

**Department of Community Planning and Economic Development – Planning
Division**

Rezoning, Conditional Use Permit, Site Plan Review, Preliminary Plat, and Vacation
BZZ-5078, PL-251, and Vacation-1579

Date: March 7, 2011

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

Address of Property: 5100, 5106, 5110, 5114 54th 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

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

Date Application Deemed Complete: February 10, 2011

End of 60-Day Decision Period: April 10, 2011

End of 120-Day Decision Period: On February 28, 2011, Staff sent a letter to the applicant extending the decision period to no later than June 9, 2011.

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

Existing Zoning: R1 (Single-family) District, MR (Mississippi River Critical Area Overlay) District, AP (Airport Overlay) District

Proposed Zoning: R4 (Multiple-family) District

Zoning Plate Number: 40

Lot area: 52,728 or approximately 1.21 acres

Legal Description: Lots 5, 6, 7, 8, 9, 18, 19, and 20, Block 2, Thorpe Bros. Minnehaha Grove Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Construction of a 4-story senior housing facility.

Concurrent Review:

- Petition to rezone the subject properties from the R1 (Single-family) district to the R4 (Multiple-family) district.
- Conditional Use Permit to allow 42 dwelling units.
- Site Plan Review for a new 4-story senior housing facility.
- Preliminary plat.
- Vacation application to vacate the public alley.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII Conditional Use Permits, Chapter 530 Site Plan Review and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct a new 4-story (52 foot tall), 42-unit senior housing facility on the properties located at 5100, 5106, 5110, 5114 54th Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road. The project site is bounded by Riverview Road to the east, 54th 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 down the street as well. The properties are currently zoned R1 and the applicant proposes to rezone the properties to R4 in order to accommodate the proposed development. Developments with 5 residential units or more are conditional uses in the R4 district; site plan review is also required. Further, the applicant proposes to vacate a public alley that runs through the site as well as plat the underlying lots into one unified lot for the proposed development.

The entire project consists of one bedroom apartments that would be restricted to seniors earning 50% of area median 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 54th 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.

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 will be required.

Staff has not received official correspondence from the Nokomis East Neighborhood Association prior to the printing of this report. Any correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

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 50th/Minnehaha Park). The site is within close proximity to a Neighborhood Commercial Node located at 54th Street East and Minnehaha Avenue. Minnehaha Avenue is a designated Community Corridor in this location as well. The properties within the immediate vicinity are zoned R1; properties located along Minnehaha Avenue approximately two block west of the subject site are varied and include OR2, C1 and C2

zoning. The uses within the general area are also varied and include residential and commercial uses. The proposal to construct a new 42-unit senior housing facility in the R4 district 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.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the R4 district would be considered in the interest of the property owner, as it would allow for a higher intensity residential zoning classification. The amendment could also be considered beneficial to the public interest insofar as it would allow for a level of density that is desirable within such close proximity to the Hiawatha LRT line.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is currently zoned R1. The site is located within an urban neighborhood, between two designated Transit Station Area stops located along the Hiawatha LRT line (50th /Minnehaha Park and the VA Medical Center). The site is within close proximity to a Neighborhood Commercial Node located at 54th Street East and Minnehaha Avenue. Minnehaha Avenue is a designated Community Corridor in this location as well. The properties within the immediate vicinity are zoned R1; properties located along Minnehaha Avenue approximately two block west of the subject site are varied and include OR2, C1 and C2 zoning. The uses within the general area are also varied and include residential and commercial uses. Given the surrounding zoning classifications and uses in the area, Staff believes that the R4 zoning district would be appropriate and compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R1 zoning district; however, the request to rezone the property to the R4 district is consistent with adopted policy. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property and the surrounding properties were zoned similarly to what they are zoned today. There has been an ongoing change in the character and trend of development within the general area primarily due to the construction and incorporation of the Hiawatha LRT line. Staff anticipates that additional Transit-Oriented Development opportunities will arise in the future. Staff believes that the rezoning request is reasonable and appropriate and is consistent with adopted policy.

CONDITIONAL USE PERMIT –to allow 42 residential dwelling units

Findings as required by the Minneapolis Zoning Code:

The Minneapolis Department of Community Planning and Development, Planning Division, has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Construction of a 42-unit senior housing development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units would strengthen the existing commercial base within the broader neighborhood. Further, the Hiawatha LRT line (VA LRT station) is located within a ¼ mile of the subject site. The proposal would be within the allowable density for the site in the R4 district as a total of 42 units are permitted without applying density bonuses. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The development site is currently vacant. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for 42 units of senior housing would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site would be accessed off of Riverview Road. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Chapter 541 requires one off-street parking space per dwelling unit or a total of 42 parking spaces for the proposed residential project. The applicant is proposing to provide a total of 42 off –street parking spaces; 21 spaces within the ground level of the building and an additional 21 surface parking stalls at grade towards the rear/interior of the site. The applicant is also proposing to locate a total of 21 bicycle parking spaces on the premises as well.

5. Is consistent with the applicable policies of the comprehensive plan.

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed conditional use permit application as well.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including the rezoning, conditional use permit, site plan review, preliminary plat and vacation, the proposal would comply with all applicable provisions of the R4 District. As previously mentioned, the subject site is located in the AP Overlay District, within Safety Zone C. The project will be required to meet all applicable standards as outlined in Chapter 551, including noise attenuation per Section 551.1150 of the Zoning Code.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code
BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.

- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The development is subject to required yards along both Riverview Road and 54th Street East. Along Riverview Road, a setback of 15 feet is required and along 54th Street East, the site is subject to a front yard increase of 21 feet, 6 inches. The building is oriented towards 54th Street East with a front-facing entrance and while the subject site has frontage on both public streets, along Riverview Road, the width of frontage is only approximately 42 feet and is used primarily as the means of access to the subject site. The building is located up to the setback line along 54th Street East but approximately 185 feet from Riverview Road. Alternative compliance is necessary. Due to the configuration of the site and proposed placement of the building, it would not be practical to require compliance in this specific circumstance. Planning Staff would recommend that the Planning Commission grant alternative compliance. The area between the building and the public streets would have new tree and perennial plantings.

The north, south and west elevations of the building are subject to a 20% window requirement. Windows between 2 and 10 feet (no taller than 4 feet) are required in order to provide natural surveillance and visibility by having active uses located along public streets and facing on-site parking areas.

On the south elevation of the proposed structure facing 54th Street East, only 7% of the elevation contains windows. This is due to grade issues on the premises and the fact that the ground level of the proposed structure contains parking. The majority of the elevation has windows; however, they are located at a height of 5 to 6 feet off of grade so they do not count towards the window requirement. The only area that provides windows that count towards the 20% requirement is at the entrance to the building. The windows on this elevation that count towards the 20% requirement are not evenly distributed but are vertical in proportion. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance due to the grade issues on the premises. While the windows are not low enough to count towards the window requirement they still offer views and meet the intent of the code provision.

The north elevation of the proposed structure facing the on-site parking area also does not comply with the 20% window requirement as approximately 15% are provided. The windows are not evenly distributed but are vertical in proportion. Ground level parking exists behind the building elevation, which is why the development lacks compliance. Alternative compliance would be necessary. Planning Staff will recommend that the Planning

Commission grant alternative compliance in this specific circumstance as the elevation in its current form generally meets the intent of the provision.

The west elevation of the proposed structure facing the on-site parking area also does not comply with the 20% window requirement as 0% are provided between 2 and 10 feet (no taller than 4 feet). Alternative compliance is necessary. Planning Commission would recommend that the Planning Commission grant alternative compliance in this specific circumstance as there are major grade constraints on this side of the site that prohibit compliance with this provision.

The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

The proposal does not meet the active functions provision as outlined above. This is due to the fact that the first floor of the proposed structure consists of enclosed parking and not active uses. Due to geological constraints (proximity to bedrock) and topographic challenges pertaining to grades on the premises, Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance.

There is a blank, uninterrupted wall greater than 25 feet in width on the ground south elevation of the building that does not include windows, entries, recesses or projections, or other architectural elements. This area is located along the base of the building up to the base of the windows which vary between 5 and 6 feet from grade. The applicant proposes to heavily landscape this area in lieu of architectural modifications. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance.

The exterior materials would be compatible on all sides of the proposed building as stucco, brick and fiber-cement board panels would be utilized. The proposed building form and pitched roof would be considered compatible with other buildings in the area.

Parking is provided within the ground level of the proposed structure. Sloped floors do not dominate the appearance of the walls and all vehicles are screened from view. Additionally, surface parking is also provided. Both would be accessed off of Riverview Road.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

There are opposing principal entrances to the structure; one located off of 54th Street East, the other at the rear of the building internal to the site. The principal entry facing 54th Street East is connected to the public sidewalk via walkways that are a minimum of 4 feet in width.

There are no transit shelters within the development, however the site is located within close proximity to Metro Transit bus lines, as well as approximately a ¼ mile from the nearest Hiawatha LRT stop (VA Medical Center).

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts to the site has been minimized.

There is a public alley that bisects the development parcel. The alley is being vacated concurrently with the other needed land use applications for the proposed development. There is a segment of the built public alley that does not line-up with the dedicated public right-of-way. This segment located on the east side of the site adjacent to the two single-family residences will remain, and be formally dedicated as right-of-way.

The maximum impervious surface allowance in the R4 district is 85%. According to the applicant's submittal, approximately 69% of the site is impervious.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 52,728 square feet. The footprint of the building is

14,281 square feet. When you subtract the footprint from the lot size the resulting number is 38,447 square feet; 20% of this number is 7,689 square feet. According to the applicant's landscaping plan there is 16,287 square feet of landscaping on the site or approximately 42% percent of the site not occupied by the building.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 15 trees and 77 shrubs. The applicant is proposing to plant 22 canopy trees, 7 ornamental trees, 11 evergreen trees and 389 shrubs on the site. The proposed landscaping exceeds the minimum quantities required.

A seven-foot wide landscaped yard is required between the parking area and the north, south and west sides of the property. The applicant is providing a minimum of a 10 foot wide landscaped yard along all three property lines. Screening equal to 95 percent opacity is required in the landscaped area between the parking area and the north, south and west sides of the property. The current plan is not meeting this requirement on the south and west sides; alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the applicant proposes to plant 8 spruce trees in this location in lieu of a continuous hedge. Planning Staff believes that in this circumstance due to the distance from the adjacent residential uses at nearly 40 feet away, the spruce trees will provide adequate screening.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. The plan meets this requirement. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The applicant is not proposing any landscape islands within the parking lot.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

All parking for the development is being provided in both the ground level of the proposed structure and within a surface parking lot at the rear/interior of the subject site both would be accessed off of Riverview Road. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans with attention paid to the parking areas at the rear of the building.

Staff would not expect the proposal to result in the blocking of significant views. The proposed structure would be expected to have some shadowing impacts on adjacent properties, however, not on public spaces. The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

The subject parcels are vacant; no historic structures are located on the premises.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The proposed use of the site for 42 dwelling units is conditional in the R4 District. With the approval of the rezoning, conditional use permit, site plan review, preliminary plat and vacation this development would meet the requirements of the R4 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 requires one off-street parking space per dwelling unit or a total of 42 parking spaces for the proposed residential project. The applicant is proposing to provide a total of 21 parking stalls in the ground level of the proposed structure and an additional 21 spaces in a surface parking lot located to the rear/interior of the subject site. The proposal is meeting the minimum off-street parking requirement.

Maximum automobile parking requirement: This provision is not applicable for the residential component of the development as there is no maximum parking requirement for residential uses. The plan would comply with the requirement that no more than two off-street parking spaces per dwelling unit may be provided outdoors on the site.

Bicycle parking requirement: Multiple-family dwellings with 5 or more units have a minimum bicycle parking requirement of 1 space per 2 dwelling units. The applicant is proposing to provide a total of 21 spaces which meets the minimum requirement. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 21 bicycle parking spaces are provided in the parking garage.

Loading: There is a loading requirement for the residential development as multiple-family dwellings of 100 to 250 units require one small loading space. Less than 100 units, there is no requirement.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is included within the proposed structure.

Signs: The proposed signage appears to meet the requirements outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for any proposed signage on the site.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the R4 District is the gross floor area of the building which is 53,652 square feet divided by the area of the lot which is 52,728 square feet. The outcome is 1.02 which is less than the maximum of 1.5 that is permitted in the R4 District.

Minimum Lot Area: The project would meet the minimum lot width requirements of the R4 District as the development is situated on a lot greater than 40 feet in width. The minimum lot area per dwelling unit in the R4 zoning district is 1,250 square feet. With 42 proposed dwelling units on a lot of 52,728 square feet, the applicant proposes approximately 1,255 square feet of lot area per dwelling unit.

Dwelling Units per Acre: With 42 dwelling units on a site having 52,728 square feet of lot area, the proposal would include approximately 35 dwelling units per acre.

Height: Maximum building height for principal structures located in the R4 District is 4 stories or 56 feet, whichever is less. The proposal would conform to this requirement as the structure is proposed to be 4 stories or 52 feet tall.

Yard Requirements: The required yards are as follows:

Front –

- *54th Street East (subject to a front yard increase per Section 547.160(b) – 21 feet, 6 inches*
- *Riverview Road: 15 feet*

Rear/Interior side yards (5+2x): 11 feet

Building coverage: The maximum building coverage in the R4 district is 70 percent. Buildings would cover approximately 27 percent of the site.

Impervious surface area: The maximum impervious surface coverage in the R4 district is 85 percent. Impervious surfaces would cover approximately 69 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

Conformance with Applicable Development Plans or Objectives Adopted by the City Council

See the above listed response to finding #1 in the rezoning application. The objectives outlined for *The Nokomis East Light Rail Transit Station Area Plan* are applicable for the site plan review section as well.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

- Building placement within 8 feet of the front lot line: The development is subject to required yards along both Riverview Road and 54th Street East. Along Riverview Road, a setback of 15 feet is required and along 54th Street East, the site is subject to a front yard increase of 21 feet, 6 inches. The building is oriented towards 54th Street East and while the subject site has frontage on both public streets, along Riverview Road, the width of frontage is only approximately 42 feet and is used primarily as the means of access to the subject site. The building is located up to the setback line along 54th Street East but approximately 185 feet from Riverview Road. Alternative compliance is necessary. Due to the configuration of the site and proposed placement of the building, it would not be practical to require

compliance in this specific circumstance. Planning Staff would recommend that the Planning Commission grant alternative compliance.

□ 20% window requirement & even distribution – south elevation: On the south elevation of the proposed structure facing 54th Street East, only 7% of the elevation contains windows. This is due to grade issues on the premises and the fact that the ground level of the proposed structure contains parking. The majority of the elevation has windows; however, they are located at a height of 5 to 6 feet off of grade so they do not count towards the window requirement. The only area that provides windows that count towards the 20% requirement is at the entrance to the building. The windows on this elevation that count towards the 20% requirement are not evenly distributed but are vertical in proportion. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance due to the grade issues on the premises. While the windows are not low enough to count towards the window requirement they still offer views and meet the intent of the code provision.

□ 20% window requirement & even distribution – north elevation: The north elevation of the proposed structure facing the on-site parking area also does not comply with the 20% window requirement as approximately 15% are provided. The windows are not evenly distributed but are vertical in proportion. Ground level parking exists behind the building elevation, which is why the development lacks compliance. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance as the elevation in it's current form generally meets the intent of the provision.

□ 20% window requirement– west elevation: The west elevation of the proposed structure facing the on-site parking area also does not comply with the 20% window requirement as 0% are provided between 2 and 10 feet (no taller than 4 feet). Alternative compliance is necessary. Planning Commission would recommend that the Planning Commission grant alternative compliance in this specific circumstance as there are major grade constraints on this side of the site that prohibit compliance with this provision.

□ Active functions provision: The proposal does not meet the active functions provision as outlined above. This is due to the fact that the first floor of the proposed structure consists of enclosed parking and not active uses. Due to geological constraints (proximity to bedrock) and topographic challenges pertaining to grades on the premises, Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance.

□ Blank walls: There is a blank, uninterrupted wall greater than 25 feet in width on the ground south elevation of the building that does not include windows, entries, recesses or projections, or other architectural elements. This area is located along the base of the building up to the base of the windows which vary between 5 and 6 feet from grade. The applicant proposes to heavily landscape this area in lieu of architectural modifications. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this specific circumstance.

□ Screening requirement: A seven-foot wide landscaped yard is required between the parking area and the north, south and west sides of the property. The applicant is providing a

minimum of a 10 foot wide landscaped yard along all three property lines. Screening equal to 95 percent opacity is required in the landscaped area between the parking area and the north, south and west sides of the property. The current plan is not meeting this requirement on the south and west sides; alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the applicant proposes to plant 8 spruce trees in this location in lieu of a continuous hedge. Planning Staff believes that in this circumstance due to the distance from the adjacent residential uses at nearly 40 feet away, that the spruce trees will provide adequate screening.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations. The site would be a fully developed property with a new 42-unit senior housing facility on the premises should the land use applications be approved. Based on the design of the subdivision and the location of the building proposed for this site as well as future development on the adjacent site, Planning Staff believes that the preliminary plat is in compliance with the applicable land subdivision regulations.

ZONING CODE

With the approval of the rezoning, conditional use permit, site plan review, preliminary plat and vacation this development would meet the applicable requirements of the R4 zoning district.

THE MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application.

2. 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 plat would create two new lots by consolidated several existing platted 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 any congestion in the public streets as adequate parking is being provided.

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 lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water 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 will review and approve drainage and sanitary system plans before issuance of building permits.

VACATION (Vacation-1579) – platted alley

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Minneapolis Public Works has reviewed the vacation petition and recommends approval of the request. Xcel Energy as requested an easement. Planning Staff would encourage the applicant to work directly with Xcel to ensure that the applicable easement as requested is provided or alternative arrangements be made to accommodate the utilities in another location. Planning Staff would recommend that an easement be granted over the entire described area to be vacated at this time.

Findings: The CPED Planning Division finds that the area proposed for the vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 5100, 5106, 5110, 5114 54th Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road from the R1 district to the R4 district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the

Department of Community Planning and Economic Development – Planning Division
BZZ-5078, PL-251 and Vacation-1579

application for a conditional use permit to allow 42 dwelling units on the properties located at 5100, 5106, 5110, 5114 54th Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a new 4-story, 42-unit senior housing facility on the properties located at 5100, 5106, 5110, 5114 54th Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road subject to the following conditions:

1. All site improvements shall be completed by April 15, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary plat:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for the properties located at 5100, 5106, 5110, 5114 54th Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the vacation:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation application (Vacation File 1579) for the properties located at 5100, 5106, 5110, 5114 54th Street East & 5344, 5348, 5352, 5356, 5360 Riverview Road subject to the provision of an easement dedicated to Xcel Energy over the entire described areas to be vacated.

Attachments:

1. Rezoning Matrix
2. Statement of use / description of the project
3. Findings –CUP
4. Correspondence
5. Zoning map
6. Plans – Site, landscape, elevations, floor plans, civil plans
7. Photos
8. PDR plans