

EXHIBIT A

FINDINGS OF FACT

Northfield Land Development Code, Section 2.9.15(d) Garages serving multi-family buildings shall be located to the side or rear of such buildings; and Section 5.2.2(B) Lots Designed for Affordable Housing. The city encourages the development of affordable housing. In an effort to encourage the distribution of lots for affordable housing across the city, as an alternative to clustering affordable housing in a single area of the city, no more than 20 percent of any lots on a single block may include deed restrictions or other covenants that are tied to the provision of affordable housing (e.g., limiting housing costs or establishing maximum income levels)(See Table 3.2-2, Note [4]). Analysis of the variances requested is addressed below.

Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.

Section 2.9.15(d) Garages serving multi-family buildings:

Three Rivers, a nonprofit housing developer, is working closely with the Northfield HRA to develop much needed multifamily rental housing on HRA-owned land located south of Spring Creek soccer complex. Due to site constraints, including the existing narrow nature of the lot proposed to be platted, the mix-used trail proposed behind the building, and the storm water retention pond to the east, it is not possible to construct the building “A” with side or rear garages without severely constricting the green space on the property. Side-facing garages would not allow the units to be oriented to the street as code requires, and rear-facing garages are not feasible in the area available behind the building. The variance request will allow Three Rivers to build an attractive apartment house with front porches and street-facing garages that complement the surrounding townhomes in the neighborhood. By allowing the garages to face Millstream Lane, units will be oriented to the street and ample green space for family living and stormwater management will be preserved.

Section 5.2.2(B) Lots Designed for Affordable Housing:

100% of these townhomes will be rented to households earning 60 percent of area (county) median income or below. For a family of four, that limit is currently \$49,440 and is increased on an annual basis. Rents paid by residents will range from \$604 to \$1,217 per month depending on the size of the unit. The proposed townhomes will be built on two blocks containing one lot each totaling 2.78 acres. The total size of the parcel currently owned by the Northfield HRA for development of single family and multifamily housing is 11.19 acres. As a percentage, the proposed area devoted to the townhomes represents 24.8% of the entire site. The two-story townhomes will look very similar to the existing Spring Creek I townhomes and the for-sale townhomes in the neighborhood, and they will be managed and maintained by an on-site property manager.

Finding - Criterion (a):

The project is in harmony with the general purposes and intent of the LDC. The proposed subdivision is consistent with the general goals for the N2 zone district. It creates a pedestrian-friendly environment by having internal and street sidewalks as well as connecting a trail from the soccer fields to the north, following the Spring Creek watershed, connecting west to the southeast corner of Millstream Ln./Brookside Dr. and turning south to connect to the preliminary

first phase of the Bluff View Subdivision. The subdivision mimics a grid-like street design as best feasible, it is consistent in block size, the development is compact, the architecture of the buildings will be similar, but differentiated, and the homes will be in close proximity to the street.

The Land Development Code was adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.
- 1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.
- 1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.
- 1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.
- 1.1.14 Encourage vibrancy in the downtown core and fringe areas.
- 1.1.15 Ensure compatibility between different types of development and land uses.
- 1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The proposal is not in conflict with any LDC goals. It meets the following purposes:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.

Criterion (b) The variance is consistent with the Comprehensive Plan.

The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

- 1. Intent:** Development proposals will reflect the spirit and values expressed in the 12 principles (statements of intent) (pages 4.9 to 4.13).
- 2. Location:** Development proposals will be consistent with the Conservation and Development Map (page 4.18) and location descriptions (pages 4.14 to 4.15).
- 3. Character:** Development proposals will be consistent with the Framework Map (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

Finding - Criterion (b):

The variance is consistent with the Comprehensive Plan.

Intent:

1. The small town character will be enhanced.

The proposal is to construct five buildings, consisting of 32-units. Each of the buildings will have front porches and other architectural features that are consistent and enhance the small town character of Northfield.

2. The natural environment will be protected, enhanced and better integrated in the community.

This subdivision will help protect, enhance and better integrate the natural environment in the community. The development is creating a high density project and preserving the

surround natural spaces. The surrounding environment includes the soccer fields to the north and Spring Creek to the east. Three Rivers has the preliminary plat approved, which shows sidewalk connections and trail connections that will be built as part of this project, which better integrate the natural environment into the community.

3. The preference for accommodating future growth is in infill locations, then redevelopment/ land intensification opportunities, and then on the edge of existing developed areas.

This project was intended to begin further development in 2009 by ARCON. The “Great Recession” halted its progress and now this subdivision will continue to infill this area, though it is on the edge of existing developed areas. Currently, vacant buildable land is low within city limits, so infill of this area supports this goal of the comprehensive plan.

4. New and redeveloped residential communities (areas) will have strong neighborhood qualities.

The proposed project will have strong neighborhood qualities such as being setback similarly to the neighboring homes, close proximity to the street, compact development, sidewalks and other architectural features like front porches.

5. Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.

The proposed home infills a vacant lot within city limits instead of expanding infrastructure outside city limits. This is a sustainable practice and continues a neighborhood fabric/grid to the adjoining subdivisions. Three Rivers is pursuing Enterprise Green Communities criteria for their buildings and has been in connection with the city’s program coordinator.

6. Places with a mix of uses that are distinctive and contribute to increasing the city’s overall vitality are preferred.

N/A

7. Neighborhood-serving commercial will be small scale and integrated with the residential context.

N/A

8. A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.

The proposed project contributes to the city by providing much needed multi-family housing for rent to people with earning 60 percent of the area (county) median income or below.

9. Rural character of certain areas of the community will be protected.

The infill of this portion of Spring Creek Townhomes helps preserve the rural character surrounding city limits.

10. Streets will create an attractive public realm and be exceptional places for people.

The project's streets will contain street trees every 40 feet and will have sidewalks on both sides of Millstream Ln., Brookside Dr. and Southbridge Dr.

11. Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.

The project's streets will contain sidewalks on both sides of Millstream Ln., Brookside Dr. and Southbridge Dr. The project also has extensive internal sidewalks and a trail that connects from the southeast corner of Millstream Ln./Brookside Dr. to Spring Creek, the soccer fields/neighborhoods to the north and the preliminary Bluff View Subdivision to the south.

12. Opportunities will be created to walk and bike throughout the community.

The project will create several opportunities to walk and bike by providing sidewalks on both sides of Millstream Ln., Brookside Dr. and Southbridge Dr. The project also has extensive internal sidewalks and a trail that connects from the southeast corner of Millstream Ln./Brookside Dr. to Spring Creek, the soccer fields/neighborhoods to the north and the preliminary Bluff View Subdivision to the south.

Location:

The lot is denoted as "Pipeline" land within the city on the Conservation & Development map.

Character:

The parcel is located in the "Neighborhood General 1" area of the Framework Map, typified by single family homes.

Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.

Finding:

Section 2.9.15(d) Garages serving multi-family buildings:

The proposed development is consistent with the uses allowed in N2-B: Neighborhood General 2. Approving the variance request would permit garages to face the street rather than be located to the side or the rear of the building. Due to site constraints and the City's requirement that units be oriented to the street, it is not practical to locate the garages on the side or in the back. Facing garages to the street is consistent with all of the surrounding townhomes in the neighborhood—and nearly identical to the approved buildings at Spring Creek I—and preserves green space on the site and provides greater protection to adjacent water resources.

Section 5.2.2(B) Lots Designed for Affordable Housing:

The proposed development is consistent with the uses allowed in the N2-B: Neighborhood General 2. Approving the variance request would allow the Affordable Housing provision in the LDC, if interpreted as applying to the entire HRA parcel rather

than a particular block, as varying by 4.8% from the LDC requirement (24.8% vs. 20% affordable). The economy of scale necessary to complete a HRA project of this magnitude is a reasonable use of the property and in keeping with the spirit of the LDC as it relates to consideration of the Southbridge development as a whole.

Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding:

Section 2.9.15(d) Garages serving multi-family buildings:

The building's lot is narrow to enable the continued development of the area with interconnected, gridded streets. In addition, the lot is constrained to the north by the Spring Creek I development and on the east by the City's storm water retention areas. Placement of garages to the side or rear of the proposed buildings, if possible, would greatly increase the amount of impervious surface on the site, leave no buffer area between the development and the retention areas, and leave no room for the proposed trail.

Section 5.2.2(B) Lots Designed for Affordable Housing:

The federal tax credits for this project were awarded to this 2.78 acre site and the project cannot be developed on a scattered-site basis. Building on one site is necessary to accommodate tax credit investment and property management activities. On-site property management will be an integral component of integrating this development into the neighborhood.

Criterion (e) The variance, if granted, will not alter the essential character of the locality.

Finding:

The proposed townhomes are surrounded by several sets of existing townhomes, all of which are accessed by street-facing driveways and garages. By utilizing similar design styles, the proposed development will complement the existing housing and character of the neighborhood. In fact, the design of this building is nearly identical to the buildings that make up the Spring Creek I project directly to the north and east.

Staff Recommendation:

Staff supports approval to allow one proposed multi-family building (building "A", which fronts Millstream Lane) to be constructed with street-facing attached garages and to allow greater than 20% of the lots in the block to be tied to the provision of affordable housing for Spring Creek Townhomes 2nd Addition.