

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review and Minor Subdivision
BZZ-5497 & MS-218

Date: April 9, 2012

Applicant: Project for Pride in Living

Address of Property: 2304-2312 Snelling Avenue

Project Name: Touchstone Supportive Housing and Wellness Center

Contact Person and Phone: David Miller, UrbanWorks Architecture, (612) 455-3110

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

Date Application Deemed Complete: March 15, 2012

End of 60-Day Decision Period: May 14, 2012

Ward: 2 Neighborhood Organization: Longfellow Community Council

Existing Zoning: I2 Medium Industrial District, IL Industrial Living Overlay District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Mixed use building with offices, a medical clinic and 40 assisted living units

Concurrent Review:

- Conditional use permit to allow 40 units of assisted living.
- Variance of the development standard for assisted living facilities requiring on-site services shall be for residents of the facility only to allow services to be provided to nonresidents in the clinic.
- Variance of the PO Pedestrian Oriented Overlay District standard requiring the first floor of a building to be located within 8 feet of an adjacent street to allow part of the first floor to be located 60 to 99 feet from 24th Street.
- Variance to reduce the rear yard requirement adjacent to the west lot line from 11 feet to 0 feet to allow building walls with residential windows.
- Site plan review to allow a mixed use building.
- Minor subdivision.

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Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District” and (22) “To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance;” Chapter 530 Site Plan Review; and Chapter 598 Land Subdivision.

Background: The applicant is proposing a new three- to four-story mixed use building with 40 units of assisted living, a clinic and offices in the Touchstone Supportive Housing and Wellness Center project. The building includes one level of below-grade parking. The project would be located on the property of 2312 Snelling Avenue and part of 2304 Snelling Avenue. The development site is currently occupied by a parking lot and part of a building. The buildings located at 2304 Snelling Avenue are proposed to be demolished prior to the start of construction of the Touchstone project to make way for another development project. The City originally acquired these properties. The City Council has approved the sale of this property for development that is consistent with the proposed subdivision.

For the proposed development, the following applications are required:

- Assisted living is not a use allowed by the I2 district or the IL overlay district. In November of 2011, the applicant obtained reasonable accommodation as recognized by the Federal Fair Housing Amendments Act of 1988 to allow assisted living as a conditional use. Therefore, a conditional use permit is required to allow the assisted living facility. Upon approval of the conditional use permit, the actions must be recorded with Hennepin County as required by state law.
- Assisted living facilities are subject to development standards, including limiting on-site services to residents of the facility only. The proposed clinic would provide on-site services for residents of the facility and non-residents. A variance of this development standard is required.
- In the PO overlay district, the first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Along 24th Street, part of the first floor would be located one foot from the property line and part of the first floor would be located 60 to 99 feet from the property line. A variance of this overlay district standard is required.
- Where residential uses containing windows face a rear property line, a rear yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet, is required if no other yard requirements apply. The residential use would contain windows facing the rear side lot line located on the west side of the property. For a four-story building, the minimum setback requirement is 11 feet. Where the residential use would contain windows facing the rear lot line, the walls would be set back 0 feet. A variance is required to allow the part of the building with residential windows where it would be located less than 11 feet from the rear lot line.
- Site plan review is required for any new mixed use building and for any development with five or more dwelling units.
- The applicant is proposing to adjust the common lot line between the properties of 2304 Snelling Avenue and 2312 Snelling Avenue, which requires a minor subdivision.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. 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 40 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.

Uses in the immediate area are primarily industrial. North of 24th Street, the long range vision in the comprehensive plan for this area is transit oriented development. Provided residents of the development understand that they are living in an industrial area that involves large truck traffic and other reasonable industrial activity, surrounding uses should continue to operate (and may continue to operate in a legal fashion) without incident. Existing and future development of uses allowed in the industrial districts or Industrial Living Overlay District should not be negatively affected by the use.

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 Snelling 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. Forty beds are proposed. Therefore, 13 spaces must be provided. In the below-grade parking garage, 38 spaces would be provided for the development. Thirty secure bicycle parking spaces would be provided (eight are required). The site is located within two blocks of two bus transit stops and the Franklin Avenue LRT station. There is direct access to the Midtown Greenway adjacent to the southwest corner of the site. With

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these measures and the close proximity to alternative modes of transportation, 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 transitional industrial in *The Minneapolis Plan for Sustainable Growth*. The site is located two blocks from the Franklin Avenue LRT station. For reference, the southern boundary for the Franklin Avenue LRT Station activity center is located at the north end of the block and the northern boundary for the Seward/Hiawatha industrial employment district is located on 24th Street south of the subject site. The following principals and policies apply to this proposal:

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

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 3.4: Preserve and increase the supply of safe, stable, and affordable supportive housing opportunities for homeless youth, singles and families.

3.4.1 Promote increased development of housing for very low-income households earning 30% or less of metropolitan median income.

3.4.2 Support the creation of additional supportive housing units for homeless youth, singles and families.

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

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 permit, variances, site plan review and minor subdivision.

VARIANCE: of the development standard for assisted living facilities requiring on-site services shall be for residents of the facility only to allow services to be provided to nonresidents in the clinic.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The applicant has indicated that co-locating resident and non-resident services and administrative offices in one building will promote a community environment that is dedicated to stability, health and healing for these residents and is designed to nurture a sense of belonging to the community. It also maximizes benefits from limited resources. Site selection and project design are important for the population served and their needs including social opportunities that prevent isolation, proximity to amenities and public transit, and general safety and security.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Specific development standards are established to provide supplemental regulations to address the unique characteristics of certain land uses. In the proposed development, the services for nonresidents are designed to be kept separate from the residential side of the building. The wellness center/clinic will be separated from the housing by controlled access. The nonresidential and residential parts of the building each have separate entrances. Residents can obtain services from the wellness center, but non-residents cannot obtain services in the housing section of the building. The request is reasonable and in keeping with the intent of the ordinance and comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the variance should not have any affect on surrounding property and would not endanger public safety because the residential and nonresidential uses would be separate.

VARIANCE: of the PO Pedestrian Oriented Overlay District standard requiring the first floor of a building to be located within 8 feet of an adjacent street to allow part of the first floor to be located 60 to 99 feet from 24th Street.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

In a PO district, all ground floor building walls are required to be located not more than eight feet from a lot line adjacent to a street. The proposed building is “L” shaped. The site has frontage on two streets and is an odd-shape on the south end. A courtyard with landscaping, seating and other

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active outdoor amenities are proposed between the building and the street. The residential section of the building would be located at the north end. Moving it further south would likely require the driveway leading to the below-grade parking to be relocated or elongated. It could also result in the loss of more landscaped area due to accommodating a building with odd angles. These circumstances are unique to the property and have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. In general, policies of the comprehensive plan also support the intent of this ordinance. The non-residential part of the building would be oriented to the 24th Street and Snelling Avenue intersection. The applicant is proposing a courtyard with amenities intended to promote an active space for users of the development between the residential part of the building and 24th Street. The amount of windows on each residential wall facing 24th Street exceeds the minimum requirements by eight to ten percent. The request is reasonable and consistent with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Setting the building back would allow for a courtyard that can also be viewed by the public. An abundant amount of windows would be provided on all levels to allow views of the adjacent spaces. Granting of the variance would have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: to reduce the rear yard requirement adjacent to the west lot line from 11 feet to 0 feet to allow building walls with residential windows.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Where residential uses containing windows face a rear lot line, a rear yard of at least five feet plus two feet for each story above the first floor, is required. The residential wall abutting the rear lot line located on the west side of the property would contain windows. For a four-story building, the minimum rear yard requirement is 11 feet. The windows are adjacent to a stairwell and common

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corridors, but not individual dwelling units. The Midtown Greenway corridor abuts the west side of the property. The bike path is located 16 feet from the west lot line. Chapter 530 Site Plan Review requires windows on walls facing a public pathway to maximize natural surveillance and visibility of the adjacent outdoor space. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. The windows are adjacent to a stairwell and common corridors, but not individual dwelling units. The Midtown Greenway corridor abuts the west side of the property. The bike path is located 16 feet from the west lot line. Chapter 530 Site Plan Review requires windows on walls facing a public pathway to maximize natural surveillance and visibility of the adjacent outdoor space. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the variance should increase natural surveillance and visibility of the Midtown Greenway corridor. It should not have any negative effects on the residents.

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.

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- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:

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

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

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

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

Minimum window area shall be measured as indicated in section 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

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floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

- The building is located on a corner lot with frontage on two streets. All of the first floor would be located within 8 feet of the lot line adjacent to Snelling Avenue, but part of the first floor would be setback more than 8 feet from the lot line adjacent to 24th Street. Alternative compliance is requested for this requirement.
- Amenities, including a courtyard and landscaping, would be located between the building and the adjacent streets.
- The lot line adjacent to Snelling Avenue is the front lot line. The principal entrances for the residential and nonresidential uses would face Snelling Avenue.
- All parking would be enclosed within the building. The loading area would be located at the interior of the site.
- The building would include recesses and projections, changes in materials and windows on all sides to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of the building.
- The primary exterior materials would be durable and include fiber cement panels and lap siding metal panels, manufactured masonry, cedar lap siding, glass and rockface concrete masonry units. 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 similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The principal entrances would be recessed, surrounded by windows and sheltered to emphasize their importance.
- The first floor walls facing Snelling Avenue, 24th Street and the Midtown Greenway are subject to the minimum window requirements. Measured between two and 10 feet above the adjacent grade, twenty percent of the walls adjacent to residential spaces are required to be windows and thirty percent of the walls adjacent to nonresidential spaces are required to be windows. In the PO district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street must also be windows or doors with clear or lightly tinted glass that allow views in and out of the building at eye level. The amount of windows proposed on the residential walls meeting these criteria is as follows:
 - East (Snelling Avenue): 39.6%
 - South (24th Street): 28.4%
 - West (Midtown Greenway): 14.9%

Alternative compliance is requested for the amount of required windows on the west elevation. The amount of windows proposed on the nonresidential walls meeting the above criteria is as follows:

- East (Snelling Avenue): 40%
- South (24th Street): 40%
- West (Midtown Greenway): 27.2%

Alternative compliance is requested for the amount of required windows on the west elevation. Windows would be vertical in proportion and distributed in a more or less even manner. All nonresidential windows would be within four feet of the adjacent grade. The plans do not indicate if the glass will be clear or lightly tinted with a visible light transmittance of 0.6 or greater. This information will need to be provided on the final plans.

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- Each wall above the first floor facing Snelling Avenue, 24th Street and the Midtown Greenway is subject to the 10 percent window requirement. The amount of windows proposed on these walls is as follows:
 - East (Snelling Avenue)
 - Floors 2-3: 26.1%
 - Floor 4: 23.8%
 - South (24th Street)
 - Floors 2-3: 19%
 - Floor 4: 19.3%
 - West (Midtown Greenway)
 - Floors 2-3: 19.6%
 - Floor 4: 7.9%

Alternative compliance is requested for the amount of required windows on the fourth floor west elevation. Windows on these levels would be vertical in proportion and distributed in a more or less even manner.

- More than 70 percent of the linear frontage of each ground floor building wall facing a street or public pathway would accommodate spaces with active functions.
- A pitched roof is proposed on most of the building. Buildings in the immediate area primarily have flat roofs. Alternative compliance is requested for the form and pitch of the roof lines.

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:

- Well-lit walkways 4 feet in width or greater would connect the public sidewalk to the main entrances.
- Transit shelters are not proposed as part of the development.
- Vehicle access would be from a shared, 20-foot wide curb cut on Snelling Avenue. Circulation would occur on-site. The site is not adjacent to any residential properties. The access is located where it will have the least amount of conflict with pedestrian traffic.
- The site is not adjacent to a public alley.
- All parking would be enclosed in the building. The amount of impervious surface proposed for parking areas and driveways is not 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).

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- 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 proposed lot area of the site is approximately 27,233 square feet. The building footprint would be approximately 16,336 square feet. The lot area minus the building footprint therefore consists of approximately 10,897 square feet. At least 20 percent of the net site area (2,179.4 square feet) must be landscaped. Approximately 5,391 square feet of the site would be landscaped. That is equal to 49.5 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. The tree and shrub requirement for this site is 5 and 22 respectively. The applicant would provide 5 deciduous canopy trees, 126 shrubs, 1 coniferous tree, and 10 ornamental trees on-site. Ten new trees and 85 shrubs are also proposed in the adjacent street boulevards.
- The remainder of the landscaped area would be covered with sod and perennials. The plan indicates that both wood and rock mulch will be used in the planting areas. Rock mulch has proven problematic in the past when it migrates to the public right-of-way. Staff is recommending that the planning commission not allow rock mulch to be used.
- The required loading space would be located in the driveway. A 7-foot wide landscaped yard is required between the loading space and Snelling Avenue with screening that is 3 feet in height and 60 percent opaque. A landscaped yard and screening would not be provided. Alternative compliance is requested.

ADDITIONAL STANDARDS:

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- 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:

- The driveway is defined by 6 inch by 6 inch continuous concrete curbing. Stormwater runoff from the driveway would drain to an infiltration tank under the driveway.
- The proposed building should not impede views of important elements of the city.
- To the extent practical, the building would be located and arranged to minimize shadowing on public spaces and adjacent properties. Because the Midtown Greenway is located to the west of the site, shadowing of the greenway would only occur during morning hours.
- The building is designed to minimize the generation of wind currents at the ground level.
- The development includes environmental design elements to prevent crime. Windows would be provided on all sides of the building. Landscaping would be arranged to allow views of adjacent spaces and public sidewalks and to guide pedestrian movement through the site. The lighting plan indicates that lighting would be provided on all sides of the building and would comply with the zoning code lighting standards. Fencing would be used to restrict access to private areas, but would allow views in and out of the site.
- The applicant has not obtained a Historic Review Letter from CPED in order to determine whether or not the structure is a historic resource that may be eligible for local historic designation. It is not locally designated.

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 zoned I2 with the IL overlay district and the PO overlay district. Assisted living is not a use allowed in the I2 district or the IL overlay district. In 2011, an application for Reasonable Accommodation as recognized under the Federal Fair Housing Amendments Act of 1988 was approved through collaboration with the City of Minneapolis Attorney, the Zoning Administrator and Planning staff to allow assisted living as a conditional use in the I2 district to be located at the property of 2304-2312 Snelling Avenue. Therefore, a conditional use permit is required to allow the assisted living facility. Offices and a medical clinic are permitted uses in these districts.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for assisted living is one space per three beds. Forty beds are proposed. Therefore, 13 spaces must be provided. The minimum parking requirement for offices is one space per 500 square feet of gross floor area (GFA) in excess of

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4,000 square feet, but not less than 4 spaces. The offices would occupy approximately 9,500 square feet of floor area; therefore the minimum requirement is 11 spaces. The minimum parking requirement for a medical clinic is one space per 500 square feet of GFA, but not less than 4 spaces. The clinic would occupy approximately 4,080 square feet; therefore the minimum requirement is 8 spaces. In the PO overlay district, the minimum parking requirement for nonresidential uses is 75 percent of the minimum requirement in Chapter 541, Off-Street Parking and Loading. This reduces the minimum requirement to 14 spaces. Therefore the total minimum parking requirement is 27 spaces. In the below-grade parking garage, 38 spaces would be provided. At least two accessible spaces are required in the enclosed parking area. One accessible space is shown. A second one will need to be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 20 spaces must comply with the dimensions required for standard spaces. Twenty-nine standard sized spaces would be provided.

Maximum automobile parking requirement: The maximum parking requirement for an assisted living facility is one space per bed or 40 spaces. The maximum parking requirement for office and clinic uses is one space per 200 square feet of GFA. With the nonresidential uses occupying approximately 13,580 square feet of floor area, the maximum parking requirement is 68 spaces. In the PO overlay district, the maximum parking requirement is 75 percent of the maximum requirement in Chapter 541, Off-Street Parking and Loading. This reduces the maximum requirement to 51 spaces. The total maximum parking requirement for the development is 91 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement for an assisted living facility 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 40 beds, the minimum bicycle requirement is eight spaces of which at least seven must meet the long-term parking requirements. The applicant would provide 30 long-term spaces in the parking garage.

For the offices, the minimum requirement is 3 spaces or 1 space per 15,000 square feet of GFA, whichever is greater. At least 50 percent of these required spaces must meet the standards for long-term bicycle parking. The minimum bicycle parking requirement for a clinic is 3 spaces. At least 50 percent of these required spaces must meet the standards for short-term bicycle parking. The total nonresidential use requirement is 6 spaces. 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, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. Required spaces that are not short-term need to comply with the long-term requirements and vice versa. The applicant would provide 12 bicycle spaces that comply with

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the standards for required short-term bicycle parking and 30 bicycle spaces that comply with the standards for required long-term bicycle parking.

Loading: One small loading space (10 feet wide by 25 feet deep) is required for an assisted living facility with 20,000 to 50,000 square feet of GFA. One small loading space would be accommodated on-site. For the nonresidential uses, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required. Loading can be accommodated in the driveway.

Proposed Lot Area: The proposed lot area is 27,233 square feet.

Maximum Floor Area: The maximum FAR allowed in the I2 district is 2.7. The building would have a total of 55,534 square feet, which is an FAR of approximately 2.04.

Minimum Lot Area: The minimum lot area requirement for an assisted living facility is 20,000 square feet. The minimum lot width requirement is 80 feet. The subject site is more than 80 feet in width.

Dwelling Units per Acre: The applicant proposes a density of 64 dwelling units per acre.

Building Height: The maximum height allowed in the I2 district is 4 stories or 56 feet, whichever is less. The proposed height is 4 stories and 52.5 feet as measured from the grade 10 feet out from the front center of the building along Snelling Avenue to the midpoint of the highest peaked roof.

Yard Requirements: Where residential uses containing windows face an interior side yard or a rear yard, an interior side yard and rear yard of at least five feet plus two feet for each story above the first floor is required, but is not to exceed 15 feet if no other yard requirements apply. The residential use would contain windows facing the interior side lot line on the north side of the property and facing the rear side lot line located on the west side of the property. For a four-story building, the minimum interior side yard requirement is 11 feet. Where the residential use would contain windows facing the interior side lot line, the walls would be set back 15.5 feet. Where the residential use would contain windows facing the rear lot line, the walls would be set back 0 feet. A variance is required to allow the part of the building with residential windows where it would be located less than 11 feet from the rear lot line.

Specific Development Standards: Assisted living facilities are subject to the following development standards:

- (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.
- (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.

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The proposed clinic would provide on-site services for residents of the facility and non-residents. A variance of this development standard is required.

PO Pedestrian Oriented Overlay District Standards: The following standards apply to this development:

- Drive-through facilities, automobile services uses, transportation uses, self-service storage, commercial parking lots (including the expansion of any existing commercial parking lot), and the conversion of any accessory parking lot to a commercial parking lot are prohibited. These uses are not proposed.
- The first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Along Snelling Avenue, the first floor of the building would be located 0.5 to 6 feet from the property line. Along 24th Street, part of the first floor would be located one foot from the property line and part of the first floor would be located 60 to 99 feet from the property line. A variance of this overlay district standard is required.
- Amenities are required between the building and lot lines adjacent to a street. Landscaping and walkways would be located between the building and the adjacent streets.
- At least one principal entrance must face the street. Principal entrances would face Snelling Avenue.
- At least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level. Windows must be distributed in a more or less even manner. Required windows are measured between two and 10 feet above the finished level of the floor. Forty percent of each nonresidential wall facing Snelling Avenue and 24th Street would be windows.
- Awnings and canopies are encouraged, but backlit awnings and canopies are prohibited. Awnings are proposed over the entrances and would not be backlit.
- Pole signs, backlit awning and canopy signs, and backlit insertable panel projecting signs are prohibited. These types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. All parking would be enclosed within the building.
- Parking lots are limited to 60 feet of street frontage. A parking lot is not proposed.
- The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The proposed driveway on Snelling Avenue would be 20 feet wide.
- A minimum floor area ratio of 1.0 is required for new development. The proposed development would have an FAR of 2.04.

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Signs: All signs must conform to the requirements of Chapter 543, On-Premise Signs and section 551.950 in the zoning code. The applicant is proposing three wall signs. In the industrial zoning districts, wall signs up to 180 square feet in area are allowed provided the sign area does not exceed 1.5 square feet of sign area per one linear foot of primary building wall on a site with no freestanding sign. The signs can be placed up to 28 feet in height on the building. They can be internally or externally illuminated, but not backlit. The proposed signs would be located on the building wall facing Snelling Avenue, which is a primary building wall. Two of the signs would be 3 square foot, nonilluminated address signs. A 36 square foot, externally illuminated sign is also proposed. The total amount of sign area proposed is less than what is allowed on this wall. The height of the signs would be less than 28 feet. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse storage containers would be stored in the building.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: 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:

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- (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.

Separate Access Required for Commercial and Residential Uses: Structures containing both nonresidential and residential uses are required to be designed so that customers and employees of nonresidential uses do not have unsolicited access to hallways that include doorways serving individual dwelling units. Access between the clinic and offices to and from the residential part of the building would be controlled.

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

Chapter 1. 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.

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.

Chapter 10. Urban Design

Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.

10.9.2 Promote building and site design that delineates between public and private spaces.

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- 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Franklin-Cedar/Riverside Area Master Plan

The site is located within the boundaries of the *Franklin-Cedar/Riverside Area Master Plan* that was adopted by the City Council in 2001. The plan recommends that a transit-oriented use be developed on this site. Two guiding principals of the small area plan apply to this project:

- Land uses within ½ mile of the station should provide opportunities for higher density housing, high employment work places, and other high activity uses (schools, entertainment and retail) which maximize the benefits of the LRT system.
- The urban form of development near station areas should promote a high quality environment that provides an attractive pedestrian environment, facilitates bus, vehicle, and bicycle traffic, and promotes community values.

ALTERNATIVE COMPLIANCE:

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

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

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

Building placement within 8 feet of lot lines adjacent to streets

Part of the first floor would be located 60 to 99 feet from 24th Street. A variance of the PO Overlay District standard requiring the first floor of the building to be located not more than 8 feet from a lot line adjacent to a street is also required. Staff is recommending approval of the variance. The non-residential part of the building would be oriented to the 24th Street and Snelling Avenue intersection. The applicant is proposing a courtyard with amenities intended to promote an active space for users of the development between the residential part of the building and 24th Street. The amount of windows on each residential wall facing 24th Street exceeds the minimum requirements by eight to ten percent. For these reasons, staff is also recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, the security of the surrounding area has been considered, and visual interest has been created with the proposed amenities and architectural features.

Thirty and twenty percent first floor window requirement

Measured between two and 10 feet above the adjacent grade, twenty percent of the residential wall and thirty percent of the nonresidential wall facing the Midtown Greenway is required to be windows. The

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proposed amount of windows meeting these criteria on the residential walls would be 14.9 percent and 27.2 percent on the nonresidential wall. An additional 31.2 square feet of windows would need to be provided to comply with the residential requirement and an additional 18.4 square feet would need to be provided to comply with the nonresidential requirement. On the second and third floors of the walls facing the Midtown Greenway, nearly 20 percent of each wall would be windows. The adjacent spaces to the residential walls where windows are not proposed are occupied by a stairwell and a dwelling unit. A patio area for all the residents is proposed adjacent to the dwelling unit. Providing windows overlooking the patio could create privacy issues for the resident of that dwelling unit. Frequent use of the patio area would increase natural surveillance of the Midtown Greenway. For these reasons, staff is recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, and the security of the surrounding area has been considered.

Ten percent window requirement

On the fourth floor facing the Midtown Greenway, 7.9 percent of the wall would be windows. An additional 14.2 square feet of windows would need to be provided to comply with this requirement. On the second and third floors of the walls facing the Midtown Greenway, nearly 20 percent of each wall would be windows. The adjacent spaces to the walls where windows are not proposed are occupied by a stairwell and a dwelling unit. A balcony for all the residents is proposed adjacent to the dwelling unit. Providing windows overlooking the balcony could create privacy issues for the resident of that dwelling unit. Frequent use of the balcony would increase natural surveillance of the Midtown Greenway. For these reasons, staff is recommending that the planning commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, and the security of the surrounding area has been considered.

Roof lines that are similar to the form and pitch of those of surrounding buildings

A pitched roof is proposed on most of the building. Buildings in the immediate area primarily have flat roofs. The applicant has indicated that a pitched roof is proposed based on resident's feedback that a pitched roof creates a sense of home more so than a flat roof. Long range plans for the area north of 24th Street call for transit-oriented development including high density residential uses. Future redevelopment will likely result in the removal of these existing industrial buildings. For these reasons, staff is recommending that the planning commission grant alternative compliance.

Landscaped yard and screening of loading space from a street

The required loading space would be located in the driveway. A 7-foot wide landscaped yard is required between the loading space and Snelling Avenue with screening that is 3 feet in height and 60 percent opaque. A landscaped yard and screening would not be provided. The loading space will be located in a shared driveway that will also be used by the adjacent property once it is redeveloped (preliminary development plans are for a senior housing development). The loading space is required for the assisted living use. With only 40 units proposed, a low demand for off-street loading is expected. For these reasons, staff is recommending that the planning commission grant alternative compliance.

MINOR SUBDIVISION

Findings Required by the Minneapolis Zoning Code for the Proposed Minor Subdivision:

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- 1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

Both parcels will be in conformance with the applicable requirements of the zoning ordinance, comprehensive plan, and subdivision regulations provided the building located at 2304 Snelling Avenue is demolished before the subdivision resolution is recorded with Hennepin County.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will adjust a common lot line. This subdivision would not have an affect on surrounding properties and will not add significant congestion to the public streets.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The subject properties do not present the above noted hazards.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration. Changes to the grade would be minimal. A shared driveway is proposed with access to Snelling Avenue.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

The Public Works Department has reviewed the project for appropriate drainage and stormwater management. The amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

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 40 units of assisted living for the property located at 2304-2312 Snelling Avenue, 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 Department of Community Planning and Economic Development – Planning Division for the Variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the development standard for assisted living facilities requiring on-site services shall be for residents of the facility only to allow services to be provided to nonresidents in the clinic located at the property located at 2304-2312 Snelling Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the PO Pedestrian Oriented Overlay District standard requiring the first floor of a building to be located within 8 feet of an adjacent street to allow part of the first floor to be located 60 to 99 feet from 24th Street located at the property located at 2304-2312 Snelling Avenue, subject to the following condition:

1. The first floor setbacks shall be as shown on the plans.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the rear yard requirement adjacent to the west lot line from 11 feet to 0 feet to allow building walls with residential windows located at the property located at 2304-2312 Snelling Avenue.

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

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review for a new mixed use building located at the property located at 2304-2312 Snelling Avenue, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 9, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Rock mulch shall not be used.

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

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 minor subdivision for the property located at 2304-2312 Snelling Avenue, subject to the following condition:

1. That portion of the existing building in proposed Parcel A shall be demolished before the resolution of the City Planning Commission action approving the subdivision is recorded with Hennepin County.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Zoning map
- 4) Plans
- 5) Photos