

## GENERAL INFORMATION

Applicant:	United Land, LLC (owner) United Properties (user)
Location:	5601 American boulevard West
Request:	Final development plans for a five-story, 148-unit independent senior housing development
Existing Land Use and Zoning:	Vacant Land; zoned RM-50 Multiple Family Residential Planned Development (PD)
Surrounding Land Use and Zoning:	North – Multi-family residential and Office; zoned C-4(PD) South – Office; zoned C-4(PD) East – Hospitality; zoned C-4(PD) West – Townhomes; zoned RO-24 Residential Office
Comprehensive Plan Designation:	High Density Residential

## HISTORY

City Council Action:	09/23/2019 – Approved a major revision to final development plans for the Cherrywood Pointe residential care facility and adopted a resolution approving a conditional use permit for a 118-unit residential care facility located at 5501 and 5601 American Boulevard West. (Case PL2019-139).
City Council Action:	02/04/2019 – Adopted a resolution approving a negative declaration regarding the need for an Environmental Impact Statement; adopted a resolution amending the Comprehensive Land Use Guide Plan to reguide the site from Office to High-Density Residential; adopted an ordinance to rezone the base zoning designation of the site from C-4 Freeway Office to RM-50; approved a major revision to preliminary development plans for a two-phase senior assisted living and senior independent living development; approved final development plans for a four-story, 108-unit senior assisted living facility; and adopted a resolution approving a conditional use permit for a 108-unit residential care facility (Case PL2018-394).

## CHRONOLOGY

Planning Commission	12/05/2019 – Recommended City Council approve final development plans for the five-story senior housing development.
City Council	12/16/2019 – Development Business agenda item.

## DEADLINE FOR AGENCY ACTION

Application Date:	10/30/2019
60 Days:	12/29/2019
120 Days:	02/27/2020
<b>Applicable Deadline:</b>	<b>12/29/2019</b>
Newspaper Notification:	Confirmed – (11/21/2019 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

## STAFF CONTACT

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## PROPOSAL

United Properties is proposing a five-story, 148-unit independent senior housing development at 5601 American Boulevard West named “The Pointe.” This is the second of a two-phase planned development at 5501 and 5601 American Boulevard West. Phase I, now under construction, will be a 118-unit Cherrywood Pointe residential care facility. Phase I and II are proposed to be connected by an enclosed ground level walkway.

The proposed Phase II development would be a high-amenity senior living facility with ample interior community, recreation, and fitness spaces, a “sky-lounge” and rooftop deck on the fifth floor, outdoor pool, patio, dog run, and pickleball court. The primary building entrance would be located on the south side of the building. Building access would be achieved through driveways along Normandale Lake Boulevard and American Boulevard West. Parking would be provided with a 181-stall underground garage and shared surface parking.

## ANALYSIS

### Land Use

The proposed land uses, a high-density independent senior building (Phase II) and a high-density assisted living facility, have not changed since the revised Preliminary Development Plan and Phase I Final Development Plan was approved in February 2019 and the Phase I Final Development Plan was revised in September 2019. The initial approval process for the two-phase development required extensive entitlements. To implement the planned development, the following entitlements have been issued:

- Environmental Assessment Worksheet (EAW) – due to the proposed unit count combined with the fact that residential land use was inconsistent with the Comprehensive Plan designation, State Administrative Rules required an EAW. The EAW process found the development would not have a significant environmental impact.
- Comprehensive Plan Amendment – the land use designation for the site was changed from Office to High-Density Residential.
- Rezoning – in conjunction with the Comprehensive Plan amendment, the site was rezoned from C-4 Office to RM-50 Multiple Family Residential. The Planned Development Overlay remains.
- Preliminary Development Plan (PDP) – an overall development plan for the two-phased development.
- Final Development Plan (FDP) – detailed site plan for Phase I, a 118-unit residential care facility.
- Conditional Use Permit – residential care facilities with seven or more residents require a condition use permit.

### Code Compliance

Table 1 identifies applicable City Code RM-50 zoning district development requirements. Additional details are provided in the paragraphs that follow the Table. Because the development is Phase II of a two-phase planned development, compliance with standards for the second phase as well as the entire planned development (i.e., “full-buildout”) are included in the analysis.

**Table 1: City Code Requirement Analysis**

Standard	Code Requirement	Provided	Compliance
Minimum site area	80,000 sq. ft.	314,984 sq. ft. (entire PD)	Meets Code
Minimum lot width	200 ft.	>300 ft.	Meets Code
Building setback (along all streets)	40 ft. minimum	47.5 ft.	Meets Code
Setback for retaining walls	40 ft.	19 ft.	Deviation required

greater than 4 ft. in height			
Parking/drive aisle setback (along street)	20 ft.	20 ft.	Meets Code
Parking setback (rear yard)	5 ft.	18 ft.	Meets Code
Landscaped parking islands	Minimum 8 ft. width; deciduous tree; no more than 300 feet of perimeter parking without island	Minimum 8 ft. width, a couple islands without a deciduous tree	Minor revisions required
Impervious surface area	90 percent maximum	64.8 percent	Meets Code
Usable open space	300 square feet per unit – 44,400 square feet	>50,000 sq. ft.	Meets Code
Minimum density	20 units per acre	34 units per acre	Meets Code
Building height	No maximum	62 ft.	Meets Code
Parking required	385 stalls	386 stalls	Meets Code
Drive aisle	24 ft. for two-way; 20 ft. for one-way	24 ft. for two-way, 18 ft. for one way	Fire Code requires a change
Trees	126 trees	121 trees	Minor revisions required
Shrubs	315 shrubs	316 shrubs	Meets Code
Sidewalks	8-ft. concrete along American Blvd; 6-ft. concrete along Normandale Lake Blvd.	8 and 6-ft. concrete sidewalk along American Blvd. and Normandale Lake Blvd., respectively	Meets Code

### **Building and Site Design**

The proposed increase of 17 independent living units relative to the approved Preliminary Development Plan, from 131 to 148 units, impacts the required parking and overall residential density. The RM-50 District allows between 20 and 50 units an acre. The increase of 17 living units result in a total planned development density of 36.8 units an acre. Parking is evaluated in a following section.

Phase II would be a five-story building with the building main entrance on the south side. Secondary entrances are located throughout the building including an access along the north elevation leading to outdoor amenity spaces and American Boulevard. In a previous design iteration, an underground parking garage access was proposed in the northeast corner of the Phase II site. That access was removed with the more recent approval, but a significant retaining wall is proposed in the southwest corner of the site allowing vehicle access to the underground parking garage. Retaining walls greater than four feet must meet principle building setback requirements, which in RM-50 Zoning District is 40 feet from the property line. A portion of the wall within the setback is four feet or less, which is compliant. A wall portion greater than four feet in height meets

the setback requirement, which is also compliant. The retaining wall is 115 feet in length. Of that 115 feet, only 30 feet does not meet the setback requirement.

Staff is supportive of the retaining wall setback deviation; the site has significant grade changes and the portion of the retaining wall that is not Code compliant is minor and maintains adequate landscape yard. Nonetheless, to improve safety, staff has recommended a condition of approval that a barrier, as approved by the Planning Manager, be installed along any portion of the retaining wall greater than four feet above grade.

To accommodate emergency access, a 20-foot fire lane “hammerhead” would be located between Phases I and II, straddling the property line. That fire lane cannot continue along the entirety of the buildings because of the proposed enclosed connection between the phases as well as a proposed pickleball court. While pickleball is a popular activity with seniors, the applicant should consider the potential noise impact for residents whose units are along the corridor between the buildings. There is a distinctive “pop” when the ball is hit, which could result in future conflict. If the applicant does not want to relocate the pickle ball court, they could consider requiring polypropylene honeycomb core paddles with ridged polyurethane foam centers that create less noise.

Exterior building materials are proposed to be a mix of brick, glass, metal panels, stucco, fiber cement panels, and burnished block. Except for the proposed burnished block and cement fiber panel lap siding (which total 19 percent of the materials), the exterior materials are Code Compliant subject to review of the metals. Burnished block, which is a type of concrete masonry unit (CMU), and the cement fiber panel lap siding are accepted as secondary exterior material. Secondary materials would be limited to no more than 15 percent of each elevation. A portion of the CMU or lap siding would need to be reduced to 15 percent or below to comply with the requirements. Staff discussed a concrete product that mimics natural stone as an alternative, code complying material.

### **Landscaping, Screening and Lighting**

The submitted landscaping plan meets most City Code requirements. For the entire planned development, 126 trees and 315 shrubs are required. Because Phase II is moving forward, staff’s landscaping review considered landscaping compliance for the entire planned development. Overall, the shrub quantity is compliant, but additional trees are required. The plan depicts trees along the south property line that would be retained and contribute to landscaping requirement compliance. It appears only three trees along the south property line would be retained, but do not contribute to meeting the landscaping requirements. The trees are Ash and Cottonwood, which are tree species identified in City Code as prohibited trees. Five additional trees are required; including two parking islands on the plan are depicted without the required deciduous tree.

A lighting plan was not submitted along with the application materials. Compliance with Section 21.301.07 is required before a building permit would be issued. Generally, City Code requires at least 1.0 footcandle within surface parking areas and 3.0 footcandles within the underground parking structures. Five footcandles are required at primary entrances, while only 2 footcandles are

required at secondary entrances. “Initial” and “maintained” photometric plans must be submitted for review and must be signed by an Electrical Engineer or Certified Lighting Professional (LC).

### **Access, Circulation, and Parking**

Two “full” access points are provided for Phase I. An access along the north side of the building will primarily be used for deliveries and back-of-house operations. A secondary egress is proposed along the north side. The second full access is provided via a shared driveway in the southeast corner of the site. The shared driveway in the southeast corner serves as an access to the 8200 Tower within the Normandale Lake Office Park. Only one additional right-of-way access is proposed for Phase II and is proposed on the southwest corner of the site. The drive lane from that access would continue along the entirety of the south property line with shared parking between the two phases.

Access to the Phase II main entrance would be accomplished by a one-way drive lane with angled parking. The drive lane is only 18-feet wide, which meets the City Code and the Institute for Transportation of Engineer (ITE) dimensional standards, but does not meet the minimum 20-feet required for a fire lane. Adjustments to plan are necessary to widen the one-way drive lane to 20-feet.

Table 2 identifies the parking requirement for both phases. While Phase I would consist entirely of assisted living and memory care units, the applicant would like the flexibility to convert some assisted living units to independent units in the future. Phase II consists of independent senior units and has a higher parking requirement – 1.5 stalls per dwelling unit. Overall, the development meets City Code parking requirements.

**Table 2 – Parking Requirement Analysis**

Use Description	Standard	Proposed	Parking Requirement
Senior housing – Phase I	1.5 stalls per unit	82 units	123
Memory and enhanced care – Phase I	1.5 per 4 beds	36 units	13.5
Party room – Phase II	1 per 100 sq. ft.	1,198 sq. ft.	12
Senior housing – Phase II	1.5 stalls per unit	148 units	222
Party room - Phase II	1 per 100 sq. ft.	1,467 sq. ft.	15.0
<b>Totals</b>		<b>266 units</b>	<b>385 stalls</b>
<b>Total Proposed Parking</b>			<b>386 stalls</b>

### **Stormwater Management**

Stormwater will be managed to meet the City’s and Watershed District’s requirements for stormwater rate control (quantity), stormwater quality and volume. The Stormwater Management

plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan.

A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

An agreement between the applicant and 5501 American Boulevard West must be provided for the storm water runoff that is proposed to be treated by the infiltration system located on 5501 American Boulevard West.

### **Utilities**

In 2011, the City constructed a sanitary sewer reliever pipe to redirect sanitary sewer flow to a new pipe with adequate capacity. At the time, the City Council specified that the special assessment be applied to those benefiting properties at the time they redeveloped and required a building permit. The special assessment was to be held without interest. This project benefits from the sanitary sewer project in 2011 and would be subject to assessment for its share. The pending assessment for 5601 American Boulevard West equates to \$197,521.31. Levying this assessment will occur when a building permit is requested.

The proposed facility would utilize existing sanitary sewer and watermain within American Boulevard West and Normandale Lake Boulevard. The applicant will be responsible for coordinating all utility work and acquiring all applicable permits with the Bloomington Utility Division.

### **Traffic Analysis**

The subject site falls within the Normandale Lake District, which is guided by the Normandale Lake District Plan. The development of that plan also included the Normandale Lake District Traffic Study, which was last updated for this area in December 2015 based on expected land use for the District. The 2015 Study did anticipate additional mixed use occurring in the district, but nothing similar (from a traffic and trip generation perspective) to the current proposal. With the proposed zoning and parcel use that accompanies the subject application, an update to the Normandale Lake Traffic Study would be required to adequately capture the anticipated traffic impacts resulting from this proposal.

While American Boulevard is a minor arterial roadway and we would anticipate it has adequate capacity to serve this proposed development, the Normandale Lake Traffic Study Update will evaluate the capacity of the roadway as well as the intersection of American Boulevard West and Normandale Lake Boulevard to determine if the new trip generation would warrant a traffic signal at this intersection or any other modifications to Normandale Lake Boulevard and surrounding roadways. This update would also capture new trips that have begun using American Boulevard since the westbound I-494 ramp has opened at East Bush Lake Road. From the 2015 Normandale

Lake District Traffic Study it is known that the new freeway ramp, combined with the proposed development of the vacant parcels in the district will likely trigger the need to proceed to construction on the aforementioned signal, but the traffic study is needed prior to using district abatement funds for that work.

As noted in the conditions, an 8' sidewalk along the south side of American Boulevard will be required to be constructed with the development. This new sidewalk is to be constructed parallel to the future planned alignment of American Boulevard. This sidewalk is a critical element for accessibility and mobility in the District and is identified in City's Alternative Transportation Plan and the Normandale Lake District Plan.

### **Transit and Transportation Demand Management (TDM)**

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

### **Fire Prevention and Public Safety**

The access and circulation design must meet or exceed the minimum fire code standards and be maintained in accordance to the approved plan, including a surface to provide all weather driving capabilities. Apparatus access must be asphalt or concrete and support a minimum of 80,000 pounds with a turning radius to accommodate BFD ladder 4. The applicant must ensure the proposed landscaping plans do not interfere with building access.

Hydrants must be strategically placed to provide an adequate water supply for firefighting operations in and around all areas of the project and subsequent development including coverage within 50 feet of the fire department connection and within 150 feet of any exterior wall. Hydrants will be approved by the Utilities and Fire Prevention Divisions.

The building must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches. A Knox box(s) will be required at the main entrances and other areas as designated by the Fire Prevention Division.

A common concern for commercial kitchens, especially those producing grease laden vapors, is to assure the hood suppression system is tested to the UL300 Standard, be listed and labeled for the intended application and have the capability to flow water through the same nozzles upon discharge of the wet chemical. Provide for emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code.

Any changes made to the current plans, including building location, access roads, and water supply and addressing, must be reviewed by the Fire Marshal to insure continued compliance with the fire code.



**Status of Enforcement Orders**

There are no enforcement orders for the properties.

**FINDINGS**

**Required Final Development Plan Findings – Section 21.501.03(e)(1-7):**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – There is no conflict between the proposed development and the Comprehensive Plan. The Comprehensive Plan encourages life cycle housing and promotes housing for all age groups. Incorporating life cycle housing would diversify housing options in the Normandale Lake District.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The proposed development is located within the Normandale Lake District. The District Plan encourages balanced development, including a mix of multi-family housing types.
(3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site.	<b>Finding Made</b> – The proposed development is consistent with the approved Preliminary Development Plan, which identified a high-density independent senior housing facility.
(4) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval.	<b>Finding Made</b> – The proposed development is almost entirely Code complying. The proposed deviations for a reduced setback for a retaining wall are intended to serve a site with substantial topography.
(5) The proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.	<b>Finding Made</b> – The planned development is proposed to be completed in two phases. Phase 2 is not dependent on Phase 1, which is under construction.
(6) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	<b>Finding Made</b> – The property is served by an arterial roadway with adequate capacity. There is adequate utility infrastructure available to serve the development. The proposed use is not anticipated to be an excessive burden on parks, schools, streets, and other public facilities.

(7) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The senior residential development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.
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## RECOMMENDATION

The Planning Commission and staff recommend approval using the following motion:

In Case PL2019-203, having been able to make the required findings, I move to approve final development plans for a five-story, 148-unit independent senior housing development located at 5601 American Boulevard West, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

### Case PL2019-203

**Project Description:** Final development plans for a five-story, 148-unit independent senior housing development located at 5601 American Blvd. W.

**Address:** 5601 American Blvd. W.

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
3. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
4. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
5. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
6. Prior to Permit An erosion control surety must be provided (16.08(b)).
7. Prior to Permit Landscape plan must be revised to be Code compliant and be reviewed for approval by the Planning Manager and landscape surety must be filed (Sec 19.52).
8. Prior to Permit Parking lot and site security lighting plans must satisfy the requirements of Section 21.301.07 of the City Code.
9. Prior to Permit Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508).
10. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
11. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
12. Prior to Permit A decorative barrier must be installed along any portion of retaining wall that exceeds four feet above grade, as approved by the Planning Manager.
13. Prior to C/O Buildings shall meet the requirements of the Minnesota State Fire Code Appendix L (Emergency Responder Radio Coverage) adopted through City Ordinance to have approved radio coverage for emergency responders based upon the existing coverage levels of the public safety communication systems.
14. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.

15. Prior to C/O Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
16. Prior to C/O Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
17. Prior to C/O Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
18. Prior to C/O A minimum 8-foot concrete sidewalk must be installed along American Blvd. W. A minimum 6-foot concrete sidewalk must be installed along Normandale Lake Blvd. Sidewalk must be installed at the developer's expense (Section 21.301.04(b)(1)).
19. Prior to C/O Prior to occupancy, life safety requirements including drive aisle width must be reviewed and approved by the Fire Marshal.
20. Ongoing Alterations to utilities must be at the developer's expense.
21. Ongoing All loading and unloading must occur on site and off public streets.
22. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
23. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
24. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.