

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VIII.D.

**From:** Cary Teague, Community Development Director

**Action**

**Discussion**

**Information**

**Date:** October 7, 2014

**Subject:** Resolution No. 2014-107 Final Plat, 7151 York Avenue, Mesaba Capital.

## Action Requested:

Adopt the attached Resolution approving the Final Plat.

## Information / Background:

On March 4, 2014, the City Council approved the Preliminary Plat. The Final Plat is the same as the approved Preliminary Plat.

The Preliminary Plat included a condition of approval that required Park Dedication fees to be collected at the time of release of the final plat. The applicant is requesting that the fees be collected at the time of building permit application. (See attached request letter from the applicant.)

## ATTACHMENTS:

- Resolution 2014-107
- Request letter from the applicant
- Preliminary & Final Plat
- Resolution 204-84 (Site Plan and Preliminary Plat)



**RESOLUTION NO. 2014-107  
APPROVING A FINAL PLAT  
AT 7151 YORK AVENUE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 Mesaba Capital is requesting a Final Plat of 7151 York Avenue to divide the existing parcel into two lots.

1.02 The following described tract of land is requested to be divided:

See attached Exhibit A

1.03 The owner of the described land desires to subdivide said tract in to the following described new and separate parcels (herein called "parcels") described as follows:

Lots 1 and 2 Block 1, Yorktown Housing.

1.04 The proposed subdivision meets all minimum zoning ordinance requirements.

1.05 On August 4, 2014, the City Council approved the Preliminary Plat.

Section 2. FINDINGS

2.01 Approval is based on the following findings:

1. The proposed Final Plat is the same as the approved Preliminary Plat.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Final Plat for the proposed subdivision of 7151 York Avenue, subject to the following condition:

1. Park dedication fee of \$500,000 must be paid prior to issuance of a building permit.

Adopted this 7<sup>th</sup> day of October, 2014.

ATTEST: \_\_\_\_\_  
Debra A. Mangen, City Clerk

\_\_\_\_\_  
James B. Hovland, Mayor

STATE OF MINNESOTA            )  
COUNTY OF HENNEPIN        )SS  
CITY OF EDINA                    )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of October 7, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
City Clerk

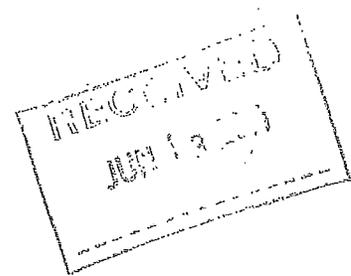
Exhibit A



MESABA CAPITAL  
PARTNERS

Legal Description - Parcel 1

All that part of Lot 2 Block 3, "Yorktown", according to the recorded plat thereof, Hennepin County, Minnesota. Being Registered land as is evidenced by Certificate of Title No. 841370, lying west of a line described as follows: Beginning at a point 166.88 feet east along the north line from the northwest corner of Lot 2 to a point 135.72 feet east along the south line from the southwest corner of Lot 2 and there terminating.





MESABA CAPITAL  
PARTNERS

5201 Eden Avenue  
Suite 270  
Edina, MN 55436  
Phone 952.713.3072  
Fax 952.839.1980  
www.mesabacapital.com

September 30, 2014

Mr. Cary Teague  
Community Development Director  
City of Edina  
4801 West 50<sup>th</sup> Street  
Edina, Minnesota 55424

Dear Cary:

We greatly appreciate the support the City of Edina has shown for Mesaba Capital Development's Senior Living Center at 7151 York Avenue over the past several months and we look forward to joining the Edina community. As we continue to focus on breaking ground this fall and believe we have just about everything in place for that to occur, we do need to address the Park Dedication Fee. We understand that we will have to pay the \$500,000 fee, where we need some help is the timing of that payment. In order for us to make the payment we will need it to be tied to the Continental Gardens Senior Housing versus the final plat approval which includes Continental Gardens, October 7. The following are the main points regarding this issue:

1. These are two different sites; the Yorktown Continental Apartments team and the MCD team have worked together throughout the entitlement process regarding commons areas and site work because we felt this would be important to the entire site. However, they are separate projects with different developers, architects, general contractors and financial funding.
2. The Continental Gardens Senior Housing financing will not be available at the time of the final plat approval. Mesaba Capital cannot fund \$500,000 park dedication fee until we close the entire financing package.
3. The Park Dedication Fee needs to be triggered by the building of Continental Gardens Senior Housing Project and the City of Edina can tie the release of our permit to the \$500,000 fee. If needed MCD can sign a MOU agreeing to pay the fee prior to release of the permit.

This open item is the final one on our check list that will let us break ground this fall. Della and I would be happy to meet with you and any other representatives of the City to ensure we can make this happen. Things are moving fast and we want to make sure we have a resolution with this last item so we can stay on track with our schedule. Thank you for your continued assistance on our development.

Sincerely,

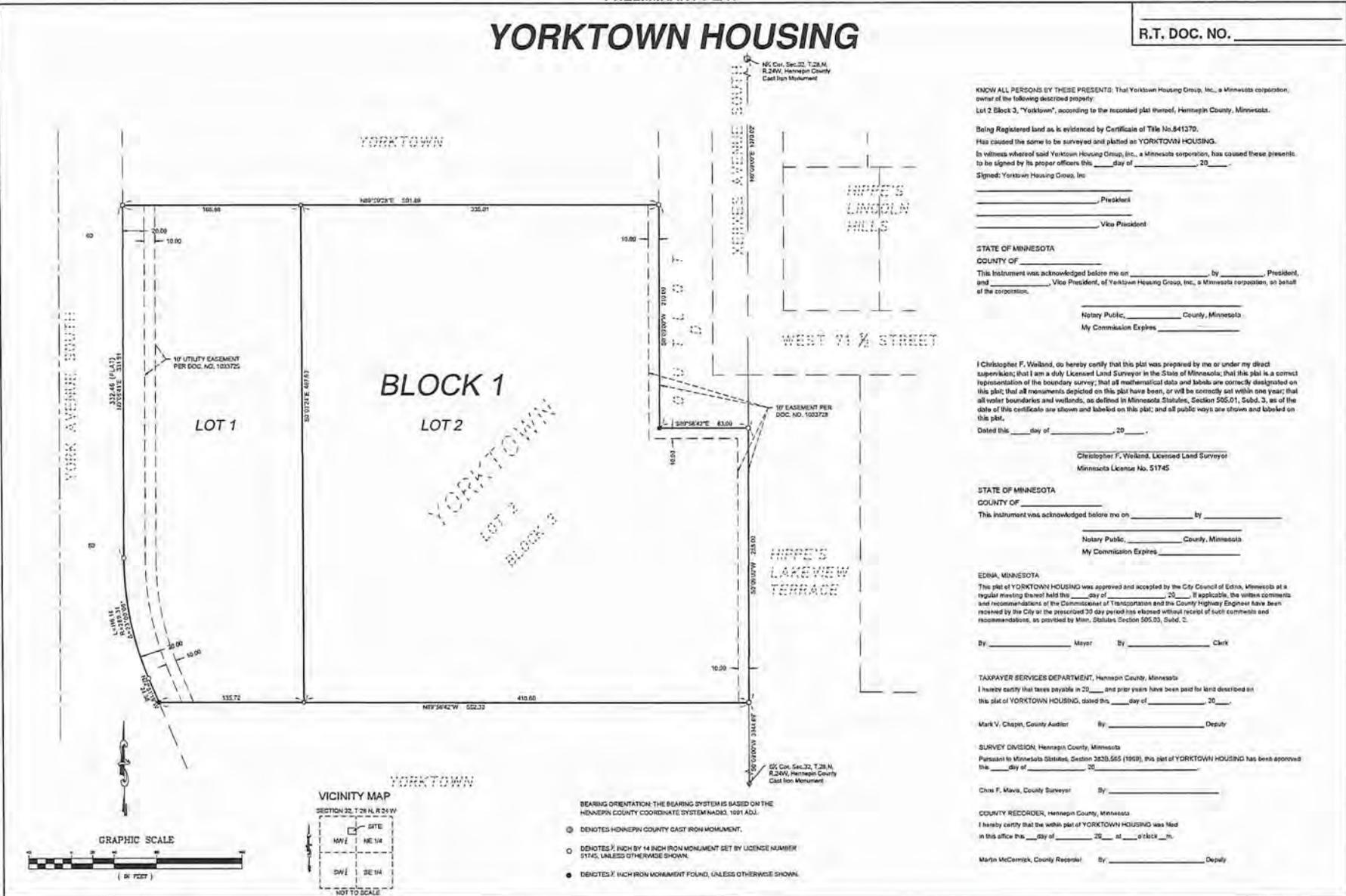


Bo Nickoloff  
Managing Partner

PRELIMINARY PLAT

# YORKTOWN HOUSING

R.T. DOC. NO. \_\_\_\_\_



KNOW ALL PERSONS BY THESE PRESENTS That Yorktown Housing Group, Inc., a Minnesota corporation, owner of the following described property:  
 Lot 2 Block 3, "Yorktown", according to the recorded plat thereof, Hennepin County, Minnesota.  
 Being Registered land as is evidenced by Certificate of Title No. 841370.  
 Has caused the same to be surveyed and platted as YORKTOWN HOUSING.  
 In witness whereof said Yorktown Housing Group, Inc., a Minnesota corporation, has caused these presents to be signed by its proper officers this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 Signed: Yorktown Housing Group, Inc.

\_\_\_\_\_  
 President  
 \_\_\_\_\_  
 Vice President

STATE OF MINNESOTA  
 COUNTY OF \_\_\_\_\_  
 This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ President,  
 and \_\_\_\_\_ Vice President, of Yorktown Housing Group, Inc., a Minnesota corporation, on behalf  
 of the corporation.  
 Notary Public, \_\_\_\_\_ County, Minnesota  
 My Commission Expires \_\_\_\_\_

I Christopher F. Weiland, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 595.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.  
 Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 Christopher F. Weiland, Licensed Land Surveyor  
 Minnesota License No. 51745

STATE OF MINNESOTA  
 COUNTY OF \_\_\_\_\_  
 This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
 Notary Public, \_\_\_\_\_ County, Minnesota  
 My Commission Expires \_\_\_\_\_

EDINA, MINNESOTA  
 The plat of YORKTOWN HOUSING was approved and accepted by the City Council of Edina, Minnesota at a regular meeting thereof held the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minn. Statutes Section 595.03, Subd. 2.

By \_\_\_\_\_ Mayor By \_\_\_\_\_ Clerk

TAXPAYER SERVICES DEPARTMENT, Hennepin County, Minnesota  
 I hereby certify that taxes payable in 20\_\_\_\_ and prior years have been paid for land described on this plat of YORKTOWN HOUSING, dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, County Auditor By \_\_\_\_\_ Deputy

SURVEY DIVISION, Hennepin County, Minnesota  
 Pursuant to Minnesota Statutes, Section 283B.565 (1999), this plat of YORKTOWN HOUSING has been approved the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chris F. Mavis, County Surveyor By \_\_\_\_\_

COUNTY RECORDER, Hennepin County, Minnesota  
 I hereby certify that the within plat of YORKTOWN HOUSING was filed in this office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_.

Marin McCormick, County Recorder By \_\_\_\_\_ Deputy

- BEARING ORIENTATION THE BEARING SYSTEM IS BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM (NAD83, 1001 ADJ.)
- ⊙ DENOTES HENNEPIN COUNTY CAST IRON MONUMENT.
  - DENOTES 7/8 INCH BY 1/4 INCH IRON MONUMENT SET BY LICENSE NUMBER D145, UNLESS OTHERWISE SHOWN.
  - DENOTES 7/8 INCH IRON MONUMENT FOUND, UNLESS OTHERWISE SHOWN.

Final Plat





**RESOLUTION NO. 2014-84**  
**RESOLUTION APPROVING A SITE PLAN WITH VARIANCES AND PRELIMINARY**  
**PLAT TO BUILD A FOUR-STORY 100-UNIT SENIOR LIVING APARTMENT**  
**AT 7151 YORK AVENUE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

**Section 1. BACKGROUND.**

- 1.01 Mesaba Capital is requesting to build a four-story 100-unit senior assisted living building west of the existing Yorktown Continental Senior Living apartments at 7151 York Avenue. The housing would include 70 units of senior housing with services and 30 memory care units. Ten percent (10%) of the units would be for residents below 50% median income level.
- 1.02 The Planning Commission and City Council considered sketch plan reviews of the request. The applicant has taken the feedback from the sketch plan review and revised the plans to include: Locating the building on the York side of the site; pulling the building up close to the street; adding green space; providing porches/decks in the front to engage the street; and increasing sidewalks and pedestrian connections.
- 1.03 To accommodate the proposed addition, the following is requested:
1. Site Plan Review to construct the new 4-story building;
  2. Front Yard Setback Variance from 46 feet to 20 feet;
  3. Density Variance to allow 364 total units on the site from 182 units allowed under current zoning (the existing building is nonconforming with 264 units);
  4. Parking Variance from 194 exposed and 91 enclosed spaces to 162 exposed and 64 enclosed; and
  5. Variances to allow one bedroom units under 500 square feet, and two bedroom units over 850 square feet.
  6. Preliminary Plat.
- 1.04 The property is legally described as follows:
- See attached.
- 1.05 With the exception of the requested Variances, the proposed plans meet all minimum Zoning Ordinance Requirements.
- 1.06 On July 9, 2013, a motion to approve the proposed Site Plan and Variances subject to findings and conditions failed on a 3-3 Vote by the Planning Commission.
- 1.07 The applicant submitted revised plans to address concerns raised by the Planning Commission.

**CITY OF EDINA**

**Section 2. FINDINGS**

Approval is subject to the following findings:

1. The proposed new building would be separated and screened from the single-family homes to the east by the existing 12-story building.
2. There are adequate utilities to support the site.
3. The traffic and parking study done by WSB concludes that the existing roadways can support the proposed project, and there would be adequate parking provided.
4. The Comprehensive Plan allows density for senior housing to exceed 30 units per acre under the following circumstances: Proximity to hospitals, proximity to low density uses, utilities capacity, level of transit service available, and impact on adjacent roads. Other desired items to allow greater density for senior housing would include: Below grade parking, provision of park or open space, affordable housing, sustainable design principles, and provision of public art.

The proposed project is located close to the Fairview Southdale Hospital; the building is separated from low density residential housing by the existing 12-story building; there is adequate utility capacity to serve the site; transit service is available on York Avenue; and a traffic study was done, and determined that the project could be supported by the existing roads. The parking for the new building would be enclosed and underground. Open space is provided between the two buildings, with sidewalk connections. The applicant is proposing 10% of the units to be for affordable housing.

5. The variance criteria are met.
  - a. The practical difficulty is the location of the existing building located in the middle of the site. The applicant has located the building up close to the street to create an active environment with pedestrian connections.
  - b. The building could be shifted back to meet the setback requirement. However, in doing so the green space proposed between the two buildings would be lost.
  - c. Minimum and maximum unit dwelling units was intended to promote affordable housing. The applicant is also proposing 10% of the units for affordable housing, in addition to the 263 existing affordable units on the site.
  - d. The larger two bedroom units over 850 square feet are reasonable to promote a variety of housing options within the development.
  - e. The unique circumstance is the existing location of the building on the site, which does not have any underground parking. It has been the city's general policy with previous similar requests, to not build parking stalls when they are not needed.

- f. The proposal will not alter the essential character of the neighborhood. The proposed new structure would be designed to be integrated and complement the existing 12-story building. The new 4-story building being brought up close to York Avenue would be consistent with recent development on France and York, with buildings being brought close to the street to engage it and create a more pedestrian friendly environment.
6. The proposed project would meet the following goals and policies of the Comprehensive Plan:
    - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment.
    - b. Movement Patterns.
      - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
      - A Pedestrian-Friendly Environment.
    - c. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
    - d. Incorporate principles of sustainability and energy conservation into all aspects of design, construction, renovation and long-term operation of new and existing development.
    - e. Buildings should be placed in appropriate proximity to streets to create pedestrian scale. Buildings "step down" at boundaries with lower-density districts and upper stories "step back" from street.
  7. The proposed plat meets all Zoning and Subdivision Ordinance requirements.

### **Section 3. APPROVAL**

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approval of the Site Plan, Variances and Preliminary Plat at 7151 York Avenue for Mesaba Capital.

Approval is subject to the following Conditions:

Approval is subject to the following Conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date stamped June 13, 2014.

- Grading plan date stamped June 13, 2014.
  - Utility plan date stamped June 13, 2014.
  - Landscaping plan date stamped June 13, 2014.
  - Building elevations date stamped June 13, 2014
  - Revised Plans date stamped July 29, 2014
  - Building materials board as presented at the Planning Commission and City Council meeting.
2. Prior the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
  3. The property owner is responsible for replacing any required landscaping that dies.
  4. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
  5. Sustainable design principles must be used per the applicant narrative.
  6. Compliance with all of the conditions outlined in the city engineer memo dated June 25, 2014.
  7. The Final Lighting Plan must meet all minimum requirements per Section 36 of the Zoning Ordinance.
  8. Ten percent (10%) of the housing units shall be designated for affordable housing.
  9. Sustainable design principles must be used per the applicant narrative. Attempts must be made meet an energy savings goal of 10% over state energy code guidelines. A plan of how standards are intended to be met must be submitted prior to issuance of a building permit.
  10. Prior to issuance of a building permit the easement along York Avenue would have to be vacated, and utilities (if any) relocated.
  11. Signage shall be allowed for both the existing and proposed buildings/lots per the PSR-4 standards outlined in Section 36, Article XIII in the City Code.
  12. The applicant must enter into a proof of parking agreement with the City to ensure the necessary parking space will be provided if needed. Should parking become a significant problem, staff will require the proof of parking stalls constructed by adding addition parking stalls.

13. Work with city staff and Metro Transit to make improvements to the two existing bus stops, including adding heated shelters, at the Durham apartments and at York and Hazelton.
14. All mechanical equipment must meet the city's noise standards. If necessary, noise abatement shall be installed on the equipment to meet the standards.
15. Landscaping shall be enhanced, in particular along the north and south lot line with over-story trees to fill in the open areas.
16. The Final Plat must be considered within one-year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
17. A shared parking and access agreement must be established across the Plat.
18. The Park Dedication fee of \$500,000 shall be paid prior to release of the mylars approving the Final Plat.
19. There shall be a heated enclosed connection between the two buildings similar to the plan presented to the City Council on August 4, 2014.
20. There shall be no HVAC units or chillers on the roof of the building. There may be exhaust pipes on the roof.
21. A row of windows shall be added along the north and south elevations per the building renderings shown at the Council meeting on August 4, 2012.
22. A walkway shall be constructed along the proposed ponding area on the east side of the property, per the site plan presented at the Council meeting on August 4, 2014.
23. The existing gazebo and community garden shall be relocated, as depicted on the site plan presented at the Council meeting on August 4, 2014.
24. The outdoor and indoor facilities and amenities provided on the west property for Yorktown Gardens shall be shared with the residents of the east property, Yorktown Continental, in perpetuity.

Adopted by the City Council of the City of Edina, Minnesota, on August 4, 2014.

ATTEST: \_\_\_\_\_  
Debra A. Mangan, City Clerk

\_\_\_\_\_  
James B. Hovland, Mayor

STATE OF MINNESOTA            )  
COUNTY OF HENNEPIN        )SS  
CITY OF EDINA                 )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of August 4, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
City Clerk