

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits and Site Plan Review
BZZ – 5435

Date: January 9, 2012

Applicant: Waters Senior Living

Address of Property: 3500 West 50th Street

Project Name: Waters on 50th

Contact Person and Phone: Jill Krance, ESG Architects (612) 373-4620

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: December 15, 2011

End of 60-Day Decision Period: February 13, 2012

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: OR2 High Density Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 29

Legal Description: Not applicable for this application

Proposed Use: Assisted living facility with 90 units.

Concurrent Review:

- **Conditional use permit** to allow an assisted living facility.
- **Conditional use permit** to increase the maximum building height from 4 stories to 5 stories and from 56 feet to 77 feet to allow a cupola/tower in the center of the building.
- **Site plan review.**

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

Background: The applicant proposes to construct a new 4-level assisted living facility with 90 units at the property of 3500 50th Street West. Below-grade parking would be provided as well as a nine space parking lot. The 70,656 square foot site is currently vacant. Three land use applications are required to allow the proposed development. An assisted living facility in the OR2 district is a conditional use. A

conditional use permit is required to increase the allowed height of a building. The maximum height allowed in the OR2 district is 4 stories or 56 feet, whichever is less. The height of the building would be 5 stories and 77 feet as measured from the natural grade at a point 10 feet away from the front center of the building adjacent to Chowen Avenue to the highest point of the structure (the highest point is the cupola located at the center of the building). Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law. Site plan review is required for any congregate living use with 5 or more new dwelling units. Correspondence from the Fulton Neighborhood Association was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow an 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.

Construction of an assisted living facility with 90 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 block where the subject site is located is shared with a church. Primarily commercial uses are located along 50th Street West to the west of the site. The rest of the surrounding area is primarily occupied by single family dwellings. A multi-family residential use on a community corridor is appropriately located and should have a positive effect on surrounding properties.

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

The site would be served by existing infrastructure. Vehicle access would be from Beard Avenue and Chowen Avenue. The Public Works Department has reviewed the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The minimum parking requirement is one space per three beds. Ninety beds are proposed. Therefore, 30 spaces must be provided. Seventy-four spaces would be provided on-site including nine surface spaces for visitors. Ten secure bicycle parking spaces would be provided (eight are required). A transit stop, served by three bus routes, is located at 50th Street and Chowen Avenue. The applicant has completed a Travel Demand Management Plan (TDMP). The TDMP found all intersections included within the study area are projected to operate at acceptable levels of service and the site plan would provide adequate ingress and egress opportunities to allow for operational flexibility without adding excessive conflict points to the local roadway network. With these measures, the development should have little effect on congestion in the streets.

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

The proposed use would be consistent with the applicable policies of the comprehensive plan. The future land use designation of the site is urban neighborhood¹ in *The Minneapolis Plan for Sustainable Growth*. The plan designates 50th Street West as a community corridor. The following principals and policies apply to this proposal:

Land Use Policy 1.8: 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.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

Housing Policy 3.1: Grow by increasing the supply of housing.

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

Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.1 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.

Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

¹ Urban Neighborhood — Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

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- 3.6.1 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.
- 3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

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 proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits and site plan review.

CONDITIONAL USE PERMIT: to increase the maximum building height from 4 stories to 5 stories and from 56 feet to 77 feet to allow a cupola/tower in the center of the building.

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.

Construction of a four story building on the site with a cupola/tower in the center of the building would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 height of buildings in the immediate area is one to two-stories. The subject site is separated by streets from the properties located to the east, south and west. An accessory parking lot for a church is located to the north of the site. The proposed building would comply with the maximum height allowed by the zoning district except for the cupola/tower proposed in the center of the building. The cupola/tower would act as focal point of the building and would compliment a similar feature on an office building located on the opposite side of 50th Street. The increased height should have little, if any, effect on surrounding properties.

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

The site would be served by existing infrastructure. Vehicle access would be from Beard Avenue and Chowen Avenue. The Public Works Department has reviewed the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

Increasing the height of the building should have no impact on traffic congestion in the public streets.

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

In addition to the principals and policies identified in the assisted living conditional use permit section of this staff report, the following also apply:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

Staff comment: The proposed height is consistent with these policies of the comprehensive plan. The proposed building location would comply with all yard requirements. The proposed building would comply with the maximum height allowed by the zoning district except for the cupola/tower proposed in the center of the building. The cupola/tower element would be located at the center of the building where it would have little, if any, effect on surrounding properties. The building would step back on the fourth floor adjacent to Chowen Avenue and Beard Avenue as a physical transition to the surrounding single-family neighborhood.

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 proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

1. Access to light and air of surrounding properties.

The building would comply with all yard requirements. The building would be under 56 feet tall except the cupola/tower in the center of the building. The increased height should have little, if any, effect on surrounding properties access to air and light.

2. Shadowing of residential properties or significant public spaces.

The site is not adjacent to any significant public spaces. Residences are located to the south, west and east of the site. A shadow study submitted by the applicant is attached to this report. The cupola/tower would only create shadows on the subject site; therefore the shadowing effects should not be significant due to increasing the allowed height for the cupola/tower feature.

3. The scale and character of surrounding uses.

The height of other residential and commercial buildings in the area is one and two stories. The tallest part of the building would be oriented to 50th Street. The building would step back on the fourth floor adjacent to Chowen Avenue and Beard Avenue as a physical transition to the surrounding single-family neighborhood.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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.

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- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
 - **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
 - **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
 - **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
 - **Entrances, windows, and active functions:**
 - **Residential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
 - **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
 - **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

Conformance with above requirements:

- A minimum 15 foot wide front yard is required adjacent to Beard Avenue and Chowen Avenue. A minimum 15 foot wide corner side yard is required adjacent to 50th Street. The building placement would comply with these yard requirements.
- The area between the building and the streets would be landscaped.
- The main entrance would face the interior of the site. Please see the alternative compliance section for further analysis.
- Most of the parking would be provided in the building. A surface parking area with nine spaces would be located at the interior of the site.
- The building design includes recesses and projections and windows on all levels to divide the building into smaller identifiable sections. Part of the fourth floor would be stepped back from Beard Avenue and Chowen Avenue as well.
- There would not be any blank, uninterrupted walls exceeding 25 feet in length.
- The primary exterior materials would include fiber cement siding, veneer stone and glass. These materials are durable. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be compatible and similar to each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The main entrance facing the interior of the site would be sheltered by a canopy and surrounded by windows to emphasize its importance. The entrance to the outdoor patio area would also be surrounded by glass.
- The walls facing Beard Avenue, Chowen Avenue, 50th Street West, and the surface parking area including the drop-off area next to the entrance are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed the minimum requirements, except the first floor west wall facing the surface/drop-off parking area does not comply with the requirement. Twenty percent of the first floor west elevation at the entrance measured between two and ten feet above the adjacent grade is 81.6 square feet. Seventy-five square feet or 18.4 percent of the wall is proposed as windows. Please see the alternative compliance section for further analysis. All windows would be distributed in an even manner and vertical in proportion.
- More than 70 percent of the linear frontage of each ground floor building wall facing a public street and public sidewalk would accommodate spaces with active functions.
- A pitched roof is proposed. The surrounding residences, primarily single-family dwellings, have pitched roofs. Most of the nonresidential buildings fronting 50th Street have flat roofs. Although a pitched roof is similar to surrounding buildings, it may increase the perceived bulk of the building.

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.**

Conformance with above requirements:

- The main building entrance would be connected to the public sidewalks on Beard Avenue and Chowen Avenue with walkways that would be six feet in width and would be illuminated by lighting. Six foot wide walkways would also connect to the patio area from the 50th Street sidewalk.
- A transit shelter is not proposed or adjacent to the site.
- A 24 foot wide curb cut is proposed on both Beard Avenue and Chowen Avenue allowing vehicle access across the north side of the site. The site is not directly adjacent to any residential properties. The TDMP indicates that garbage and delivery trucks will be able to load and unload at the service bay from the driveway without causing vehicular delay and queuing in the adjacent streets. The vehicle access and circulation should have minimal impact on pedestrians and surrounding residential properties.
- The maximum impervious surface coverage allowed in the OR2 district is 85 percent. The lot area is 70,656 square feet, therefore 60,057.6 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 53,143 square feet, which covers 75.2 percent of the site. Most of the impervious area would be occupied by the building. The development would comply with all yard requirements. The amount of impervious surface would not be excessive.

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.**

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 70,656 square feet. The building footprint would be approximately 31,191 square feet. The lot area minus the building footprint therefore consists of approximately 39,465 square feet. At least 20 percent of the net site area (7,893 square feet) must be landscaped. Approximately 17,513 square feet of the site would be landscaped. That is equal to 44.4 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be provided on the site. The tree and shrub requirement for this site is 16 and 79 respectively. The applicant would provide 24 deciduous canopy trees and 313 shrubs on-site. Seven new canopy trees are also proposed in the adjacent street boulevards. The remainder of the landscaped area would be covered with sod and perennials.
- A landscaped yard at least 15 feet wide, screening that is 60 percent opaque and 3 feet in height, and one canopy tree is required between the surface parking and Beard Avenue. A 16 foot wide landscaped yard is proposed. Shrubs are proposed to provide the required screening; however, the proposed shrub height would exceed 3 feet at maturity. A canopy tree and shrubs with a mature height of 3 feet will need to be provided in order to allow views into and out of the parking area from the street at a height of 3 to 7 feet above grade.
- A landscaped yard at least 7 feet wide and screening that is 95 percent opaque and 6 feet in height is required between the parking area and the residentially zoned property located to the north of the site. A 5-foot wide yard is proposed. Please see the alternative compliance section for further analysis. Shrubs would provide the required screening.
- All surface parking spaces would be located within 50 feet of an on-site deciduous canopy tree.
- Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

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.

Conformance with above requirements:

- Concrete curbing would be provided around the surface parking area. Run-off would collect in a below-grade stormwater storage and infiltration structure.
- The building would not impede any views of important elements of the city, significantly shadow the adjacent streets or properties or increase the generation of wind currents at ground level.
- The site includes crime prevention design elements. An abundant amount of windows would be provided on all sides of the building to allow natural surveillance. Lighting would also be provided around the parking area and main entrance. Walkways would be provided to guide people to, from and around the site. Fencing would be used to distinguish private from public spaces. Staff is recommending that the planning commission require plantings between the surface parking area and Beard Avenue allow views into and out of the parking area from the street at a height of 3 to 7 feet above grade.
- No structures exist 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: The site is currently zoned OR2. An assisted living facility in the OR2 district is a conditional use.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement is one space per three beds. Ninety beds are proposed. Therefore, 30 spaces must be provided. Seventy-four spaces would be provided on-site. At least one accessible space is required in both the enclosed parking area and the surface parking area. Three accessible spaces would be enclosed and two accessible spaces would be located in the surface parking area.

Maximum automobile parking requirement: The maximum parking requirement is one space per bed or 90 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement is equal to one space per four beds, provided the requirement shall not exceed eight. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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. With 90 beds, the minimum bicycle requirement is eight spaces of which at least seven must meet the long-term parking requirements. The applicant would provide 10 long-term spaces in the parking garage.

Loading: Two small loading spaces (10 feet wide by 25 feet deep) are required for an assisted living facility with 50,000 to 200,000 square feet of gross floor area. Two loading spaces would be accommodated on-site.

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Maximum Floor Area: The lot area is 70,656 square feet. The maximum FAR allowed in the OR2 District for an assisted living facility is 2.5. The building would have a total of 117,240 square feet, which is an FAR of 1.66.

Minimum Lot Area: The lot area is 70,656 square feet. The minimum lot area requirement in the OR2 district for an assisted living facility is 20,000 square feet.

Dwelling Units per Acre: The applicant proposes a density of 55.5 dwelling units per acre.

Lot Coverage: The maximum lot coverage allowed in the OR2 district is 70 percent. The lot area is 70,656 square feet, therefore 49,459.2 square feet of coverage is allowed. The proposed footprint is approximately 31,187 square feet, which covers 44.1 percent of the site.

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the OR2 district is 85 percent. The lot area is 70,656 square feet, therefore 60,057.6 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 53,143 square feet, which covers 75.2 percent of the site.

Building Height: The maximum height allowed in the OR2 district is 4 stories or 56 feet, whichever is less. The height of the building would be 5 stories and 77 feet as measured from the natural grade at a point 10 feet away from the front center of the building adjacent to Chowen Avenue to the highest point of the structure (the highest point is the cupola located at the center of the building). A conditional use permit is required to increase the height.

Yard Requirements:

Front yard requirement: A front yard is required adjacent to Beard Avenue and Chowen Avenue. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure originally designed for residential purposes is greater. There are no other structures originally designed for residential purposes on the block. Therefore, a 15 foot front yard is required adjacent to both streets. The proposed building and surface parking area would be set back 15 feet or more. Walkways that do not exceed 6 feet in width and balconies and patios that do not exceed 50 square feet are permitted obstructions in front yards. The proposed obstructions would comply with the permitted obstructions regulations.

Corner side yard requirement: A corner side yard is required adjacent to West 50th Street. The minimum corner side yard requirement is equal to $8+2x$, where x is equal to the number of stories above the first floor, but not to exceed the applicable front yard requirement of 15 feet. A five-story building is proposed; therefore the minimum requirement is 15 feet. The proposed building would be set back 15 feet or more. Walkways that do not exceed 6 feet in width and balconies and patios that do not exceed 50 square feet are permitted obstructions in corner side yards. The proposed obstructions would comply with the permitted obstructions regulations.

Interior side yard requirement: An interior side yard is required along the north lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A five-story building is proposed; therefore the minimum requirement is 13 feet. The building

would be set back over 59 feet or more from the north lot line. Surface parking and walkways are subject to a 5 foot interior side yard requirement and would comply with this requirement.

Specific Development Standards: Not applicable.

Signs: Three signs are proposed, including two wall signs and a monument sign. Both wall signs would be attached to fences/retaining walls. Signs attached to fences are subject to the wall sign regulations. Each would be approximately 8 square feet in area and externally illuminated. One freestanding monument sign is allowed per zoning lot. The maximum size allowed is 32 square feet and maximum height allowed is 8 feet. The sign can be illuminated, but not backlit. It can be located in a required front yard and must be located at least 10 feet from the nearest residence or office residence boundary. The proposed monument sign would be located in the front yard adjacent to Beard Avenue more than 10 feet from the nearest residence or office residence boundary. It would be approximately 30 square feet in area (as measured around the sign face) and 5 feet tall. It would be externally illuminated. All new signage will require Zoning Office review, approval, and permits.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

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 arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The applicant has submitted lighting information that indicates the proposed lighting will comply with the above standards.

Refuse Screening: All refuse storage containers would be enclosed within the building.

MINNEAPOLIS PLAN: In addition to the principals and policies identified in the conditional use permit sections of this staff report, the following also apply:

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.
- 10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

Urban Design Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

- 10.16.1 Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota.
- 10.16.2 Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements.
- 10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.

- 10.18.1 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.
- 10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.
- 10.18.3 Locate parking lots to the rear or interior of the site.
- 10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

Staff comment: With the adoption of the staff recommendation, the development would be consistent with the comprehensive plan.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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- **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:

Orienting the building so at least one principal entrance faces the public street / In the case of a corner lot, orienting the entrance to the front lot line

The site has frontage on three streets. Front lot lines are adjacent to Beard Avenue and Chowen Avenue. A corner side lot line is adjacent to 50th Street. The applicant is proposing to provide assisted living for seniors including some needing memory care. The proposed main entrance would face the interior of the site with access to a vehicle drop-off area for safety, security and accessibility reasons. There would be a door facing 50th Street that would provide residents, employees and visitors access to an outdoor patio area. The applicant has indicated that a variety of activities could occur in the patio area, such as dining, therapy and exercise, gardening, family and neighborhood social events, church services, and health fairs. Walkways with gated access from the patio area to the 50th Street sidewalk would also be provided. The outermost wall around the patio would be four feet in height to allow some views to and from the patio area to 50th Street.

The main entrance is required to face a street in order to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. Beard Avenue and Chowen Avenue are primarily residential streets whereas 50th Street is a street with much more traffic volume and a mix of residential and nonresidential uses. It would be more appropriate for an entrance to face 50th Street. Given the safety and security concerns and accessibility needs for the proposed use, a street facing entrance that also provides access for visitors could be problematic. Maintaining an entrance with restricted access to only residents and employees of the building from the 50th Street entrance would still facilitate some pedestrian access and circulation. To increase visibility to the street, four foot high decorative open metal fencing could be used instead of a solid wall around the patio area. Staff is recommending that the planning commission require the applicant to provide residential and employee access from the patio entrance to and from 50th Street and require the applicant to install four foot high decorative open metal fencing around the patio area. Please note that the memory support garden is not included in these recommended conditions of approval.

Twenty percent window requirement

The interior facing west elevation is subject to the minimum window requirements because it faces the drop-off surface parking area. Twenty percent of the first floor west elevation at the entrance measured between two and ten feet above the adjacent grade is 81.6 square feet. Seventy-five square feet or 18.4 percent of the wall is proposed as windows. This wall is adjacent to a loading receiving room and a stairwell. The plans indicate that the doors providing access to the stairwell will include glass.

However, windows in doors are not counted towards the minimum window requirements. Adding windows on this wall would not likely increase natural surveillance and visibility. On floors one through four, over 20 percent of all of the other walls facing the drop-off area would be windows. The alternative meets the intent of the ordinance; therefore staff is recommending that the planning commission grant alternative compliance for the window requirement on the first floor interior facing west elevation.

Landscaped yard requirement between a surface parking lot and a residentially zoned property

A landscaped yard at least 7 feet wide is required between the parking area and the residentially zoned property located to the north of the site. A 5-foot wide yard is proposed. The required yard is adjacent to a surface parking lot for a church, which abuts the shared lot line. A 7-foot wide yard could be provided, but it would likely reduce the landscape buffer for the first floor dwellings from the parking area. Staff is recommending that the planning commission grant alternative compliance to allow a 5 foot wide yard instead of a 7 foot wide yard.

RECOMMENDATIONS

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 above findings and **approve** the application for a conditional use permit to allow an assisted living facility for the property located at 3500 West 50th Street, 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.

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 above findings and **approve** the application for a conditional use permit to increase the maximum building height from 4 stories to 5 stories and from 56 feet to 77 feet to allow a cupola/tower in the center of the building for the property located at 3500 West 50th Street, 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.

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 above findings and **approve** the application for site plan review to allow an assisted living facility with 90 dwelling units for the property located at 3500 West 50th Street, subject to the following conditions:

1. Residents and employees shall have access to and from 50th Street West from the south facing patio entrance to facilitate pedestrian access and circulation as required by section 530.110 of the zoning code.
2. Decorative, open metal fencing, not exceeding four feet in height, shall be installed around the patio area adjacent to 50th Street West in order to increase visibility to and from the street as required by section 530.110 of the zoning code.
3. A canopy tree and shrubs with a mature height of 3 feet shall be planted between the surface parking area and Beard Avenue to allow views into and out of the parking area from the street as required by section 530.170 of the zoning code.
4. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site and landscape plans.
5. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by January 9, 2013, or the permit may be revoked for non-compliance.

Attachments:

1. PDR comments
2. Applicants statement of use and findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos