

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permit, Variances, and Site Plan Review
BZZ-3754

Date: October 1, 2007

Applicant: Covenire Care, LLC

Address of Property: 3717 23rd Avenue South

Project Name: Nokomis Senior Living Community

Contact Person and Phone: Kathleen Conlan – Shelter Corporation 952-358-5100

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: August 29, 2007

End of 60 Day Decision Period: October 28, 2007

Date Extension Letter Sent: September 10, 2007

End of 120 Day Decision Period: December 27, 2007

Ward: 9 **Neighborhood Organization:** Standish-Ericsson

Existing Zoning: R4 Multiple-family Residential District and PO Pedestrian Oriented Overlay District.

Proposed Zoning: OR2 High Density Office Residence District

Zoning Plate Number: 27

Legal Description: Lots 13 through 21, Block 2, Marbles Addition to Minneapolis

Proposed Use: A four-story 77-unit assisted living facility.

Concurrent Review:

Rezoning: Rezoning from R4 Multiple-family Residential District to the OR2 High Density Office Residence District.

Conditional Use Permit: To allow a 77-unit assisted living facility.

Variance: To reduce the west side front yard setback on 23rd Avenue South from 15 feet to 11 feet to allow parking in the setback.

Variance: To reduce the required number of loading spaces from 2 to 1.

Variance: To allow parking between the principal structure and the front lot line.

Variance: To allow parking within 6 feet of a dwelling unit (no longer needed).

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow the building to be setback further than 15 feet from the property line.

CPED Planning Division Report

BZZ-3754

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow a driveway to be wider than 20 feet (no longer needed)

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow a parking area to exceed 60 feet of street frontage.

Variance: Of the PO Pedestrian Oriented Overlay District to reduce the required amount of bicycle parking spaces.

Site Plan Review: For a 77-unit assisted living facility.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Article VII Conditional Use Permits; Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements...”; Section 525.520(6) “To reduce the applicable loading requirement...”; Section 525.520(8) “To permit parking that cannot comply with the location requirement...”; Section 525.520(20) “To vary the standards of any overly district...”; and Chapter 530, Site Plan Review.

Background: Covenire Care proposes a four-story 77-unit assisted living facility at 3717 23rd Avenue South. This site is currently a parking lot for the Providence Place Nursing Home across 23rd Avenue to the west. The development will have underground parking and a surface lot that will provide the required parking for the Providence Place facility and the new assisted living facility. In addition, it will have a small beauty parlor at the south west corner of the building.

The applicant proposes to rezone the site from the R4 Multiple-family Residence District to the OR2 High Density Office Residence District. A 77-unit assisted living facility requires a conditional use permit and site plan review. In addition, the project requires variances for parking location, building location, loading requirements and from some of the standards of the PO District.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

REZONING (from R4 Residential to OR2 Office Residence)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan designates the intersection of 38th Street and 23rd Avenue South as a neighborhood commercial node and as a part of the 38th Street Transit Station Area. East 38th Street is a community corridor.

The plan states the following about neighborhood commercial nodes: “Neighborhood Commercial Nodes are the small-scale service locations and focal points for neighborhoods. Their character is defined by the limited impact and scale of businesses operating in these locations, making them good neighbors to the largely low-density residential areas that surround them. Commercial uses in Neighborhood Commercial Nodes operate with little negative impact on their neighborhoods, such as the production of fumes or noise or negative aesthetics, or even blight through minimal or deferred maintenance of buildings and land. These areas are generally pedestrian oriented in scale and design.

CPED Planning Division Report
BZZ-3754

Neighborhood commercial nodes have usually developed at intersections, and the intersecting streets are often designated as community corridors. Related to the city's historical growth pattern, these nodes generally consist of traditional commercial storefront buildings, and maintain a building typology that is appropriate for the surrounding residential neighborhoods.”

The plan has the following relevant policies and implementation steps for commercial nodes:

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Implementation Steps

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Direct other uses that act as neighborhood focal points (institutional, cultural or social) to locate at Neighborhood Commercial Nodes.

Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors.

Promote medium density residential development around Neighborhood Commercial Nodes (see also Community Corridors policy in this chapter).

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.

Promote traditional urban form in terms of building siting and massing when undertaking new development in Neighborhood Commercial Nodes. (See discussion of traditional urban form in Chapter 9.)

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities.

Promote transit stops and bicycle parking and storage in Neighborhood Commercial Nodes.

The plan has the following relevant housing police and implementation steps:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

CPED Planning Division Report
BZZ-3754

The plan has the following policy and implementation steps for Transit Station Areas (TSAs):

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Explore and pursue opportunities to integrate development with transit stations.

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

The 38th Street Station Area Plan was adopted by the City Council on October 20, 2006. Policy 3.1 of the plan indicates that focal points for neighborhood retail and services, whether stand-alone or in mixed-use buildings, shall be concentrated in certain areas including the 38th Street and 23rd Avenue South node (page 20). The plan indicates (page 37) that “the northwest corner is well suited for new multistory development. Such development should be broken into smaller segments with a scale that does not overwhelm the corner.” It shows a planned land use for this site of townhomes and stacked flats (page 35). The plan states (Policy 6.1 on page 22) that “appropriate building height depends on factors that include: size and depth of parcel, existing building heights, the height of adjacent buildings and planned land uses and intensities of the surrounding area.” Further, it suggests that in general three stories would be appropriate for this corner (pages 35 and 37).

The OR2 High Density Residential District is an appropriate district to facilitate the above noted goals of the comprehensive plan and the 38th Street Station Area Plan.

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

The rezoning will allow for the redevelopment of an underutilized parking lot with an active residential use that is appropriate on a community corridor, in a commercial node, and in a transit station area. This is in the public interest.

CPED Planning Division Report

BZZ-3754

- 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.**

There are single and two family homes and R1A and R4 Residential zoning to the north and east, C1 Commercial zoning and commercial uses to the south along 38th Street, and R4 Residential zoning and a nursing home to the west. The OR2 District would be compatible with the surrounding area and zoning as well as the expected land use at a neighborhood commercial node, community corridor, and transit station area. The R4 and OR2 Districts both allow assisted living facilities of four stories, but the OR2 District allows a larger floor area ratio and some limited office and commercial uses.

- 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.**

The R4 Multiple-family District allows a range of residential, congregate living, and institutional uses, which would be a reasonable use of the property.

- 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.**

The 38th Street corridor has seen redevelopment along its length in this area since the designation of the 38th Street LRT station and with the recent street improvements.

CONDITIONAL USE PERMIT (for a 77-unit assisted living facility)

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic 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.**

The proposed facility will provide housing for seniors, redevelop and underutilized parking lot, and provide commercial and residential density at an appropriate scale at a neighborhood commercial node and in a transit station area. The site provides landscaped buffers and setbacks from adjacent residential properties, while providing a commercial presence at the corner. It also is just above the required minimum floor area ratio of 1.0 for the 38th Street station area Pedestrian Oriented Overlay District (an FAR of 1.1), so it is not overly large for the site. With proper conditions of approval this should not be detrimental to the surrounding area.

CPED Planning Division Report

BZZ-3754

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 surrounding area is fully developed. As stated in finding number one, the site is designed to minimize impacts on nearby residential properties by providing landscaped setbacks, decorative fencing, a closure of alley access, and a building with architectural detail and windows. With conditions of approval the development should not have negative impacts on surrounding properties.

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

Utilities and access are existing and adequate for the site with recommendations in the attached PDR report. A stormwater management plan is required at the final site plan stage before permits may be issued.

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

The site meets the Fire and Public Works Department's requirements for access and circulation. Public Works requires a traffic study before permits may be issued. The site provides parking as required by the zoning code.

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

See finding number one of the rezoning section of this staff report.

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 development will conform with the applicable regulations of the OR2 District with the approval of the rezoning, variances, and site plan review.

VARIANCE (to reduce the required front yard setback on 23rd Avenue South)

Findings Required by the Minneapolis Zoning Code:

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.

There is a required 15 foot front yard setback along the 23rd Avenue frontage. The applicant proposes that part of the parking area, for approximately 75 of the frontage, encroach into this setback to 11 feet. Meeting the required setback would reduce the required drive aisles or stall depth, requiring a variance, or would cause the loss of a row of parking or landscaping along the drive access to the underground parking. This would be a hardship.

CPED Planning Division Report

BZZ-3754

- 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.**

The site currently has a large parking facility that encroaches into the setback to approximately five feet, but when the parking is removed it is no longer grandfathered. While the site is large, in order to fit the required parking, loading, maneuvering, access to the underground parking, and still provide a setback and buffer to the residential properties to the east a variance is necessary. This situation is not generally applicable to other properties in the OR2 District. The proposed 11 foot setback with landscaping is a reasonable use of the property.

- 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.**

The intent of the ordinance is to provide a separation and buffer between properties to preserve views up and down the street in the front yard setbacks. Because there is a large seven foot interior boulevard and an 11 foot setback that will provide a buffer, access to light and air, and will allow views up the street, the variance should not circumvent the intent of the ordinance.

- 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.**

The variance will allow the site to meet its required parking, so it will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to reduce the required number of loading spaces from 2 to 1)

Findings Required by the Minneapolis Zoning Code:

- 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.**

Two small (10' x 25') loading spaces are required and one large (12' x 50') is provided. The applicant has indicated that they have a variety of smaller trucks arriving at the site daily, but not in a frequency that would require two small loading spaces. Requiring two small spaces, when one large space is provided and the site demand would not necessitate this many spaces, is a hardship.

CPED Planning Division Report

BZZ-3754

- 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.**

The need for loading spaces is determined more by the use than the specific parcel of land. The applicant has indicated that this use does not create the demand for two spaces. Granting a variance to one space to more closely match the demand is a reasonable use of the property.

- 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.**

The intent of the ordinance is to provide adequate loading space for uses. The applicant has indicated that the facility will receive a variety of deliveries daily from van sized trucks and occasionally larger trucks. The proposed loading space will be adequate to meet these needs and therefore, the variance should not circumvent the intent of the ordinance.

- 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.**

One loading space should reflect the loading space needs of the use, so the variance should not generate traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to allow parking between the principal structure and the front lot line)

Findings Required by the Minneapolis Zoning Code:

- 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.**

In the residential and office residence districts parking is prohibited between the principal structure and the front lot line. At the north end of the building the applicant proposes a drop-off area and accessible spaces that are necessary to serve the older population found in assisted living facilities. Requiring the elimination of the drop off would create a less accessible entrance or would require an arrangement that would move the main entrance to the north side of the building. This would make the building less oriented to the public street and would probably eliminate some of the required parking necessitating a parking variance. This is a hardship.

CPED Planning Division Report

BZZ-3754

- 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.**

The need for a drop-off space is not necessarily applicable to most residential uses. The majority of the parking is located to the side of the building and the majority of the building is up to the setback line, so the impact of the parking and drop-off is reduced. This is a reasonable use of the property.

- 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.**

The intent of the ordinance is to preserve a pedestrian friendly residential character in residential area. Because the variance is for a small part of the building frontage, its impact will be reduced and the variance will not circumvent the intent of the ordinance.

- 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.**

The variance will allow the site to meet its required parking and will facilitate access for the residents, who will be less likely to drive and more likely to be dropped off and picked up at the site, so it will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to allow parking within 6 feet of a dwelling unit)

The applicant has worked with staff to provide six feet between the parking area and the building, so the variance is no longer necessary and will be returned to the applicant.

VARIANCE (PO standard to allow the building to be setback more than 15 feet)

Findings Required by the Minneapolis Zoning Code:

- 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.**

The Pedestrian Oriented Overlay District requires buildings to be within eight feet of the property line, except where a greater yard is required, in this case a 15 foot setback on 38th Street and 23rd Avenue South. The building is up to the setback lines at the southwest corner of the site and for a significant portion of its length along 23rd Avenue, but it will be setback further for a recess on 23rd Avenue, for a drop-off area on 23rd Avenue, and for the easterly portion on 38th Street. The drop-off area is necessary

CPED Planning Division Report

BZZ-3754

for the older population and it would not be practical to have that off of or along the public street. The greater setback for the small court yard and for the eastern part of the south side will allow additional units to have access to light and will provide a more residential feel by moving away from the more busy 38th Street frontage. Requiring the entire building to be up to the setback may be considered a hardship.

- 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.**

A significant portion of the building will be up to the setback line and the building is only setback in areas to facilitate the unique needs of the population. This is a reasonable use of the property.

- 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. Because the variance is for a part of the building frontage and the corner of the building with the commercial use has been located up to the property line, its impact will be reduced and the variance will not circumvent the intent of the ordinance.

- 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.**

The variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (PO standard to allow a driveway wider than 20 feet)

The applicant has worked with staff to reduce the driveways to 20 feet, so the variance is no longer necessary and will be returned to the applicant.

CPED Planning Division Report

BZZ-3754

VARIANCE (PO standard to allow the parking frontage to exceed 60 feet)

Findings Required by the Minneapolis Zoning Code:

- 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.**

The Pedestrian Oriented Overlay District limits parking lot frontage to 60 feet. The proposed parking area will have approximately 125 feet of frontage but will be significantly less than if the entire site remained a parking lot. Reducing the size of the parking lot would reduce the required parking necessitating a parking variance. The lot provides is a shared parking lot for the Providence Home and the new facility, so it reduces the overall number of parking lots. Requiring the parking frontage to be limited to 60 feet of frontage would be a hardship.

- 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.**

The existing site is all parking. The proposed development will significantly reduce the amount of surface parking and the lot will be a shared parking area. This situation is not generally applicable to properties in the PO District. This is a reasonable use of the property.

- 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. Because the development will reduce surface parking and place a commercial use at the corner of the intersection and there will be a landscaped yard along the parking, the impact of the parking area be reduced and the variance will not circumvent the intent of the ordinance.

- 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.**

The variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

CPED Planning Division Report
BZZ-3754

VARIANCE (PO standard to reduce the required bicycle parking)

Findings Required by the Minneapolis Zoning Code:

- 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.**

The Pedestrian Oriented Overlay District requires one bicycle parking space per dwelling unit. The population of the assisted living facility in general is not utilizing bicycle transportation. Requiring that this use meet the bicycle parking requirement would be a hardship. Staff does recommend that bicycle parking be provided for visitors and staff on site.

- 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.**

The applicant has indicated that the development population does not utilize bicycles. This situation is not generally applicable to properties in the PO District. The variance is a reasonable use of the property.

- 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. Because the building population will not be utilizing bicycle transportation the variance will not circumvent the intent of the ordinance.

- 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.**

The variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

CPED Planning Division Report
BZZ-3754

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

CPED Planning Division Report

BZZ-3754

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.

Minimum window area shall be measured as indicated in section 530.20 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.

The building is up to the setback lines at the southwest corner of the site and for a significant portion of its length along 23rd Avenue, but it will be setback further for a recess on 23rd Avenue, for a drop-off area on 23rd Avenue, and for the easterly portion on 38th Street. Staff recommends alternative compliance to allow these greater setbacks. The drop-off area is necessary for the older population and it would not be practical to have it off of or along the public street. The greater setback for the small court yard will allow additional units to have access to light, will vary the façade, and will provide a small court yard with a walkway as an amenity. The greater setback on 38th will have a pergola, patio, and walkways as amenities and a decorative wrought iron type fence to preserve the street wall.

There will be landscaping and fencing between the building and the property line amenities. The main entrance faces 23rd Avenue South, but is setback for a drop-off. There is a principal entrance facing 38th Street, but it is for secured access only.

The majority of the parking area is located to the side of the building. There is a drop-off and a small parking area in front of a portion of the building. Staff recommends alternative compliance to allow parking in this location as it is necessary for accessibility for the older population of the building.

The exterior materials are durable and are made of cement board, brick, metal, and glass. Changes in material at a later date may require review before the City Planning Commission. The new building walls will contain architectural detail including two types of brick, varied window designs, an articulated façade and roof line, and canvas awnings along 38th Street. The first floor façade does not meet the standard for recesses and projections and blank walls without a change in material for lengths of more than 25 feet along the north side and a portion of the east side along the alley at the north end. Staff does not recommend alternative compliance and recommends that additional architectural detail, windows, recesses or projections be add in these areas.

CPED Planning Division Report

BZZ-3754

Residential uses are required to provide 20 percent windows on the first floor and 10 percent windows on the floors above the first floor of facades facing a public street or on-site parking lot, for the new construction. The commercial portion is required to have 30 percent windows on the first floor and it provides 30 percent facing 38th Street and 23rd Avenue South.

The south façade of the residential structure facing 38th Street provides 45 percent on the first floor and 39 percent on the floors above. The west façade facing 23rd Avenue South provides 27 percent on the first floor and 30 percent on the floors above. The north façade facing the parking area provides 4 percent on the first floor and 19 percent on the floors above. Staff recommends granting alternative compliance from 20 percent to 4 percent on the first floor of the north side due to practical difficulties of providing windows in a mechanical area and stairwell; however, staff recommends that the applicant provide one additional window of at least 24 square feet, similar to other windows on this façade, in this area at the end of the hallway. This will bring the percentage up to 8 percent windows.

The roof pitch is not similar to surrounding commercial and institutional buildings. The commercial and institutional buildings to the south and west at the commercial node all have flat roofs. The applicant has proposed a flat roof for portions of the building at the southwest corner and along a part of 23rd Avenue South to provide a flat roof at the commercial corner, while having the pitched roof at the rear. The applicant has indicated that the pitched roof is necessary to reduce future maintenance costs. Staff does not recommend alternative compliance and recommends that the entire facility have a flat roof to match the other commercial and institutional buildings at the node.

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 entrances to the building connect to the public sidewalk with clear well-lighted five to six foot walkways.

The applicant has integrated a transit shelter on the front façade of the building along 38th Street to replace the bus shelter at the corner. While the new shelter is more attractive than the existing shelter, staff is concerned that it will provide less protection from the elements than the existing shelter. Staff recommends that the applicant provide a more enclosed and sheltered design. If this design encroaches into the setback a variance will be necessary.

Vehicular access and circulation has been designed to minimize conflict with residential properties. Alley access has been closed off from the site as required by Section 530.150 of the zoning code.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable with the changes indicated in the attached PDR report.

The site has been designed to minimize impervious surfaces and all areas that are not covered by

CPED Planning Division Report

BZZ-3754

buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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 site plan shows 49 percent landscaping. The lot area is 76,816 square feet and the footprint of the building is 22,540 square feet. This leaves 54,276 square feet, of which 20 percent (10,855 square feet) is required to be landscaped. The applicant is providing approximately 26,800 square feet of landscaped area on site.

The development is required to provide one tree per 500 square feet and one shrub per 100 square feet of required green space. This translates into a requirement of 21 trees and 108 shrubs. The site plan shows 39 (17 ornamental) trees and approximately 454 shrubs. One tree per 25 linear feet of parking lot frontage is provided.

The seven foot wide landscaped yard between the parking and the sidewalks is provided along 23rd Avenue South, along the east property line, and along the north property line. The three foot high 60 percent opaque screening along 23rd Avenue South is provided. The six foot high 95 percent opaque screening is shown along the north and east property lines. Staff recommends that the installed planting be in compliance with this standard. All parking spaces will be within 50 feet of a deciduous tree.

CPED Planning Division Report

BZZ-3754

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped.

Currently the landscaping at the site is in very poor conditions, so staff recommends that a maintenance plan be submitted with the final site plan for the future maintenance of the landscaping areas.

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.

Curbing is shown around the surface parking area and the site will have a stormwater management plan that will retain water on site, so breaks in the curbing are not necessary.

The building has been designed to minimize the impact of blocking important views of the city and shadowing public spaces and adjacent properties. It should not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the 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: An assisted living facility is allowed as a conditional use permit in the OR2 District High Density Office Residence District.

Off-Street Parking and Loading: The zoning code requires 1 space per 3 beds for board and care homes/nursing homes/assisted living facilities and at least four spaces for commercial tenant spaces greater than 100 square feet, but less than 4,000 square feet.

CPED Planning Division Report

BZZ-3754

The development will provide the required parking for Providence Place, located across 23rd Avenue to the west, and for the new structure. Providence Place has 231 beds for a parking requirement of 77 spaces. The new building will have 77 beds for a parking requirement of 26 spaces, plus four for the commercial space. Together both buildings have a requirement of 107 spaces. Dwelling and congregate living facilities in the OR2 District are required to provide 90 percent of the required parking and multiple-family dwellings in the PO District Transit Station Areas are required to provide 90 percent of the required parking. This reduces the total required parking to 83 spaces. The project will provide 91 spaces of which 41 are surface spaces and 50 are underground.

The handicapped accessible spaces are determined by the building code. At the time of writing of this staff report planning staff is unable to determine the exact amount of required accessible spaces. Three handicapped accessible spaces are provided in the surface lot; of which two are van accessible. Three accessible spaces are provided in the underground garage; of which two are van accessible. The applicant shall provide the required number and design of accessible spaces on the final site plan.

Two small (10' x 25') loading spaces are required and one large (12' x 50') is provided. The applicant is requesting to reduce the required number of spaces from 2 to 1 and staff recommends approval of this variance.

Maximum Floor Area: The maximum FAR in the OR2 District is 2.5 and the minimum required FAR in the 38th Street Station PO District is 1.0. The lot in question is 76,816 square feet in area. The site will contain approximately 88,270 square feet of gross floor area on the lot, an FAR of 1.1.

Building Height: Building height in the OR2 District is limited to 4 stories or 56 feet, whichever is less. The proposed building is 4 stories and 47.5 feet at the midpoint of the pitched roof and 51.5 at the peak of the pitched roof.

Minimum Lot Area: Assisted living facilities have a minimum lot size of 20,000 square feet in the OR2 District.

Yard Requirements: This site is a reverse corner lot, so it has front yards on both 38th Street and 23rd Avenue South of 15 feet. The rear and interior yards are 5 feet plus 2 feet for each floor above the first. For a four-story building an 11 foot setback is required. The building meets all of these setbacks, but the parking lot encroaches into the 23rd Avenue setback. The applicant has requested a variance to reduce this setback from 15 feet to 11 feet and staff is recommending approval of this variance. The PO District requires that the building be up to the setback lines on the street frontages. The applicant is requesting variances to have parts of the building setback further and staff is recommending approval of these variances.

Specific Development Standards: Specific Development Standards for board and care home, nursing home, assisted living are as follows.

(1) On-site services shall be for residents of the facility only.

(2) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

CPED Planning Division Report

BZZ-3754

(3) 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.

(4) 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.
Car wash.

Hours of Open to the Public: Residential uses in the OR2 District are not subject to this provision.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The sign plan has not yet been finalized. The applicant is aware that signs require zoning office approval and permits.

Refuse storage: 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 refuse containers are screened per code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

CPED Planning Division Report

BZZ-3754

(6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN: In addition to those policies listed under finding number one in the rezoning section of the staff report the comprehensive plan has the following relevant policy and implementation steps regarding urban design:

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Implementation Steps

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.

Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

With the conditions of approval the site plan and building design are in conformance with this policy of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The 38th Street Station Area Plan was adopted by the City Council on October 20, 2006. Policy 3.1 of the plan indicates that focal points for neighborhood retail and services, whether stand-alone or in mixed-use buildings, shall be concentrated in certain areas including the 38th Street and 23rd Avenue South node (page 20). The plan indicates (page 37) that “the northwest corner is well suited for new multistory development. Such development should be broken into smaller segments with a scale that does not overwhelm the corner.” It shows a planned land use for this site of townhomes and stacked flats (page 35). The plan states (Policy 6.1 on page 22) that “appropriate building height depends on factors that include: size and depth of parcel, existing building heights, the height of adjacent buildings and planned land uses and intensities of the surrounding area.” Further, it suggests that in general three stories would be appropriate for this corner (pages 35 and 37).

While the land use, height, and form are not as exactly envisioned by the plan, the site plan and building design has been configured to interact with the node, by locating the building close to the corner with a commercial use and a flat roof typical of commercial buildings in the area, while providing a buffer and setbacks from the residential properties to the north and east. The plan states (page 30) that “land use and building form designations are the ideal or preferred use for particular sites. This does not mean that other forms or uses aren’t appropriate or allowed by the zoning code...” The proposed building and site plan, with the proposed conditions of approval, are in conformance with the goals of the plan.

CPED Planning Division Report

BZZ-3754

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

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

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

- Building location.

The building is up to the setback lines at the southwest corner of the site and for a significant portion of its length along 23rd Avenue, but it will be setback further for a recess on 23rd Avenue, for a drop-off area on 23rd Avenue, and for the easterly portion on 38th Street. Staff recommends alternative compliance to allow these greater setbacks. The drop-off area is necessary for the older population and it would not be practical to have that off of or along the public street. The greater setback for the small court yard will allow additional units to have access to light, will vary the façade, and will provide a small courtyard with a walkway as an amenity. The greater setback on 38th Street will have a pergola, patio, and walkways as amenities and a decorative wrought iron type fence to preserve the street wall.

- Parking location.

The majority of the parking area is located to the side of the building. There is a drop-off and a small parking area in front of a portion of the building. Staff recommends alternative compliance to allow parking in this location as it is necessary for accessibility for the older population of the building.

- 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.

The first floor façade does not meet the standard for recesses and projections and blank walls without a change in material for lengths of more than 25 feet along the north side and a portion of the east side along the alley at the north end. Staff does not recommend alternative compliance and recommends that additional architectural detail, windows, recesses or projections be add in these areas.

CPED Planning Division Report

BZZ-3754

- Windows on the first floor of the north facade.

The north façade facing the parking area provides 4 percent on the first floor and 19 percent on the floors above. Staff recommends granting alternative compliance from 20 percent to four percent on the first floor of the north side due to practical difficulties of providing windows in a mechanical area and stairwell; however, staff recommends that the applicant provide one additional window of at least 24 square feet, similar to other windows on this façade, in this area at the end of the hallway. This will bring the percentage up to eight percent windows.

- Roof pitch.

The roof pitch is not similar to surrounding commercial and institutional buildings. The commercial and institutional buildings to the south and west at the commercial node all have flat roofs. The applicant has proposed a flat roof for portions of the building at the southwest corner and along a part of 23rd Avenue South to provide a flat roof at the commercial corner, while having the pitched roof at the rear. The applicant has indicated that the pitched roof is necessary to reduce future maintenance costs. Staff does not recommend alternative compliance and recommends that the entire facility have a flat roof to match the other commercial and institutional buildings at the node.

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 City Council adopt the findings above and **approve** the rezoning from the R4 Multiple-family Residential District to the OR2 High Density Office Residence District for property located at 3717 23rd Avenue South.

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 a 77 unit assisted living facility for property located at 3717 23rd Avenue South subject to the following condition:

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

CPED Planning Division Report

BZZ-3754

Recommendation of the Community Planning and Economic Development Department - Planning Division for the west side front yard setback variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard setback on 23rd Avenue South from 15 feet to 11 feet for property located at 3717 23rd Avenue South.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the loading space variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of loading spaces from 2 to 1 for property located at 3717 23rd Avenue South.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking location variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow parking between a principal structure and the front lot line for property located at 3717 23rd Avenue South.

Recommendation of the Community Planning and Economic Development Department - Planning Division for parking within 6 feet of a dwelling unit variance:

This variance has been **returned** to the applicant.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow the building to be setback greater than 15 feet for property located at 3717 23rd Avenue South.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District standard variance to exceed 20 foot driveway width:

This variance has been **returned** to the applicant.

CPED Planning Division Report

BZZ-3754

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow the parking area to exceed 60 feet of frontage for property located at 3717 23rd Avenue South.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required amount of bicycle parking for property located at 3717 23rd Avenue South subject to the following condition:

1) Provision of bicycle parking as determined necessary by the Public Works traffic study, but at least 10 bicycle parking spaces for employees or visitors, of which five shall be located indoors and five shall be located close to the main entrance.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for property located 3717 23rd Avenue South Avenue South subject to the following conditions:

1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.

2) All site improvements shall be completed by October 1, 2008, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

3) Provision of architectural detail on the first floor of the north and east sides to eliminate blank uninterrupted walls greater than 25 feet in length as required by Section 530.120 of the zoning code.

4) Provision of an additional window of not less than 24 square feet on the north façade of the first floor.

5) Provision of a flat roof for the entire building as required by Section 530.120(c) of the zoning code.

6) The applicant work with staff to provide a more enclosed or sheltered design for the integrated transit stop.

CPED Planning Division Report

BZZ-3754

- 7) The required landscape screening on the north property line shall be installed to provide screening that meets the standards of Section 530.160(3) at the time of installation.
- 8) The applicant shall provide a landscaping maintenance plan with the final site plan in compliance with Section 530.210(3).
- 9) Compliance with the Specific Development Standards for an assisted living facility as required by Section 536.20 of the zoning code.

Attachments:

1. Statements from applicant.
2. PDR report.
3. Zoning maps.
4. Site plans, floor plans, and elevations.
5. Photos.