

**Department of Community Planning and Economic Development**  
Final Plat  
PL-273

**Date:** August 26, 2013

**Applicant:** Currie Park Developments, LLC, Attn: Bianca Fine, IDS Center, 80 8th Street South, Suite 1916, Minneapolis, MN 55402, (612) 332-2561

**Address of Property:** 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> Street South; 1505 4<sup>th</sup> Street South

**Project Name:** Five15 On the Park (formerly Currie Park Lofts)

**Contact Person and Phone:** Fine Associates, Attn: Bob Kueppers, IDS Center, 80 8th Street South, Suite 1916, Minneapolis, MN 55402, (612) 332-2561

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

**Date Application Deemed Complete:** July 26, 2013

**End of 60-Day Decision Period:** September 24, 2013

**End of 120-Day Decision Period:** Not applicable for this application.

**Ward:** 2                    **Neighborhood Organization:** West Bank Community Coalition

**Existing Zoning:** R6 (Multiple-family) District, Cedar-Riverside Transit Station Area (TSA), Pedestrian-Oriented (PO) Overlay District and University Area (UA) Overlay District

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

**Zoning Plate Number:** 21

**Lot area:** 104,963 square feet or approximately 2.4 acres (Phase I is 74,768 square feet and Phase II is 30,195 square feet)

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

**Proposed Use:** Planned Unit Development for a 6-story, 260 unit residential building with ground level neighborhood-serving retail uses.

**Concurrent Review:**

- Final plat application (PL-273) to consolidate several existing platted lots into two lots for a Planned Unit Development (PUD).

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

**Development Plan:** The site plan was previously approved per BZZ-5918.

**Background:** The applicant proposes to consolidate several existing underlying platted lots into two lots for the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> Street South; 1505 4<sup>th</sup> Street South, as required by Section 527.60 of the Zoning Code. On March 4, 2013, the applicant received Planning Commission approval for a two-phase Planned Unit Development (PUD) on the properties. The properties are zoned R6 (Multiple-family) District and are located in the Cedar-Riverside Transit Station Area (TSA), Pedestrian-Oriented (PO) Overlay District and University Area (UA) Overlay District. The applicant received approval to construct a 6-story mixed-use development that included 260 dwelling units with a total of 271 bedrooms and approximately 6,000 square feet of ground level neighborhood-serving retail spaces that included: (1) a child care center totaling 3,000 square feet; (2) a 700 square foot office use; and (3) a 1,950 square foot restaurant, sit down or delicatessen with a maximum of 30 seats.

A conditional use permit for a Planned Unit Development (PUD) was required in order to develop the site as proposed and the applicant submitted an accompanying alternative request to the CUP application for yards along the periphery of the PUD. More specifically, the applicant requested an alternative along both 6<sup>th</sup> Street South and 15<sup>th</sup> Avenue South. No other alternatives were requested; however, several variances were proposed outside of the PUD application that included: (1) variance of the interior/rear yard setbacks along the north and east property lines; (2) variance to allow a child care center in excess of 2,000 square feet at approximately 3,000 square feet; (3) variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 29 feet; and (4) variance of the loading requirement to allow one small loading space. The proposal further triggered site plan review. A preliminary plat was also submitted in compliance with Section 527.60 of the Zoning Code. In addition a vacation application was partially approved that allowed for the elimination of two of the three existing sidewalk easements that were located on the property.

Phase I of the development was approved as an H-shaped, 6-story mixed-use development that included 260 dwelling units (most affordable at 50% and 60% MMI) and approximately 6,000 square feet of ground level neighborhood-serving retail space. A total of 242 off-street parking stalls were proposed to be provided at grade and within an underground parking garage located on the premises, and a total of 280 bicycle parking spaces were also provided. Exterior materials included cast stone or masonry, metal panels, cement board panels and metal elements. Features of the building included walk-up units along both 15<sup>th</sup> Avenue South and 6<sup>th</sup> Street South, a landscaped courtyard facing 6<sup>th</sup> Street South and a second floor terrace. Phase II was and is still conceptual at this time but would be expected to include approximately 100 dwelling units and additional ground floor commercial space with below grade and at grade parking.

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 also satisfactory.

### **FINAL PLAT – PL - 273**

#### **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 Planned

Unit Development (PUD).

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. 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. 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.

Given the layout of the site, 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**

The use of the site as a PUD is conditional in the R6 district. With the prior approval of the conditional use permit, variances, site plan review, preliminary plat, vacation application and the current approval of the final plat, this development meets the applicable requirements of the R6 zoning district.

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

*The Minneapolis Plan for Sustainable Growth* designates the site as urban neighborhood. The subject property is located approximately one block from the Cedar-Riverside Activity Center and is located adjacent to Cedar Avenue and Riverside Avenue which are both designated Commercial Corridors in this location. Further, the site is located within the Cedar-Riverside Transit Station Area (TSA) and within close proximity to the University of Minnesota which is a designated Growth Center. The plan states the following about urban neighborhoods, “Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors.” “More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density. Commercial Corridors typically have a mix of uses, with commercial uses dominating. These corridors accommodate high density (50-120 du/acre), transitioning down to medium density in surrounding areas. Activity Centers and Growth Centers

typically have a mix of uses including a high intensity of uses, “including employment, commercial, office, and residential uses. The features typically accommodate high density (50-120 du/acre) and very high density (120-200 du/acre), dependent on context.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 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: (1.5.1) “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 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 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings”; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.5 states: “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.” This policy includes the following applicable implementation step: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.”

Land Use Policy 1.8 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.”

Land Use Policy 1.12 states: “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable implementation step: (1.12.7) “Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.”

Land Use Policy 1.13 states: “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation step: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations”; and (1.13.4) “Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.”

Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

Urban Design Policy 10.4 states: “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.” This policy includes the following applicable implementation steps: (10.4.1) “Maintain and strengthen the architectural character of the city’s various residential neighborhoods”; (10.4.2) “Promote the development of new housing that is compatible with existing development in the area and the best of the city’s existing housing stock.”

Urban Design Policy 10.5 states: “Support the development of multi-family residential dwellings of appropriate form and scale.” This policy includes the following applicable implementation step: (10.5.2) “Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis”.

Urban Design Policy 10.6 states: “New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.” This policy includes the following applicable implementation steps: (10.6.1) “Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks”; (10.6.2) “Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water”; (10.6.3) “Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses”; (10.6.4) “Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces”; (10.6.5) “Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level”; (10.6.6) “Integrate transit facilities and bicycle parking amenities into the site design.”

The proposal to construct a new 6-story, 260 unit residential development that includes neighborhood serving retail uses within the ground level of the building is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There are two additional plans that must be considered when evaluating the proposal. The *Franklin-Cedar/Riverside Area Master Plan* was adopted by the City Council in 2001, and the *Cedar Riverside Small Area Plan* was adopted by the City Council in 2008. The *Franklin-Cedar/Riverside Area Master Plan* was part of a series of long-range plans for transit-oriented development (TOD) around Hiawatha LRT station sites. The area of study includes Cedar/Riverside, Seward, East Phillips, and Ventura Village. It focuses on land uses, urban design, public infrastructure, and amenities located within a 1/2-mile of the station. The purpose of the Plan was to guide changes that build upon neighborhood strengths and capitalize on

opportunities that may include: (1) future mixes of new businesses, housing, and neighborhood amenities; (2) improvements to the pedestrian environment; (3) enhancement of parks and green space; and (4) improving the accessibility and fit of the station with the neighborhood. The plan calls for the following as it relates to the subject site: "...Placement of new development at the corner of 6<sup>th</sup> Street and 15<sup>th</sup> Avenue that will provide a "front door" to the station visible from Cedar Avenue and increase activity levels in the station block."

The *Cedar Riverside Small Area Plan* provides updated land use policy for the Cedar Riverside portion of the area covered in the Franklin-Cedar/Riverside Area Master Plan. The plan calls for high-density residential uses on the subject parcel as identified on the future land use map. Applicable land use recommendations include: "Maintain land use largely as is with incremental change and infill consistent with surrounding character"; "Focus the most intensive development near future transit stops and existing commercial areas and encourage the provision of open space and active stormwater management in new developments"; "Infill housing within the interior of the neighborhood should be complementary in bulk and height to adjacent uses." Applicable urban design recommendations include: "Encourage the development of safe public and private spaces using principles of Crime Prevention Through Environmental Design (CPTED), including: "a. Access: Safe movement and connections; b. Natural surveillance and sightlines: See and be seen; c. Layout: Clear and logical orientation; d. Activity mix: Eyes on the street; e. Sense of ownership: Showing a space is cared for; f. Quality environments: Well-designed, managed and maintained environments; g. Physical protection: Using active security measures"; "Existing public connections throughout the neighborhood should remain intact for all modes of transportation to maintain visibility and efficiency"; "Enhance the safety, quality, and quantity of public gathering spaces, both indoors and outdoors"; "Continue to improve accessibility to and comfort in park properties and other open spaces"; "Support increased indoor community activity space, particularly for youth in the neighborhood"; "Parking is discouraged between the primary building façade and the street; surface parking should be adjacent to or in the rear of buildings. Structured parking is encouraged for new developments."

**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, one for Phase I and the other for Phase II. This would have no effect on surrounding property owners or congestion in the public streets. Staff finds that the proposed plat would not be injurious to the use and enjoyment of surrounding property, nor would it 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 PUD site plan that should address any 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.**

The site is relatively flat and does not present the above noted 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. A site plan addressing these issues is required before building permits may be issued. Access to the site is off of 15<sup>th</sup> Avenue South.

**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 shall review and approve all drainage and sanitary system plans before building permits are issued. A stormwater management and erosion control plan is required as part of the site plan approval process before building permits may be issued.

### **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the final plat application and the drainage and utility variance for the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> Street South; 1505 4<sup>th</sup> Street South.

#### **Attachments:**

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