

Department of Community Planning and Economic Development
Rezoning, Conditional Use Permits, Variances and Site Plan Review
BZZ – 5915

Date: March 25, 2013

Applicant: Golden Nest LLC

Address of Property: 2501 Taylor Street Northeast

Project Name: Golden Nest Assisted Living and Adult Day Center

Contact Person and Phone: Hongjoo Lee, (651) 755-2836

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

Date Application Deemed Complete: February 27, 2013

End of 60-Day Decision Period: April 28, 2013

End of 120-Day Decision Period: On March 12, 2013, staff sent the applicant a letter extending the decision period to no later than June 27, 2013.

Ward: 1 Neighborhood Organization: Audubon Neighborhood Association (adjacent to Windom Park Citizens in Action)

Existing Zoning: R2B Two-family Residence District

Proposed Zoning: R4 Multiple-family Residence District

Zoning Plate Number: 10

Legal Description: Lots 14-18, Block 12, Menages Sup to East Side Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Assisted living, adult day care (development achievement center), and place of assembly

Concurrent Review:

- Petition to rezone from R2B to R4.
- Conditional use permit to allow an assisted living facility.
- Conditional use permit to allow a development achievement center.
- Variance to reduce the interior side yard requirements adjacent to the proposed shared property line to 0 feet to allow the existing buildings, air conditioning units and parking areas to remain.
- Variance to reduce the minimum lot area requirement for an assisted living facility and development achievement center from 24,000 square feet to 20,961 square feet.
- Site plan review.

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- Shared parking agreement (administratively reviewed).

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and (2) “To vary the lot area or lot width requirements up to thirty (30) percent;” and Chapter 530, Site Plan Review.

Background: The applicant is proposing to purchase the northerly portion of the property (Lots 16-18) to establish an assisted living facility and a development achievement center (adult day care) in the existing building. The remaining southerly portion of the site (Lots 14-15) would be sold separately and will continue to be used as a church (also referred to as a place of assembly).

For the proposed development, the following applications are required:

- The property of 2501 Taylor Street Northeast is zoned R2B. Adult day care, classified as a development achievement center in the zoning code, is a conditional use in the R2B district. Assisted living is not allowed in the R2B district. The applicant is requesting to rezone the property to the R4 district where assisted living and a development achievement center both require a conditional use permit. Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law.
- An interior side yard is required on each side of the proposed shared lot line. The minimum interior side yard requirement is equal to $5+2x$ feet, where x is equal to the number of stories above the first floor. The existing building on the northerly parcel is one story; therefore that minimum requirement is 5 feet. The existing building on the southerly parcel is two stories; therefore that minimum requirement is 7 feet. The proposed lot line would bisect the existing link structure between the two buildings, which requires a yard variance reduction to 0 feet. The rest of the northerly building would be more than 5 feet from the shared lot line. Parts of the southerly building would be only 6.4 feet from the shared lot line, which also requires a variance. A 5-foot wide side yard is also required for a parking lot and air conditioning units. The existing parking area would be bisected by the proposed lot line on both sides of the link connecting the buildings. Existing air conditioning units will be located in the required side yard on the southerly parcel. A variance is also required to allow the parking area and air conditioning units to remain. The granting of the variance to allow the buildings to remain is essential to allowing the property to be divided into two separate parcels.
- The minimum lot area required for an assisted living facility is 20,000 square feet. The minimum lot area required for a development achievement center is 4,000 square feet. The total minimum lot area requirement is 24,000 square feet. The proposed lot area of the northerly parcel is 20,961 square feet. A variance is required to reduce the minimum lot area requirement.
- Site plan review is required for any building or use containing 5 or more new rooming units. Because the rooming units of the assisted living facility would only be located on the northerly parcel, this site plan review application only applies to that area. At some time in the future, the

southerly parcel may be required to be brought into compliance with the site plan review standards and/or other applicable zoning code provisions.

To ensure the parking requirement is met for the church on the southerly parcel, a reciprocal easement agreement between the two parcels that would allow vehicle and pedestrian access is proposed. The easement would apply to the parking areas and spaces, driveways and access ways, sidewalks and walkways, exits and entrances, and other common areas of both parcels. In order to allow the creation of two parcels, the parking lot layouts must be striped so that no less than 30 spaces that comply with the minimum parking space and aisle dimensions as required by section 541.330 of the zoning code are provided. This is in addition to needing the yard variances to be granted.

Correspondence from the Audubon Neighborhood Association was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 2501 Taylor Street Northeast from R2B to R4.

Findings as required by the Minneapolis Zoning Code:

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

The proposed rezoning is consistent with the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. In the plan, the future land use designation of the site is urban neighborhood. The urban neighborhood classification is predominantly residential areas with a range of densities that 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. Lowry Avenue is designated as a community corridor. According to the principles and policies outlined in the plan, the following 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.

The *Audubon Park Neighborhood Small Area Plan* was adopted by the City Council in 2008. The small area plan identifies mixed use as the appropriate future land use for this site.

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

The subject site is located on a community corridor where low to medium density residential and low impact neighborhood serving uses are appropriately located. The rezoning would allow the city to increase its supply of housing. Rezoning the whole site will prevent split zoning in the event the sale of the property as two separate parcels does not occur. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The zoning in the immediate area is all R2B. The surrounding uses are all residential, except a church located directly east of the subject site. One block to the west on Lowry Avenue, the zoning changes to commercial where the east boundary of the Central Avenue and Lowry Avenue activity center is located. With the sites location on a community corridor, the proposed zoning would be compatible with the surrounding uses and zoning classifications.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

In the R2B district, single- and two-family dwellings, a place of assembly, and a development achievement center are some of the allowed uses. However, the existing zoning does not allow assisted living. Because of the sites proximity to a community corridor, allowing additional residential density and uses is reasonable.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Prior to 1991, the subject property was zoned R3. In 1991, the site was rezoned to R2B as part of a City-wide rezoning study of properties zoned R2B. The purpose of the rezoning study was to bring zoning into compliance with the adopted comprehensive plan policies at that time. There has been

little, if any, change in development trends in the immediate area over the past 50 years. Most development has occurred on Central Avenue, two blocks away.

CONDITIONAL USE PERMIT: to allow an assisted living facility.

Findings as required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The establishment of an assisted living facility with 8 rooming units to accommodate 15 residents 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 surrounding uses are all residential, except a church located directly east of the subject site. The proposed assisted living use, in close proximity to 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 Taylor Street Northeast. For the site plan review, staff is recommending that the planning commission require landscaping improvements to the property. If improvements are required, the Public Works Department will review 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. With 15 beds proposed, at least 5 spaces are required. Including the 13 spaces required for the adult daycare, more than 18 spaces can be accommodated in the existing parking lot. The site is also within two blocks of 4 bus routes. The use should have little effect on congestion in the streets.

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

The proposed use is consistent with the policies of the comprehensive plan. In addition to the policies identified in the rezoning section of this report, the following also apply to this use:

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.
- 3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.
- 3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

The *Audubon Park Neighborhood Small Area Plan* also encourages adaptive reuse, retrofit and renovation projects that make the neighborhood's housing stock competitive in the city market.

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 rezoning, conditional use permit, variances, and site plan review.

CONDITIONAL USE PERMIT: To allow a development achievement center.

Findings as required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The use of the site for a developmental achievement center should not be detrimental to or endanger the 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 applicant has indicated that the use is intended to promote well-being through social and health related services for older adults. Up to 12 clients with 3 or more employees are expected. The surrounding uses are all residential, except a church located directly east of the subject site. The use, in close proximity to 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 Taylor Street Northeast. For the site plan review, staff is recommending that the planning commission require landscaping improvements to the property. If improvements are required, the Public Works Department will review 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.

One parking space per 500 square feet of gross floor area plus two drop-off spaces is required for a development achievement center. The development achievement center would occupy 5,356 square feet of gross floor area, which requires a minimum of 13 spaces including the two drop-off spaces. Including the 5 spaces required for the assisted living, more than 18 spaces can be accommodated in the existing parking lot. The site is also within two blocks of 4 bus routes. The use should have little effect on congestion in the streets.

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

The proposed use is consistent with the policies of the comprehensive plan. In addition to the policies identified in the rezoning section of this report, the following also apply to this use:

Public Services and Facilities Policy 5.7: Protect and improve individual, community, and environmental health.

5.7.1 Support the health of individuals through direct services, initiatives, research, and advocacy.

The *Audubon Park Neighborhood Small Area Plan* also promotes low-impact neighborhood services on residential streets per the definition of Urban 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 rezoning, conditional use permit, variances, and site plan review.

VARIANCE: to reduce the interior side yard requirements adjacent to the proposed shared property line to 0 feet to allow the existing buildings, air conditioning units and parking areas to remain.

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.**

An interior side yard is required on each side of the proposed shared lot line. The minimum interior side yard requirement is equal to $5+2x$ feet, where x is equal to the number of stories above the first floor. The existing building on the northerly parcel is one story; therefore that minimum requirement is 5 feet. The existing building on the southerly parcel is two stories; therefore that minimum requirement is 7 feet. The proposed lot line would bisect the existing link structure between the two buildings, which requires a yard variance reduction to 0 feet. The rest of the northerly building would be more than 5 feet from the shared lot line. Parts of the southerly building would be only 6.4 feet from the shared lot line, which also requires a variance. A 5-foot wide side yard is also required for a parking lot and air conditioning units. The existing parking area would be bisected by the proposed lot line on both sides of the link connecting the building. Existing air conditioning units will be located in the required side yard on the southerly parcel. A variance is also required to allow the parking area and air conditioning units to remain.

The link between the two buildings provides handicap access for the southerly building. With the on-site grade changes and height of the first floor above grade, providing a separate accessible entrance is not likely feasible unless required parking is eliminated. Likewise, not granting the variance would result in the loss of required parking in the parking area adjacent to the alley. However, complying with the side yard requirement in the other parking area would not result in the loss of any required parking. The air conditioning units would service the southerly building. Not allowing these units to remain would likely require their relocation to an area that is more visible from the public streets and/or would eliminate required parking.

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 requirements. The *Audubon Park Neighborhood Small Area Plan* specifically encourages shared parking practices between complementary uses. As part of the proposal to create two separate parcels, a reciprocal easement agreement between the two parcels that would allow vehicle and pedestrian access has been drafted. The easement would apply to the parking areas and spaces, driveways and access ways, sidewalks and walkways, exits and entrances, and other common areas of both parcels. Granting the variance will allow shared parking in the parking lot adjacent to the alley and cross pedestrian access over both sites to occur. Most of the areas where the southerly building would be closer than 7 feet to the shared lot line are adjacent to surface parking. The location of the air conditioning units is not near any of the proposed rooming units. Complying with the side yard requirement in the parking area accessed from Taylor Street Northeast would not result in the loss of any required parking. Additional landscaping is needed in the northerly parcel to bring the site closer to compliance with the Chapter 530 Site Plan Review requirements and the impervious surface requirements of the R4 district.

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.

The yard obstructions subject to the variance are existing conditions. The variance is needed because nonconformities cannot be created as a result of dividing the property into two separate parcels. The proposed variance will not alter the character of the surrounding area. Granting the variance 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 minimum lot area requirement for an assisted living facility and development achievement center from 24,000 square feet to 20,961 square feet, or by 12.7 percent.

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 the R4 district, the minimum lot area required for an assisted living facility is 20,000 square feet and the minimum lot area required for a development achievement center is 4,000 square feet. The total minimum lot area requirement is 24,000 square feet. The proposed lot area of the northerly parcel where these uses are proposed is 20,961 square feet. The proposed uses would share the existing building and both would be relatively small in capacity for the proposed lot size. Because of the location of the church building to the south, creating a larger lot that complies with the minimum lot area requirement is not feasible.

- 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.**

Lot area requirements are established to ensure compatibility with surrounding uses. The proposed uses would share the existing building and both would be relatively small in capacity for a lot size of 20,961 square feet. Policies from the comprehensive plan and the small area plan support adaptive reuse of existing buildings for housing and low-impact neighborhood serving uses. The proposal is reasonable and is 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.**

Uses in the immediate area are primarily residential. The proposed uses would share the existing building and both would be relatively small in capacity for the proposed lot size. The proposed variance will not alter the character of and should have little effect on the surrounding area. Granting the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

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.
- 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:

No changes are proposed to the exterior of the building. The principal entrance faces Taylor Street. The primary exterior materials are brick, concrete and glass. The parking lot is located between the building and the street, which does not meet the intent of an amenity between the building and the street per the site plan review standards. Landscaping is an amenity. To bring the site closer to compliance with the landscaping and impervious surface requirements, staff is recommending that the planning commission require the applicant to provide landscaping between the parking area and the street.

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 principal entrance is connected to the parking area with a walkway that exceeds 4 feet in width.
- A transit shelter is not proposed or adjacent to the site.
- No changes are proposed to the vehicle access and all circulation would occur on-site. Staff is not aware of any pedestrian conflicts related to access or circulation.

- Only a small part of the parking lot accessed from the alley would be on the northerly parcel. Because there is sufficient room to maneuver on-site, continuing to have alley access should have little effect on adjacent residential properties.
- The existing amount of impervious surface on the site is 19,527 square feet in area, which covers 93.2 percent of the site. With the adoption of the staff recommendation, more than 2,700 square feet of landscaping will need to be provided on-site bringing the property closer to compliance with the maximum impervious surface requirement of 85 percent without eliminating required parking.

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 site is not in compliance with the site plan review landscaping and screening requirements. The applicant has not proposed sufficient landscaping improvements to the property to bring the site into compliance. These requirements are discussed further in the alternative compliance section below.

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:

- There is no curbing in the parking areas. The site slopes down towards Taylor Street Northeast. With the adoption of the staff recommendations to provide additional landscaping on the site, there will be opportunities to provide on-site retention and filtration of stormwater. Staff is recommending that the planning commission require wheel stops or discontinuous curbing where practical.
- The site plan 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 applicant is not proposing to specifically employ any crime prevention through environmental design. Staff is not aware of any crime issues on this property. Staff will work with the applicant to install types of plants that will retain views into and out of the site at eye level.
- The existing structure on the site is not historic.

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: Although the site plan review only applies to the parcel where the assisted living use is proposed, the zoning code requirements for both parcels and uses are addressed below for reference.

The property of 2501 Taylor Street Northeast is zoned R2B. Adult day care, classified as a development achievement center in the zoning code, is a conditional use in the R2B district. Assisted living is not allowed in the R2B district. The applicant is requesting to rezone the property to the R4 district where assisted living and a development achievement center are both conditional uses. A place of assembly is a permitted use in both districts.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for each of the proposed uses is as follows:

- Assisted living: one space per three beds.
- Development achievement center: one space per 500 square feet of gross floor area plus two drop-off spaces (either off-street or on-street with permission of the city engineer).
- Place of assembly: parking equal to 10 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or visual unity.

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Fifteen beds are proposed for the assisted living facility, which requires a minimum of 5 spaces. The development achievement center would occupy 5,356 square feet of gross floor area, which requires a minimum of 13 spaces including the two drop-off spaces. The floor area of the main auditorium for the place of assembly, including the balcony, is approximately 3,318 square feet; therefore the minimum parking requirement is 22 spaces. Please note that because the applicant has indicated that roll-up doors between the main auditorium space and the adjacent Sunday school room are not functional, the area occupied by the adjacent Sunday school room has not been included in the floor area subject to the minimum parking requirement. If the doors become functional or are removed, the minimum parking requirement will increase and the parking deficiency will need to be addressed at that time. The total minimum parking requirement is 40 spaces. By applying the shared parking calculations to the 3 uses, the minimum parking requirement can be reduced to 30 spaces. The applicant has indicated that a total of 31 spaces that comply with the Chapter 541 Off-Street Parking and Loading requirements are located on the two properties (please note that only 11 legal spaces can be recognized in the parking area adjacent to the alley because all maneuvering must occur on-site). However, the parking areas do not comply with the landscaping and screening requirements. A combined 30 spaces can be provided on the two parcels if the yard variance for the rear parking lot and some alternative compliance for the landscaping requirements are granted. Of the spaces provided, at least 2 are required to be accessible. Four accessible spaces would be provided.

Off-site parking and shared parking agreement: By dividing the property as proposed, the amount of required parking for the place of assembly cannot be provided on the southerly parcel. To ensure the parking requirement is met, a reciprocal easement agreement between the two parcels that would allow vehicle and pedestrian access is proposed. The easement would apply to the parking areas and spaces, driveways and access ways, sidewalks and walkways, exits and entrances, and other common areas of both parcels. Off-site parking is allowed by the zoning code for a place of assembly provided the off-site parking is located within 500 feet and is located in a permitted zoning district location and such facilities are under control of the use served. These requirements will be met provided the reciprocal easement agreement includes a provision that the City must be notified if the easement is ever terminated. The easement will need to be filed and recorded in the Office of the Hennepin County Recorder or Registrar of Titles, and evidence of proper filing will need to be submitted to the zoning administrator prior to the issuance of any permits and before the property is allowed to be divided.

Maximum automobile parking requirement: The maximum parking requirement for each of the proposed uses is as follows:

- Assisted living: one space per one bed.
- Development achievement center: one space per 200 square feet of gross floor area plus four drop-off spaces (either off-street or on-street with permission of the city engineer).
- Place of assembly: parking equal to 40 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or visual unity.

With 15 beds, the maximum parking requirement for the assisted living facility is 15 spaces. The maximum parking requirement for the development achievement center with 5,356 square feet of gross floor area is 31 spaces including the four drop-off spaces. With 3,318 square feet of main auditorium floor area, the maximum parking requirement is 88 spaces. The total maximum parking requirement is 134 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement for assisted living is one space per four beds. There is not a minimum bicycle parking requirement for a development achievement center or a place of assembly. Therefore the minimum bicycle parking requirement is 4 spaces, all of which 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. The applicant has indicated that they will provide short-term bicycle parking. At least 4 long-term spaces will need to be provided.

Loading: There is not a loading requirement for a developmental achievement center. For the place of assembly and assisted living, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot or as allowed for off-site parking is required. There would be adequate space in the parking areas to accommodate loading.

Proposed Lot Area: The applicant is proposing to divide the property into two parcels. The lot area of the proposed northerly parcel would be 20,961 square feet. The lot area of the proposed southerly parcel would be 13,960 square feet.

Maximum Floor Area Ratio:

Northerly parcel: The lot area would be 20,961 square feet. The maximum FAR allowed in the R4 district is 1.5 for an assisted living facility and 1.0 for a development achievement center. Once separated, the northerly part of the building would have approximately 6,378 square feet of gross floor area, which is an FAR of 0.3.

Southerly parcel: The lot area would be 13,960 square feet. The maximum FAR allowed in the R4 district is 1.0 for a place of assembly. Once separated, the southerly part of the building would have approximately 6,089 square feet of gross floor area, which is an FAR of 0.44.

Minimum Lot Area:

Northerly parcel: The minimum lot area and width required for an assisted living facility is 20,000 square feet and 80 feet respectively. The minimum lot area required for a development achievement center is 4,000 square feet. The minimum lot width required for a development achievement center is as determined by the conditional use permit. The total minimum lot area requirement is 24,000 square feet. The proposed lot area is 20,961 square feet and the proposed lot width is 138 feet. A variance is required to reduce the minimum lot area requirement.

Southerly parcel: The minimum lot area required for a place of assembly is 10,000 square feet. The minimum lot width required for a place of assembly is 80 feet. The proposed lot area is 13,960 square feet and the proposed lot width is 92 feet.

Building Height: In the R4 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the part of the building on the northerly parcel is one story because the lower level

does not extend more than 6 feet above grade. The height of the part of the building on the southerly parcel is two stories.

Yard Requirements:

Northerly parcel:

- Front: A front yard is required adjacent to Taylor Street Northeast. In the R4 district, the minimum front yard requirement is 15 feet unless the setback of an adjacent structure originally designed for residential purposes is greater. The adjacent residential structure is set back 17.5 feet from the lot line adjacent to Taylor Street. The parking lot currently extends into the required front yard. Staff is recommending that the planning commission require 7-foot wide landscaped yards to be provided between the parking area and the street. If the recommendation is adopted, the yard will become closer to compliance.
- Interior side: An interior side yard is required adjacent to the north lot line and the proposed south lot line. The minimum interior side yard requirement is equal to $5+2x$ feet, where x is equal to the number of stories above the first floor. The existing building is one story; therefore the minimum requirement is 5 feet. A 5-foot wide side yard is also required for a parking lot. The proposed lot line would bisect the existing building, which requires a yard variance down to 0 feet. The rest of the building would be more than 5 feet from the south lot line. The existing parking area would be bisected by the proposed lot line on both sides of the link connecting the building. Because this is a newly created nonconformity, a variance is required. The building and parking area are located 5 feet from the north lot line.
- Rear: A rear yard is required adjacent to the alley. The minimum rear yard requirement is equal to $5+2x$ feet, where x is equal to the number of stories above the first floor. The existing building is one story; therefore the minimum requirement is 5 feet for the building. No changes are proposed in the rear yard.

Southerly parcel:

- Front: A front yard is required adjacent to Taylor Street Northeast. In the R4 district, the minimum front yard requirement is 15 feet unless the setback of the closest adjacent structure originally designed for residential purposes is greater. The closest residential structure is set back 17.5 feet from the lot line adjacent to Taylor Street. The existing building is set back 16.4 feet or more. The parking lot currently extends into the required front yard north of the building. Staff is recommending that the planning commission require 7 foot wide landscaped yards to be provided between the parking area and the street. If the recommendation is adopted, the yard will become closer to compliance.
- Corner side: A corner side yard is required adjacent to Lowry Avenue Northeast. The minimum corner side yard requirement is equal to $8+2x$ feet, 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. The existing building is two-stories tall and is subject to a 10 foot corner side yard requirement. The parking lot is subject to an 8 foot wide yard requirement. The building is set back 10 feet or more. The parking lot is set back 0 feet. No changes are proposed in the corner side yard.
- Interior side: An interior side yard is required adjacent to the proposed north lot line. The minimum interior side yard requirement is equal to $5+2x$ feet, where x is equal to the number of stories above the first floor. The existing building is two-stories tall; therefore the minimum requirement is 7 feet for the building. The proposed lot line would bisect the existing link to the northerly building. The rest of the building would be 6.4 feet to 9 feet from the lot line. A

variance is required to allow the parts of the building that would be located closer than 7 feet to the lot line to remain. A 5-foot wide side yard is also required for a parking lot and air conditioning units. The existing parking area would be bisected by the proposed lot line on both sides of the link connecting the buildings. Existing air conditioning units will be located in the required side yard as well. A variance is required to allow the parking area and air conditioning units to remain.

- **Rear:** A rear yard is required adjacent to the alley. The minimum rear yard requirement is equal to $5+2x$ feet, where x is equal to the number of stories above the first floor. The existing building is two-stories tall; therefore the minimum requirement is 7 feet for the building. A 5-foot wide yard is required for a parking lot because the property is located across an alley from a residential zoning district. The building is more than 7 feet from the rear lot line. The parking lot abuts the alley. No changes are proposed in the rear yard.

Building Coverage:

Northerly parcel: In the R4 district, the maximum allowed building coverage is 70 percent. With a lot area of 20,961 square feet, up to 14,672.7 square feet of building coverage is allowed. The footprint would be 6,378 square feet in area, which covers 43.5 percent of the site.

Southerly parcel: In the R4 district, the maximum allowed building coverage is 70 percent. With a lot area of 13,960 square feet, up to 9,772 square feet of building coverage is allowed. The footprint would be 5,715 square feet in area, which covers 40.9 percent of the site.

Impervious Surface:

Northerly parcel: In the R4 district, the maximum allowed impervious surface coverage is 85 percent. With a lot area of 20,961 square feet, up to 17,816.8 square feet of impervious surface coverage is allowed. The existing amount of impervious surface area on the site is 19,527 square feet, which covers 93.2 percent of the site. With the adoption of the staff recommendation, more than 2,700 square feet of landscaping will need to be provided on the site bringing the property closer to compliance with this requirement.

Southerly parcel: In the R4 district, the maximum allowed impervious surface coverage is 85 percent. With a lot area of 13,960 square feet, up to 11,866 square feet of impervious surface coverage is allowed. The existing amount of impervious surface area on the site is 11,264 square feet, which covers 80.7 percent of the site.

Specific Development Standards: Places of assembly are not subject to specific development standards. Assisted living facilities and development achievement centers are subject to and would comply with the following development standards from section 536.20 of the zoning code:

Board and care home, nursing home, assisted living.

- (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.

Developmental achievement center. In the residence and OR1 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance, or nursing home.

Refuse screening: Refuse and recycling storage containers are required to be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Unscreened refuse containers are located behind the building in a required yard where they are not a permitted obstruction. They will need to be screened and relocated outside of a required yard.

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:

- (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.

Signs: The applicant has indicated that no signage is proposed. Any new signage will require Zoning Office review for compliance with applicable ordinances, approval, and permits.

Separate access required for commercial and residential uses: Structures containing both nonresidential and residential uses shall be designed so that customers and employees of nonresidential uses do not have unsolicited access to hallways that include doorways serving individual dwelling units. On the northerly parcel, a residential use would occupy the upper level and a nonresidential use would

occupy the lower level. The church on the southerly parcel would also have access to the main entrance. No means of separation between these levels or the church is identified on the floor plans, but will need to be identified before any building permits can be approved.

MINNEAPOLIS PLAN: With the adoption of the staff recommendations, the proposed development would be consistent with the applicable policies of the comprehensive plan and the small area plan. In addition to the principles and policies in the rezoning section of this staff report, the following apply to this proposal:

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.
- 10.18.8 Encourage appropriate land uses to share parking lots to reduce the size and visual impact of parking facilities.

Urban Design Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.
- 10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.
- 10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.
- 10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.

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 for the on-site landscaping and screening requirements as described below. The intent of the parking lot landscaping requirements is to promote visual enhancement, reduce on-site stormwater runoff, conservation of energy, restoration of natural amenities, and to reduce the urban heat island effect. Because meeting most of the requirements is not impractical and alternatives have not been proposed to meet the intent of the ordinance, staff is recommending that the planning commission not grant alternative compliance for most of the requirements.

General landscaping requirements of section 530.160 of the zoning code

- *Landscaping 20 percent of the site:* 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 20,961 square feet. The existing building would occupy 6,378 square feet of the site. The lot area minus the building footprint therefore consists of 14,583 square feet. At least 20 percent of the net site area is 2,916.6 square feet. Approximately 1,434 square feet of the site is landscaped. That is equal to 9.8 percent of the net lot area. There are opportunities in the parking area to provide enough landscaping to comply with this requirement. Staff is recommending that the planning commission not grant alternative compliance.
- *Minimum number of required trees and shrubs:* 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 6 and 30 respectively. No trees exist. The plan indicates that 3 canopy trees would be planted in the landscaped yard adjacent to the north lot line. Approximately 24 shrubs are indicated on the site plan. With the opportunities to provide additional landscaping in the parking area, compliance with these requirements is not impractical. Staff is recommending that the planning commission not grant alternative compliance.
- *Remaining landscaped areas:* The plan does not indicate how the remainder of the landscaped area would be covered. These areas are required to be covered with trees, shrubs, sod, ornamental grasses, perennials and/or wood mulch. Staff is recommending that the planning commission not grant alternative compliance.

Parking and loading landscaping and screening requirements of section 530.170 of the zoning code

- *Parking fronting along a public street:* The parking lot fronts Taylor Street Northeast. A 17.5-foot wide landscaped yard between the parking area and the front lot line is required in the R4 district due to the established setback of the closest residential structure. In the landscaped yard, screening is required to be 3 feet tall and at least 60 percent opaque. At least 4 canopy trees are also required in the landscaped yard. No landscaped yard or screening exists. Requiring a 17.5-foot landscaped yard will likely eliminate required parking. Also, the interior street boulevard is 8 feet in depth and

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additional landscaping can be planted in that area provided the asphalt is removed. An on-site, 7-foot deep landscaped yard should be a sufficient buffer between the parking area and front lot line. Staff is recommending that the planning commission require a 7-foot wide landscaped yard with the required screening and trees.

- *Parking abutting a residence district and residential use:* A residential use and residence district is located to the north and the church is in a residence district located to the south of the parking lot with access to Taylor Street Northeast. A 7-foot wide landscaped yard with screening that is 95 percent opaque and 6 feet tall (exceptions can apply in the required front yard) is required between the parking area and the north and south lot lines. In the required front yard, fencing used to meet the screening requirement cannot exceed 3 feet in height. A 5-foot wide landscaped yard exists adjacent to the north lot line; however, the existing open, 3.5 foot tall chain-link fence does not provide sufficient screening. No landscaping or screening is located adjacent to the proposed south lot line because the parking area currently abuts the church building. Providing the landscaped yards would not be impractical and additional landscaping is needed to meet the 20 percent landscaping requirement. The required screening can also be provided adjacent to the north lot line for the adjacent residential use. Requiring screening adjacent to the south lot line would provide little value because the adjacent use is nonresidential and that side of the church does not have many window openings that allow views into and out of the building. Staff is recommending that the planning commission require compliance with these requirements, except for the screening required adjacent to the south property line.
- *Parking across an alley from a residence district and residential use:* A small part of the parking area adjacent to the alley would be on the northerly parcel. A residential use and residential zoning district is located across the alley from the parking lot. A 7-foot wide landscaped yard with screening that is 95 percent opaque and 6 feet tall is required between the parking area and the east lot line. The parking is needed to meet the minimum parking requirements. After accommodating the required parking space and drive aisle dimensions, very little space would remain for landscaping and screening. Staff is recommending that the planning commission grant alternative compliance for these requirements.
- *Interior landscaping of parking lots:* If any areas of the parking lot are left unavailable for parking or vehicle circulation, those areas will need to be landscaped.
- *Distance to trees:* Parking spaces in parking lots of 10 or more spaces are required to be located within 50 feet of a canopy tree. No spaces are within 50 feet of the tree. The applicant has indicated that 3 trees would be planted on the north side of the parking lot resulting in half of the parking spaces being located within 50 feet of a tree. With the adoption of the staff recommendation that landscaped yards are provided on the north, west and south sides of the parking lot, this requirement can be met. Staff is recommending that the planning commission not grant alternative compliance.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 2501 Taylor Street Northeast from the R2B district to the R4 district.

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

The Department of Community Planning and Economic Development 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 2501 Taylor Street Northeast, 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 two years of approval.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow development achievement center for the property located at 2501 Taylor Street Northeast, 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 two years of approval.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard requirements adjacent to the proposed shared property line to 0 feet to allow the existing buildings, air conditioning units and parking areas to remain for the property located at 2501 Taylor Street Northeast, subject to the following conditions:

1. The applicant shall submit proof that the reciprocal easement agreement between seller and buyers of the subject property was recorded with Hennepin County. The reciprocal easement

agreement shall include a provision that the City must be notified if the easement is ever terminated.

2. Parking within the required interior side yards shall not be allowed in the parking area accessed from Taylor Street Northeast. The asphalt paving in these areas shall be removed and replaced with landscaping.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot area requirement for an assisted living facility and development achievement center from 24,000 square feet to 20,961 square feet for the property located at 2501 Taylor Street Northeast.

Recommendation of the Department of Community Planning and Economic Development for the Site Plan Review:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow an assisted living facility for the property located at 2501 Taylor Street Northeast (Lots 16, 17 and 18), subject to the following conditions:

1. Landscaping shall be provided on-site as required by section 530.160 of the zoning code.
2. Landscaped yards not less than 7 feet wide with screening and trees shall be provided as required by section 530.170 of the zoning code adjacent to the west and north lot lines.
3. A landscaped yard not less than 7 feet wide shall be provided as required by section 530.170 of the zoning code adjacent to the south lot line.
4. Any areas of the parking lot left unavailable for parking or vehicle circulation shall be landscaped as required by section 530.170 of the zoning code.
5. Installation and maintenance of all landscape materials shall comply with the standards outlined in sections 530.200 and 530.210 of the zoning code.
6. Concrete curbs and/or wheel stops shall be installed as required by section 530.230 of the zoning code.
7. The parking lot layouts shall comply with the minimum parking space and aisle dimensions as required by section 541.330 of the zoning code.
8. At least 4 long-term bicycle spaces shall be provided as required by section 541.180 of the zoning code.

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9. Refuse containers shall be screened as required by section 535.80 of the zoning code.
10. Separate access between the residential and nonresidential uses shall be provided as required by section 535.85 of the zoning code.
11. Department of Community Planning and Economic Development staff review and approval of the final site, landscaping, and floor plans.
12. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 25, 2015, or the permit may be revoked for non-compliance.

Attachments:

1. Applicant statement of use and responses to findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos