



LAND USE APPLICATION SUMMARY

Property Location: 5760 Portland Ave
Project Name: Phoenix Cove Adult Day Center
Prepared By: Nicholas Baker, City Planner, (612) 673-3310
Applicant: Phoenix Cove Adult Day Center, LLC
Project Contact: Kristina Kwan
Request: To allow a development achievement center in the R1 Single Family District.
Required Applications:

Conditional Use Permit	To allow a development achievement center in the R1 Single Family District.
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SITE DATA

Existing Zoning	RI Single Family District AP Airport Overlay District SH Shoreland Overlay District
Lot Area	57,075 square feet / 1.31 acres
Ward(s)	11
Neighborhood(s)	Hale, Page, Diamond Lake Community Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not Applicable
Small Area Plan(s)	Not Applicable

Date Application Deemed Complete	October 14, 2016	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	December 13, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is located on the southeast side of Diamond Lake. The parcel is zoned R1/Single-Family District and is in the Shoreland Overlay District. The property is 57,075 sq. ft. and contains a two-story church which was built in 1940, home to the Diamond Lake Lutheran Church. The site also includes a 52-space asphalt parking lot, which was upgraded to meet current landscaping and screening requirements in 2011.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Neighboring properties within a 350 foot radius are all zoned R1/Single Family. The parcel that is between the subject property and Diamond Lake is owned by the Minneapolis Park and Recreational Board.

PROJECT DESCRIPTION. Kristina Kwan of the Phoenix Cove Adult Day Center has applied for a conditional use permit to operate an adult day care program using the church’s existing facilities. Phoenix Cove, a licensed provider of adult day care services currently operating a facility in St. Paul, will provide a variety of services to support Southeast Asian seniors and their caregivers. Phoenix Cove will serve up to 50 clients (typically 25-30) Monday, Wednesday, and Thursday between the hours of 8:30 a.m. and 1:30 pm. Transportation services will be provided to and from the center. A conditional use permit is required to permit this use, classified as a development achievement center, in the R1 Single Family District.

RELATED APPROVALS. In 2008 Bob Gustafson, on behalf of the Diamond Lake Lutheran Church, applied for variances to reduce required landscaping around the parking lot on the front yard, south interior yard as well as a variance from screening requirements along the front and south interior yards as part of a repaving and restriping project. On July 17, 2008 the Zoning Board of Adjustment approved the variance to reduce the required landscaping in the south interior yard, but denied all other requested variances. Work on the parking lot was done in 2009 and in February 2011 all landscaping was brought into compliance and final approval granted.

Planning Case #	Application	Description	Action
BZZ-4079	Zoning variances	Variance to reduce required landscaped yard for south interior lot line.	Approved
		Variances to reduce required landscaped yard for eastern (front) and western (rear) lot lines.	Denied
		Variance to not require screening along eastern (front) and south (interior) lot lines.	Denied

PUBLIC COMMENTS. Staff has not received any comments as of the printing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to allow for a development achievement center within an existing place of assembly in the R1/Single Family District, based on the following findings:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The proposed adult daycare program will occupy approximately 4,743 square feet within the existing place of assembly within district allowed hours of operation. There is no indication that using the existing space for an adult daycare program would be detrimental to the public health, safety, comfort or general welfare.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

There are no proposed changes to the structure, parking, or landscaping; therefore, there should not be any significant impact on the surrounding property. Allowing an adult daycare program within an existing place of assembly will not impede normal or orderly development nearby. The proposed adult daycare will operate at times when the facility is not being used by the existing place of assembly and will share use of the existing parking facility, and will not significantly increase the amount of traffic to the site. Phoenix Cove will provide transportation to and from the center for their clients.

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

Allowing an adult daycare within an existing building will not have a significant impact on the building's use of facilities and utilities. Adequate utilities, access roads, drainage, and other facilities are provided.

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

The parking requirement for a development achievement center (adult daycare) is 1 space per 500 square feet of floor area in addition to 2 drop off spaces. The parking requirement for the place of assembly is parking equal to 10% of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The size of the church's sanctuary, overflow seating, and choir loft is approximately 4,462 square feet and thus the parking requirement for the church is 30 spaces. The adult daycare proposes to use the church's main floor meeting rooms, kitchen, and entry, which together are approximately 4,743 square feet; therefore the additional parking requirement is 9 plus 2 drop off spaces. Together, the total requirement for both uses in the building is 41. An existing accessory surface parking lot provides a total of 52 legal spaces. The existing parking facility provides sufficient parking for both uses and additional activities will take place during times when the facility is not currently used; therefore, adequate measures have been or will be provided to minimize traffic congestion in the public streets.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

General Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- I.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

Phoenix Cove Adult Day Center is proposing to use a portion of the existing Diamond Lake Lutheran Church to provide a variety of services for Southeast Asian seniors, sharing the existing meeting rooms, kitchen, entry, and parking lot during hours they are not currently being used by the church, maximizing underutilized space within the existing building. *The Minneapolis Plan for Sustainable Growth* classifies the subject property as “urban neighborhood” within the land use chapter. Areas classified as “urban neighborhood” are predominantly residential areas with a range of densities that may include other small-scale uses, including neighborhood serving commercial, and institutional and semipublic uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Both a place of assembly and a development achievement center are supportable uses within this category.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

As part of a parking lot resurfacing project in 2008 the church had applied for several variances for required landscaping and screening. These variances were denied, and as of 2011 the parking lot was brought into compliance with all applicable standards.

In addition, the applicant must comply with the following specific development standards found in Chapter 536.20:

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

The proposed project complies with the stated development standard because it is proposed within an existing place of assembly, constructed in 1940.

Additional Standards for Conditional Use Permits within the SH Shoreland Overlay District

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*
No construction is proposed and there will be no impact on soil erosion.
2. *Limiting the visibility of structures and other development from protected waters.*
No construction, landscaping changes, or other site changes are proposed; there will be no impact on the visibility of existing structures or other development from protected waters.
3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

There is no watercraft access to the lake currently on the site nor is any proposed; there will be no impact on use of Diamond Lake.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Kristina Kwan for the property located at 5760 Portland Ave:

A. Conditional Use Permit.

Recommended motion: **Approve** the conditional use permit to allow a development achievement center to be located in the R1 Single Family District, subject to the following conditions:

1. The development achievement center must be licensed by the Minnesota Department of Human Services (DHS).
2. At least two parking spaces shall be provided within the existing parking lot as “drop off” spaces.
3. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

ATTACHMENTS

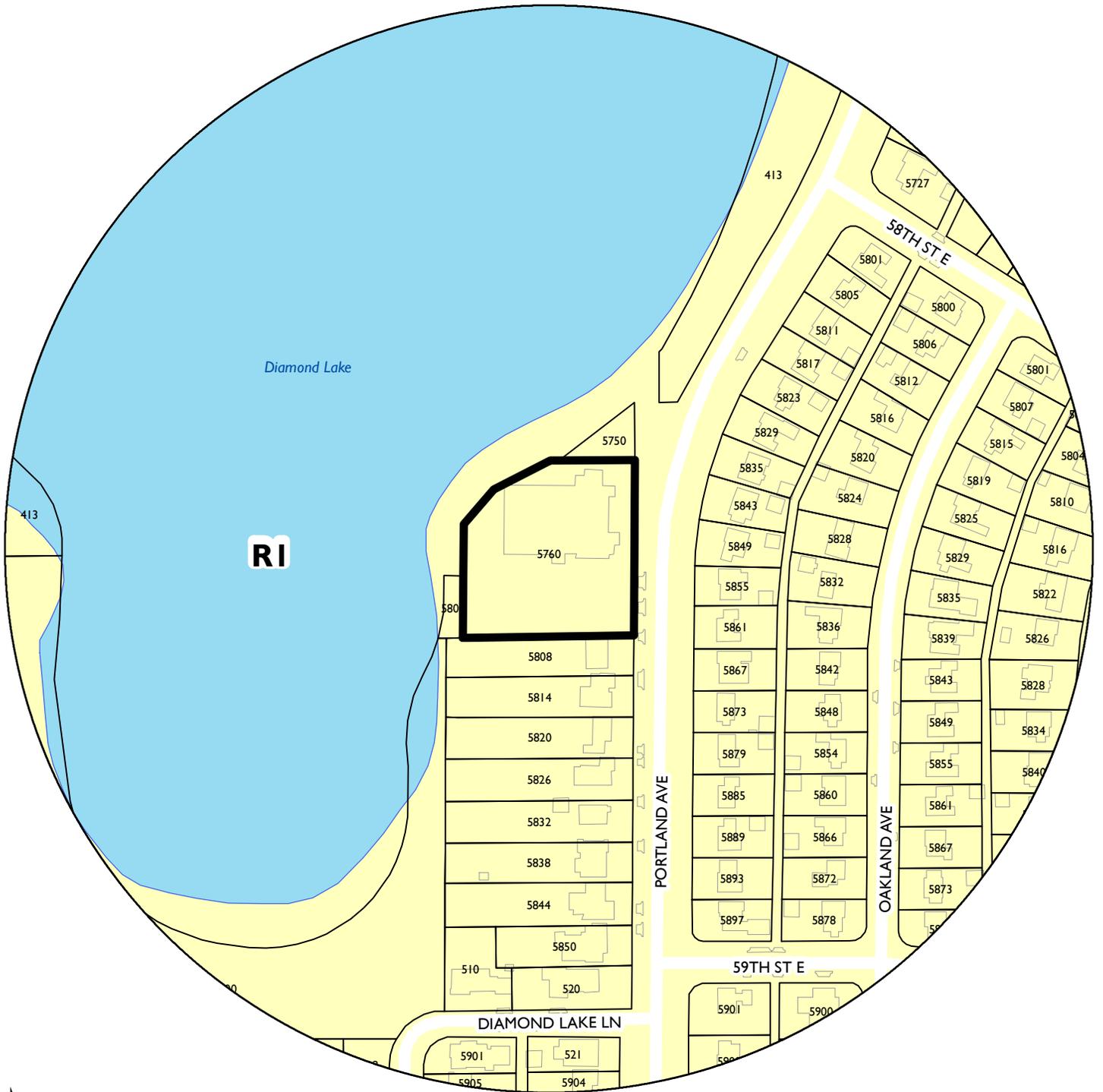
1. Zoning map
2. Aerial photos
3. Description and findings submitted by applicant
4. Site plan and Floor Plans
5. Photos
6. Letter to Council
7. Owner Authorization
8. Current DHS License

Kristina Kwan

11th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

5760 Portland Avenue

FILE NUMBER

BZZ-+- , ,





PHOENIX COVE

451 Pascal St. North
St. Paul, MN 55104

RE: 5760 Portland Ave S. Minneapolis, MN 55417

Statement of Proposed Use

I would like to propose to bring my current adult daycare business into the Diamond Lake Lutheran Church space during the hours that the church seldom use. Monday-Thursday 8:30am-1:30pm.

I would be using the church's main floor, primarily the kitchen and meeting rooms for my adult day care business. The activities/ services we would provide are transportation to and from their homes to the center, culturally appropriate meals cooked on site, engaging exercises like tai chi and cultural dance, and games such as bingo, card games, ball toss, etc to keep them moving. We also take our clients on field trips to help them stay connected with society.

Our center serves clients 18 years and up but majority are 65 years of age and older.

Sincerely,

Kristina Kwan
Director-Phoenix Cove Adult Day Center

Baker, Nicholas

From: Kristina Kwan <kristinakwan5@gmail.com>
Sent: Thursday, October 13, 2016 2:54 PM
To: Baker, Nicholas
Subject: Findings

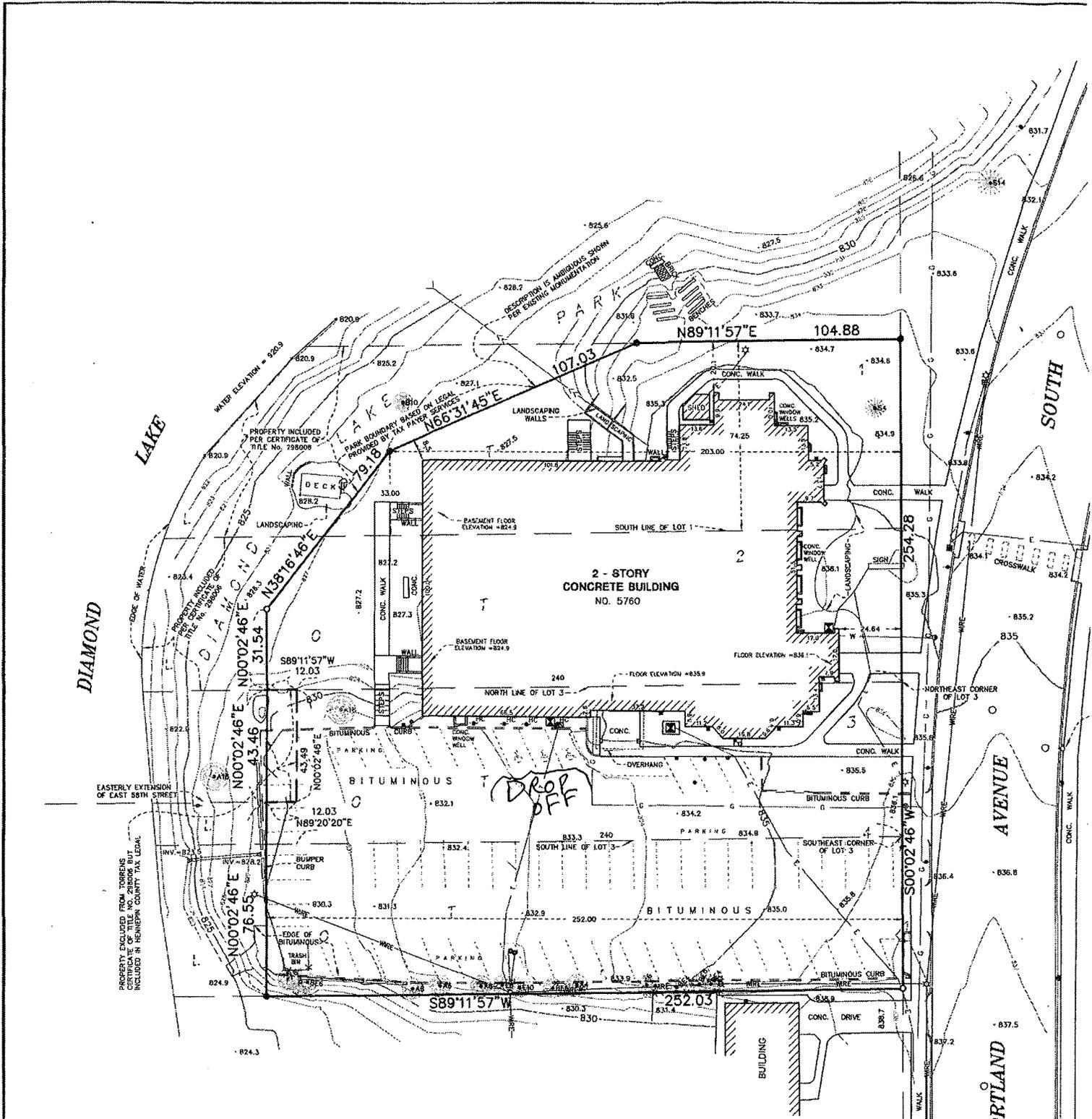
Hi Nicholas,

This is to the address the required findings for my conditional license:

1. My proposed adult day care business at 5760 Portland Ave S will not be detrimental to or endanger the public health, safety, comfort or general welfare as we are not proposing any changes to the church. We will be using the facility when the church is not.
2. My adult day care will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property as we will be inside the church facility most of the day. We have trained and CPR licensed staff to ensure safety of our participants.
3. We should have adequate utilities, access roads, drainage as we will not make any alterations or changes to current facility or its surroundings.
4. There will not be any traffic congestions as we transport our participants to and from the facility. There is approximately 6 staff and volunteers that may drive to the center on any given day.
5. This proposed usage will be consistent with the future land designation in a urban neighborhood.
6. The conditional use in the R1 zoning district and complies with the specific development standards.

Thank you,

Kristina Kwan

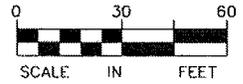
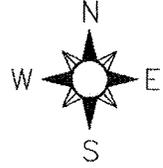


LEGEND

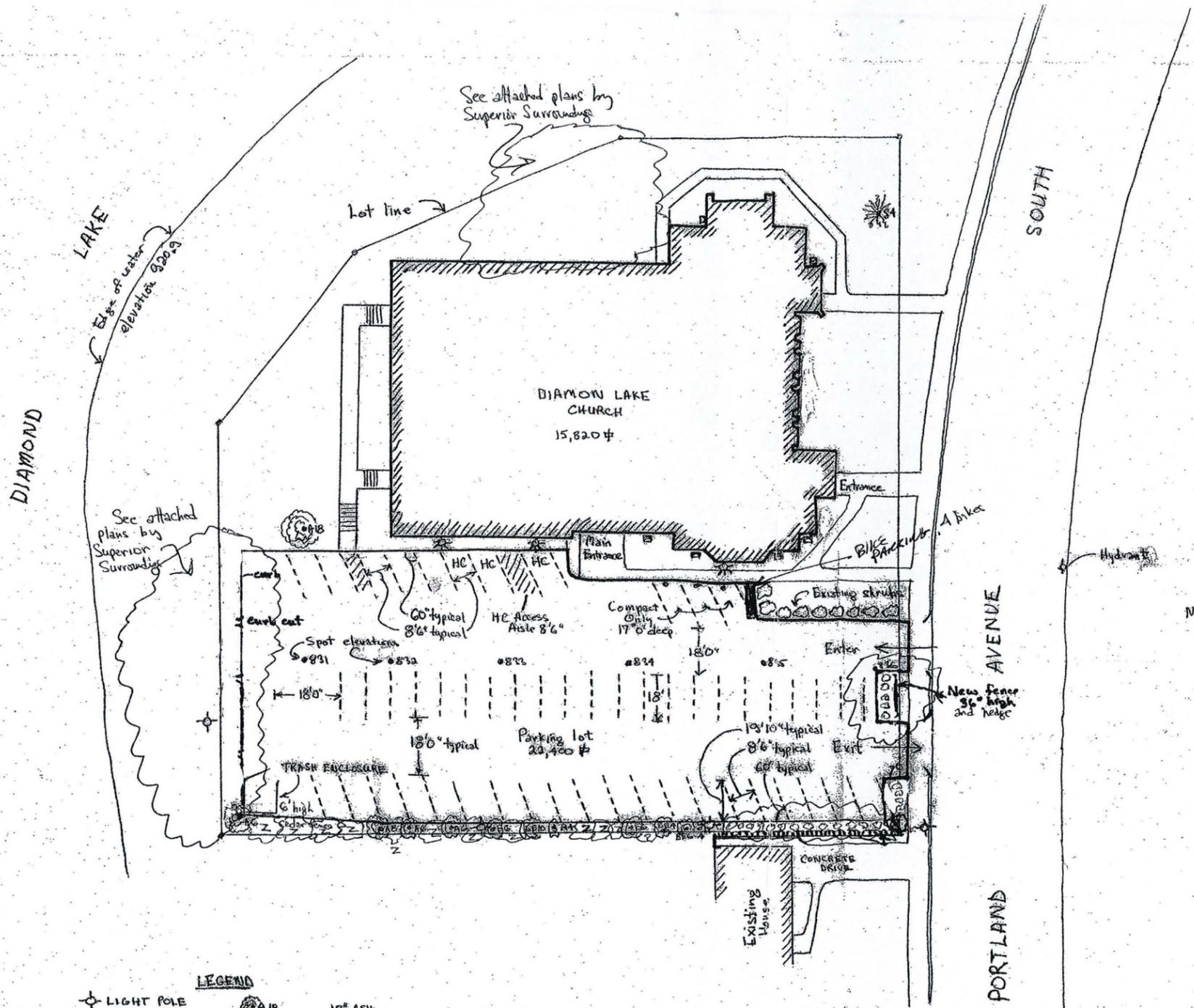
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|---|----------------------|--------|-----------------------|
| ⊠ | AUTO SPRINKLER | ⊥ | POST INDICATOR VALVE |
| ⊞ | AIR CONDITIONER | ⊥ | POWER POLE |
| ⊞ | CATCH BASIN | ⊞ | ROOF DRAIN |
| △ | CULVERT | + | SIGN |
| ⊞ | ELECTRIC BOX | ⊞ | TELEPHONE BOX |
| ⊞ | ELECTRIC METER | ⊞ | WELL |
| ⊞ | ELECTRIC OUTLET POST | —X— | FENCE |
| + | GATE VALVE | —G— | GAS MAIN |
| ⊞ | GAS METER | —WIRC— | OVERHEAD WIRES |
| + | GUARD POST | —>— | SANITARY SEWER |
| ⊞ | HYDRANT | —>>— | STORM SEWER |
| ⊞ | HANDHOLE | —E— | UNDERGROUND ELECTRIC |
| ⊞ | LIGHT POLE | —T— | UNDERGROUND TELEPHONE |
| ⊞ | MANHOLE | —W— | WATER MAIN |
| ⊞ | MONITOR WELL | | |

TREE LEGEND

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- ⊞ DENOTES FOUND IRON MONUMENTATION
- ⊞ DENOTES SET IRON PIPE MARKED WITH R.L.S. NO. 20281



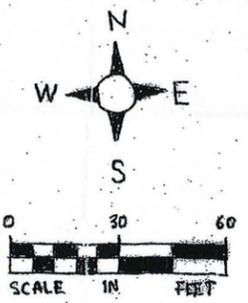
Final PDK Plans
Approved

NOTES:

1. Building area 15,820 #
Parking lot area 22,400 #
Sidewalk area 440 #
Parcel total size 57,075 #
Pervious 18,415 # 32% of parcel
Imperious 38,660 # 68% of parcel
2. Proposed boundary of parking lot will duplicate existing except for portion of current lot on the west side that extends over the lot line. The west side of the lot will be brought back to one foot inside the lot line.
3. The perimeter of the lot will have a continuous continuous curb as is existing. The west side will reuse existing concrete wheel stops.
4. Slope and drainage of new asphalt will match existing. Spot elevations shown. For more detail see attached survey.
5. Excess snow to be removed from site as needed.
6. Landscaping on south property line from Portland Avenue to the rear of the corner of the house at 5808 Portland Ave will start with a Global Arborvitae on the far east side and will continue with a hedge of Picea abies "Pumils" planted approximately 5' on center to achieve 60% opaque coverage. Same plants used on east edge of lot with 36" high fence.

LEGEND

⊙ LIGHT POLE	⊙ A18	18" ASH
⊙ FLOOD LIGHT	⊙ B16	16" BIRCH
⊙ GUARD POST	⊙ B6G	6" BOX ELDER
⊙ HYDRANT	⊙ E6	6" BLM
⊙ ROOF DRAIN	⊙ P16	16" PINE
	⊙ S14	14" SPRUCE
	⊙ Z	Existing trees less than 6" diameter



Diamond Lake Church
5760 Portland Ave. S.
Mpls. Mn.

Drawn by: Robert Gustafson

September 12, 2007

CPED - Planning
Zoning Section
2-1-2011
Date
AAM
Initials

PER BZZ 4079
RESURFACED PARKING LOT
& LANDSCAPING PROJECT APPROVED

5695

PDR 1000727

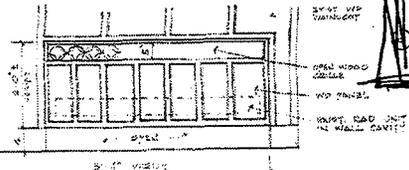
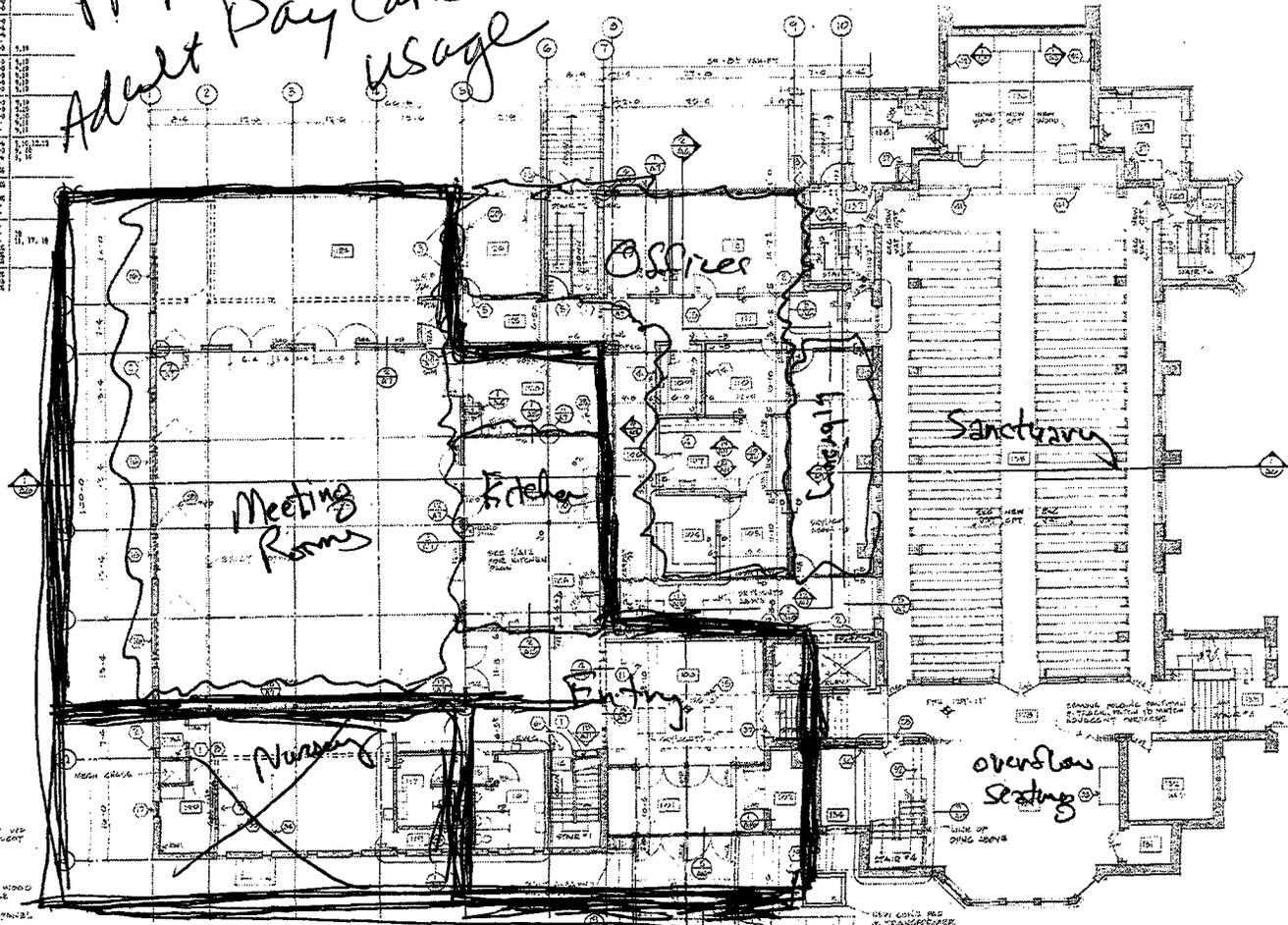
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ROOM FINISH SCHEDULE

NO.	ROOM NAME	FLOOR	WALL	CEILING	DOOR	TRIM	FINISH	REMARKS
1	OFFICE	1	1	1	1	1	1	
2	MEETING ROOM	1	1	1	1	1	1	
3	OFFICE	1	1	1	1	1	1	
4	OFFICE	1	1	1	1	1	1	
5	OFFICE	1	1	1	1	1	1	
6	OFFICE	1	1	1	1	1	1	
7	OFFICE	1	1	1	1	1	1	
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Proposed Adult Day Care usage

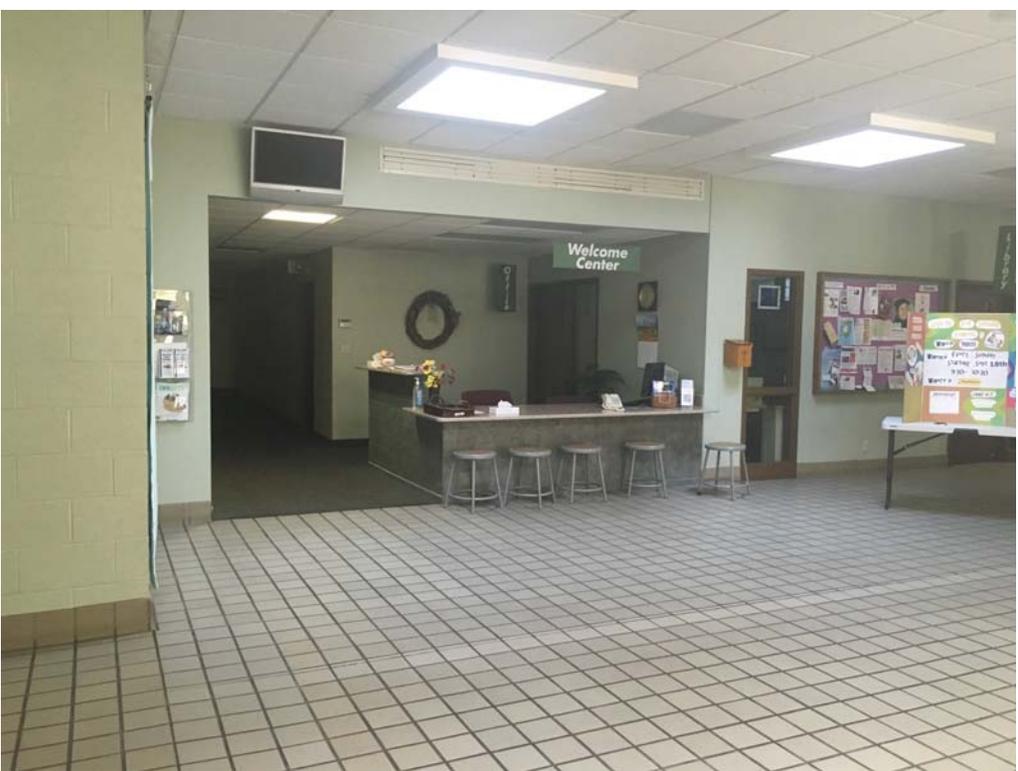
- ROOM FINISH SCHEDULE NOTES
1. WALLS AND PARTS OF FREE STANDING COLUMNS ARE TO BE FINISHED WITH THE SAME MATERIALS AS THE WALLS OF THE ROOM.
 2. PARTS OF WALLS OF EXISTING ROOMS ARE TO BE FINISHED WITH THE SAME MATERIALS AS THE WALLS OF THE ROOM THEY OCCUPY.
 3. PROVIDE WOODEN STAIR TREADS, FINISHES AND SKIRTINGS FOR STAIRS.
 4. PROVIDE WOODEN STAIR nosing AND FINISH FOR RISERS IN EXISTING ROOMS.
 5. PARTS OF WALLS AND CEILING OF EXISTING ROOMS TO BE FINISHED WITH THE SAME MATERIALS AS THE WALLS AND CEILING OF THE ROOM THEY OCCUPY.
 6. PARTS OF FLOOR AND CEILING TO MATCH EXISTING ADJACENT FINISH.
 7. PROVIDE 1/2" WOOD BASE AT THE WALLS.
 8. EXISTING CEILING SHALL REMAIN UNLESS OTHERWISE NOTED ON THIS PLAN.
 9. EXISTING EXTERIOR FLOOR FINISH, EXISTING FLOOR FOR NEW FLOOR FINISH AS SHOWN.
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- NOTES:
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MAIN FLOOR
SCALE: 1/8" = 1'-0"







PHOENIX COVE

**451 Pascal St. North
St. Paul, MN 55104**

To Whom It May Concern:

My name is Kristina Kwan, I am the owner and director of Phoenix Cove Adult Day Center, currently located in St. Paul. Phoenix Cove is an adult daycare center that serves the Southeast Asian seniors. Our mission is to be a cove of care for connection & community through advocacy, resources, and care, bringing dignity, honor, and purpose for our Asian Elders of the Twin Cities.

At Phoenix Cove Adult Day Center, we have caring, multilingual staff, who strive to empower our elders and support their caregivers so that they are no longer isolated in their own homes and can continue to live independently. In addition to being an adult daycare center, we also provide many services and resources to our elders. Services like, annual flu shots, resource fair, translating letters, help them make appointments, provide transportation to and from our center, provide hot cultural meals, engage our elders in daily exercise, and connect them to the many resources that are available to help them live independently, while giving support to their caregivers. We bring them on field trips around the Twin Cities and have them participate in volunteer opportunities so they feel like they are still contributing to society. We work with a licensed nurse, a physical therapist, and a nutritionist to make sure their overall health is monitored. We have our own vehicles to transport them to and from our facility. Many of our elders don't speak English and if our services weren't available, these elders would continue to be isolated in their own homes and their health may decline at a faster pace. Through socialization, engaging exercises, nutritious meals and activities, our elders thrive and can remain health so they can live independently longer.

I am seeking a location in Minneapolis and have been in contact with Diamond Lake Lutheran at 5760 Portland Ave S Minneapolis to explore the possibility of having an adult daycare center during the weekdays from 8:30am-1:30pm in the church's unused space. I am currently licensed with DHS and the health department in the city of St. Paul, I would like to move to Minneapolis where it is central to many of my elders as they come from all over the Twin Cities.

Currently Diamond Lake Lutheran church is not zoned for a daycare which requires a development achievement center zoning, therefore, we would like to apply for a conditional license in order to have an adult daycare in the church's facility.

If you have any questions or concerns, please feel free to contact me at 612-987-0101 or via e-mail kristinakwan5@gmail.com.

Sincerely,

A handwritten signature in black ink that reads "Kristina Kwan". The signature is fluid and cursive.

Kristina Kwan
Director-Phoenix Cove Adult Day Center



Diamond Lake Lutheran Church

5760 Portland Ave. S. • Minneapolis, MN 55417-2462 • Office: 612-866-2579 • Fax: 612-395-5373 • www.dllc.org

Inviting all people to a life in Christ

City of MPLS

October 5, 2016

As the facility Manager of Diamond Lake Lutheran Church, I am granting the approval on behalf of the Property Committee and Council to allow Phoenix Cove Adult Daycare to begin the process for a "Conditional Use Permit Application" and possible approval. We have been in communication and working with Kristina Kwan in a possible partnership with hosting the daycare in our facility.

Please let me know if you need anything else from the church for approval for her to go through this process.

Thanks for your cooperation in the process.

A handwritten signature in blue ink, reading "Keith E. Koenig".

Keith E. Koenig
Facility Manager of DLLC.

Minnesota Department of **Human Services**
Office of Inspector General
Division of Licensing
PO Box 64242
St. Paul, MN 55164-0242



Terms of License:

Service Provided: Adult Day Care Services

To provide adult day care services, subject to the standards of Minnesota Statutes, Chapter 245A and Minnesota Rules, parts 9555.9600 to 9555.9730.

Capacity: 49 persons
Age: 18 years and older

Hours of Operation:

Monday 8:30 AM - 1:30 PM
Wednesday 8:30 AM - 1:30 PM
Thursday 8:30 AM - 1:30 PM

Doing Business At:

Phoenix Cove Adult Day Center LLC
415 Pascal St N
Saint Paul, MN 55104

Licensed From 3/1/2016	Licensed To 12/31/2016
License Number 1079064-2-ADC	

Issued To

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Phoenix Cove Adult Day Center
1020 Dale St
Saint Paul, MN 55117

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Regina A. Wagner
Regina Wagner, Director, Licensing Division

Emily Johnson Piper
Emily Johnson Piper, Commissioner