

**Department of Community Planning and Economic Development – Planning Division**  
Final Plat  
PL-251

**Date:** December 12, 2011

**Applicant:** Riverview Senior Housing, Attn: Ellen Higgins, 328 Kellogg Boulevard West, St. Paul, MN 55102

**Address of Property:** 5100, 5106, 5110, 5114 54<sup>th</sup> Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road

**Project Name:** Riverview Senior Housing

**Contact Person and Phone:** Plymouth Church Neighborhood Foundation, Attn: Sarah Larson, 430 Oak Grove Street, Suite 130, Minneapolis, MN 55403, (612) 871-0890, ext: 206

**Planning Staff and Phone:** Becca Farrar, Senior City Planner, (612) 673-3594

**Date Application Deemed Complete:** November 14, 2011

**End of 60-Day Decision Period:** Not applicable for this application

**End of 120-Day Decision Period:** March 13, 2012

**Ward:** 12                    **Neighborhood Organization:** Nokomis East Neighborhood Association

**Existing Zoning:** R4 (Multiple-family) District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 40

**Lot area:** 52,728 or approximately 1.21 acres

**Legal Description:** Not applicable for this application.

**Proposed Use:** 4-story, 42-unit senior housing facility and a future townhome development.

**Concurrent Review:**

- Final plat application (PL-251) to consolidate several existing platted lots into two lots.

**Applicable zoning code provisions:** Chapter 598, Land Subdivision Regulations.

**Development Plan:** The site plan was previously approved per BZZ-5078.

**Background:** The applicant proposes to consolidate several existing underlying platted lots into two lots for the properties located at 5100, 5106, 5110, 5114 54<sup>th</sup> Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road. On May 13, 2011 and April 15, 2011, the applicant received final City Council approvals for a new 4-story (52 foot tall), 42-unit senior housing facility on a portion of the subject site. The project site is bounded by Riverview Road to the east, 54<sup>th</sup> Street

East to the south; and adjacent to Highway 55. Across the street is the Veterans Affairs (VA) property and the Hiawatha LRT line is located proximate to the site as well.

The specific land use applications approved by the Planning Commission and City Council included: a rezoning from the R1 (Single-family) district to the R4 (Multiple-family) district, conditional use permit for 42 dwelling units, site plan review, alley vacation and preliminary plat. It is anticipated that in the future a separate townhome development will be pursued on the remaining parcel located on the north side of the site adjacent to Riverview Road. It is not considered part of the proposed development; separate land use applications would be required.

The entire project consists of one bedroom apartments that would be restricted to seniors earning 50% of the median area income or less. Funding for the project is being provided by the HUD 202 program, the City of Minneapolis, Minnesota Housing and other private sources. The City of Minneapolis currently owns the parcels which were acquired from the Minnesota Department of Transportation as part of the Highway 55 project. The nine parcels that are included in this development were formerly occupied by single-family homes; they are all currently vacant. The City of Minneapolis has entered into a Redevelopment Agreement with Plymouth Church Neighborhood Foundation and CommonBond Communities to develop the site.

The V-shaped building is oriented towards 54<sup>th</sup> Street East. The proposed structure contains three floors of housing above the first level of parking which contains 21 stalls. The site also accommodates an additional 21 surface stalls.

The City Attorney's office has indicated that it appears that the required monuments have been placed and that the required affirmations are stated on the face of the plat. It is the opinion of the City Attorney's Office that the plat is satisfactory and meets statutory requirements. The Public Works Department has also reviewed the plat and believes it is satisfactory.

### **FINAL PLAT – PL - 251**

#### **Required Findings:**

**1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The applicant is proposing to consolidate several existing platted lots into two lots for a 42-unit senior housing development and for a separate future townhome development.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided, and Section 598.240 (2) [b], which requires that no lot shall be created that has more than five (5) sides. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots and a variance of Section 598.240 (2) [b] is required for the number of sides permitted for a residential lot.

While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The intent of the prohibition on creating residential lots with more than five sides is to prevent odd-shaped lots and lots with unusable space. Due to the existing configuration of the lots and challenging grades on site, it is Staff’s opinion that there are special circumstances that affect the property that necessitates the need for this variance. Staff recommends granting the variance in this specific circumstance.

Given the layout, configuration, and unique shape of the lot, the drainage and utilities would not match the required easement locations and are not necessary, so Staff recommends granting the variance in this specific circumstance.

### **ZONING CODE**

With the prior approval of the rezoning, conditional use permit, site plan review, preliminary plat, vacation and now the final plat, this development would meet the applicable requirements of the R4 zoning district. The future townhome development is not considered part of the proposed development; separate land use applications will be required for that project.

### **MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:**

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an urban neighborhood between two designated Transit Station Area stops along the Hiawatha LRT line (the VA Medical Center and the 50<sup>th</sup>/Minnehaha Park). The site is within close proximity to a Neighborhood Commercial Node located at 54<sup>th</sup> Street East and Minnehaha Avenue. Minnehaha Avenue is a designated Community Corridor in this location as well. The uses within the general area are varied and include residential and commercial uses. The proposal to construct a new 42-unit senior housing facility in the R4 District and to replat the properties into two lots is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and

vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2. of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.8 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Urban Design Policy 10.8 of *The Minneapolis Plan for Sustainable Growth* states, “Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.” This policy includes the following applicable implementation step: (10.8.1) “Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.”

Urban Design Policy 10.9 of *The Minneapolis Plan for Sustainable Growth* states, “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.”

Additionally, *The Nokomis East Light Rail Transit Station Area Plan* covers the subject development site. The plan was adopted by the City Council in January of 2007. The plan was developed to identify transit-oriented development opportunities near the 50th Street and VA Medical Center Light Rail Transit Stations. The plan creates a vision for the future of the area and recommends land use and urban design changes in support of this vision. The future land use recommendations for the subject site are identified as suitable for single-family, two-family and 2-3 story multi-family residential reflecting the presence of vacant land and development. Planning Staff believes that the proposal to construct a 4-story, 42 unit senior housing development on the properties is generally consistent with the adopted small area plan.

The proposal to consolidate several underlying platted lots into two lots is in conformance with the above noted policies and implementation steps of the Comprehensive Plan and *The Nokomis East Light Rail Transit Station Area Plan*.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The applicant is proposing to consolidate several existing platted lots into two new lots. Staff does not believe that the proposed plat would be injurious to the use and enjoyment of surrounding property, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets. There are various conditions of approval on the site plan that address any potential negative impacts of the development.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

While there are some grade issues on the premises, the site does not present the above hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

Public Works has reviewed and approved all drainage and sanitary system plans. Building permits have been issued.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the final plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat application, the drainage and utility variance and the variance of the required number of lot sides for the properties located at 5100, 5106, 5110, 5114 54<sup>th</sup> Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road.

#### **Attachments:**

1. Correspondence – City Attorney, PW
2. Zoning Map
3. Plans –Final plat, approved Site Plan