



## Legislation Details (With Text)

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4/18/2017	1	City Council	approve	Pass

**City Council Meeting Date:** April 18, 2017

**To:** Mayor and City Council  
City Administrator

**From:** Scott Tempel, City Planner

Consideration of Floodplain Conditional Use Permit - The Crossing Fairfield Inn and Suites.

**Action Requested:**

The Northfield City Council is asked to consider a Resolution approving a Conditional Use Permit (CUP) in the Floodplain Overlay District for the Fairfield Inn and Suites at The Crossing, 114 East 2<sup>nd</sup> Street.

**Summary Report:**

The developers of the Fairfield Inn and Suites at The Crossing received site plan approval in 2016 and their building permit application is in review. Part of the building permit review process is to ensure adequate flood protection and safety. During the review, the lowest floor elevation of the hotel (the underground garage floor) was found to be two feet below the regulatory flood protection elevation or base flood elevation (BFE). This floor elevation would only be allowed as a conditional use per the Land Development Code (LDC). Therefore, the developers must dry-flood-proof the garage space in accordance to language from 4.1.5 (3) Development Standards for the Flood Fringe Subdistrict in order to obtain the CUP. The LDC Flood Fringe Subdistrict language states:

All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be flood-proofed in accordance with the structurally dry-flood-proofing classifications in the state building code. Structurally dry-flood-proofing must meet the FP1 or FP2 flood proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of

buoyancy. Structures flood-proofed to the FP3 or FP4 classification shall not be permitted.

The Minnesota State Building Code addresses the 5 levels of flood-proofing of structures and spaces within a structure. The levels are organized as FP1 through FP5 with FP1 and FP2 designated as completely dry, FP3 and FP4 considered partially flooded and FP5 being non-flood-proofed. The Minnesota State Building Code has standards for construction which address the passage of liquid and vapor water regarding foundation design, structural building design, existing design and new design. A materials list is also included for the building construction, finish materials, materials that can be stored in the space and the actual use of the space. Electrical, plumbing, heating and ventilation equipment and installation are also addressed.

Based on the LDC and Minnesota State Building Code regulations, the redesign of the parking structure, elevator, sump systems, surface parking lot and entrance to the parking garage was required to properly meet FP1 or FP2 standards. The developer chose the FP1 level and staff is confident the structure will now be protected from flooding due to the extensive reworking of the garage level. Staff is recommending approval of the Floodplain Conditional Use Permit allowing the Fairfield Inn and Suites to construct the hotel garage floor two feet beneath the base floodplain elevation.

#### **Background:**

The Crossing Project has been a major redevelopment effort by the City of Northfield for over fifteen years. The City and the Economic Development Authority (EDA) began assembling parcels to facilitate this project in the late 1990's. When this process was completed, the City selected Mendota Homes to develop the site. In 2005, the Planning Commission recommended approval for rezoning the Crossing site from Downtown District to Planned Unit Development (PUD). At the same meeting, the Planning Commission also recommended approval to the City Council of the PUD Final Development Plan for the Crossing of Northfield.

The City Council approved Ordinance No. 833 on January 9, 2006 amending the site as Lots 1-6 and rezoning the site to a Planned Unit Development. Mendota Homes moved forward with the first phase of development on Lots #1 and #2 in 2006, however future phases of the project did not move forward and the remainder of the site continues to be vacant. The PUD zoning is still in effect and guides future development for this site.

The Community Development Department received a proposal from Rebound Hospitality to develop The Crossing site with a major hotel as an anchor in 2016. The hotel is to be developed on the parcel originally planned for a second residential condo building (Lot 6) along with a small parcel owned by the City (#22.36.4.79.011) acquired through eminent domain for the proposed TIGER trail.

According to the LDC, only minor amendments, which do not change the density by more than 10 percent, change the use, or create off-site impacts are permitted. The proposed hotel project would constitute a change of use which, per the LDC, must comply with the underlying base zoning which is Downtown Commercial (C1) East of Highway 3 Sub-District. The applicants completed site plan review and received approval from the Development Review Committee on April 19, 2016.

Three variances from the Land Development Code (LDC) were identified in the Site Plan Review process in order to locate the hotel in the same general location as the planned condominium building. On April 21, 2016 the ZBA approved these variances:

1. A variance from LDC Table 3.2-4: Dimensional Standards for the C1 District to allow the building to exceed the 10 foot maximum front setback.
2. A variance from LDC Table 3.2-5: Site Development Standards for the C1 District to exempt the building from having an entrance facing the public street.

3. A variance from LDC Table 3.2-5: Site Development Standards for the C1 District to allow parking to be located between the front of the principal structure and the front lot line.

The PUD contains architectural elevations and design standards developed to ensure The Crossing development was compatible with the surrounding properties. A finding from the original PUD approval states: “The architectural design of the project is reasonably compatible with structures and uses in the area within 350 feet of the boundaries of the proposed project, including but not limited to exterior materials, height and building style.” To ensure the hotel project is compatible with both the existing Crossings buildings and the neighboring downtown properties, its architecture and design will follow the approved PUD documents. The HPC reviewed the plans and provided advisory comments at its April 21, 2016 meeting as well.

A public hearing on the sale of public land was held before the Planning Commission May 11, 2016. The Commission found the sale of Lot 5 to be consistent with the Comprehensive Plan.

A public hearing on the Floodplain Conditional Use Permit was held before the Planning Commission on April 11, 2017. The Commission found the redesigned project does meet or comply with standards found in the LDC governing a building design where the garage floor will be lower than the predicted base flood elevation, which may be experienced on the Cannon River during a 100-year flood.

### **Applicable Regulations:**

#### **8.5.4 Flood Plain Permit**

- (5) In passing upon conditional use permit applications, the city council shall consider all relevant factors specified in other subsections of this section, the standards of Section 2.5.1, Floodplain Overlay District (FP-O), and:
  - (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
  - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (e) The importance of the services provided by the proposed facility to the city.
  - (f) The requirements of the facility for a waterfront location.
  - (g) The availability of alternative locations not subject to flooding for the proposed use.
  - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - (k) Such other factors that are relevant to the purposes of this LDC.
- (6) Upon consideration of the factors listed above and the purpose of this section, the city council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:
  - (a) Modification of waste treatment and water supply facilities.
  - (b) Limitations on period of use, occupancy, and operation.
  - (c) Imposition of operational controls, sureties, and deed restrictions.
  - (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
  - (e) Flood proofing measures, in accordance with the state building code and this section. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

## CUP Analysis:

**1) Explain how the proposed use will minimize danger to life and property as a result of increased flood height or water velocity.**

The building foundation will be flood proofed per code and built to an elevation that is 2' greater than the Base Flood Elevation (BFE) at a minimum. Only 120 +/- sq. ft. of fill will be brought into the floodplain which does not constitute an encroachment into the Floodplain substantial enough to affect flood height or water velocity.

**2) Explain what measures will be taken to prevent materials from being transferred to other lands, blocking downstream bridges, congesting culverts, or impacting other structures.**

There are no improvements as a part of this development that are constructed of materials that have the ability to be transferred to other lands.

**3) Explain how water supply systems and sanitary sewer systems serving the proposed use are designed to prevent disease, contamination, and other unsanitary conditions.**

The water supply and sanitary sewer systems are designed to tie into the City's infrastructure and to meet all applicable codes. No contaminants will be able to escape the parking structure and pollute the river. Sumps in the parking garage will separate out oils and other contaminants before draining into the sanitary sewer for treatment.

**4) Explain how susceptible the proposed use and its contents are to damage due to flooding; describe the potential impact of flood damage on the property owner.**

The building and its contents will be protected from flooding as the design elevations of the site/building exceed the BFE by 2' in most places with the lone exception being a portion of the South parking lot, thus making the site/building non susceptible to flood waters equal to or less than the 100 year flood event. The South end of the hotel is where the entrance to the underground parking is located. This area is designed in such a manner (e.g. flood proofed foundation walls around the ramp) that minimizes the effort needed to effectively protect the building from flood waters equal to or less than the 500 year flood event as well. If such an event occurs, minimal sandbagging will protect the structure from being inundated.

**5) Explain the importance of the proposed use to the City.**

The project will bring additional hotel rooms to the city, providing visitors with options for overnight stays. Currently, visitors and business persons may leave the community due to lack of desired hotel accommodations. Such persons may now chose to stay in Northfield and will have the opportunity to visit other businesses and establishments for their dining, shopping, entertainment, refueling, etc. The project will make a positive economic impact with increased property value, plus full and part-time employment opportunities.

**6) The requirements of the facility for a waterfront location.**

The Crossing TIF District is a key gateway redevelopment project for the City of Northfield. The site IS a waterfront site, and the Fairfield Inn & Suites IS the highest and best use for this site based on the current market conditions. The property is zoned appropriately for the proposed use and is centrally located giving its patrons opportunity to visit all that the City of Northfield has to offer. The hotel does not require a waterfront location, but is meeting the goals of the comprehensive plan to activate the riverfront through infill development.

**7) Explain why there are no alternative locations available that are not subject to flooding.**

Challenges to the site (topography, shape, size and orientation, along with the city's desire for two building pads) do not allow the development to construct the necessary on grade parking for the hotel. The solution is to construct an underground parking garage that would provide adequate parking to meet the requirements. In order to size the parking structure to maximize parking stalls with consideration to the land shape and topography, the parking structure must be placed in an area touching the 100 year flood elevation. The hotel is also being located in the location approved for a second Crossing Condominium tower.

**8) Explain how the proposed use is compatible with existing and anticipated development in the specified area.**

The EDA has identified the Crossing site as part of their Specific Projects and Initiatives work plan. As a result of the hotel development, the EDA will meet this objective and the community will experience a benefit in that this significant corner property, and a gateway to the downtown core of Northfield will be developed and active. The hotel is designed to be compatible with the commercial and housing development that currently exists on the Crossings site. The project will incorporate similar materials and colors that will maintain the current theme of the surrounding properties.

**9) Explain the relationship of the proposed development to the Northfield Comprehensive Plan and floodplain management program.**

The project is consistent with the Comprehensive Plan's Land Use Principles which include: maintain the small town character, promote in-fill redevelopment on the edge of development areas, provide a mix of uses, create attractive public realm along streets and provide connectivity and create opportunities to walk and bike. The project promotes in-fill redevelopment and intensification and provides a mix of uses. The project is consistent with Comprehensive Plan Strategy LU 3.5: Facilitate redevelopment uses that do not fit the development pattern of downtown but which better design could increase density and provide more commercial, office or housing opportunities.

**10) Explain how safe access to and from the site during a flood event is provided for emergency vehicles.**

The site is accessible from the North and West in a flood event. With the First Floor Elevation (FFE) of the building being designed at a 910.50, the building is well higher than the impacts of flooding as it pertains to site accessibility.

**11) Document expected water heights, water velocity, flood duration, rate of rise, and sedimentation.**

Crest elevations in a 500 year flood event can be expected to reach 905.5. Crest elevations in a 100 year flood event can be expected to be around 899.1. Stream flows average around 1,000 cubic feet per second (CFS), but peak flood events can have flows from 10,000 - 16,000 CFS.

**12) Such other factors that are relevant to the purposes of this LDC.**

The majority of the site is out of the floodplain, however it does cross the extreme Southeasterly corner of the building. This area will be effectively removed from the floodplain as part of this project by fill being placed in accordance with FEMA's LOMR-F process.

**Alternative Options:**

Conditional Use are uses that are permitted if certain criteria are met. The CUP analysis shows the criteria for a Floodplain Conditional Use permit are met. If the City Council believes there is unaddressed risk, then conditions addressing that risk should be put in place rather than denying the permit.

**Financial Impacts:**

There are no direct financial impacts to the City resulting from this permit.

**Tentative Timelines:**

Construction on the hotel is scheduled to commence May 2017.