

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit and Site Plan Review
BZZ-4736

Date: April 26, 2010

Applicant: Hongjoo Lee with Golden Nest

Addresses of Property: 1918 19th Avenue Northeast

Project Name: Golden Nest

Contact Person and Phone: Miwon Pae with ReMax, (612) 723-6969

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 29, 2010

End of 60-Day Decision Period: May 28, 2010

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

Ward: 1 **Neighborhood Organization:** Windom Park

Existing Zoning: R3, Multiple-family District

Proposed Zoning: R4, Multiple-family District

Zoning Plate Number: 10

Legal Description: Lots 1, 2, 3, 10, 11 and 12 including the adjacent half of the vacated alley, Block 1, Kletzin's 3rd Addition to Minneapolis

Proposed Use: Assisted living facility

Concurrent Review:

Rezoning: of the property located at 1918 19th Avenue Northeast from the R3 zoning district to the R4 zoning district.

Conditional use permit: for an assisted living facility.

Site plan review.

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

Background: The original building on the site was constructed in 1923 for Lutheran Social Services as a shelter for single mothers until 1963. Between 1963 and 1976 the building was used as a Board and

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Care facility for 25 vulnerable adults and then between 1976 and 2008 the building was used as a community residential facility for 24 adults who were mentally retarded, mentally ill, recovering alcoholics or retirees. In 1999 the operator of the community residential facility received approvals for a one-story addition off of the back of the building which has since been built.

Since January of 2009 the building has been vacant. The applicant is proposing to renovate the interior of the building and open an assisted living facility for up to 32 people. The interior renovations include updating the bathrooms and kitchen and converting existing office space into additional sleeping rooms.

The property is currently zoned R3, Multiple-family District. Assisted living facilities are first allowed in the R4 zoning district so the applicant has applied to rezone the property to the R4, Multiple-family District. Assisted living facilities also require a conditional use permit. In addition, since more than five new sleeping rooms are being created as part of the interior remodel site plan review is required.

REZONING: of the property located at 1918 19th Avenue Northeast from the R3 zoning district to the R4 zoning district

Findings as Required by the Minneapolis Zoning Code:

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

This site is located on the southwest corner of 19th Avenue Northeast and Arthur Street Northeast. The site is located four blocks west of Stinson Parkway and four blocks east of Johnson Street Northeast. Johnson Street Northeast is a designated Community Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located one block north of the designated Quarry Center Drive and 35W Major Retail Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- 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 (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Implementation Step for Land Use Policy 1.8).
- Through attention to the mix and intensity of land uses and transit services, the City will support development along Community Corridors that enhances residential livability and pedestrian scale (Land Use Policy 1.9).
- Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas (Implementation Step for Land Use Policy 1.9).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).

- Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes (Implementation Step for Housing Policy 3.2).

The Planning Division believes that the proposed zoning amendment is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The site is located within close proximity to a designated Community Corridor and a Major Retail Center. In addition, the site abuts a high-density residential area located immediately to the south. The Urban Neighborhood classification allows some changes to take place that are “of similar density” in relation to the existing context. Rezoning from R3 to R4 does not represent a substantial increase in density.

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

The amendment will allow the property owner to convert the former community residential facility serving 24 people to an assisted living facility serving up to 32 people. City policymakers have identified Johnson Street Northeast as a Community Corridor and the area near Quarry Center Drive and 35W as a Major Retail Center. Approving this rezoning supports the City’s decision to increase housing along these land use features.

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 block that the subject property is located has a mixture of zoning districts including R1A, R2B, R3 and R5. The properties to the north are zoned R1A, the properties to the east are zoned R1A and R3, the properties to the south are zoned R5 and the properties to the west are zoned R1A and R2B. The surround area is primarily residential with density counts ranging from single family home to multiple family developments. In addition, the Quarry shopping center is located one block to the south of the site. Given the mixture of surrounding zoning classifications and uses the Planning Division believes that the R4 zoning district would be compatible with the surrounding area.

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.

Permitted uses in the R3, Multiple-family District include the following:

- Single-family dwelling
- Two-family dwelling
- Multiple family dwelling, three and four units
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

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.

Two major changes have occurred in the area since this parcel of land was zoned R. In December of 1991 the Minneapolis City Council approved a 40-acre zoning study which down zoned much of the City's R3 zoned parcels to an R1 or R2 zoning designation. The subject property was not impacted by this rezoning study nor were the multiple-family dwellings to the east and south of the site. However, most of the properties to the north and west were down zoned. The other major change in the area was the construction of the Quarry shopping center in the late 1990's. This development converted a former industrial site to what is now a designated Major Retail Center.

CONDITIONAL USE PERMIT: for an assisted living facility

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that approving a conditional use permit for an assisted living facility would be detrimental to or endanger the public health, safety, comfort or general welfare. Since the building was first constructed in 1923 the building has been occupied by a congregate living type of use. Assisted living facilities are licensed by the State of Minnesota and are therefore inspected on a regular basis.

2. The conditional use 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 Planning Division does not believe that approving a conditional use permit for an assisted living facility will 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. Again, using the building as an assisted living facility will be similar to how it has been used for the past eighty plus years.

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

The applicant will be working 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 to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The minimum parking requirement for an assisted living facility is one space per every three beds. There will be up to 32 residents in the building so the minimum parking requirement is eleven spaces. There are a total of twelve parking spaces provided on the site. Four of them are located in a garage and seven of them are located in a surface parking area on the site.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

This site is located on the southwest corner of 19th Avenue Northeast and Arthur Street Northeast. The site is located four blocks west of Stinson Parkway and four blocks east of Johnson Street Northeast. Johnson Street Northeast is a designated Community Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located one block north of the designated Quarry Center Drive and 35W Major Retail Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- 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 (Land Use Policy 1.8).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).
- Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes (Implementation Step for Housing Policy 3.2).
- Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).
- Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time (Implementation Step for Housing Policy 3.6).

The Planning Division believes that this development will be in compliance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permit and site plan review this development will meet the applicable regulations of the R4 zoning district.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - 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.

- **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.**

- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **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. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- The building is existing and no changes are proposed. It should be noted that changes cannot be made to the building that would reduce the amount of window openings and the ground floor of the building must adhere to the active functions requirement of the zoning code.

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.**

PLANNING DEPARTMENT RESPONSE:

- The building is existing and no changes are proposed. An existing walkway connects the front entrance to the public sidewalk.
- No transit shelters are proposed as part of this development.
- There is one curb cut along 19th Avenue Northeast that provides access to the off-street parking area. There will be a total of twelve parking spaces provided on the site. Four of them are located in a garage and seven of them are located in a surface parking area on the site. The surface parking area needs to be re-striped as the existing striping has faded. The Planning Division is recommending that the surface parking area be restriped.
- The site is adjacent to the public alley on the block but there will be no vehicular access to it from this property.
- The maximum impervious surface requirement in the R4 zoning district is 85 percent. The size of the parcel is 38,871 square feet in size. According to the information that was submitted there is approximately 12,931 square feet of impervious surfaces on the site or 33 percent of the site.

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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the entire site is 38,871 square feet. The footprint of the buildings is 4,966 square feet. When you subtract the footprint from the lot size the resulting number is 33,905 square feet. Twenty percent of this number is 6,781 square feet. According to the information that was submitted there is approximately 25,940 square feet of landscaping on the site or approximately 67 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 14 and 58 respectively. There is significant landscaping on the site. The exact number of trees and shrubs is unknown as a detailed landscaping plan was not submitted since the applicant was not proposing to make any changes to the site. However, since the Planning Division is recommending that changes be made to the site a detailed landscaping plan will need to be submitted. The Planning Division is recommending that the minimum tree and shrub requirement be met on the site.
- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. There is no landscaped yard located between the public sidewalk and the parking area along 19th Avenue Northeast. The Planning Division is recommending that the existing asphalt located between the public sidewalk and the parking area be removed and that landscaping be installed in this location. The landscaped area shall extend 35 feet back from the public sidewalk as that is all a required front yard given the placement of the adjacent single-family home.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. There is no screening located between the public sidewalk and the parking area along 19th Avenue Northeast. The Planning Division is recommending that the existing asphalt located between the public sidewalk and the parking area be removed and that landscaping be installed. The landscaping shall be three feet in height and equal to 60 percent opacity.
- The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district. The west property line abuts other property in a residence district. According to the information that was submitted there is no landscaping located along the west property line. Historically the parking lot has extended up to the west property line. There is a six-foot high solid wood fence located along the west property line and there are concrete bollards located along the fence in order to prevent vehicles from driving through the fence. The garage is located perpendicular to the surface parking area and is 38 feet in width. Given this layout the driveway ranges between 22 and 38 feet in width.

Since the vehicles that park in the garage utilize the wider portion of the driveway it cannot be reduced in width to accommodate a seven-foot wide landscaped yard along the west property line. Since the area is appropriately screened the Planning Division is recommending that the City Planning Commission grant alternative complete to allow there to be no landscaped yard along the west property line.

- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district. According to the information that was submitted there is a six-foot high solid wood fence located along the interior property line which screens the parking lot from the adjacent single-family home.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The parking lot is 44 feet in width. This width requires that two canopy trees be planted along 19th Avenue Northeast. There are no canopy trees located between the public sidewalk and the parking area along 19th Avenue Northeast. The Planning Division is recommending that a minimum of two canopy trees be planted in the landscaped yard between the public sidewalk and the parking area.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. The surface parking area contains fewer than 10 parking spaces. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. There are no tree islands in the parking lot.

ADDITIONAL STANDARDS:

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

PLANNING DEPARTMENT RESPONSE:

- Currently runoff from the parking area drains towards the public street and sidewalk. The Planning Division is recommending that the landscape area that will be installed between the public sidewalk and the parking area be designed to allow runoff from the parking area to drain into it.
- The building is existing and no changes are proposed that would affect views, shadowing, or wind currents.
- The site plan complies with crime prevention design elements as the building entrances are well defined, there are windows where people can see in and out along all levels of the building and there are lights located near all of the entrances.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Assisted living facilities are a conditional use in the R4 zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for an assisted living facility is one space per every three beds. There will be up to 32 residents in the building so the minimum parking requirement is eleven spaces. There are a total of twelve parking spaces provided on the site. Four of them are located in a garage and seven of them are located in a surface parking area on the site.

Maximum automobile parking requirement: The maximum parking requirement for an assisted living facility is one space per bed. There will be up to 32 residents in the building so the maximum parking requirement is 32 spaces.

Bicycle Parking: The bicycle parking requirement for an assisted living facility is one space per four beds, not to exceed eight spaces. The bicycle parking requirement for this development is eight. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units.

Existing buildings have grandfathered rights from the bicycle parking requirements. However, for uses that are intensified the bicycle parking requirement for the intensification needs to be provided. In this case the intensification is a total of eight beds which has a bicycle parking requirement of two spaces. The Planning Division is recommending that there be two bicycle parking spaces provided in the garage which meets the standard for long-term bicycle parking.

Loading: There is no loading space required for this development.

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- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** No changes are proposed to the location of the building. The setback requirements for the parking lot are 34 feet along 19th Avenue Northeast and seven feet along the west interior side yard. These setbacks are going to be met except the setback along the west interior side yard. Since this parking is grandfathered the location of it is too except that required landscaping must be provided (see alternative compliance section below).
- **Specific Development Standards:** Board and care homes, nursing homes and assisted living facilities are subject to specific development standards:
 - On-site services shall be for residents of the facility only.
 - The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
 - To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
 - An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the R4 zoning district, assisted living facilities are allowed to have one nonilluminated, flat wall sign not exceeding 32 square feet in size and not taller than 14 feet or top of wall, whichever is less. On a corner lot, two such signs per building are allowed. In addition, one monument sign not exceeding 32 square feet in area and eight feet in height is allowed. Either the wall sign or the monument sign, but not both, may be illuminated. The applicant is not proposing any signage at this time.
- **Refuse storage:** The refuse and recycling containers are currently located along the west side of the garage. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 Planning Division is recommending that the refuse and recycling containers be enclosed per these standards.

- **Lighting:** Lighting exists at the site.

MINNEAPOLIS PLAN:

This site is located on the southwest corner of 19th Avenue Northeast and Arthur Street Northeast. The site is located four blocks west of Stinson Parkway and four blocks east of Johnson Street Northeast. Johnson Street Northeast is a designated Community Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located one block north of the designated Quarry Center Drive and 35W Major Retail Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- 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 (Land Use Policy 1.8).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).
- Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes (Implementation Step for Housing Policy 3.2).
- Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).
- Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time (Implementation Step for Housing Policy 3.6).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).
- Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses (Implementation Step for Urban Design Policy 10.18).

The Planning Division believes that once the recommended landscaping changes have been implemented the development will be in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator 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.**

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district.** The west property line abuts other property in a residence district. According to the information that was submitted there is no landscaping located along the west property line. Historically the parking lot has extended up to the west property line. There is a six-foot high solid wood fence located along the west property line and there are concrete bollards located along the fence in order to prevent vehicles from driving through the fence. The garage is located perpendicular to the surface parking area and is 38 feet in width. Given this layout the driveway ranges between 22 and 38 feet in width. Since the vehicles that park in the garage utilize the wider portion of the driveway it cannot be reduced in width to accommodate a seven-foot wide landscaped yard along the west property line. Since the area is appropriately screened the Planning Division is recommending that the City Planning Commission grant alternative complete to allow there to be no landscaped yard along the west property line.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the Minneapolis City Council adopt the above findings and **approve** the rezoning of the property located at 1918 19th Avenue Northeast from the R3 zoning district to the R4 zoning district.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for an assisted living facility located at 1918 19th Avenue Northeast 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 site plan review:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 1918 19th Avenue Northeast subject to the following conditions:

1. Changes cannot be made to the building that would reduce the amount of window openings.
2. The ground floor of the building must adhere to the active functions requirement of the zoning code.
3. The surface parking area shall be restriped as required by section 541.330 of the zoning code.
4. There shall be at least 14 trees and 68 shrubs provided on the site as required by section 530.160 of the zoning code.
5. The existing asphalt located between the public sidewalk and the parking area shall be removed and landscaping shall be installed as required by section 530.170 of the zoning code. The landscaped area shall extend 35 feet back from the public sidewalk.
6. Screening three feet in height and equal to 60 percent opacity shall be installed in the landscape area located between the public sidewalk and the parking area as required by section 530.170 of the zoning code.
7. There shall be a minimum of two canopy trees planted in the landscaped yard between the public sidewalk and the parking area as required by section 530.170 of the zoning code.
8. The landscape area that will be installed between the public sidewalk and the parking area shall be designed to allow runoff from the parking area to drain into it.
9. There shall be at least two bicycle parking spaces provided in the garage.
10. The refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 as required by section 535.80 of the zoning code.
11. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
12. All site improvements shall be completed by May 28, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development – Planning Division
BZZ-4736

Attachments:

1. Statement of proposed use and description of project
2. Responses to the conditional use permit findings
3. March 5, 2010, e-mail from Windom Park Citizens in Action
4. Zoning map
5. Site plan, floor plans and elevations
6. Photos of the site