

## GENERAL INFORMATION

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| Applicant:                       | Friendship Village of Bloomington                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Location:                        | 8100 and 8210 Highwood Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Request:                         | <ol style="list-style-type: none"><li>1) Comprehensive Plan Amendment to reguide 8210 Highwood Drive from Office to High Density Residential (Case PL2017-72);</li><li>2) Rezoning from R-1 and R-1(PD) to RM-24(PD) (Case PL2017-250);</li><li>3) Type III Preliminary and Final Plat to combine the properties into one parcel (Case PL2017-72);</li><li>4) Variance to increase the allowed floor area ratio for an institutional use from 0.6 to 0.615 (Case PL2017-250).</li><li>5) Conditional Use Permit for a residential care facility in the RM-24 zoning district (Case PL2017-250); and</li><li>6) Preliminary and Final Development Plans to construct a three-story, 140-bed health center and a five-story, 98-unit residential living building (Case PL2017-250);</li></ol> |
| Existing Land Use and Zoning:    | Office, residential care facility, multiple-family and two family (senior living) dwellings; zoned R-1 Single-Family Residential and R-1 (PD) Single-Family Residential (Planned Development)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Surrounding Land Use and Zoning: | North – Freeway I-494 right-of-way<br>South – Tierney’s Woods Park; zoned SC<br>East – Single-family residential; zoned R-1(PD)<br>West – Trunk Highway 169 right-of-way                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Comprehensive Plan Designation:  | Office and High Density Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## HISTORY

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| City Council Action: | <p>11/07/1977 – Approved Final Development Plans and Final Site and Building Plans for a retirement home facility with 345 residential units and a 96-bed medical center (Case 7975A-77).</p> <p>04/03/1978 – Approved the Preliminary and Final Plat of Friendship Village (Case 8708A-78)</p> <p>02/17/1998 – Approved a Major Revision to Preliminary Development Plans and Final Development Plans for six two-family homes, a lobby addition, and an underground parking structure (Case 7975A-97).</p> |
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10/04/1999 – Approved a Major Revision to Final Development Plans for a parking garage and fellowship hall addition (Case 7975A-99).

09/17/2001 – Approved a Major Revision to Final Development Plans for a health care center addition (Case 7975A-01).

03/22/2010 – Approved a Major Revision to Final Development Plans for a fitness center addition and underground and surface parking improvements (Case 7975A-10).

Planning Commission Action: 06/29/2017 – Recommended approval of applications for a Comprehensive Plan Amendment (Office to High Density Residential) for 8210 Highwood Drive and Preliminary and Final Plat for the Friendship Village campus. Recommended denial of applications to rezone the site from R-1 and R-1(PD) to RM-50(PD), Preliminary and Final Development Plans for a new health center and 94-unit residential living building, and a Conditional Use Permit for a residential care facility (Case PL2017-72). Comprehensive Plan Amendment and plat applications have been tabled for consideration by the City Council at the request of the applicant.

## CHRONOLOGY

Planning Commission Actions: 06/29/2017 – Recommended approval of Comprehensive Plan Amendment and Preliminary and Final Plat (Case PL2017-72).

12/21/2017 – Recommended approval of Rezoning, Variance and Conditional Use Permit (Case PL2017-250). No recommendation on the Preliminary and Final Development Plans (Vote: 3-3) (Case PL2017-250).

City Council Agenda: 02/05/2018 – Public hearing scheduled

## PROPOSAL

Friendship Village of Bloomington proposes to construct a three-story, 140-bed health center and a 98-unit senior living residential building that varies from two to five stories at its senior living

campus located at 8100 and 8210 Highwood Drive. Renovations to the existing health center would include the addition of three residential units within existing facilities. To allow for the proposed campus expansion, the application includes the following components:

- Comprehensive Plan Amendment to reguide 8210 Highwood Drive from Office to High Density Residential;
- Rezoning the total site from R-1(PD) and R-1 to RM-24(PD);
- Preliminary and Final Plat to combine 8100 and 8210 Highwood Drive into one parcel;
- Variance to increase the allowed floor area ratio for institutional uses from 0.6 to 0.615;
- Conditional Use Permit for a residential care facility in the RM-24 zoning district; and
- Various flexibility requests through the Planned Development approval process.

The proposed three-story health center would provide 64 skilled nursing suites (66 beds), 42 assisted living apartments, and 32 memory care studios. The health center would replace an existing 35,900 square foot, 52-bed health care facility (boarding care) containing assisted living and memory care units and two office buildings totaling 14,760 square feet in the southwest corner of the site. The proposed health center has not significantly changed from the application reviewed in June of 2017.

The facility would be constructed in two phases. Phase 1 would include the memory care and assisted living facilities and be constructed in the general vicinity of the existing office building at 8210 Highwood Drive. Upon completion of Phase 1, the existing boarding care facility residents would relocate to the new facility. Phase 2 includes the skilled nursing suites and be sited on the existing health center location, extending north from Phase 1. The existing boarding care facility would be demolished during Phase 2. The existing skilled nursing wing would be vacated upon the completion of Phase 2. A 77 space underground parking garage would comprise the proposed health center lower level. The proposed health center total gross building area would be 178,494 square feet.

A proposed 98-unit, two to five-story residential living building would be constructed as part of Phase 2. The southeastern portion of the building would be two stories in height, stepping up to three and five stories respectively for the northeastern and western portion. The building would be located immediately south of the existing commons, pavilion and administration building partially within the pond/wetland on the east side of the site, north of the existing twin-homes. To accommodate the residential living building, the applicant is proposing to fill 27,969 square feet of the wetland. The southern portion of the wetland would be expanded by 21,653 square feet, resulting in the removal of two twin-home structures (4 residential units). The building's southern elevation would frame the northern boundary of the modified wetland.

The residential living building would be connected to the Friendship Village campus via a skyway over the circulation road on the north. Connection to the existing campus provides residential building residents protected access to dining and other facilities/amenities within the broader facility. A 58 space underground parking structure would be constructed under the residential living building. The total gross building area for the residential living building would be 208,572 square feet.

Additional building modifications include the removal of three existing health center wings. The remaining health center space would be renovated into an additional dining venue and three new residential living apartments. In addition, the two westernmost twin-home structures (four dwelling units) are proposed to be removed to allow for the existing wetland reconfiguration. Further site modifications include additional surface parking areas predominantly surrounding the new health center. A new 66-space surface parking area replaces the skilled nursing wings of the existing health center.

Alterations to campus circulation drives to navigate around the health center and residential living building are proposed. Existing parallel parking stalls (43 spaces) along the western, northern and eastern circulation drive of the Friendship Village campus would be removed in order to improve access for emergency response and other vehicles. Site lighting and landscaping is provided with the intention of complying with the City Code performance standards.

For the subject Preliminary and Final Development Plans to proceed, a Wetland Replacement Plan must be approved. The Wetland Replacement Plan has been reviewed by the Technical Evaluation Panel (TEP) for consistency with the Wetland Conservation Act (WCA). Additional information about the wetland impacts and review can be found in the analysis section. The Wetland Replacement Plan is currently scheduled for consideration by the City Council on February 5, 2018.

The subject application follows a previous development plan and application submitted to the City in April of 2017. The previous application included requests for a Land Use Guide Plan Amendment (Office to High Density Residential) for 8210 Highwood Drive and for the platting of the entire campus into one parcel. On June 29, 2017, the Planning Commission recommended approval of the Guide Plan Amendment and Preliminary and Final Plat applications, and recommended denial of requests for Rezoning, Preliminary and Final Development Plans, and a Conditional Use Permit. The subject application with updated development plans is intended to address and respond to the areas of concern and non-compliance that informed the Planning Commission's previous recommendation. With respect to the Guide Plan Amendment and Plat, those applications were tabled for consideration by the City Council at the applicant's request allowing the other development applications to be considered concurrently by the City Council.

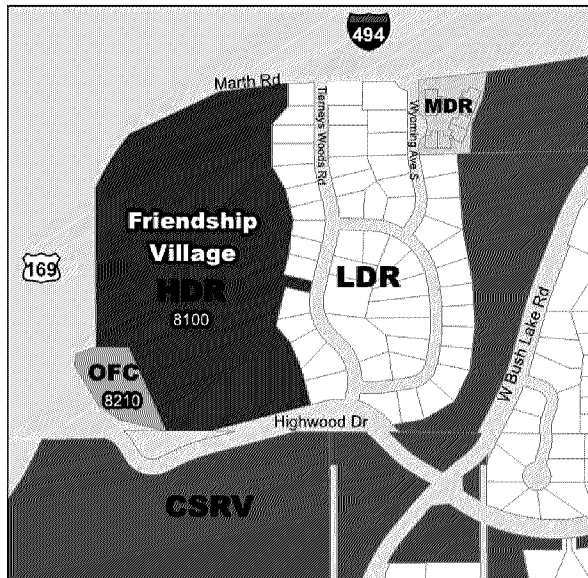
## ANALYSIS

### **Guide Plan Amendment**

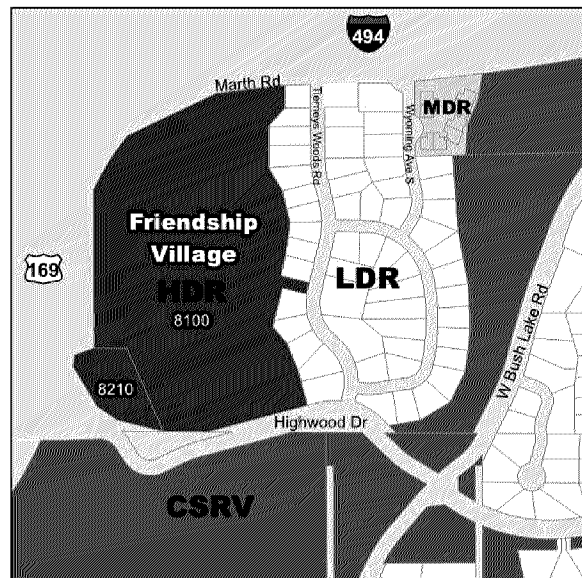
The applicant requests the Comprehensive Plan guiding of 8210 Highwood Drive be amended from Office to High Density Residential. Figure 1 shows the proposed Land Use Guide Plan amendment. Friendship Village of Bloomington purchased the office site (8210 Highwood Drive) in 2012 with the intention of incorporating the property into future operation and expansion plans. As Friendship Village now proposes to expand the senior living community onto the office site, it must reguide the property to the High Density Residential land use designation to allow for the proposed use.

**Figure 1 – Proposed Comprehensive Plan Amendment**

Existing Guide Plan



Proposed Guide Plan Amendment



The High Density Residential land use category is intended for properties with a residential density of greater than ten dwelling units per acre. Typical land uses within the High Density Residential land use category include apartments, condominiums, and senior housing communities. The existing Friendship Village senior community (8100 Highwood Drive) is presently guided High Density Residential. Given the surrounding uses, staff supports the proposed Guide Plan change from Office to High Density Residential. The High Density Residential designation is compatible with the surrounding land uses and consistent with the land use designation of the remainder of the adjacent Friendship Village site. The office parcel has access to a collector street, which is an important consideration for high density residential uses. The Planning Commission held a public hearing and reviewed the proposed Comprehensive Plan Amendment on 06/29/2017, unanimously recommending approval of the amendment to reguide 8210 Highwood Drive from Office to High Density Residential.

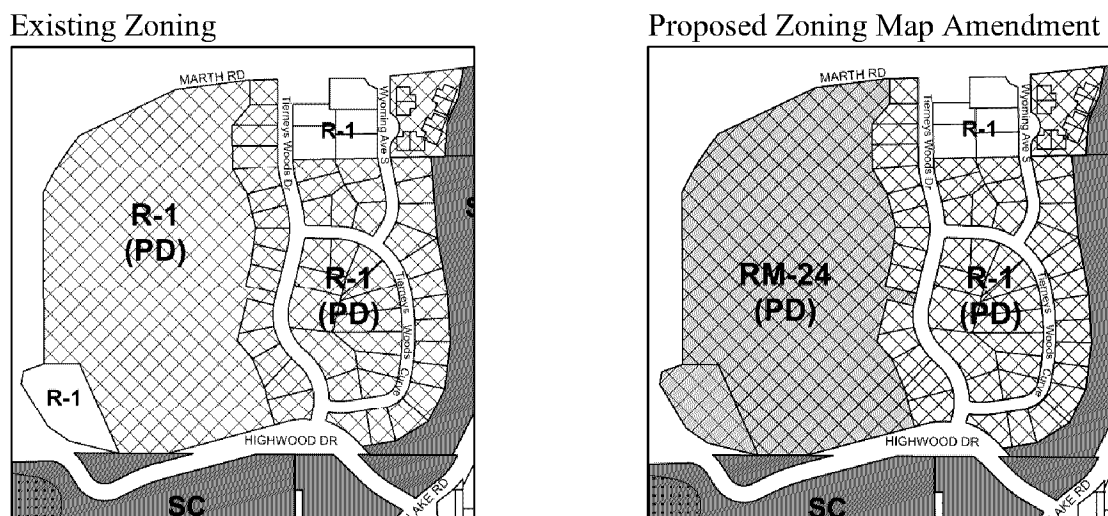
Notice of the proposed Comprehensive Plan Amendment was provided to adjacent and affected jurisdictions and governmental units for review and comment. Responses are included in the agenda packet; most jurisdictions did not have substantive responses. Minnesota Department of Transportation provided review comments on the specific development plans for the proposed expansion of the site, though these comments were not specifically focused on the proposed Guide Plan Amendment. Metro Transit submitted comments noting that the properties are not easily served by mass transit. Staff has not received letters of opposition to the proposed Comprehensive Plan Amendment from adjacent and affected jurisdictions and governmental units.

### **Rezoning**

The applicant requests rezoning from R-1(PD) Single-Family Residential (Planned Development) and R-1 Single-Family Residential to RM-24(PD) Multiple-Family Residential (Planned Development). Figure 2 shows the proposed rezoning area. The site cannot be expanded as proposed without a rezoning to a multi-family zoning district.

Development intensity allowed varies by zoning district. To allow the proposed development, the applicant seeks to rezone the entire site to the RM-24 Multiple Family Residential District. The RM-24 zoning district allows for a maximum floor area ratio (FAR) 0.5 for institutional uses (Sec. 21.302.06). The applicant requests flexibility through the planned development process to increase the allowed FAR to 0.6, a 20 percent increase, which is the maximum allowed by City Code. To accommodate the amount of floor area proposed, the applicant requests a variance to further increase the allowed floor area ratio from 0.6 to 0.615. The approval of the development plans are dependent on the requested variance approval.

**Figure 2 – Proposed Rezoning from R-1(PD) and R-1 to RM-24(PD)**



Multiple family zoning districts in Bloomington limit the number of units allowed per acre of land. The units per acre metric does not translate well to certain uses, such as institutional uses, that have group quarters as opposed to individual units and offer more robust on-site services than typically offered in multi-family developments. An alternative density metric is the massing measurement of floor area ratio (FAR) that compares the amount of building floor area with the amount of land area on a given site. The City's 2013 Institutional Use Standards establish the maximum FAR allowed for institutional uses in each specific residential zoning district (see Table 1). FAR is defined in the City Code as the following:

*Floor Area Ratio – the floor area of a building or buildings on a site, exclusive of parking structures, divided by the gross site area, including, at the option of the land owner, land donated for public right-of-way purposes.*

**Table 1 – Maximum Floor Area Ratio for Institutional Uses (Sec. 21.302.06(b)(2))**

| Zoning Districts                                 | Maximum Floor Area Ratio <sup>a</sup>         |                                                   |
|--------------------------------------------------|-----------------------------------------------|---------------------------------------------------|
|                                                  | When Adjacent to Arterial or Collector Street | When not Adjacent to Arterial or Collector Street |
| Single-Family Districts<br>R-1, R-1A, RS-1       | 0.35                                          | 0.20                                              |
| Multi-Family Districts<br>R-3, R-4, RM-12, RM-24 | 0.50                                          | 0.35                                              |
| Multi-Family Districts<br>RM-50, RM-100          | 1.00                                          | 0.50                                              |

a. The Planned Development (PD) Overlay District allows for an increase of floor area up to a maximum of 20 percent.

The Friendship Village senior living community has access to two collector streets – Highwood Drive and Marth Road. The existing Friendship Village senior living community (excluding the office site – 8210 Highwood Drive) FAR is 0.41 (430,367 sq. ft. gross building area/1,042,403 sq. ft. gross site area). As the existing FAR already exceeds the maximum allowed in the R-1 zoning district, the site is presently considered to be legally non-conforming with regard to floor area ratio. As a result, any further site expansion would not be allowed unless the senior living campus is rezoned to a higher density residential district. The proposed campus expansion would result in a FAR of 0.615 (672,198 sq. ft. gross building area/1,092,944 sq. ft. gross site area). Based on a proposed FAR of 0.615, the applicant is seeking rezoning to the RM-24 zoning district.

The City Council has discretion when considering a rezoning application. Although there are no explicit findings in City Code required for a rezoning, relevant considerations include:

- Whether the proposed district is consistent with the Comprehensive Plan;
- Whether the proposed site meets the stated intent of the requested zoning district;
- How the proposed district differs from the existing district; and
- Whether there is a public benefit in the rezoning.

*Rezoning Consistency with the Comprehensive Plan*

8100 Highwood Drive is currently guided High Density Residential and 8210 Highwood Drive is guided Office in the Comprehensive Plan. However, Friendship Village of Bloomington has filed an application to reguide 8210 Highwood Drive from Office to High Density Residential. The Comprehensive Plan Amendment application was reviewed by the Planning Commission on June 29, 2017 and recommended for approval. The City Council continued consideration of the reguiding application indefinitely at the applicant's request. The applicant desired to provide concurrent City Council review once the rezoning, preliminary and final development plans, variance and conditional use permit applications advance through Planning Commission. Should the Comprehensive Plan Amendment to reguide 8210 Highwood Drive be approved, the total site will be guided High Density Residential. The High Density Residential designation is intended for residential properties with a residential density greater than 10 units per acre, which is consistent with the existing and proposed density of the campus.

The site rezoning, coupled with the proposed PD flexibility and variance requests, would allow the proposed residential care facility expansion, new health center construction, and development of 98 independent senior living residential units. In evaluating the rezoning request in the context of the development proposed, staff reviews the proposal for consistency with the Comprehensive Plan. The following goals and strategies within the Land Use Plan and Housing Element are pertinent in this case:

***Comprehensive Plan Guidance***

*Land Use Strategy 1.2 – Encourage growth to occur in appropriate locations.*

- *Use land use controls to preserve the character of low density neighborhoods.*

*Land Use Strategy 1.4 – Mitigate land use conflicts.*

- *When considering development proposals and requests to change zoning or guide plan designations, evaluate the surrounding land uses and their level of compatibility with the proposed land use. The location of inherently incompatible land uses adjacent to one another will be strongly discouraged, unless the incompatibility can be sufficiently mitigated; and*
- *In instances where it is desirable, or unavoidable, to have less compatible land uses adjacent to one another, require the proposed land use to provide an appropriate transition or buffer.*

*Land Use Strategy 2.4 – Require that renewal mitigate impacts on adjacent property that are in excess of current impacts.*

- *Consider negative impacts on adjacent property during development reviews; and*
- *Require mitigation of impacts as necessary through conditions of approval*

*Housing Goal 4 – Provide housing opportunities for all age groups.*

- *Promote the development of housing to serve the needs of current and future residents.*

The Comprehensive Plan Housing Element encourages the development of housing opportunities for all age ranges. The construction of additional senior housing and the new health center would be supportive of that goal. While it is important to develop more senior housing and care facilities, the plan must promote land use compatibility and the mitigation of land use conflicts.

To mitigate development impacts, the Comprehensive Plan recommends the provision of buffering and appropriate transitions. The previous development application proposed a four-story residential building in close proximity to single-family residential uses. The revised residential building plan now provides a “step-down” design, lowering the portion of the building closest to single-family properties to two stories in height. The residential building design modifications provide an improved transition between uses and reduce the development impacts. The proposed rezoning is consistent with the land use compatibility guidance of the Comprehensive Plan

provided the wooded area along the eastern boundary of the campus continues to provide an effective buffer and transition between uses. Staff recommends that the applicant provide a scenic easement over this area to the City. The scenic easement would protect remaining significant trees and vegetation from removal in the future following the development project.

The Comprehensive Plan Land Use Element discourages activities that negatively impact wetlands. A portion of the existing wetland would be impacted by the proposed residential building location. When development activity is proposed to impact wetlands in some manner, the process established under the Minnesota Wetland Conservation Act (WCA) is utilized to evaluate conformance with all rules and regulations pertaining to wetland modification and impact. Under the WCA, the Technical Evaluation Panel (TEP), which includes technical professionals from the City, the Hennepin Conservation District and the Board of Water and Soil Resources, must make technical findings and recommendations regarding wetland applications. The TEP has concurred the application meets the technical requirements for a wetland replacement application, has sufficiently shown that no reasonable alternatives exist to minimize or avoid wetland impacts for this project, and recommends approval of the application. The TEP's recommendations will be presented at the February 5, 2018 City Council meeting for consideration of the wetland replacement application.

For the purposes of evaluating conformance of the rezoning request to the Comprehensive Plan, all of the goals, strategies and actions must be considered. It is not uncommon to have competing interests among the applicable Comprehensive Plan goals and strategies. In that instance, the City Council determines if the development proposed is consistent with the overall future vision established in the Comprehensive Plan. While there are competing interests at play, rezoning the subject property to RM-24 in the context of the development proposed and with appropriate buffer preservation and operational limitations is consistent with the Comprehensive Plan.

*Intent of the Requested Zoning District*

Per City Code Section 21.203.07, the intent of the Multiple-Family Residential (RM-24) zoning district is the following:

*To provide appropriate development standards for multiple-family residential uses with access to arterial or collector streets in proximity to neighborhood commercial uses and public open space.*

The subject properties have access to two collector streets, Highwood Drive and Marth Road. The Traffic Division has analyzed the proposed development and is confident the streets that serve the campus have adequate capacity for the anticipated increase in vehicle trips. The site has access to streets that can support the requested rezoning to the RM-24 zoning district.

The Friendship Village campus is not in proximity to neighborhood commercial uses, as the closest commercial node, Amsden Ridge, is approximately 1.74 miles from the campus. However, Friendship Village of Bloomington offers a wide array of services and amenities within the campus that exceed those of a typical multiple-family residential development. The services and amenities include a fitness center, salon, banking, entertainment pavilion, library, crafts, and numerous multi-purpose rooms that offer programming. Based on the services and amenities

provided on-site, the demand for outside services and other commercial uses is less than a typical multi-family residential development

Finally, the RM-24 zoning district requires the property be located in proximity to public open space. The Friendship Village campus is located directly north of and adjacent to Tierney's Woods and Anderson Lake Park, which is part of the broader Hyland Lake Park Reserve. The City park is a significant public open space that offers walking trails in a natural wooded environment. The proximity of this open space to the Friendship Village campus addresses the stated intent of the RM-24 zoning district.

*Existing Zoning District vs. Proposed*

The subject properties are currently zoned R-1 and R-1(PD). Historically, multi-family residential developments were allowed to be developed within the R-1 Single-Family Residential zoning district, as multiple-family residential was allowed as a conditional use within R-1. This approach to multi-family development is no longer utilized or available within the Bloomington City Code. In addition, the existing zoning would not allow expansion given that the campus already exceeds the FAR allowed for institutional uses in the R-1 district. Any proposed expansion therefore requires rezoning.

The existing Friendship Village FAR is currently legally non-conforming within the R-1 zoning district. Based on the quantity of residential units and beds and the overall floor area within the existing development, the most appropriate zoning district for the campus is RM-24. The proposed expansion of the campus would raise the density (utilizing bed to residential unit equivalency) from 17.8 to 21.7 units per acre. The FAR would increase from 0.41 to 0.615, exceeding the maximum FAR of 0.5 by 0.115. The applicants have requested both planned development flexibility and a variance to allow for the increased FAR. Should both be approved, the campus would be in compliance with the RM-24 zoning district and no additional development could occur on the site without a further variance.

*Public Benefit of the Change*

To evaluate the public benefit associated with the requested zoning change, staff referenced the Comprehensive Plan to determine if the proposed project is consistent with the City's land use and housing goals. The project as currently proposed would further the City's housing goals as identified in the Housing Element. In addition, the applicant made significant modifications to the plan to better mitigate development impacts on adjacent land owners and provide a more effective transition between uses. Rezoning the property to RM-24 allows for the new health center construction and additional senior housing. It is in the public interest to allow more senior housing opportunities in Bloomington. Finally, the rezoning would clearly establish the maximum amount of development at the Friendship Village campus without additional variances or rezoning. Should the rezoning to RM-24 be approved, further site expansions would not be feasible absent a further variance or rezoning, as the institutional use would have reached its maximum floor area.

The development as proposed would result in Friendship Village relocating residents of the four removed units to accommodate the proposed wetland expansion. The attached correspondence from residents of these units oppose the relocation and believe it is a violation of their contract with Friendship Village. The City Attorney's Office reviewed the information and believes the

contractual rights and obligations between Friendship Village and its residents is a private matter for the parties to resolve, and does not involve the City. Staff strongly encouraged the applicant to modify their plan in a manner that would have no impact to the wetland or the existing units by building all proposed units vertically west of the wetland. The applicant stated they have reviewed that scenario and find it to be cost prohibitive and restricts the desired connectivity.

### Conclusion

Based on the analysis of the request to rezone the site from R-1 and R-1(PD) to RM-24(PD), staff supports the request for the following reasons:

- The proposed RM-24 zoning is consistent with the current use and FAR of the existing site;
- The rezoning furthers goals of the Comprehensive Plan; and
- The rezoning increases opportunities for housing and services for seniors in Bloomington.

The Planning Commission and staff recommend approval of the rezoning request.

### Platting

To construct the proposed three-story health center, the office site (8210 Highwood Drive) must be combined with the broader Friendship Village parcel (8100 Highwood Drive), requiring the approval of a Type III Preliminary and Final Plat. The applicant has submitted the necessary plat applications in conjunction with the development application. The proposed plat, Friendship Village 2<sup>nd</sup> Addition, combines the parcels into one lot, which is 1,092,944 square feet (25.09 acres) in size. The City's Engineering Division has reviewed the plat document and provided review comments to the applicant. Additional details on the proposed plat, such as right-of-way dedication, easement vacation, and the conveyance of sidewalk, bikeway, transportation facility, drainage and utility easements, must be resolved. As Friendship Village of Bloomington owns the office site and plans to integrate the adjacent parcel into the broader campus, combining these parcels is appropriate. The proposed lot would meet the minimum lot area and width standards of the R-1 and RM-24 by a large margin. The Planning Commission and staff are supportive of the applications for Preliminary and Final Plat. Should the plat be approved, it must be recorded at Hennepin County prior to the issuance of any footing/foundation or building permits. In addition, the applicant must satisfy the City's park dedication requirements.

### Variance

The applicant requests a variance to increase the maximum allowed floor area ratio (FAR) for an institutional use in the RM-24 zoning district from 0.6 to 0.615. The variance is in addition to a flexibility request that would increase the allowed FAR from 0.5 to 0.6. The basis of the variance request is a recent MnDOT condemnation that acquired 27,149 square feet (listed as 23,495 sq. ft. in application materials) from the Friendship Village parcel (8100 Highwood Drive) to construct improvements for the TH169 and I-494 highway interchange. Attached to the staff report is a map identifying the land that was acquired for public right-of-way through condemnation. The impact of the land acquisition reduced overall land area that informs the quantity of floor area allowed to be constructed on site per the City's Institutional Use Standards. If the land acquired by MnDOT were to be factored into the overall land area in the context of the development proposed, the

overall FAR would be reduced to 0.6 and be in conformance with the RM-24 zoning district, subject to the preliminary and final development plan flexibility approval.

The City Code definition of floor area ratio allows land donated as public right of way to be included in the calculation. In this case, the land was not donated, but rather acquired through condemnation proceedings. As a result, the land area cannot be included in the FAR calculation without the approval of a variance. More specifically, variance applications must meet the practical difficulties and unique circumstances test found within Section 2.85.04 of the City Code. Approval of the variance request would allow for conformance with the requested zoning district in the rezoning application. Also, within the project description submitted as part of the application, the applicants have attempted to address why the requested variance is consistent with the required findings under City Code.

Staff evaluated the variance request according to the required findings. A land acquisition of this size (0.62 acres) by a public entity for public right-of-way is a circumstance not created by the landowner. In the case of Friendship Village, while the owner was fully compensated, the condemned land lost reduced the amount of floor area that can be added to the existing senior living and residential care campus. The ability of the campus to provide additional senior housing connects with City goals identified in the Comprehensive Plan.

In addition, the requested variance only pertains to the maximum floor area allowed for institutional uses. When considering the proposed development plans from a residential density standpoint under the basis that each bed within the care facility equates to one unit, the overall density of the development would increase from 17.8 to 21.7 units per acre, whereas 24 units per acre is the maximum density allowed. The reason the senior living campus density is presented is to convey that Friendship Village campus is reaching the upper limits of floor area ratio not just due to the amount of residents and beds provided, but also as a result of the services and amenities offered on-campus. The plans have been revised over an iterative process to decrease development impacts to adjoining single-family residential properties. As a result, the Planning Commission and staff are supportive of the variance request in addition to the requested PD flexibility. Further analysis of the variance can be found in the findings section that follows later in the report.

### **Conditional Use Permit**

The application includes a request for a Conditional Use Permit (CUP) to expand an existing residential care facility use in the RM-24 zoning district. The applicant proposes to expand the existing residential care facility by increasing the number of beds from 118 to 140. Residential care facilities serving seven or more persons in single family zones in existence prior to January 26, 2015, are allowed as a conditional use in the R-1 zoning district. In addition, residential care facilities serving seven or more persons are a conditional use in the RM-24 zoning district. If the Council approves the rezoning to RM-24 and the associated variance request, the requirements for granting a Conditional Use Permit to expand the residential care facility would be met. However, one of the required findings to approve a Conditional Use Permit is that the proposed use is not in conflict with City Code provisions. Should the application to rezone the site to RM-24 and the associated variance request not be approved, the proposed expansion of Friendship Village would

be in conflict with City Code, as the proposed floor area ratio (FAR) will far exceed the amount permitted in the R-1 zoning district.

As a result, the CUP outcome is directly tied to the rezoning. In order for the floor area ratio of the broader institutional use to expand, the site must be rezoned. If the site is rezoned, the CUP to expand the residential care facility can be supported. As the Planning Commission and staff recommend approval of rezoning the site from R-1 and R-1(PD) to RM-24, the Planning Commission was able to make the findings necessary to support the Conditional Use Permit. Further discussion of the required findings for a CUP is found below in the Findings section.

### **Wetland Impacts**

The applicant proposes reducing the size of the existing pond/wetland in the southern portion of the Friendship Village site by approximately 27,969 square feet (0.64 acres), which is approximately 33% of the existing 1.93 acre wetland. The northern portion of the wetland would be filled to construct a five, three and two-story, 98-unit residential living building with underground parking. The applicant proposes replacing the lost wetland with the purchase of wetland credits at a 2:1 ratio in accordance with the Minnesota Wetland Conservation Act (WCA). Under the Minnesota Wetland Conservation Act (WCA), the Technical Evaluation Panel (TEP), which includes technical professionals from the City, the Hennepin Conservation District and the Board of Water and Soil Resources, must make technical findings and recommendations regarding wetland applications. The TEP has concurred the application meets the technical requirements for a wetland replacement application, has sufficiently shown that no reasonable alternatives exist to minimize or avoid wetland impacts for this project, and recommends approval of the application. The TEP's recommendations will be presented to the City Council for consideration of the wetland replacement application at the February 5, 2018 meeting prior to action on the development application. The Wetland Replacement Plan must be approved by the City Council prior to the approval of Final Development Plans that include the draining, filling, or altering of wetlands.

According to the wetland delineation and assessment, approved by the City on October 14, 2016, the wetland meets the medium value wetland criteria of the Nine-Mile Creek Watershed District (NMCWD). The medium value wetland classification requires a minimum buffer of 20 feet and average buffer of 40 feet according to NMCWD permit rules. As proposed, the minimum wetland buffer requirements are not met along the northern boundary of the modified wetland. The applicant will seek a variance from NMCWD rules pertaining to the required buffers. The applicant must demonstrate its project meets the stringent requirements of a variance to the NMCWD Board. The development plan as proposed must obtain the described variance to proceed, which NMCWD review could only occur following City review and approval, if granted.

The City's Land Use Element encourages the preservation of existing wetlands for habitat protection, general preservation of environmental resources, groundwater recharge, and, when appropriate, stormwater management. The applicant proposes to offset some of the lost wetland/pond value for stormwater management and groundwater recharge by removing two twin-home structures along the southerly edge and expand the pond. The pond expansion of approximately 21,653 square feet does not qualify for on-site wetland replacement, but restores the pond surface to 77,092 SF, about 93% of original 82,621 SF. The area around the pond expansion

will be restored to provide additional buffer. Restoring much of the pond surface and volume will reduce the project impacts on flood control, stormwater management, and the downstream waterbodies, which include Tierney's Woods Pond and Anderson Lake Northwest.

Along with the permanent wetland impacts are concerns over the temporary impacts during construction. The applicant has provided a phased plan that provides some details on wetland protections during construction. Ensuring this phasing is managed to minimize temporary wetland impacts, and the stresses on the wetland habitat, may be challenging.

### **Code Compliance**

The proposed health center, 98-unit residential living building, and all associated elements of the proposed development are reviewed according to the performance standards for structures in the RM-24 zoning district and other specific City Code sections. Table 2 provides an overall Code compliance analysis for the proposed development. The sections that follow provide greater detail that inform the recommendations of City staff.

**Table 2 – City Code Analysis – RM-24 Multiple-Family Zoning District**

| <b>Standard and Code Section</b>                                                                                                                                    | <b>Proposed</b>                   | <b>Meets Standard?</b>                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------|
| <b>Site Area</b> – 80,000 square feet<br>(Sec. 21.301.01(c))                                                                                                        | 1,092,944 square feet             | Yes                                             |
| <b>Minimum Lot Width</b> – 200 feet<br>(Sec. 21.301.01(c))                                                                                                          | Approximately 860 feet            | Yes                                             |
| <b>Building Setback Along Streets</b> –<br>40 feet (Sec. 21.301.02(d))                                                                                              | 47.5 feet<br>(west property line) | Yes                                             |
| <b>Building Rear Yard Setback</b> – 30 feet<br>(Sec. 21.301.02(d))                                                                                                  | 50 feet<br>(east property line)   | Yes                                             |
| <b>Retaining Walls (over four feet in height)</b> –<br>Must meet principal building setbacks                                                                        | 4.2 feet (western boundary)       | Deviation requested –<br>see further discussion |
| <b>Institutional Use Structure Setback from<br/>SF Residential</b> – 50 feet<br>(Sec. 21.302.06(b)(5))                                                              | 50 feet                           | Yes                                             |
| <b>Parking Setback (Along Street)</b> –<br>20 feet (Section 21.301.06)                                                                                              | 5 feet                            | Deviation requested –<br>see further discussion |
| <b>Impervious Surface Coverage</b> – 90 percent<br>(Sec. 21.301.01(c))                                                                                              | 52 percent                        | Yes                                             |
| <b>Maximum Floor Area Ratio</b> – 0.6<br>(Sec. 21.302.06(b)(2))                                                                                                     | 0.615                             | Variance requested –<br>see further discussion  |
| <b>Building Height</b> – 4 stories/60 feet<br>(Sec. 21.301.10(1)(A))                                                                                                | 5 stories/75 feet                 | Deviation requested –<br>see further discussion |
| <b>Building Height - Step Back from<br/>Residential Standards</b> – maximum height of<br>50 feet at SE corner of residential living<br>building (Sec. 21.301.10(f)) | 33 feet                           | Yes                                             |

| Standard and Code Section                                                                                                                                       | Proposed                                                       | Meets Standard?                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------|
| <b>Residential Unit Min. Floor Area –</b><br>One-Bedroom: 525 square feet<br>Two-Bedroom: 700 square feet<br>(Sec. 21.301.01(c)(3))                             | One-bedroom: 866 SF<br>Two-Bedroom: 1,465 SF                   | Yes                                             |
| <b>Minimum Usable Open Space –</b><br>60,600 sq. ft. (Sec. 21.203.07(c)(1))                                                                                     | 65,695 square feet<br>(includes balcony credits)               | Yes                                             |
| <b>Parking Quantity Required –</b><br>695 spaces (Section 21.301.06(d))                                                                                         | 626 spaces                                                     | Deviation requested –<br>see further discussion |
| <b>Parking Stall Size –</b> 9 feet by 18 feet for 90 degree parking (Section 21.301.06(c)(2)(C))                                                                | 9 feet by 18 feet                                              | Yes                                             |
| <b>Drive Aisles –</b> 24 feet for 90 degree parking (Sec. 21.301.06(c)(2)(C))                                                                                   | 24 feet                                                        | Yes                                             |
| <b>Sidewalks –</b> 5 feet in width, seven feet when perpendicular to surface parking (Section 21.301.04)                                                        | Five feet                                                      | No – see further discussion                     |
| <b>Trash and Recycling Collection Area</b><br>(Section 19.51) Health Center – 646 sq. ft.<br>Residential Living Bldg. – 780 sq. ft.<br>MN Admin Rules 1303.1500 | Health Center – 1,383 sq. ft.<br>Residential – 525 sq. ft.     | No – see further discussion                     |
| <b>Free-Standing Sign Setback (Along Street Frontages –</b> 15 feet (Article X)                                                                                 | 145 feet                                                       | Yes                                             |
| <b>Tree Requirement –</b> 128 trees (Sec. 19.52(c)(2))                                                                                                          | 197 trees                                                      | Yes                                             |
| <b>Shrub Requirement –</b> 319 shrubs (Sec. 19.52(c)(2))                                                                                                        | 2,045 shrubs                                                   | Yes                                             |
| <b>Screening –</b> 5 foot continuous screen adjacent to single-family residential uses (Sec. 19.52(d)(1)(F))                                                    | Fence and evergreen trees, one small segment without screening | No – see further discussion                     |
| <b>Parking Lot Island Trees –</b> One tree in each parking lot island (Sec. 21.301.06(c)(2)(H)(iii))                                                            | All parking lot islands except one have trees                  | No – see further discussion                     |

### **Building Design**

The proposed exterior building materials of the three-story health center and five-story, 98-unit residential living building are primarily brick, stone and fiber cement siding. The proposed roof pitch is 6:12 or less with fiberglass shingles. The proposed building design is intended to be architecturally consistent with the broader Friendship Village campus. Other structures within the campus have a similar palette of building materials.

City Code (Sec. 19.63.08(c)) has minimum standards for exterior building materials. Within the RM-24 zoning district, there are no restrictions with respect to the type of primary exterior building materials. However, primary building materials for non-residential buildings may not be coated. As a result, the cement fiber siding proposed on the new health center must be integral in color. The ongoing material maintenance should be considered with respect to product selection. The

proposed residential living building would not be subject to the integral color restriction, as the requirement only pertains to non-residential buildings within the RM-24 zoning district.

The three-story health center would have a porte cochere at the main building entrance on the east elevation. Opposite the building entrance, the west elevation would have a large patio serving as an outdoor gathering area. The health center is split into two wings based on the proposed phasing plan. The southern wing (Phase 1) would contain the memory care suites (first floor) and the assisted living suites (second and third floors). A courtyard and greenhouse is also included in the southern wing. The northern wing (Phase 2) would contain skilled nursing suites (all three floors). The proposed health center would be connected to the existing campus at the northeast corner of the north wing. The northern and southern wings are joined in the middle with a lobby and living room gathering area.

The two to five-story residential living building contains 98 units (39 one-bedroom, 59 two-bedroom). All residential units meet the minimum floor area requirements for unit size. The majority of residential units include balconies, ranging from 76 to 194 square feet in size. The first floor includes a larger lounge and activity space for resident gathering. A smaller lounge and multi-purpose room is provided on level two. The residential living building would be linked to the main campus at the existing pavilion building via a skyway on the second floor. The link to the main campus provides access to dining, services, and other amenities within the broader campus. The skyway is designed to maintain the necessary clearance for emergency service vehicles on the circulation drive below. The architectural design of the residential living building complies with the design standards (Sec. 21.302.09(d)) prohibiting blank facades.

### **Building Heights**

The City's Height Limit Map establishes the maximum height allowed on site as 4 stories and 60 feet. The proposed health center is three stories and a maximum height of 48.8 feet, complying with the City's height standards. The proposed residential living building is five stories in height in the western and central portion of the building, stepping down to three and two stories along the eastern portion of the building in proximity to single family residential uses. The maximum height of the residential living building is approximately 72.5 feet from natural grade. The proposed residential living building exceeds the maximum height allowed by one story and 12.5 feet according to the City's Height Limits Map.

Friendship Village of Bloomington is requesting a maximum height standard deviation for the residential living building through the Planned Development Overlay District. Through the planned development process, deviations from City Code requirements are permitted if the flexibility requested provides public benefit. In the case of increased structure height for the western portion of the residential living building, the most recent design is intended to reduce the overall building mass and height adjacent to single-family residential uses to the east. Increasing the height of the western and central portion of the residential building to five stories allows for a similar quantity of residential units as the previous application reviewed in June of 2017.

Within the review of the previous application, the proposed mass and height (4 stories/53 feet) of the portion of the residential building adjacent to single-family uses was determined to be

inconsistent with other multi-family developments adjacent to single-family residential properties in Bloomington. Efforts on previous Bloomington developments have been taken to reduce building mass and height for multi-family developments adjacent to single-family residential uses, thereby improving land use compatibility and reducing impacts to adjacent properties. Responding to these concerns, Friendship Village of Bloomington has now submitted a “step-down” design reducing building height to two stories and approximately 34 feet for the portion of the building closest to single-family residential uses.

City staff reviewed the proposed building design in the context of other multi-family projects adjacent to low density residential uses that were previously approved. In reviewing the proposed design, it is found to be more consistent in approach with recent developments in Bloomington.

An updated shadow study of the proposed residential building was submitted. The shadow study finds shadow impacts extending northeast towards the single-family residential properties decrease, while shadow impacts extending northwest slightly increase as a result of the five-story building. While a five-story building may be more impactful to the existing Friendship Village campus than a four-story building, the overall difference is negligible based on the fact that the existing buildings on-site do not exceed three stories in height. As a result of the total height analysis completed and past precedent, staff supports the proposed tradeoff of increasing building height for a portion of the residential building that is further away from the low density uses, while decreasing building mass and height in close proximity to the single-family properties. Staff finds the requested flexibility to increase building height provides public benefit and can be supported.

City Code also regulates height based on step-back standards to single-family residential properties. The step-back to residential standards require the building not to be taller than the setback to single-family residential property. The eastern elevation of the residential living building is 50 feet from single family residential properties east of Friendship Village at the smallest setback. At the smallest setback, the building has been reduced to two stories in height and is 33 feet in height in that precise location, complying with the step-down to residential standards.

### **Access, Circulation, and Parking**

The applicant proposes multiple modifications to the existing internal circulation drives. The existing parking lots and circulation drives that serve the existing office buildings located at 8210 Highwood Drive would be removed. The Highwood Drive entrance would be modified by shortening the center median to provide access to the new health center. A new 24-foot wide access drive would be provided around the south and west sides of the health center, providing circulation throughout the total site and access to the underground parking garage. The existing circulation drive on the west side of the Friendship Village campus would be modified to create a limited number of surface parking stalls perpendicular to the drive along the west boundary. Access would be provided to a 66-stall surface parking lot northwest of the renovated existing health center.

On the east side, the circulation drive to the south and east of the existing health center and pavilion building and north of the existing wetland would be removed to prepare for the construction of the residential living building. This circulation drive would be replaced at a lower elevation to accommodate the proposed skyway link on the second level and provide the necessary

clearance for emergency service vehicles. The existing circulation drive east of the existing wetland that serves the six two-family homes must also be modified to accommodate the residential living building. The new circulation drive would be moved slightly to the east to accommodate the building footprint. The movement of the eastern circulation drive requires the construction of a retaining wall and removal of significant trees along the eastern boundary, including all the trees behind 8108 Tierney's Woods Road. A new access to Highwood Drive would be provided adjacent to the two-family homes in the southern portion of the campus. The additional access to Highwood Drive is designed for emergency vehicles only and has been requested by the Fire Prevention Division. Finally, the drive serving the two western-most twin homes will be also be removed to allow for the expansion of the on-site pond.

Friendship Village is proposing multiple changes to the campus with regard to the quantity and location of parking on site to accommodate the development. Modifications to the quantity and location of proposed parking have occurred since the last development application was submitted. More specifically, the quantity of underground parking stalls was reduced from 160 to 135, whereas the quantity of surface parking has increased from 86 to 129. Table 3 outlines the overall parking changes proposed from the beginning of the project to completion (two phases of construction). In addition, to provide for the construction of the new health center and residential living building, 89 current parking stalls are proposed to be removed. 47 of the stalls to be removed are parallel parking stalls located within the existing circulation drives of Friendship Village. The parallel parking stalls violate the access and circulation requirements for emergency responders in navigating the senior living campus. As a result, these stalls are proposed to be removed to provide the required fire lane and emergency vehicle access.

**Table 3 – Overall Parking Changes Proposed<sup>a</sup>**

| <b>Parking By Type</b>    | <b>Existing</b> | <b>Removed</b>  | <b>Added</b> | <b>Total Parking</b> |
|---------------------------|-----------------|-----------------|--------------|----------------------|
| Surface Stalls            | 244             | 89 <sup>b</sup> | 129          | 284                  |
| Garage Stalls             | 101             | 0               | 0            | 101                  |
| Underground Garage Stalls | 115             | 17              | 135          | 233                  |
| <b>Total Stalls</b>       | <b>460</b>      | <b>106</b>      | <b>264</b>   | <b>618</b>           |

- a. Parking changes do not include the removal of 54 surface stalls that serve the existing office building located at 8210 Highwood Drive.  
b. Includes 16 stalls (8 surface, 8 garage) that serve the two two-family homes (4 total units) to be removed due to pond expansion.

The applicant is proposing to construct 264 new parking stalls (129 surface stalls, 135 underground garage stalls). New surface parking stalls are proposed to the south and west of the new health center, as well as near the health center building entrance and porte cochere. A 66-stall surface parking lot would be constructed in the location of the existing skilled nursing wings of the existing health center. The applicant is requesting a setback deviation for the surface stalls to the south and west of the health center. City Code requires parking have a 20-foot setback along all public street frontages in order to provide a landscape yard. While the southwest and west property boundaries technically abut public frontages, the southwest property boundary is a portion of vacant MnDOT and City right-of-way, and the western boundary abuts right-of-way for TH 169, where a sound wall separates the properties and the highway. Staff is supportive of a reduced landscape yard and setback to surface parking in this case. Friendship Village is also proposing 135 new parking stalls

in two underground ramps beneath the new health center and residential living building. The underground ramp beneath the health center would contain 77 parking stalls, and the ramp beneath the residential building would contain 58 parking stalls. All of the parking stalls proposed, both surface stalls and underground stalls, are compliant with City Code.

Regarding the total amount of parking proposed, the applicant is requesting a deviation to allow for a reduced quantity of parking below the level required by Code. Table 4 lists the City Code parking quantity requirements for the proposed senior living campus as a whole. Per the submitted plans, the applicant is proposing the campus to have a total of 618 total parking stalls, whereas City Code requires 695 parking stalls, representing an 11.1 percent deviation. The proposed quantity of parking would reduce the overall deficiency of the existing parking supply. The existing parking supply at Friendship Village is currently 15 percent below current standards established in City Code. The quantity of parking proposed would improve the parking supply deficiency from 15 to 11.1 percent. Along with the removal of the parallel surface parking stalls that interfere with emergency vehicle access and circulation, the proposed reduction of parking deficiency is a positive step for the parking supply of the overall campus.

**Table 4 – Parking Analysis for Friendship Village Senior Living Campus**

| Use Description                                                                 | Standard                    | Proposed      | Required     |
|---------------------------------------------------------------------------------|-----------------------------|---------------|--------------|
| Senior Citizen Housing                                                          | 1.5 spaces per unit         | 405 units     | 608          |
| Residential Care Facility<br>(memory care, skilled<br>nursing, assisted living) | 1.5 spaces for four beds    | 140 beds      | 53           |
| Party Room (Pavilion)                                                           | 1 space per 100 square feet | 3,390 sq. ft. | 34           |
| <b>Total Parking Requirement per City Code</b>                                  |                             |               | <b>695</b>   |
| <b>Parking Proposed</b>                                                         |                             |               | <b>618</b>   |
| <b>Parking Deviation Requested</b>                                              |                             |               | <b>11.1%</b> |

Despite the fact that the parking supply is proposed to be increased and overall deficiency from City Code reduced, City staff must analyze whether the resulting quantity of parking will be sufficient to serve the total development. City staff has observed that parking supply at Friendship Village is occasionally inadequate. A parking study was completed by Alliant Engineering, dated May 16, 2017, analyzing the previous development application reviewed by the Planning Commission on June 29, 2017. The proposed quantity of parking analyzed in the study was 622 parking stalls, representing a deviation of 9.9 percent from the Code-required quantity of parking. The resulting report is attached to the staff report. Although minor modifications to parking supply and location have occurred since the previous application, the parking study is still pertinent and valid, as the quantity of residential units and health center beds remain relatively the same as the previous application. In addition, all of the research and field work (vehicle counts, staff travel, visitor logs, etc.) completed as part of the parking study reflects the existing condition and remains static.

The purpose of a parking study is to analyze the existing parking supply and demand at Friendship Village, and to estimate the future total parking demand in the context of the development proposed.

After conducting parking counts (two site visits), reviewing visitor parking data, analyzing ITE parking supply recommendations, and reviewing City Code, Alliant Engineering developed a parking model for the previous application that resulted in a peak parking demand of 569 vehicles. The parking study found the level of parking supply proposed (9.9% deviation) would be sufficient to serve the total development proposed. As a result, the parking supply associated with the current application must be increased to meet the acceptable level of parking deviation identified in the parking study – 9.9 percent. The parking supply must be increased by eight spaces to a total of 626 parking spaces to meet the acceptable parking deviation established under the study. Staff has communicated the need for increased parking supply to the applicant, and they have stated the parking can be accommodated along the western site boundary. Staff is recommending a condition of approval with respect to the total quantity of parking.

In addition to a parking quantity analysis, the parking study recommends the full utilization of underground parking facilities in order to maintain as much convenient surface parking as possible. The study notes peak events may cause a shortage of parking supply in the more convenient surface parking areas. It is recommended the Friendship Village staff incorporate the operational recommendations pertaining to parking identified in the conclusion of the study. As long as the total supply of parking is increased to 626 parking spaces in order to be consistent with the study, City staff is supportive of the quantity and location of parking supply proposed and the associated deviation from City Code.

Should the project move forward, extensive coordination with the City will be necessary to ensure adequate access, circulation and parking on-site throughout construction. As a result, staff is recommending multiple conditions intended to address these concerns. Staff is recommending that the applicant submit the following plans for City approval: 1) Construction Management Plan, 2) Project Phasing Plan and 3) Haul Route and Construction Traffic Control Plans. These plans must be reviewed and approved by the City prior to the issuance of any building permits. The City's Police Department and Fire Prevention Division will review these plans. Any use of public right-of-ways for construction related staging or parking is at the discretion and approval of the Issuing Authority, specifically the Public Works Department. It is critical that the proposed construction does not compromise the operation of and access to the Friendship Village campus.

### **Sidewalks and Trails**

The applicant proposes installing sidewalks and/or trails around both the health center and residential living building, allowing for pedestrian circulation around the site. The pedestrian connection to Highwood Drive would be maintained. All proposed sidewalks and trails meet City Code requirements for width (minimum five feet), with one exception being the sidewalk on the south border of the 66-stall surface parking lot northwest of the existing health center would be renovated. The majority of pedestrian facilities are concrete sidewalks, but the proposed walkway in between the residential living building and wetland is a bituminous trail. The trail in between the residential building and the pond provides sufficient access to the southern elevation for emergency responders, as sufficient area is provided to deploy ground ladders and perform various emergency operations in the event of an emergency. The pedestrian circulation and access proposed is adequate.

**Landscaping, Screening and Lighting**

The applicant is proposing to install a quantity of trees and shrubs that exceed City Code requirements for the development proposed. The landscape plan proposes a diverse group of plantings distributed throughout the site to create an aesthetically pleasing environment for community residents. The proposed parking lot landscaping is deficient as islands have deciduous trees proposed as Code requires. Multiple parking islands within the 66-stall surface parking lot northwest of the existing health center do not have trees. Also, one additional parking island along the western boundary is also missing a tree. City Code requires all parking lot islands to have one deciduous tree. Should the development be approved, the landscape plan must be revised to include trees in all parking lot islands.

Regarding screening, the City's institutional use standards require perimeter screening for institutional uses adjacent to single-family residential properties. To achieve Code-compliant perimeter screening, a fence, a berm or two rows of evergreen trees may be utilized, all of which must be five feet in height. With regard to the development proposed, the residential living building, which is part of the broader institutional use, must be screened to the single-family residential uses to the east. To provide the screening required by Code, the landscape plan identifies a proposed section of fencing, as well as evergreen trees along the east boundary to achieve the required screening. The majority of the screening proposed appears to comply with Code. However, staff has identified one approximately 20-foot segment or gap where the required screening is not provided. Should the development be approved, additional review of the proposed screening will be required to ensure compliance with the screening requirements of City Code.

The applicant has submitted a lighting plan for the exterior portions of the site. City Code requires the parking areas maintain a minimum light level of 1.0 foot-candle, with perimeter areas of parking maintaining 50 percent (0.5 foot-candles) of the minimum light level. Primary and secondary building entrances also require minimum light levels. It appears a majority of parking areas meet the minimum light levels. However, the primary building entrance does not appear to have the required level of illumination (5.0 FC). The lighting plan must be approved by the Planning Division prior to the issuance of building permits. The applicant must also submit lighting plans for the proposed underground parking garages at the health center and residential living building for review and approval.

**Trash and Recycling**

The applicant proposes trash facilities within both the new health center and residential living building. The trash and recycling facilities proposed for the residential living building do not meet the size requirements established in City Code and the MN State Building Code. The residential living building must be a total of 780 square feet, whereas 525 square feet for the residential living building is provided. The residential building does have trash rooms on each floor, but these facilities are designed for trash disposal, not trash storage. The City Code does allow for reductions in the size of trash facilities by incorporating a solid waste compacting device or a waste management plan. Any proposed methods to reduce the size of trash facilities must be reviewed and approved by the City.

The architectural site plan includes outdoor trash facilities proposed to be located west of the new health center. City Code requires these facilities be located within or attached to the structures they serve. As a result, the outdoor facilities were not included in the calculation completed by City staff. All new trash and recycling facilities at the senior living campus must comply with City Code and the MN State Building Code for size and location.

### **Signage**

The architectural site plans submitted by the applicant show the existing freestanding sign location oriented towards Highwood Drive serving the campus entrance. The existing sign is non-conforming for setback. Both the Class I and Class II Sign Districts (related to either existing or proposed zoning) require a 15-foot setback for ground signs. The existing sign is setback 10.5 feet. When the overall floor area of a development is increased by 25 percent or more, all site characteristics must be brought into conformance with City Code (Sec. 21.504(c)(4)(D)). As a result, the campus identification sign must be brought into conformance with the required setback. Given the amount of construction and expansion in the area within close proximity to the existing ground sign, it should not be difficult to make this correction.

Per the request of the Fire Prevention Division, the applicant has been working collaboratively with the City to improve campus addressing and directional signage to improve the efficiency and effectiveness of emergency response. As the applicant works to develop improved addressing and directional signage, the applicant must consult with the Planning Division regarding proposed signage. The sign ordinance allows 2 directional signs per acre. The total campus would be allowed 50 directional signs. Sign permits must be obtained for any future campus signage. Further discussion of the effort to improve emergency response is found in the public safety section.

### **Stormwater Management**

Stormwater must be managed to meet the City's and Nine Mile Creek Watershed District's requirements for stormwater rate control (quantity), stormwater quality, and stormwater volume. Following their application submittal, the application submitted revised Preliminary Storm Water Calculations on November 13, 2017. Staff is currently reviewing the revised Storm Water Management Plan for compliance with the City of Bloomington Comprehensive Surface Water Management Plan.

According to the Preliminary Storm Water Calculations, dated November 13, 2017, the drainage pattern on the site will remain roughly the same with approximately 16 acres draining to the existing wetland located on the south side of the site. As noted above, the size of the wetland is proposed to be reduced with this project, reducing its overall capacity for stormwater management. The applicant proposes installing three underground stormwater systems and an infiltration basin.

A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required, and as noted above, it is anticipated that the applicant will also

apply for a variance from Nine Mile Creek Watershed District pertaining to their wetland buffer rules.

### **Utilities**

Water for the building additions would be served from the internal looped water service that already exists on the Friendship Village campus. Looping will require modifications and hydrant placement will need to adequately cover all portions of the existing and proposed buildings and have adequate proximity to building fire department connections and fire vehicle access. Sanitary sewer service will also be extended to the new buildings by connecting to the existing private sanitary sewer system located on the site. A preliminary review of the sewer and water service in the area indicates that the proposed development will not exceed the present capacity. Fire flow tests should be conducted to confirm available water supply capacity. Water, both fire and domestic, and sewer demand estimates must be provided in order for staff to complete a more detailed and complete analysis. An analysis of the storm system will be needed to confirm that no storm event will overflow into the sanitary sewer system within parking structures.

### **Traffic Analysis**

The expansion is expected to generate 424 new trips per day, and the primary access for the site will remain off of Highwood Drive, which currently carries less than 2,000 cars per day. As part of the expansion of the Trunk Highway 169/I-494 Interchange, the Minnesota Department of Transportation closed Highwood Drive at Trunk Highway 169 to the west in 2012. Prior to then, Highwood Drive extended across the highway to the west and carried significantly higher traffic than it does today. As such, the additional trips generated by this development are expected to be accommodated by the existing road and intersection network. No new safety issues are expected as a result of the expansion, nor are there any capacity or delay issues expected, including at the nearby intersection of Highwood Drive at West Bush Lake Road.

### **Transit and Transportation Demand Management (TDM)**

Should the development be approved, the expansion of the senior living campus will require a Tier 1 TDM plan due to the requested deviation in parking. Staff has included a recommendation that this plan be submitted for approval.

### **Fire Preventions and Public Safety**

The proposed development meets the minimum emergency vehicle access requirements found in the Fire Code. The access road to and around all structures and the walkway behind the residential facility shall be maintained in accordance with the approved plan. Access roads shall include a surface to provide all weather driving capabilities and be constructed of asphalt or concrete and support a minimum of 80,000 pounds.

The applicant proposes an adequate water supply with hydrants within 50 feet of the fire department connection and within 150 feet of any exterior wall of all structures. The applicant

shall ensure that the proposed landscaping plans do not interfere with access to the building. Hydrants will be approved by the Utilities and Fire Prevention Divisions.

Effective addressing for all facilities must be provided based on the approved plans and ongoing discussions between Friendship Village representatives, the Fire Prevention, Engineering, and Planning Divisions and Police Department staff. The buildings must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches. A Knox box will be required at the main entrances and other areas as designated by the Fire Prevention Division.

A common concern for commercial kitchens, especially those producing grease laden vapors, is to assure the hood suppression system is tested to the UL300 Standard, be listed and labeled for the intended application, and have the capability to flow water through the same nozzles upon discharge of the wet chemical.

Emergency responder radio coverage must be provided throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code.

Any changes made to the current plans, including building location, access roads, water supply and addressing, shall be reviewed by the Fire Marshal to insure continued compliance with the Fire Code.

### **Public Comment**

At the date of publication of the staff report (01/31/18), the City has received 209 letters/forms of public comment/correspondence regarding the proposed expansion of Friendship Village. Multiple letters/correspondence speak in favor of the proposal, and multiple letters speak in opposition to the proposed expansion. Three of the letters received specifically focus on the removal of the four twin-home units, representing the affected families. The public comment letters are attached to the staff report for consideration. Staff will provide a more thorough overview of the public comments received at the public meeting, as more correspondence may be received in between the publication date of the staff report and the public hearing date.

The City has also received a review letter from MnDOT. City staff will work with the applicant and MnDOT to ensure that the review comments are addressed in the revisions and modifications to the plans.

### **Status of Enforcement Orders**

There are presently no open enforcement orders for the subject properties.

### **Planning Commission Review**

The Planning Commission held public hearings on the subject applications on 06/29/17 and 12/21/17. Multiple parties provided testimony at both hearings. Greater detail of the testimony

received on those dates can be found in the attached corresponding Planning Commission minutes (Note: 12/21/17 minutes have yet to be formally approved by the Planning Commission).

The Planning Commission unanimously recommended approval of the following applications:

- Comprehensive Plan Amendment to reguide 8210 Highwood Drive from Office to High Density Residential (06/29/17);
- Rezoning the total site from R-1(PD) and R-1 to RM-24(PD) (12/21/17);
- Preliminary and Final Plat to combine 8100 and 8210 Highwood Drive into one parcel (06/29/17); and
- Conditional Use Permit for a residential care facility in the RM-24 zoning district (12/21/17).

The Planning Commission recommend approval of the Variance application to increase the allowed FAR for an institutional use with a split decision (Vote 4-2). The members of the Planning Commission who opposed the Variance application noted that the City Code allows for the inclusion of land donated for public right-of-way in total site FAR calculations. In the case of Friendship Village, the land was acquired by MnDOT through condemnation proceeding, not land donation. In addition, the members who opposed the Variance noted that increases in FAR are already allowed and requested through the Planned Development (PD) Overlay Zoning District. They were not supportive of exceeding the maximum amount of floor area granted through PD flexibility. As a result of the support of the majority of the body, the Planning Commission is recommending approval of the Variance application.

Regarding the Preliminary and Final Development Plans, the Planning Commission was unable to pass a motion recommending approval (Vote: 3-3). The members of the Planning Commission who opposed the Preliminary and Final Development Plan applications noted two factors. First, the members who voted against the motion were not supportive of PD flexibility to increase the height of the residential living building from four to five stories. Second, one member of the Planning Commission was not supportive of the residential living building encroaching into the on-site wetland. Due to the tie vote, the Preliminary and Final Development Plans are presented to the City Council without a recommendation from the Planning Commission. As a matter of background, City staff recommended approval of the subject Preliminary and Final Development Plans. Greater detail of the Planning Commission discussions on these matters can be found in the attached minutes.

## FINDINGS

### Required Preliminary and Final Plat Findings – Sections 22.05(d)(1)-(8) and 22.06(d)(1)

| Required Finding                                                                                                                                                                                                                                                                                                          | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The plat is not in conflict with the Comprehensive Plan.                                                                                                                                                                                                                                                              | <b>Finding Made</b> – The proposed plat combines two properties to allow for the expansion of a senior living campus. The Comprehensive Plan supports the expansion of housing and facilities that serve residents at all stages of life. The subject properties are guided High Density Residential and Office. An application has been submitted to reguide 8210 Highwood Drive from Office to High Density Residential. The plat is not in conflict with the Comprehensive Plan. |
| (2) The plat is not in conflict with any adopted District Plan for the area.                                                                                                                                                                                                                                              | <b>Finding Made</b> – The plat is not located within an area with an adopted District Plan.                                                                                                                                                                                                                                                                                                                                                                                         |
| (3) The plat is not in conflict with City Code provisions.                                                                                                                                                                                                                                                                | <b>Finding Made</b> – Subject to the recommended conditions of approval, the plat is not in conflict with City Code provisions.                                                                                                                                                                                                                                                                                                                                                     |
| (4) The plat is not in conflict with existing easements.                                                                                                                                                                                                                                                                  | <b>Finding Made</b> – The plat is not in conflict with any easements, and establishes new easements for drainage and utilities.                                                                                                                                                                                                                                                                                                                                                     |
| (5) There is adequate public infrastructure (roads, utilities, storm water systems, emergency services, schools and the like) to support the additional development potential created by the plat.                                                                                                                        | <b>Finding Made</b> – There is adequate public infrastructure to serve the proposed expansion of the senior living campus. The site has direct access to two collector roads that have adequate capacity. The sanitary sewer and water systems also have adequate capacity to serve the proposed campus expansion.                                                                                                                                                                  |
| (6) The plat design mitigates potential negative impacts on the environment, including, but not limited to, topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and storm water storage needs. | <b>Finding Made</b> – The proposed plat combines 8100 and 8210 Highwood Drive, allowing for the construction of the new health center. The plat design does generate negative impacts to the environment.                                                                                                                                                                                                                                                                           |
| (7) The plat will not be detrimental to the public health, safety or welfare.                                                                                                                                                                                                                                             | <b>Finding Made</b> – The plat is not anticipated to be detrimental to the public health, safety, or general welfare.                                                                                                                                                                                                                                                                                                                                                               |
| (8) The plat is not in conflict with an approved development plan or plat.                                                                                                                                                                                                                                                | <b>Finding Made</b> – The plat does not conflict with an approved development plan or plat. The subject application includes both Preliminary and Final Development Plans.                                                                                                                                                                                                                                                                                                          |
| (1) The plat is not in conflict with the approved preliminary plat or the preliminary plat findings.                                                                                                                                                                                                                      | <b>Finding Made</b> – The Final Plat is consistent with the Preliminary Plat and the Preliminary Plat findings.                                                                                                                                                                                                                                                                                                                                                                     |

**Required Variance Findings – Section 2.85.04(g)(1)(A-F)**

| <b>Required Finding</b>                                                                                                                                                                              | <b>Finding Outcome/Discussion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (A) The variance is in harmony with the general purposes and intent of the ordinance                                                                                                                 | <b>Finding Made</b> –The quantity of residential units and beds proposed in the development plans is consistent with the intent of the RM-24 zoning district. In addition, if the land acquired by MnDOT through the condemnation process is included in the floor area ratio (FAR) calculation, the overall development meets the maximum FAR allowed with planned development flexibility of 0.60 in the RM-24 zoning district per the City’s Institutional Use Standards. The variance is in harmony with the general purposes and intent of the ordinance.                                                                                                                                                                                                      |
| (B) The variance is consistent with the Comprehensive Plan.                                                                                                                                          | <b>Finding Made</b> – The subject properties are guided High Density Residential and Office. The applicants have applied for a Land Use Guide Plan Amendment to change the designation of 8210 Highwood Drive from Office to High Density Residential. Comprehensive Plan Amendment be approved, the development proposed is consistent with the High Density Residential land use category. The Comprehensive Plan seeks to promote the development of housing opportunities for all age groups, as well as housing that serves the needs of current and future residents. The expansion of the Friendship Village campus as proposed will provide a new health care center and additional senior housing. The variance is consistent with the Comprehensive Plan. |
| (C) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties. | <b>Finding Made</b> – The Minnesota Department of Transportation condemnation of 27,149 square feet of land to construct facilities supporting highways TH169 and I-494 reduces the total amount of land area for the subject properties. The reduction of overall land area reduces the potential quantity of senior housing and care facilities, constituting a practical difficulty in complying with the zoning ordinance. The inclusion of the land area acquired to construct highway improvements in the floor area ratio calculation would result in the development as proposed complying with the maximum FAR allowed in the RM-24 zoning district, subject to a Planned Development flexibility approval.                                                |
| (D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.                                                                                    | <b>Finding Made</b> – Friendship Village is an existing senior living community that offers a continuum of care with significant services and amenities provided on-site. The expansion of the campus through the construction of a new health center and residential living building would further City goals outlined in the Comprehensive Plan while still abiding by the limitations of the RM-24 zoning district. The Friendship Village expansion project is a reasonable use not permitted by an official control.                                                                                                                                                                                                                                           |
| (E) The plight of the landowner is due to circumstances unique to the property not created by the landowner.                                                                                         | <b>Finding Made</b> – The condemnation of 27,149 square feet of land from the subject property to be utilized for regional transportation improvements reduced the ability of Friendship Village to expand housing on a campus with existing infrastructure in place to serve the needs of seniors. The acquisition of the land by an outside public entity without the consent of the landowner is a circumstance unique to the property not created by the landowner.                                                                                                                                                                                                                                                                                             |

| Required Finding                                                                    | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| (F) The variance if granted will not alter the essential character of the locality. | <b>Finding Made</b> – As the Friendship Village expansion plans developed over a period of time, significant modifications to the plans have been pursued to mitigate development impacts to single-family residential properties to the east. The building height of the portion of the residential building adjacent to the single-family properties has been reduced to two stories. These efforts have resulted in an improved transition between the single-family residential use and the senior living campus. The expansion of the senior living campus in the manner proposed will not alter the essential character of the locality. |

**Required Conditional Use Permit Findings - Section 21.501.04(e)(1-5):**

| Required Finding                                                                                                                                                                             | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| (1) The proposed use is not in conflict with the Comprehensive Plan.                                                                                                                         | <b>Finding Made</b> – Should 8210 Highwood Drive be regraded from Office to High Density Residential, the subject properties will both be guided High Density Residential. Institutional uses are permitted within the high density residential zoning districts. The Comprehensive Plan supports the expansion of housing and facilities that serve residents at all stages of life. The expansion of the residential care facility as proposed is consistent with the Comprehensive Plan.                  |
| (2) The proposed use is not in conflict with any adopted District Plan for the area.                                                                                                         | <b>Finding Made</b> – The proposed use is not located within an area with an adopted District Plan.                                                                                                                                                                                                                                                                                                                                                                                                          |
| (3) The proposed use is not in conflict with City Code provisions.                                                                                                                           | <b>Finding Made</b> – Subject to the recommended conditions of approval and approval of the various flexibility requests, the proposed use is not in conflict with City Code provisions.                                                                                                                                                                                                                                                                                                                     |
| (4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development. | <b>Finding Made</b> – The subject properties are served by two collector roads, Highwood Drive and Marth Road. The quantity of traffic generated by the proposed use is not anticipated to excessively burden these roadways. The utilities serving the subject properties have adequate capacity for the proposed development. The proposed use is not anticipated to create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve the planned development. |
| (5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.                                                          | <b>Finding Made</b> – The proposed health care center will provide improved services and facilities for the residents of the Friendship Village senior living campus. Expansion of the residential care facility from 118 to 140 beds is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.                                                                                                                                            |

**Required Preliminary Development Plan Findings - Section 21.501.02(d)(1-6)**

| Required Finding                                                                                                                                                                                                 | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The proposed development is not in conflict with the Comprehensive Plan.                                                                                                                                     | <b>Finding Made</b> – Should 8210 Highwood Drive be reguided from Office to High Density Residential, the subject properties will both be guided High Density Residential. Institutional uses are permitted within the high density residential zoning districts. The Comprehensive Plan supports the expansion of housing and facilities that serve residents at all stages of life. The development as proposed is consistent with the Comprehensive Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (2) The proposed development is not in conflict with any adopted District Plan for the area.                                                                                                                     | <b>Finding Made</b> – The proposed development is not located within an area with an adopted District Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| (3) All deviations from city code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval. | <b>Finding Made</b> – Deviations requested include reductions in setback for surface parking and retaining walls, the quantity of parking, the height of the residential building, and the increase of floor area ratio of the institutional use by 20 percent. The requested reductions in setback occur along the property boundary along Trunk Highway 169. Such reductions do not visibly impact the public right-of-way, as a sound wall barrier currently exists along Trunk Highway 169. The deviation to reduce the total quantity of parking from 695 parking spaces to 626 represents a 9.9 percent deviation below Code. The existing parking deviation at the Friendship Village campus is 15 percent. Improving the deficiency of parking at the campus by 5.1 percent is a public benefit. The requested deviation for building height relates to efforts on the part of the applicant to reduce overall building height and mass for portions of the residential building adjacent to single-family residential uses to the east. Allowing for greater building height further to the west where neighbors are less impacted in order to reduce building height closer to neighboring properties is a public benefit. Finally, the request to increase the allowed floor area ratio for an institutional use by 20 percent would allow for the development of improved care facilities and additional senior housing at a location that has infrastructure in place to provide quality care and services to those residents. It is in the interest of the City to support the development of senior housing and care facilities to increase opportunities for such housing and services. As a result, all deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval. |

| Required Finding                                                                                                                                                                                                        | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| (4) Each phase of the proposed development is of sufficient size, composition and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit | <b>Finding Made</b> – The development as proposed will be accessible from and integrated into the existing Friendship Village senior living campus. All of the existing services and amenities offered will be available to both the health center and residential living building. The development proposed represents the last major expansion of the Friendship Village community, as further development of the institutional use is not achievable under the RM-24 zoning district. The proposed development is of sufficient size, composition and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit. |
| (5) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.                    | <b>Finding Made</b> – The subject properties are served by two collector roads, Highwood Drive and Marth Road. The quantity of traffic generated by the proposed development is not anticipated to excessively burden these roadways. The utilities serving the subject properties have adequate capacity for the proposed development. The proposed development is not anticipated to create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve the planned development.                                                                                                                                                                    |
| (6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.                                                                             | <b>Finding Made</b> – The proposed health care center would provide improved services and facilities for the Friendship Village senior living campus residents. The new residential living building will provide increased opportunities for housing for seniors. The design of the residential living building has been significantly modified to mitigate development impacts by reducing building height adjacent to the single family residential dwellings, providing an improved land use transition. The proposed Friendship Village campus expansion is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.        |

**Required Final Development Plan Findings - Section 21.501.03(e)(1-7)**

| Required Finding                                                                             | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The proposed development is not in conflict with the Comprehensive Plan.                 | <b>Finding Made</b> – Should 8210 Highwood Drive be reguided from Office to High Density Residential, the subject properties will both be guided High Density Residential. Institutional uses are permitted within the high density residential zoning districts. The Comprehensive Plan supports the expansion of housing and facilities that serve residents at all stages of life. The development as proposed is consistent with the Comprehensive Plan. |
| (2) The proposed development is not in conflict with any adopted District Plan for the area. | <b>Finding Made</b> – The proposed development is not located within an area with an adopted District Plan.                                                                                                                                                                                                                                                                                                                                                  |

| Required Finding                                                                                                                                                                                                 | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| (3) The proposed development is not in conflict with the approved preliminary development plan for the site.                                                                                                     | <b>Finding Made</b> – The subject application seeks to amend the Preliminary Development Plan for the Friendship Village community in a concurrent manner with the Final Development Plans. Should the Major Revision to the Preliminary Development Plans be approved, the proposed development will not be in conflict with the approved Preliminary Development Plan for the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (4) All deviations from city code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval. | <b>Finding Made</b> – Deviations requested include reductions in setback for surface parking and retaining walls, the quantity of parking, the height of the residential building, and the increase of floor area ratio of the institutional use by 20 percent. The requested reductions in setback occur along the property boundary along Trunk Highway 169. Such reductions do not visibly impact the public right-of-way, as a sound wall barrier currently exists along Trunk Highway 169. The deviation to reduce the total quantity of parking from 695 parking spaces to 626 represents a 9.9 percent deviation below Code. The existing parking deviation at the Friendship Village campus is 15 percent. Improving the deficiency of parking at the campus by 5.1 percent is a public benefit. The requested deviation for building height relates to efforts on the part of the applicant to reduce overall building height and mass for portions of the residential building adjacent to single-family residential uses to the east. Allowing for greater building height further to the west where neighbors are less impacted in order to reduce building height closer to neighboring properties is a public benefit. Finally, the request to increase the allowed floor area ratio for an institutional use by 20 percent would allow for the development of improved care facilities and additional senior housing at a location that has robust infrastructure in place to provide quality care and services to those residents. It is in the interest of the City to support the development senior housing and care facilities to increase opportunities for such housing and services. As a result, all deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval. |
| (5) The proposed development is of sufficient size, composition and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit.       | <b>Finding Made</b> – The development as proposed will be accessible from and integrated into the existing Friendship Village senior living campus. All of the existing services and amenities offered will be available to both the health center and residential living building. The development proposed represents the last major expansion of the Friendship Village community, as further development of the institutional use is not achievable under the RM-24 zoning district. The proposed development is of sufficient size, composition and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Required Finding                                                                                                                                                                                     | Finding Outcome/Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| (6) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development. | <b>Finding Made</b> – The subject properties are served by two collector roads, Highwood Drive and Marth Road. The quantity of traffic generated by the proposed development is not anticipated to excessively burden these roadways. The utilities serving the subject properties have adequate capacity for the proposed development. The proposed development is not anticipated to create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve the planned development.                                                                                                                                                             |
| (7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.                                                          | <b>Finding Made</b> – The proposed health care center would provide improved services and facilities for the Friendship Village senior living campus residents. The new residential living building will provide increased opportunities for housing for seniors. The design of the residential living building has been significantly modified to mitigate development impacts by reducing building height adjacent to the single family residential dwellings, providing an improved land use transition. The proposed Friendship Village campus expansion is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. |

## RECOMMENDATION

The Planning Commission and staff recommend approval of the Comprehensive Plan Amendment, Rezoning, Preliminary and Final Plat, Variance and Conditional Use Permit applications through the following motions:

In Case PL2017-72, I move to adopt a resolution approving an amendment to the Comprehensive Plan regarding 8210 Highwood Drive from Office to High Density Residential, subject to the conditions and Code requirements attached to the staff report.

In Case PL2017-250, I move to adopt an ordinance rezoning 8100 and 8210 Highwood Drive from R-1(PD) and R-1 to RM-24(PD), subject to the conditions and Code requirements attached to the staff report.

In Case PL2017-72, having been able to make the required findings, I move to adopt a resolution approving the Preliminary and Final Plat of Friendship Village 2<sup>nd</sup> Addition, subject to the attached conditions of approval.

In Case PL2017-250, having been able to make the required findings, I move to recommend approval of a Variance to increase the allowed FAR from 0.6 to 0.615 for institutional uses located at 8100 and 8210 Highwood Drive, subject to the conditions and Code requirements attached to the staff report.

In Case PL2017-250, having been able to make the required findings, I move to recommend approval of a Conditional Use Permit to expand a residential care facility located at 8100 and 8210 Highwood Drive, subject to the conditions and Code requirements attached to the staff report.

Staff recommends approval of the Preliminary and Final Development Plans through the following motion (the Planning Commission reached a 3-3 vote and therefore offers no recommendation on the Preliminary and Final Development Plans):

In Case PL2017-250, having been able to make the required findings, I move to approve Preliminary and Final Development Plans to construct a three-story, 140-bed health center, a five-story, 98-unit residential living building, and three residential units within the existing renovated health center located at 8100 and 8210 Highwood Drive, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

**Cases** #PL201700072 and #PL201700250

**Project Description:** Comprehensive Plan Amendment, Rezoning, Preliminary and Final Plat, Variance, Conditional Use Permit, Preliminary and Final Development Plans for a 140-bed health center and 98-unit residential living building.

**Address:** 8100 and 8210 Highwood Drive

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
2. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
3. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
4. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided (State of MN and Federal regulation).
5. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
6. Prior to Permit A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from the MPCA that this permit is not required must be submitted to the City (State of MN).
7. Prior to Permit A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City (State of MN).
8. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
9. Prior to Permit An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
10. Prior to Permit Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
11. Prior to Permit Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508).
12. Prior to Permit A Construction Management Plan must be submitted for review and approval by the City.

13. Prior to Permit Project Phasing Plan be submitted and approved by the City.
14. Prior to Permit Haul Route and Construction Traffic Control Plans must be approved by the City Engineer.
15. Prior to Permit The properties must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of any permits (22.03(a)(2)).
16. Prior to Permit An erosion control surety must be provided (16.08(b)).
17. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
18. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
19. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
20. Prior to Permit Except where screening is provided through other means, five-foot high perimeter screening must be provided along the eastern site boundary shielding the institutional use as approved by the Planning Manager (Sec 19.52).
21. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
22. Prior to Permit Parking lot and site security lighting plans must be revised and provided to satisfy the requirements of Section 21.301.07 of the City Code.
23. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
24. Prior to Permit A scenic easement along the wooded eastern boundary of Friendship Village must be provided by document.
25. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
26. Prior to C/O Tier 1 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
27. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
28. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
29. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
30. Prior to C/O A building security system for the residential care facility must be approved by the Bloomington Police Department (Sec. 21.302.23(d)(3)(E)).
31. Ongoing The site and building improvements are limited to those as shown on the approved plans in Case File #PL201700250.
32. Ongoing All construction related loading and unloading must occur on-site and off public streets.
33. Ongoing Alterations to utilities must be at the developer's expense.
34. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
35. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way unless a use/rental

agreement is approved with the City for use of the City right-of-way west of the Highwood Drive cul-de-sac.

- 36. Ongoing Discharge of sanitary effluent containing fats, oil, grease or wax in excess of 100mg/L is prohibited (11.31(6)(B)).
- 37. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X - Sign Regulations of the City Code.
- 38. Ongoing Buildings shall meet the requirements of the Minnesota State Fire Code Appendix L (Emergency Responder Radio Coverage) adopted through City Ordinance to have approved radio coverage for emergency responders based upon the existing coverage levels of the public safety communication systems.
- 39. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
- 40. Ongoing The exterior building materials of the health center must not be coated (Sec. 19.63.08).
- 41. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).