Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: May 11, 2010

To: Council Member Gary Schiff, Chair of Zoning and Planning Committee

Referral to: Zoning and Planning Committee

Subject: Referral from the May 10, 2010 City Planning Commission Meeting

Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:
6. Minneapolis Public Housing Authority (MPHA) Memory Care Facility, 901 4th Ave N, Becca Farrar, Sr Planner, x3594

Community Impact (use any categories that apply)
Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached
The attached report summarizes the actions taken at the City Planning Commission meeting held on May 10, 2010. The findings and recommendations are respectfully submitted for the consideration of your Committee.

REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis

The Minneapolis City Planning Commission, at its meeting on May 10, 2010 took action to **submit the attached comment** on the following items:

6. Minneapolis Public Housing Authority (MPHA) Memory Care Facility (BZZ-4766 and PL-242, Ward 5), 901 4th Ave N (Becca Farrar).

A. Rezoning: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a petition to rezone the property located at 901 4th Ave N from the R4 (Multiple-family) district to the OR2 (High Density Office Residence) district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 901 4th Ave N from the R4 district to the OR2 district.

Department of Community Planning and Economic Development – Planning Division

Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-4766
Preliminary and Final Plat
PL-242

Date: May 10, 2010

Applicant: ESG Architects, Attn: Aaron Roseth, 500 Washington Avenue South, Minneapolis, MN 55415, (612) 373-4643

Addresses of Property: 901 4th Avenue North

Project Name: Minneapolis Public Housing Authority (MPHA) Memory Care Facility

Contact Person and Phone: ESG Architects, Attn: Aaron Roseth, 500 Washington Avenue South, Minneapolis, MN 55415, (612) 373-4643

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

Date Application Deemed Complete: April 9, 2010

End of 60-Day Decision Period: June 7, 2010

End of 120-Day Decision Period: On April 26, 2010, Staff sent a letter to the applicant extending the decision period to no later than August 6, 2010

Ward: 5 **Neighborhood Organization:** Heritage Park Neighborhood Association

Existing Zoning: R4 (Multi-family) District

Proposed Zoning: OR2 (High Density Office Residential) District

Zoning Plate Number: 13

Lot area: 33,428 square feet or approximately .76 acres

Legal Description: Outlot E, City of Minneapolis Heritage Park Plat 4, Hennepin County, Minnesota.

Proposed Use: A 48-unit assisted living facility.

Concurrent Review:

- Petition to rezone the subject parcel from the R4 (Multiple-family) district to the OR2 (High Density Office Residence) district.

- Conditional Use Permit for a 48-unit assisted living facility.
- Variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building.
- Variance of the interior side yard setback along the south property line to allow parking within the required yard – *returned to the applicant.*
- Variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard.
- Site Plan Review for a 4-story, 48-unit assisted living facility in the OR2 district.
- Preliminary and Final Plat.

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

Background: The applicant proposes to construct a 4-story, 48-unit assisted living facility on the property located at 901 4th Avenue North. The subject site is located at the southwest corner of 4th Street North and Bryant Avenue North. The subject site is part of a larger outlot located in the Heritage Park neighborhood/redevelopment area. The applicant is proposing to rezone the entire outlot, although the proposed assisted living facility would be located only on the east side of the site. A separate development proposal for the west side of the site (BZZ-4767) is proposed to include a community center. Both developments are being proposed by the Minneapolis Public Housing Authority (MPHA). While the developments are being processed separately, they are integrated facilities with programming overlap. In addition to the proposed rezoning from R4 to OR2, a conditional use permit is required for the assisted living facility. Several yard variances are also required based on the proposal which will be detailed below, as well as site plan review and a preliminary and final plat.

The assisted living facility would be designed to incorporate several sustainable features. The facility would house two distinct programs; 1) memory care services for those who are experiencing various stages of memory loss; and 2) assisted living services for older adults needing a supported living situation.

The MPHA provides programs and services for public housing residents and Section 8 participants. MPHA manages over 40 high-rises, various single-family developments, over 700 scattered site units and approximately 4,000 housing choice vouchers.

The City Attorney's office has reviewed the final plat and has indicated that it appears that the required monuments have been placed and that the required affirmations are stated on the face of the plat. It is the opinion of the City Attorney's Office that the plat is satisfactory and meets statutory requirements. Public Works has also reviewed the plat and has comments that are currently being addressed by the applicant. Please see the attachments.

Staff has not received any official correspondence on the proposed applications from the Heritage Park Neighborhood Association prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on 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, and a half block north of Glenwood Avenue which is a designated Commercial Corridor in this location. The properties immediately south of the subject site in this location lining both sides of Glenwood Avenue are zoned C3A. The properties located to the north, east and west of the site are zoned either R4 or R5. The uses within the area are varied and include residential, commercial and industrial uses. The proposal to construct a new 48-unit assisted living facility in the OR2 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."

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 OR2 district would be considered in the interest of the property owner, as it would allow for a slightly higher intensity office residential zoning classification. The amendment could also be considered beneficial to the public interest insofar as it would allow for a level of density and uses that is desirable in this location. Typically office residential zoning designations serve as transitional zoning districts. The designation of the subject parcel in this location would provide a buffer between the commercial uses lining Glenwood Avenue and the medium to high density residential zoning classifications in the vicinity.

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 R4. The site is located within an urban neighborhood, and a half block north of Glenwood Avenue which is a designated Commercial Corridor in this location. The subject site is located within a vicinity that has various uses (residential, commercial and industrial) and zoning classifications. The properties immediately south of the subject site in this location lining both sides of Glenwood Avenue are zoned C3A. The properties located to the north, east and west of the site are zoned either R4 or R5. Given the surrounding zoning classifications and uses in the area, Staff believes that the OR2 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 R4 zoning district; however, the request to rezone the property to the OR2 district is consistent with adopted policy and provides a buffer between the commercial zoning designations located along Glenwood Avenue and the residential classifications to the north of the corridor. 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 to the north, east and west were zoned similarly to what they are zoned today. The properties to the south of the site lining both sides of Glenwood Avenue were zoned M1-1 (Light Manufacturing) and M2-2 (Limited Manufacturing). There has been an ongoing change

in the character and trend of development within the general area primarily due to the redevelopment of the Heritage Park neighborhood to the north of Glenwood Avenue. It is expected that many of the industrial uses in this vicinity would transition to commercial uses in the future. Staff believes that the rezoning request is reasonable and appropriate and is consistent with adopted policy.

CONDITIONAL USE PERMIT –to allow a 48-unit assisted living facility

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

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 48-unit assisted living facility would not be expected to have negative impacts on the area. The development is proposed for seniors currently residing in public housing who need a higher level of daily services in order to continue to live independently. 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 site is currently vacant. The proposal would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for assisted living would broaden the spectrum of housing types within the neighborhood which would be expected to contribute to the further stabilization of the area.

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

   The site would be accessed off of Dupont Avenue North via a single shared curb cut. Evidence of a cross-access easement would be required prior to sign-off on any final plans. 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.

There is a final TDMP (Travel Demand Management Plan) for the site that is complete pending City signatures for formal approval. 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 of the zoning code requires a minimum of one off-street parking space per 3 beds. Therefore, based on the 48-units proposed for the site, a total of 16 parking spaces would be required for the proposed development. The applicant proposes to provide 6 off-street parking spaces on the subject site; the remaining required parking spaces would be located in a shared surface parking lot on the adjacent parcel to the west of the site. A shared parking agreement would need to be recorded at the County prior to sign-off on any final plans. There is no bicycle parking requirement for assisted living facilities. The loading requirement for the proposed development is one small loading space. A small loading space is shown on the site plan which complies with the requirement.

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

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

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, variances, site plan review and preliminary and final plat, the proposal would comply with all provisions of the OR2 District.

VARIANCE – **(1)** Variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building; **(2)** Variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard.

Findings as Required by the Minneapolis Zoning Code for the Variances:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building: The property could be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The OR2 district requires that buildings be setback 15 feet from the front property line. While the majority of the structure meets the requirement of 15 feet, a portion of the structure on the north and south ends of the U-shaped building encroach into the required yard. In this circumstance, the encroachment results in desired building articulation. Granting the front yard setback variance would have no impact on the established street face/building placement along Bryant Avenue North.

Variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard: The property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. A rear yard setback of 11 feet is required; the applicant is proposing to locate the building at a zero foot setback. The building is proposed at a setback of zero feet as a link is proposed between the assisted living facility and a new building which would be constructed on the adjacent parcel. Even though the developments are being processed separately, they are integrated MPHA projects. Due to the integrated nature of the proposals and the layout of the sites, allowing larger walkways and ground level patios within the required rear yard is a reasonable use of the subject site and would not have negative impacts on the adjacent property.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building: The circumstances could be considered unique as the parcel is located along two street frontages and is subject to a front yard setback and corner side yard setback. The majority of the structure does adhere to the required setback; however, the end extensions of the building encroach approximately 4 feet, 4 inches. Planning Staff believes that the request is reasonable based on the circumstances, and that the slight encroachments create desired building articulation along the front lot line.

Variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard: The circumstances could be considered unique due to the integrated nature of the proposed development with the adjacent property as well as the platting proposed for the subject site. The encroachments proposed are reasonable given the configuration of the two developments.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building: The granting of the variance to allow the structure to encroach approximately 4 feet, 4 inches for a small portion of the structure would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As previously mentioned, the variance would have no impact on the established street face/building placement along Bryant Avenue North.

Variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard: The granting of the variance to allow the building to be located at a zero foot setback, and to allow larger walkways and patios within the required rear yard would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity in this circumstance. While the site is being developed separately from the adjacent site, the developments are integrated. Due to the configuration of the sites and the proposed underlying platting, allowing the proposed encroachments would be reasonable in this situation.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building: The granting of the front yard setback variance for a small portion of the structure would not be expected to have any impact on the congestion of the public street, an increase in the danger of fire, be detrimental to the public welfare or endanger the public safety.

Variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard: The granting of the rear yard variance to allow the building, walkways and patios encroachments in the required would not be expected to substantially increase the congestion of the public street, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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, 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 all sides of the property. There is a front yard requirement of 15 feet along Bryant Avenue North and a corner side yard requirement of 14 feet along 4th Avenue North. The interior side yards and rear yard adjacent to the south and west property lines have a setback requirement as well. A singular U-shaped, principal structure would be located on the subject site which would consist of a 48-unit assisted living facility. The building is oriented towards both street frontages; however, entries to the building on both facades are recessed significantly from the property line. Along Bryant Avenue North, the designated

front yard, due to the shape of the building, the location of the entry within the recessed portion of the U-shaped building, and the proposed gated courtyard, is located nearly 70 feet from the property line. Along 4th Avenue North, the designated corner side yard, the location of the entry is located nearly 80 feet from the property line, although fountains, a seating area, a pergola and other features are located between the entry and the property line. Based on the configuration of the building, it is clear that the true principal entrance to the facility would be located off of 4th Avenue North and that the entry facing Bryant Avenue North is more of a secondary entrance. There is also an entrance located on the rear elevation of the building near the parking and drop-off area which leads into a common lobby area with the entrance off of 4th Avenue North which would be expected to be used as a principal entrance as well.

While the proposed development could have improved street-oriented building alignments, the development would incorporate the use of progressive design. The design also maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation between, through and around the subject site. The area between the building and the public streets would have new shrub and tree plantings along both street frontages.

The façade of the building along both street frontages incorporates windows that exceed the 20% window requirement. The east elevation of the building along Bryant Avenue North incorporates 25% windows, and the north elevation of the building along 4th Avenue North incorporates 32% windows. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses at the ground level on all elevations. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

A portion of the west and south building elevations that face the on-site surface parking lot located are also required to meet the 20% window requirement. The west elevation has 13% windows; the south elevation has zero windows. Alternative compliance would be necessary. Based on the configuration of the floor plans in both locations, it would not be practical to require compliance with this provision. Along the west elevation, additional windows would need to be included in a bedroom. The building wall where the windows would need to be inserted abuts a large generator and transformer. The south elevation in this location is composed of an electrical and information technology room as well as the trash and recycling area. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance.

The building complies with the active functions provision as outlined above.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The

materials on the proposed structure would include horizontal fiber cement lap siding of varying widths, vertical fiber cement lap siding and stone. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the elevations.

There is a 6 space surface parking lot located on the subject site that is accessed from the adjacent property to the west via Dupont Avenue North. The remaining parking required for the development is proposed to be provided on the adjacent site. Both cross access easements and a shared parking agreement must be recorded prior to final sign-off on any plans.

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.**

The principal entries located along both street frontages are connected to the public sidewalk via walkways that are greater than 4 feet in width.

There are no transit shelters within the development, however, the site is located in close proximity to a bus line that runs along Glenwood Avenue.

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

There would not be expected to be significant impacts on the adjacent residential properties in the vicinity. The setback variances requested for the proposed development are predominantly related to permitted obstructions or located at the interior of the site.

There is no public alley adjacent to the site.

The site has been designed to minimize the use of impervious surfaces through the use of landscaping throughout the site as the proposal meets the 20% requirement; however, 65% of the total site is composed of impervious surfaces.

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 proposal meets the 20% landscape requirement. The total site area is 33,428 square feet or .76 acres and the proposed building footprint on the site would be 15,357 square feet. A total of 3,614 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing 11,510 square feet or approximately 64% of the site not occupied by buildings. The zoning code requires that there be at least 8 trees and 37 shrubs. The applicant is proposing to provide 6 canopy trees, 4 ornamental trees, 103 deciduous shrubs, 45 coniferous shrubs various perennials, grasses and vines. The proposal is not meeting the canopy tree requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require that the development comply with the required canopy tree requirement.

Planning Staff is concerned with the landscape plantings proposed adjacent to the 6-foot tall vinyl coated chain-link fence on the south side of the site. The applicant is currently proposing to plant perennials in this location. Planning Staff would recommend that the Planning Commission require evergreen trees, columnar type arborvitae plantings and various shrubs to provide year round greenery and a better buffer.

A 7-foot landscaped yard and screening is required adjacent to the rear property line. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the surface parking proposed on the subject site, and the surface parking to be proposed on

the adjacent parcel are integrated and shared between the two developments. It would not be practical due to these circumstances to require compliance.

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.**

There are 6 surface parking stalls proposed on the subject site for the development. All remaining required parking would be provided on the adjacent development parcel. A cross access easement and a shared parking agreement must be executed prior to final sign-off on plans. The off-street parking spaces are accessed via the adjacent parcel to the west off of Dupont Avenue North. The site has been designed to accommodate on-site retention and filtration.

Staff would not expect the proposal to result in the blocking of significant views. The proposed structure would be expected to have minimal 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.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans. The site has been developed in such a manner that it appears to adhere to the crime prevention standards outlined in the Zoning Code. The site appears to have adequate site lighting and the window openings that are provided allow for adequate natural surveillance and visibility.

The site is vacant. There are no historic structures on the subject site.

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 is conditional in the OR2 District.

With the approval of the rezoning, conditional use permit, variances, site plan review and preliminary and final plat this development would meet the requirements of the OR2 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 requires a total of 16 off-street parking spaces for the proposed assisted living facility or one off-street parking space per 3 beds. The applicant is proposing to provide 6 off-street parking spaces on the subject site, and would provide the 10 additional parking spaces in a shared capacity with the development proposed on the adjacent site. A shared parking agreement would need to be recorded at the County prior to final sign-off on any plans.

Maximum automobile parking requirement: The maximum automobile parking allowed for an assisted living facility is one space per bed, or 48 off-street parking spaces. The subject development is compliant with the maximum automobile parking provision.

Bicycle parking requirement: The bicycle parking provision is not applicable as there is no bicycle parking requirement for assisted living facilities.

Loading: The minimum loading requirement for an assisted living facility totaling approximately 47,000 square feet is one small space. The development complies with the provision as a small loading space is located on the south side of the site.

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. The development complies with this provision as there is a trash and recycling room located on the south side of the structure adjacent to the turn-around/surface parking spaces.

Signs: The signage proposed for the facility appears to comply with the applicable Chapter 543 standards outlined in the Zoning Code. A separate permit will need to be attained through the Zoning Office for the proposed signage.

Lighting: The applicant is proposing to install decorative pedestrian and wall mounted light fixtures throughout the site. A photometric plan was submitted as part of the application and will be required with the final submittal. 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 assisted living facilities in the OR2 district is the gross floor area of the building which would be 46,659 square feet divided by the area of the lot which is 33,428 square feet. The outcome is 1.40 which is less than the maximum of 2.5 that is permitted in the OR2 District. The proposal is in compliance with this requirement.

Minimum Lot Area: The project would meet the minimum lot area requirements for an assisted living facility in the OR2 district as the development is situated on a lot greater than 20,000 square feet in size.

Dwelling Units per Acre: Not applicable for this provision.

Height: Maximum building height for principal structures located in the OR2 district is 4 stories or 56 feet, whichever is less. The structure as proposed is 4 stories or 45 feet tall.

Yard Requirements: The required yards are as follows:

- *Front yard - Bryant Avenue North:* 15 feet
- *Corner side yard - 4th Avenue North (8 +2x):* 14 feet
- *Interior side yard/rear yard (5+2x):* 11 feet

Building coverage: The maximum building coverage in the OR2 district is 70 percent. Buildings would cover approximately 46 percent of the site.

Impervious surface area: The maximum impervious surface coverage in the OR2 district is 85 percent. Impervious surfaces would cover approximately 66 percent of the site.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

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

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

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:

 20% window requirement: A portion of the west and south building elevations that face the on-site surface parking lot located are also required to meet the 20% window requirement. The west elevation has 13% windows; the south elevation has zero windows. Alternative compliance would be necessary. Based on the configuration of the floor plans in both locations, it would not be practical to require compliance with this provision. Along the west elevation, additional windows would need to be included in a bedroom. The building wall where the windows would need to be inserted abuts a large generator and transformer. The south elevation in this location is composed of an electrical and information technology room as well as the trash and recycling area. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance.

 Landscape quantities: The zoning code requires that there be at least 8 trees and 37 shrubs. The applicant is proposing to provide 6 canopy trees, 4 ornamental trees, 103 deciduous shrubs, 45 coniferous shrubs various perennials, grasses and vines. The proposal is not meeting the canopy tree requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require that the development comply with the required canopy tree requirement.

 Required landscape yard and screening: A 7-foot landscaped yard and screening is required adjacent to the rear property line. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the surface parking proposed on the subject site, and the surface parking to be proposed on the adjacent parcel are integrated and shared between the two developments. It would not be practical due to this circumstances to require compliance.

PRELIMINARY AND FINAL 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 except for Section 598.240 (2) [a], which requires that no lot shall be created that has more than five (5) sides. In order to be in conformance with the land subdivision regulations, a variance of Section 598.240 (2) [a] is required for the number of sides permitted for a residential lot. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

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

(1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The site would be a fully developed property with a new 48-unit assisted living facility 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 would recommend approval of the variance to allow the newly created lot to exceed 5 sides.

ZONING CODE

With the approval of the rezoning, conditional use permit, variances, site plan review and preliminary and final plat, this development would meet the applicable requirements of the OR2 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 lots out of a platted outlot for future development. 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.

The site is predominately flat and 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.

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 property located at 901 4th Avenue North from the R4 district to the OR2 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 application for a conditional use permit to allow a 48-unit assisted living facility on the property located at 901 4th Avenue North subject to the following conditions:

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 variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the front yard setback along the east property line adjacent to Bryant Avenue North from 15 feet to 10 feet, 8 inches for the proposed building on the property located at 901 4th Avenue North.

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

The variance of the interior side yard setback along the south property line to allow surface parking has been **returned.**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard on the property located at 901 4th Avenue North.

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 adopt the above findings and **approve** the site plan review application for property located at 901 4th Avenue North subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.

2. All site improvements shall be completed by June 18, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. The final landscape plan must incorporate the landscape quantities required in Section 530.160 of the Zoning Code.

4. The applicant shall work with Planning Staff to improve the landscaping located on the south side of the site by including evergreen trees, columnar type arborvitae plantings and various shrubs in order to provide year round greenery and a better buffer.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application, including the variance of the required number of lot sides for the property located at 901 4th Avenue North.

Attachments:

1. Rezoning Matrix
2. Statement of use and description
3. CUP and Variance Findings
4. Correspondence – CM Samuels, Heritage Park Neighborhood Association, etc.
5. Zoning map
6. Plans – site survey, site plan, floor plans, elevations, landscape plans
7. Pictures of the existing conditions
8. PDR notes

Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
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(612) 673-2157 TDD

MEMORANDUM

DATE: May 11, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of May 10, 2010

The following actions were taken by the Planning Commission on May 10, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Bates, Carter, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 8

Not present: Bourn and Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

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6. Minneapolis Public Housing Authority (MPHA) Memory Care Facility (BZZ-4766 and PL-242, Ward 5), 901 4th Ave N (Becca Farrar).

A. Rezoning: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a petition to rezone the property located at 901 4th Ave N from the R4 (Multiple-family) district to the OR2 (High Density Office Residence) district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 901 4th Ave N from the R4 district to the OR2 district.

B. Conditional Use Permit: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a conditional use permit for an assisted living facility located at 901 4th Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a 48-unit assisted living facility on the property located at 901 4th Ave N subject to the following conditions:

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.

C. Variance: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a variance of the front yard setback along the east property line adjacent to Bryant Ave N from 15 feet to 10 feet, 8 inches for the proposed building located at 901 4th Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard setback along the east property line adjacent to Bryant Ave N from 15 feet to 10 feet, 8 inches for the proposed building on the property located at 901 4th Ave N.

D. Variance: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a variance of the interior side yard setback along the south property line to allow parking within the required yard for the property located at 901 4th Ave N.

Action: The variance of the interior side yard setback along the south property line to allow surface parking has been **returned**.

E. Variance: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard for the property located at 901 4th Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the rear yard setback along the west property line from 11 feet to 0 feet at the closest point for the building, to allow walkways greater than 6 feet in width, and to allow ground level patios greater than 50 square feet in area that project more than 4 feet into the required yard on the property located at 901 4th Ave N.

F. Site Plan Review: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a site plan review for the property located at 901 4th Ave N.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 901 4th Ave N subject to the following conditions:

2. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
3. All site improvements shall be completed by June 18, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. The final landscape plan must incorporate the landscape quantities required in Section 530.160 of the Zoning Code.

5. The applicant shall work with Planning Staff to improve the landscaping located on the south side of the site by including evergreen trees, columnar type arborvitae plantings and various shrubs in order to provide year round greenery and a better buffer.

G. Plat: Application by ESG Architects, on behalf of Minneapolis Public Housing Authority (MPHA), for a preliminary and final plat for the property located at 901 4th Ave N.

Action: The City Planning Commission adopted the findings and **approved** the preliminary and final plat application, including the variance of the required number of lot sides for the property located at 901 4th Ave N.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Huynh seconded).

The motion carried 6-0 (Gorecki recused).