

## GENERAL INFORMATION

Applicant:	United Land LLC (owner) United Properties (user)
Location:	5501 and 5601 American Boulevard West
Request:	Major revision to the final development plan and conditional use permit for a 118-unit residential care facility
Existing Land Use and Zoning:	Vacant land; zoned RM-50(PD) Multiple Family Residential (Planned Development)
Surrounding Land Use and Zoning:	North – Multi-family residential and Office; zoned C-4(PD) South – Office; zoned C-4(PD) East – Hospitality; zoned C-4(PD) West – Townhomes; zoned RO-24 Residential Office
Comprehensive Plan Designation:	High Density Residential

## HISTORY

City Council Action:	02/04/2019 – Adopted a resolution approving a negative declaration regarding the need for an Environmental Impact Statement; adopted a resolution amending the Comprehensive Land Use Guide Plan to reguide the site from Office to High-Density Residential; adopted an ordinance to rezone the base zoning designation of the site from C-4 Freeway Office to RM-50; approved a major revision to preliminary development plans for a two-phase senior assisted living and senior independent living development; approved final development plans for a four-story, 108-unit senior assisted living facility; and adopted a resolution approving a conditional use permit for a 108-unit residential care facility (Case PL2018-394).
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## CHRONOLOGY

Planning Commission:	09/12/2019 – Recommended City Council approve revised final development plans and adopt a resolution approving a conditional use permit for the Cherrywood Pointe residential care facility.
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City Council

09/23/2019 – Development Business agenda item

### **DEADLINE FOR AGENCY ACTION**

Application Date:	08/07/2019
60 Days:	10/06/2019
120 Days:	12/05/2019
<b>Applicable Deadline:</b>	<b>10/06/2019</b>
Newspaper Notification:	Confirmed – (08/22/2019 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

### **STAFF CONTACT**

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### **PROPOSAL**

United Properties is proposing revisions to the Cherrywood Pointe assisted living facility located at 5501 and 5601 American Blvd. W. The substantive revision requiring re-approval is to increase the unit count from 108 to 118 units. City staff does not have the authority to approve residential unit increases administratively.

While minor parking lot and vehicle access changes are proposed, all other aspects remain unchanged from the previous approval including site access from American Blvd. W., the building's footprint, the height at four stories, building materials, and the future second phase. Phase I development would include memory care, enhanced care, and assisted living units, along with dining, recreation, and amenity spaces. Phase II, located immediately west of Phase I with some level of shared parking, would consist entirely of independent senior housing.

In addition to the final development plan approval, an amended conditional use permit for a residential care facility is needed due to the increased unit count. This staff report focuses on the changes to the previously approved plans, but staff will separately include in the packet the staff report from the original plans for additional context.

## ANALYSIS

### Land Use

The proposed land use, a high-density assisted living facility, has not changed since the development was approved in February. The initial approval process for the two-phase development required extensive entitlements. In addition to preliminary and final development plan approval, the development required:

- Environmental Assessment Worksheet (EAW) – due to the proposed unit count combined with the fact that residential land use was inconsistent with the Comprehensive Plan designation, State Administrative Rules required an EAW. The EAW process found the development would not have a significant environmental impact.
- Comprehensive Plan Amendment – the land use designation for the site was changed from Office to High-Density Residential.
- Rezoning – in conjunction with the Comprehensive Plan amendment, the site was rezoned from C-4 Office to RM-50 Multiple Family Residential. The Planned Development Overlay remains.
- Conditional Use Permit – residential care facilities with seven or more residents require a condition use permit.

### Building and Site Design

The increase of 10 assisted living units impact the required parking and unit density. The RM-50 allows 20 to 50 units an acre. The increase of 10 assisted living units result in a total density of 34 units an acre. The increase in parking evaluation is completed in the parking section of the report.

Phase I would be a four-story building with the main entrance on the south. A second entrance, for deliveries and back-of-house, operations would be located on the north. The first floor would consist of memory and enhanced care units as well as accessory uses like dining and recreational spaces. The second floor would consist mostly of assisted living with some enhanced care units and community spaces. The third and fourth floors would be assisted living units.

To accommodate emergency access, a 20-foot fire lane would be constructed on the west side of the building, straddling the property line. That fire lane would be removed with Phase II and an enclosed connection between the two buildings would be constructed. To maintain some access on the west side of the Phase I building and east side of the Phase II building, the applicant proposes a deep “hammerhead.” The hammerhead must provide turn radius and slope to ensure the largest responding fire truck is fully maneuverable in the space.

The implication of meeting full maneuverability is the turnaround area is setback 14.7 feet from the American Blvd. W. property line, encroaching into the required 20 foot landscaped yard. In the previous design, an underground parking garage access was proposed in the northeast corner of the site. The applicant proposed an 8-foot retaining wall within the landscaped yard at a 12 foot

setback, although a condition of approval ultimately required a 20 foot setback where City Code required a 40-foot setback. Staff is not supportive of the drive lane setback deviation; the grading plan illustrates a relatively flat area where the drive lane could be shifted south to meet the 20 foot landscape yard. A compliant setback also affords more space for landscaping to be planted between the sidewalk and turnaround lane. Staff has included a recommended condition that Code required landscape yards along public streets must be met.

### **Landscaping, Screening and Lighting**

A landscaping plan submitted for review meets most City Code requirements. For the entire planned development, 126 trees and 315 shrubs are required. The Phase II landscaping plan would be required when final development plan approval is sought for Phase II. Seventy-seven trees and 317 shrub and perennials would be planted with Phase I. An eight-foot concrete trail, not asphalt as depicted on plans, along the entirety of American Blvd. W. must be constructed as part of Phase I. Two trees are located within the American Blvd. W right-of-way and must be relocated onto the property. The applicant also proposes a back-up generator at the northeast corner of Phase 1. This location must be screened from the public street as approved by the Planning Manager; the screening should complement the building's architecture.

A lighting plan was not submitted along with the application materials. Compliance with Section 21.301.07 is required before a building permit would be issued. Generally, City Code requires at least 1.0 footcandle within surface parking areas and 3.0 footcandles within the underground parking structures. Five footcandles are required at primary entrances, while only 2 footcandles are required at secondary entrances. "Initial" and "maintained" photometric plans must be submitted for review and must be signed by an Electrical Engineer or Certified Lighting Professional (LC).

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

Two "full" access points would be provided for Phase I. The proposed access along the north side of the building would primarily be used for deliveries and back-of-house operations. A secondary egress is proposed along the north side. The second full access would be via a shared driveway in the southeast corner of the site. The shared driveway serves as an access to the 8200 Tower within the Normandale Lake Office Park.

Table 2 identifies the parking requirement for both phases. Phase I would consist entirely of assisted living and memory care units, the applicant would like the flexibility to convert some assisted living units to independent units in the future. Independent units have a higher parking requirement – 1.5 stalls per dwelling unit.

**Table 2 – Parking Requirement Analysis**

Use Description	Standard	Proposed	Parking Requirement
Senior housing – Phase I	1.5 stalls per unit	82 units	123
Memory and enhanced care –	1.5 per 4 beds	36 units	13.5

Phase I			
Party room – Phase II	1 per 100 sq. ft.	1,198 sq. ft.	12
Senior housing – Phase II	1.5 stalls per unit	131 units	196.5
Party room - Phase II	1 per 100 sq. ft.	1,300 sq. ft.	13.0
<b>Totals</b>		<b>249 units</b>	<b>358 stalls</b>
<b>Total Proposed Parking</b>			<b>384 stalls</b>

According to the applicant, they are still investigating the Phase II development. As the applicant moves forward with Phase II, they may seek a deviation from City Code as it pertains to Phase II parking. Depending on the development characteristics and the level of requested deviation, a third-party traffic engineering firm may need to be contracted to conduct a parking study to demonstrate the proposed parking level is adequate. As of now, however, they are proposing to exceed City Code requirements.

### **Stormwater Management**

Stormwater will be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume. The Stormwater Management plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. 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.

### **Utilities**

In 2011, the City constructed a sanitary sewer reliever pipe to redirect sanitary sewer flow to a new pipe with adequate capacity. At the time, the City Council specified that the special assessment be applied to those benefiting properties at the time they redeveloped and required a building permit. The special assessment was to be held without interest. This redevelopment project benefits from the sanitary sewer project in 2011 and would be subject to assessment for its share. The pending assessment for Phase I equates to \$262,587.14 and Phase II equates to \$197,521.31. Levying this assessment will occur when a building permit is requested.

The proposed assisted living facility would utilize existing sanitary sewer and watermain within American Boulevard West. The applicant will be responsible for coordinating all utility work and acquiring all applicable permits with the Bloomington Utility Division.

### **Traffic Analysis**

The subject site falls within the Normandale Lake District which is guided by the Normandale Lake District Plan. The development of that plan also included the Normandale Lake District Traffic Study, which was last updated for this area in December 2015 based on expected land use for the District. The 2015 Study did anticipate additional mixed use occurring in the district, but nothing similar (from a traffic and trip generation perspective) to the current proposal. With the proposed

zoning and parcel use that accompanies the subject application, an update to the Normandale Lake Traffic Study would be required to adequately capture the anticipated traffic impacts resulting from this proposal. While American Boulevard is a minor arterial roadway and we would anticipate it has adequate capacity to serve this proposed development, the Normandale Lake Traffic Study Update will evaluate the capacity of the roadway as well as the intersection of American Boulevard West and Normandale Lake Boulevard to determine if the new trip generation would warrant a traffic signal at this intersection or any other modifications to Normandale Lake Boulevard and surrounding roadways. This update would also capture new trips that have begun using American Boulevard since the westbound I-494 ramp has opened at East Bush Lake Road. From the 2015 Normandale Lake District Traffic Study it is known that the new freeway ramp, combined with the proposed development of the vacant parcels in the district will likely trigger the need to proceed to construction on the aforementioned signal, but the traffic study is needed prior to using district abatement funds for that work.

The subject application proposes four access points to the site, upon completion of all phases of the development. Three of the access points are proposed to be full accesses, one at a signalized intersection, and the most easterly access along American Boulevard West is proposed to be egress (right-out) only. Traffic staff have concerns with the easterly access point, given its location on the inside curve of the roadway and the limited sight lines available for traffic exiting at this location. Because of the limited sight distance on the inside of the curve traffic staff have recommended the access point be eliminated and a turn-around area be created on site in order to just utilize the full access driveway located along American Boulevard West, just west of this proposed partial access driveway. If the proposed egress only drive is still proposed, it must be designed in a way that meets AASHTO design guidelines for stopping sight distance and decision sight distance, which will dictate the skew of the driveway and also limit landscaping and other details on the American Boulevard frontage close to the driveway. The applicant and City Engineering staff have discussed the necessary revisions and the applicant has provided a revised plan for City review.

As noted in the conditions, an 8' sidewalk along the south side of American Boulevard will be required to be constructed with the development. This new sidewalk is to be constructed parallel to the future planned alignment of American Boulevard. This sidewalk is a critical element for accessibility and mobility in the District and is identified in City's Alternative Transportation Plan and the Normandale Lake District Plan.

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

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

#### **Fire Prevention and Public Safety**

The access and circulation design must meet or exceed the minimum fire code standards and be maintained in accordance to the approved plan, including a surface to provide all weather driving capabilities. Apparatus access must be asphalt or concrete and support a minimum of 80,000 pounds

with a turning radius to accommodate BFD ladder 4. The applicant must ensure the proposed landscaping plans do not interfere with building access.

Hydrants must be strategically placed to provide an adequate water supply for firefighting operations in and around all areas of the project and subsequent development including coverage within 50 feet of the fire department connection and within 150 feet of any exterior wall. Hydrants will be approved by the Utilities and Fire Prevention Divisions.

The building 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(s) 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. Provide for emergency responder radio coverage 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, and water supply and addressing, shall be reviewed by the Fire Marshal to insure continued compliance with the fire code.

**Status of Enforcement Orders**

There are no enforcement orders for the properties.

**FINDINGS**

**Required Final Development Plan Findings – Section 21.501.03(d)(1-7):**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – There is no conflict between the proposed development and the Comprehensive Plan. The Comprehensive Plan encourages life cycle housing and promotes housing for all age groups. Incorporating life cycle housing would diversify housing options in the Normandale Lake District.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The proposed development is located within the Normandale Lake District. The District Plan encourages balanced development, including a mix of multi-family housing types.

(3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site.	<b>Finding Made</b> – Subject to approval of minor City Code deviations, as part of the planned development application, and compliance with conditions of approval, the proposed use is not in conflict with City Code provisions.
(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> – The proposed development is almost entirely Code complying. The proposed deviations for a reduced setback for a drive lane and a 5-foot retaining wall are intended to serve a site with substantial topography.
(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 planned development is proposed to be completed in two phases, although Phase 1 is not dependent on Phase 2.
(6) 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 property is served by an arterial roadway with adequate capacity. There is adequate utility infrastructure available to serve the development. The proposed use is not anticipated to be an excessive burden on parks, schools, streets, and other public facilities.
(7) 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 senior residential development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.

**Required Conditional Use Permit Findings – Section 21.501.04(e)(1)**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – There is no conflict between the proposed development and the Comprehensive Plan. The Comprehensive Plan encourages life cycle housing and promotes housing for all age groups. Incorporating life cycle housing would diversify housing options in the Normandale Lake District.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The proposed development is located within the Normandale Lake District. The District Plan encourages balanced development, including a mix of multi-family housing types.

(3) The proposed use is not in conflict with City Code provisions.	<b>Finding Made</b> – Subject to approval of minor City Code deviations, as part of the planned development application, and compliance with conditions of approval, 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 property is served by an arterial roadway with adequate capacity. There is adequate utility infrastructure available to serve the development. The proposed use is not anticipated to be an excessive burden on parks, schools, streets, and other public facilities.
(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 residential care facility 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 using the following motions:

In Case PL2019-139, having been able to make the required findings, I move to approve the major revision to final development plans for the 118-unit Cherrywood Pointe residential care facility located at 5501 and 5601 American Blvd. W., subject to the conditions and Code requirements attached to the staff report.

In Case PL2019-139, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a 118-unit residential care facility located at 5501 and 5601 American Blvd. W., subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

**Case** PL2019-139

**Project Description:** Major Revision to Final Development Plans to increase the number of units from 108 to 118 within the Cherrywood Pointe Senior Housing Development and a Conditional Use Permit for a 118-Unit Residential Care Facility located at 5501 American Boulevard West

**Address:** 5501 and 5601 American Blvd. W.

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 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.
2. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
3. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
4. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
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 An erosion control surety must be provided (16.08(b)).
7. Prior to Permit Minimum landscape yard setbacks must be met. A Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
8. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
9. 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).
10. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
11. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
12. 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.
13. Prior to Permit Unit floor plans must demonstrate compliance with storage requirements in Section 21.302.09 of the City Code.
14. Prior to C/O 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.

15. 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.
16. Prior to C/O Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
17. Prior to C/O Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
18. Prior to C/O 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).
19. Prior to C/O Eight-foot wide concrete, or 10-foot wide asphalt sidewalk must be installed along American Blvd. W. Six-foot wide concrete sidewalk must be installed along Normandale Lake Blvd. along with the construction of Phase 2. Sidewalk must be installed at the developer's expense (Section 21.301.04(b)(1)).
20. Prior to C/O A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network.
21. Ongoing All loading and unloading must occur on site and off public streets.
22. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
23. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
24. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
25. Ongoing Alterations to utilities must be at the developer's expense.