

## **Community Development Committee**

For the Metropolitan Council meeting of April 22, 2020

**Subject:** Eagan Nicols Apartments Comprehensive Plan Amendment, Review File 22062-2

### **Proposed Action**

That the Metropolitan Council authorizes the City of Eagan to put the Nicols Apartments Comprehensive Plan Amendment into effect.

1. Authorize the City of Eagan to place its Nicols Apartments comprehensive plan amendment into effect.
2. Find that the amendment does not change the City's forecasts.
3. Find that the amendment is inconsistent with Natural Resource policies in Thrive MSP 2040.
4. Strongly encourage the City to:
  - a. Protect regionally significant ecological areas and minimize development impacts.
  - b. Work to conserve and protect the proposed development site's natural resources by implementing the City's regulatory tools.
  - c. Guide the proposed development to meet the City's own requirement of an execution of a detailed tree inventory, a Tree Preservation Plan, and a Tree Mitigation Plan, at the time of development.

### **Summary of Committee Discussion/Questions**

Planning Analyst Patrick Boylan presented the staff's report to the Committee. Ms. Sarah Thomas, Eagan City Planner attended the meeting. There was no discussion. The Community Development Committee unanimously recommended approval of the proposed action with no questions or discussion at its meeting on April 6, 2020.

## Community Development Committee

Meeting date: April 6, 2020

For the Metropolitan Council meeting of April 22, 2020

**Subject:** City of Eagan Nicols Apartments Comprehensive Plan Amendment, Review File 22062-2

**District(s), Member(s):** District 15, Phillip Sterner

**Policy/Legal Reference:** Metropolitan Land Planning Act (Minn. Stat. § 473.175), Minn. Stat. § 473.513

**Staff Prepared/Presented:** Patrick Boylan, Planning Analyst (651-602-1438)

**Division/Department:** Community Development / Regional Planning

### Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

1. Authorize the City of Eagan to place its Nicols Apartments comprehensive plan amendment into effect.
2. Find that the amendment does not change the City's forecasts.
3. Find that the amendment is inconsistent with Natural Resource policies in Thrive MSP 2040.
4. Strongly encourage the City to:
  - a. Protect regionally significant ecological areas and minimize development impacts.
  - b. Work to conserve and protect the proposed development site's natural resources by implementing the City's regulatory tools.
  - c. Guide the proposed development to meet the City's own requirement of an execution of a detailed tree inventory, a Tree Preservation Plan, and a Tree Mitigation Plan, at the time of development.

### Background

The City submitted the Nicols Apartments comprehensive plan amendment on March 3, 2020. The site is 8 acres and is located to the southwest of Nicols and Diffley Roads. The amendment proposes to revise the 2040 comprehensive plan to change the land use from Regional Commercial to High Density Residential to allow development for a multi-family residential project.

### Rationale

The proposed amendment conforms to regional system plans, is consistent with Council policies except for Natural Resources, and is compatible with the plans of other local communities and school districts.

### Thrive Lens Analysis

The proposed amendment is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in Thrive.

### Funding

None.

**Known Support / Opposition**

None known.

# REVIEW RECORD

City of Eagan

Nicols Apartments Comprehensive Plan Amendment

Review File No. 22062-2, Council Business Item No. 2020-116

## BACKGROUND

The City of Eagan is located in northern Dakota County. It is surrounded by the communities of Mendota Heights, Sunfish Lake, Inver Grove Heights, Rosemount, Apple Valley, Burnsville, Bloomington, and Fort Snelling Unorganized Township.

*Thrive MSP 2040* (Thrive) designates Eagan with an “Suburban” community designation. The Council forecasts from 2020 to 2040 that the City will grow from 70,200 to 73,900 population and 28,100 to 30,700 households. The Council also forecasts that between 2020 and 2040, the City’s employment will increase from 61,400 to 70,000 jobs

The Metropolitan Council reviewed the City of Eagan’s 2040 Comprehensive Plan ([Business Item 2020-18](#), Review File No. 22062-1) on February 26, 2020. This is the first comprehensive plan amendment since the Plan was reviewed.

## REQUEST SUMMARY

The amendment proposes to revise the 2040 comprehensive plan (Plan) to change the land use on an 8-acre site near Nicols and Diffley Roads from Regional Commercial to High Density Residential to allow development for a multi-family residential project.

## OVERVIEW

<b>Conformance with Regional Systems</b>	The amendment conforms to the Regional System Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from, these plans.
<b>Consistency with Council Policies</b>	The amendment is consistent with the <i>Thrive MSP 2040</i> , with the <i>Housing Policy Plan</i> , with water resources management, and is consistent with Council forecasts but inconsistent with Natural Resources.
<b>Compatibility with Plans of Adjacent Jurisdictions</b>	The amendment will not have an impact on adjacent communities, school districts, or watershed districts, and is compatible with the plans of those districts.

## PREVIOUS COUNCIL ACTIONS

- The Council acted on the City’s Plan on February 26, 2020 (Review File No. 22062-1).

## ISSUES

- I. Does the amendment conform to the regional system plans?
- II. Is the amendment consistent with *Thrive MSP 2040* and other Council policies?
- III. Does the amendment change the City’s forecasts?

- IV. Is the amendment compatible with the plans of adjacent local governmental units and affected jurisdictions?

## ISSUES ANALYSIS AND FINDINGS

### *Conformance with Regional Systems*

The amendment conforms to the regional system plan for Regional Parks, Transportation, and Wastewater, with no substantial impact on, or departure from, these system plans.

#### **Regional Parks**

*Reviewer: Colin Kelly (651-602-1361)*

The proposed amendment conforms to the *2040 Regional Parks Policy Plan*. There are no Regional Parks System components in the vicinity of the proposed amendment site. The nearest Regional Parks System unit – the Minnesota River Greenway Regional Trail – is approximately 1.5 miles to the northwest.

#### **Transportation**

*Reviewer: Russ Owen (651-602-1724)*

The proposed amendment conforms to the *2040 Transportation Policy Plan (TPP)*. The amendment accurately responds to updates to the TPP.

#### **Wastewater**

*Reviewer: Kyle Colvin (651-602-1151)*

The proposed amendment conforms to the wastewater system plan element of the *2040 Water Resources Policy Plan (WRPP)*.

### *Consistency with Council Policy*

The proposed amendment is consistent with Council policies for forecasts, land use, housing, sub-surface sewage treatment systems, and water supply. Council staff find that the CPA reguides land and increases housing capacity on the site; Council staff will adjust the allocation of forecasts to TAZs. The communitywide forecast will remain unchanged from the forecast approved with the recent 2040 Plan Update. The amendment is inconsistent with Thrive policy for Natural Resources. Additional review comments regarding consistency with Natural Resources are detailed below.

#### **Land Use**

*Reviewer: Patrick Boylan (651-602-1438)*

*Thrive MSP 2040* identifies Eagan as a Suburban community, and expects communities to guide new development and redevelopment at an overall minimum average density of 5 units per acre. The amendment proposes to re-guide land designated as “RC Retail Commercial” to “HD High Density Residential” at 12-42 units per acre (Figure 3). The property is 8 acres in size and is located generally at the southwest corner of Nichols and Diffley Roads (Figure 2). The purpose of the amendment is to allow the development of a multi-family building with 204 units on 8 acres yielding a density of 25.5 units per acre.

Before this amendment, the Plan has an overall minimum residential density of 6.29 units per acre. Consistent with the Council’s MUSA Implementation Guidelines, communities participating in the Plat Monitoring Program (PMP) receive credit for development platted beginning in the year 2000. Since 2000, the City has averaged 7.6 units per acre in the PMP. As shown in Table 1 below, the Plan with PMP data combined with the Nicols Apartments Amendment will result in 581 acres and a minimum of 3,811 housing units for a combined overall density of 6.6 units per acre. Table 1 of this report show the changes (underlined) resulting from this proposed amendment.

Table 1. Planned Residential Density, City of Eagan

Category	Density		Net Acres	2018-2040 Change	
	Min	Max		Min Units	Max Units
LD-Low Density	1	4	180	180	720
HD-High Density	12	42	10	120	420
Special Areas Mixed Uses*					
Central Area MD	4	12	3	12	36
Central Area HD	12	42	19	228	798
Cliff Road MD	4	12	7	28	84
Cliff Road HD	12	42	30	360	1260
Cedar Grove HD	12	42	3	36	126
Viking Lakes HD	12	42	48	576	2,016
*Reflects actual acreage based on projects.	<b>TOTALS</b>		<b>300</b>	<b>1,540</b>	<b>5,460</b>
2040 Plan Density				5.13	34.00
<u>Nicols Apartments Amendment</u>			<u>8</u>	<u>204</u>	
Plat Monitoring 2000-2018			273	2067	
<b>Total Units and Acres for 2040 Plan, Plat Monitoring, and Amendment</b>			<b>581</b>	<b>3811</b>	
<b>Combined Expected Density</b>				<b>6.6 units per acre</b>	

## Housing

Reviewer: Hilary Lovelace (651-602-1555)

The CPA is consistent with the Council’s 2040 Housing Policy Plan. The Plan currently provides sufficient land to address its share of the region’s 2021-2030 need for affordable housing, which is 472 units. The proposed amendment does not change the City’s inventory of land guided to support the development of low- and moderate-income housing for the 2021-2030 decade, but it does increase opportunities for the current decade. As of this amendment, the Plan will be guiding over 49 acres of higher density residential land such that at least 588 units could be built (Figure 4).

The proposed amendment will not include any changes to residential development for the 2021 -2030 decade. This amendment will allow the City to implement its housing element and will not hinder its efforts to address its share of the region’s need for affordable housing in the 2021-2030 decade.

## Natural Resources

Reviewer: Cameran Bailey (651-602-1212)

The amendment is inconsistent with Thrive MSP 2040 policy for natural resources. Development as proposed in the amendment would impact habitat characterized as “high” in quality by the Council’s Natural Resources Inventory/Assessment (NRI/A). This is inconsistent with Council Thrive Stewardship and Natural Resources Protection policy language (on pages 18-20 and 119-120, respectively).

The Council and Minnesota Department of Natural Resources (MDNR) staff, in concert with the University of Minnesota, jointly prepared the NRIA database for the seven-county area in 2004-2005, which Council staff continues to utilize. The data set originally identified as the Natural Resources Inventory/Assessment (NRI/A) is currently identified in the Council’s geographic information system as Regionally Significant Ecological Areas (RSEAs). Thrive directs staff to work with local and regional partners to conserve, restore, and protect the region’s remaining vital natural resources by adopting

local land uses and planning strategies for protecting NRIA resources and minimizing development impacts.

### *Advisory Comments*

To protect regionally significant ecological areas and minimize development impacts, Council staff strongly recommend that the City work to conserve and protect the proposed development site's natural resources by implementing the City's regulatory tools. Council staff recommends the proposed development be guided to meet the City's own requirement of an execution of a detailed tree inventory, a Tree Preservation Plan, and a Tree Mitigation Plan at the time of development.

### *Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts*

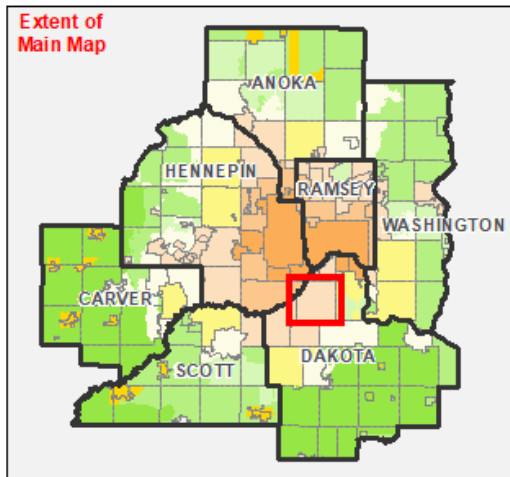
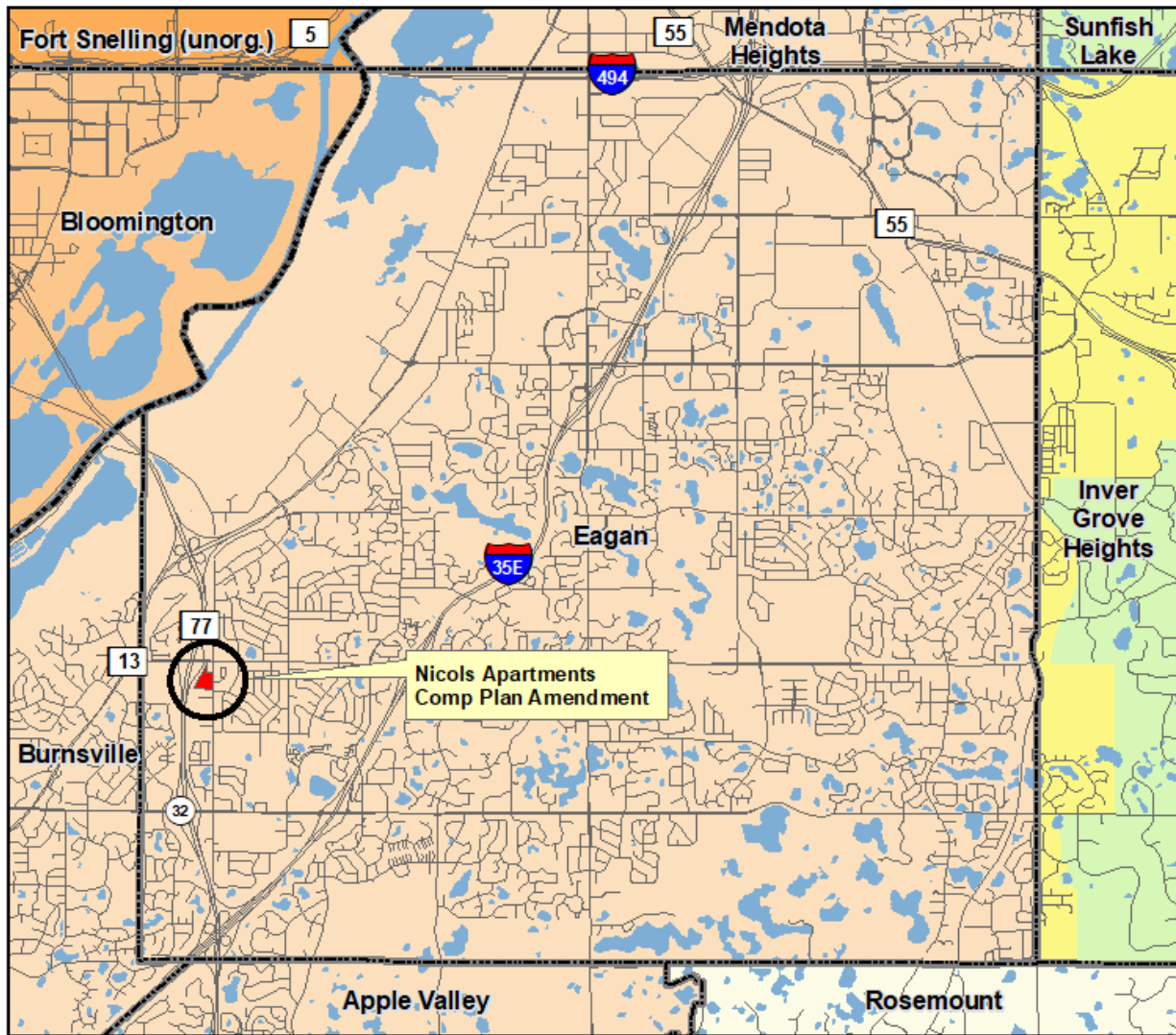
The proposed CPA is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

## **ATTACHMENTS**

- Figure 1: Location Map Showing Community Designations
- Figure 2: Location Map showing Regional Systems
- Figure 3: Current and Proposed Land Use Guiding
- Figure 4: Land Guided for Affordable Housing 2021 – 2030



Figure 1: Location Map Showing Community Designations



**ThriveMSP 2040 Community Designations**

- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center
- Ncompass Street Centerlines



Figure 2: Location Map Showing Regional Systems

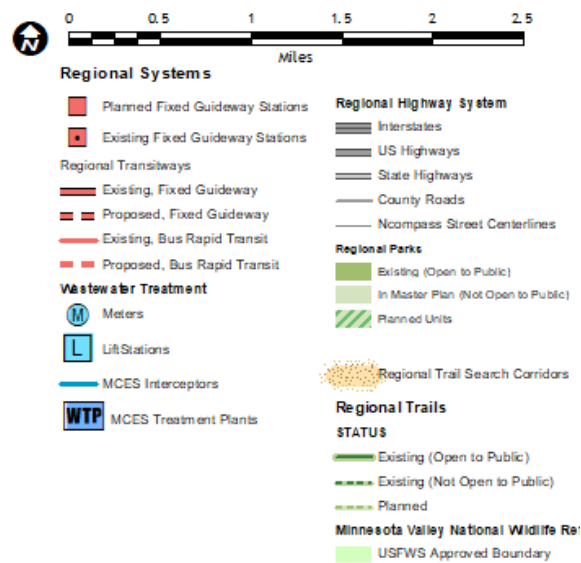
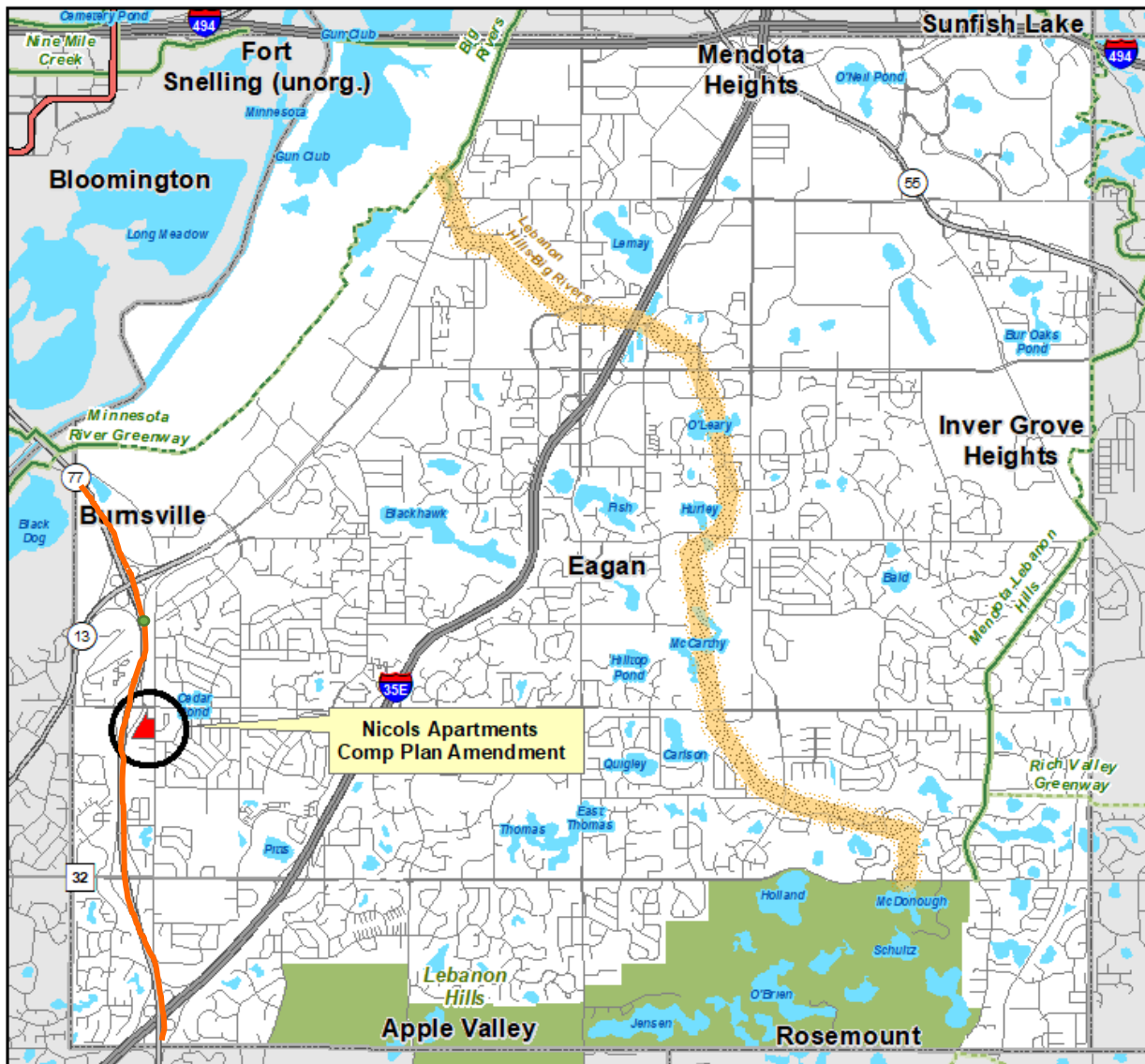
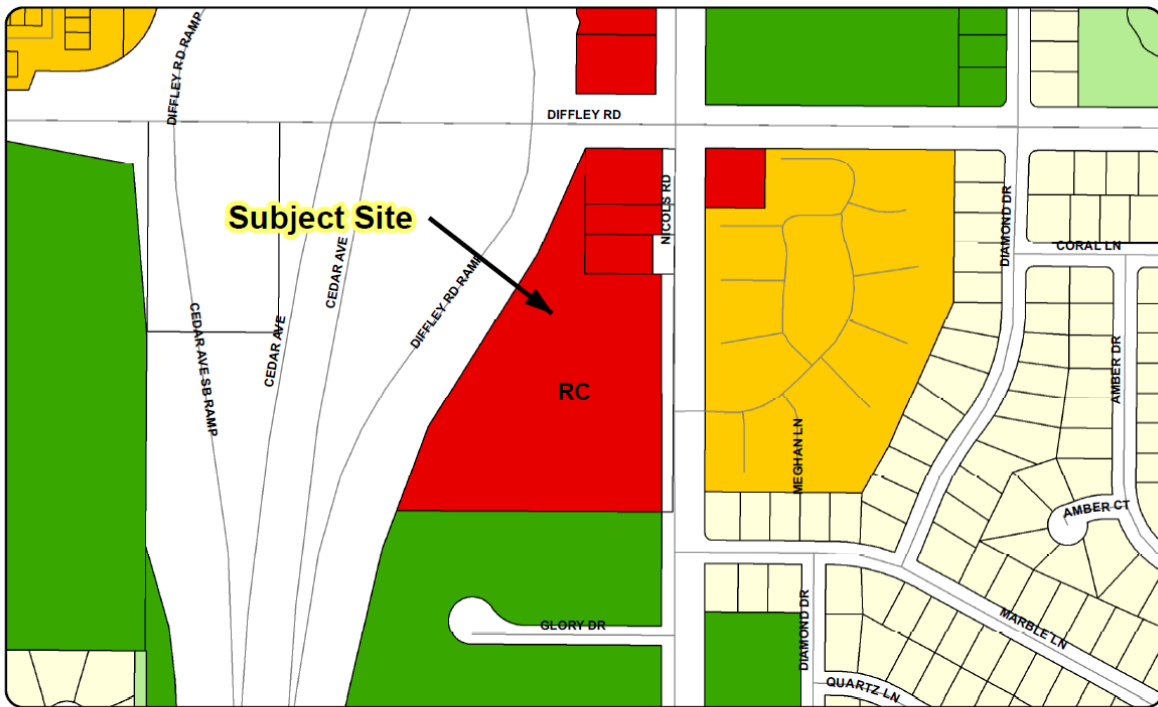
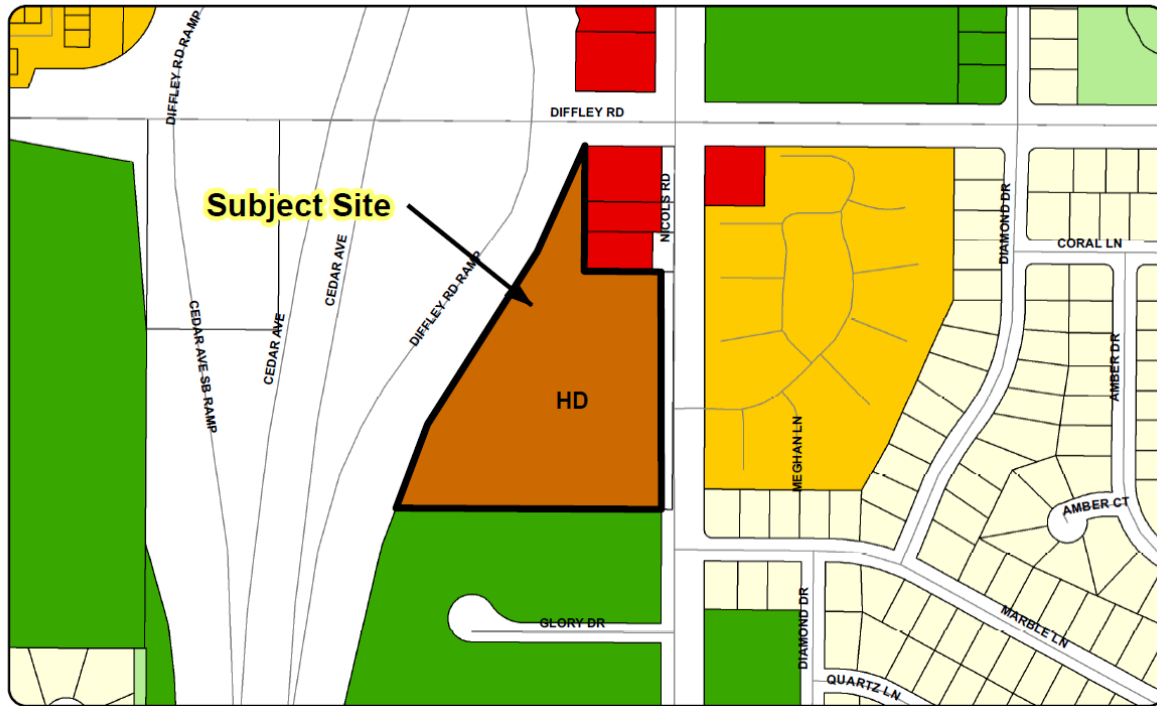


Figure 3: Current and Proposed Land Use Guiding



Current Land Use Map



Proposed Land Use Map



**LAND USE MAP**

Comprehensive Guide Plan Amendment  
Nichols Park, LLC

**Land Use Designations-2030**

- LD-Low Density
- MD-Medium Density
- HD-High Density

- O/S-Office/Service
- RC-Retail Commercial
- MO-Major Office
- BP-Business Park
- IND-Limited Industrial

- MU-Mixed Use
- P-Parks, Open Space & Recreation
- QP-Public/Quasi-Public
- Private Recreation

Municipal Boundary

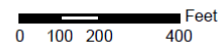


Figure 4: Land Guided for Affordable Housing 2021 – 2030

2021-2030 share of regional need for Affordable Housing: **472 units**  
 2021-2030 total regional need for Affordable Housing: **37,900 units**

	<b>Available Acres</b>	<b>X</b>	<b>Minimum Density</b> <i>(units per acre)</i>	<b>X</b>	<b>Expected % Residential</b> <i>(if mixed use)</i>	<b>=</b>	<b>Minimum Units Possible</b>
<b>Special Area-Central Area Commons MU-HDR</b>	4.00		12		100%		48
<b>Special Area- Viking Lakes MU-HDR</b>	45.00		12		100%		540
<b>Total</b>	<b>49</b>						<b>588</b>

Sufficient/(insufficient) units possible against share of regional need: **116**

Affordable units built since 2021: **0**

Sufficient/(insufficient) units possible adjusted for affordable units built: **116**

Number of Comp Plan Amendments approved since Comp Plan Update: **0**

