWPPP is a standard plan process for managing stormwater, reviewed by the City Engineer.	The lot coverage <u>(including all impervious surfaces)</u> may not exceed 50% <u>except by Conditional Use Permit, upon a showing that stormwater management is addressed on-site without creating impacts on flooding potential and pursuant to the requirements of a Stormwater Pollution Prevention Plan (SWPPP).</u>



§ 152.105 GENERAL REGULATIONS.		Property in the R-4 District is also subject to the provisions of §§ 152.175 through 152.186.