



**DATE:** October 9, 2019

PC Agenda Item **3.B**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Joe Hartmann, Associate Planner

**SUBJECT:** **Planning Case #19-012 – No Public Hearing Required**

**Applicant:** Patrick McChesney, Presbyterian Homes

**Property Location:** 3200 Lake Johanna Blvd

**Request:** Site Plan Review

**Requested Action**

Patrick McChesney of Presbyterian Homes (“The Applicant”) is requesting site plan review for a proposed project on 3200 Lake Johanna Blvd Johanna Shores (“The Subject Property”) to install an Emergency Power Supply System (EPSS) on site.

**Background**

**1. Overview of Request**

Johanna Shores is multi-unit senior living community located on Lake Johanna Blvd and County Road D that has been operating continuously since 1955. The site is comprised of 410 units in a mix of independent senior apartments, assisted living units, memory care units, hospice units, and McKnight Care Center. The 22-acre parcel was approved for a Planned Unit Development (PUD) in 2010 under Resolution 10-067 to allow for greater flexibility with height and density requirements to accommodate the 410 units on the site. The Applicant is requesting a site plan review for the installation of a proposed EPSS to be located on a concrete pad outside the physical plant on the north side of the property.

The Applicant indicated in their application that the proposal will replace two existing EPSSs that service the Subject Property with a single diesel-fueled EPSS. The existing equipment that would be replaced are a diesel-fueled EPSS with an underground tank and a natural gas-fueled EPSS. The two existing EPSS's are located inside a room adjacent to the physical plant on the rear on the building as shown on the image below. The proposed replacement EPSS would be located outside the physical plant on the north side of the campus adjacent to Sandeen Road.



Under the state licensure requirements of a nursing home, a nursing home “shall be kept in a continuous state of good repair and operation with regard to the health, comfort, safety and well-being of the occupants in accordance with an established routine maintenance and repair program” including an emergency electrical service that “shall be operated and tested at frequent intervals”. (Chapter 4660.7800 Plant Operation and maintenance for Existing and New). The two existing EPSS systems are reportedly over 50 years old and are nearing the end of their serviceable lifetime. The replacement EPSS proposed will have a greater capacity than the combined total for the two existing EPSSs.

## **Plan Evaluation**

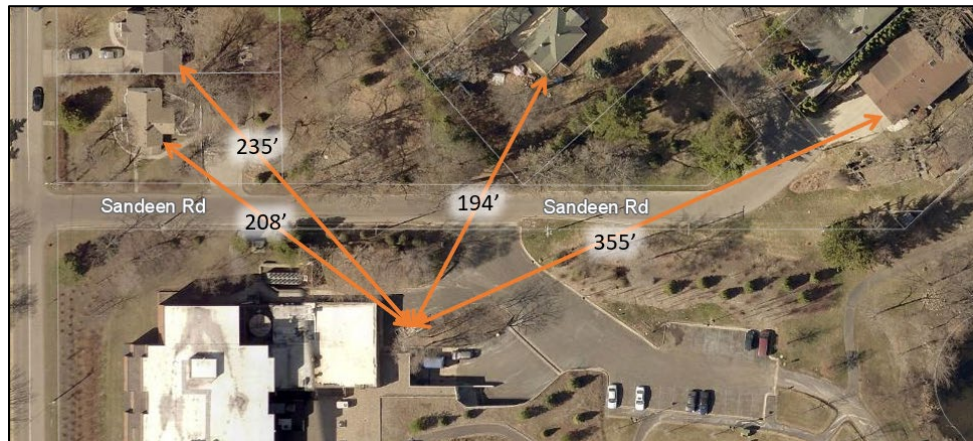
### **Chapter 13, Zoning Regulations Review**

#### **1. *District Provisions (R-4 Multiple Dwelling District) – Section 1320***

Under the draft 2040 Comprehensive Plan which was approved by the City Council and awaiting approval from the Metropolitan Council, the Johanna Shores facility is located within an area guided towards the Public and Institutional Zoning District use. A senior multi-unit residential facility is a permitted use within this designation. The facility was approved under a PUD in 2010 with the R-4 Multiple Dwelling District guiding the designation.

## A. Site Plan

An engineered concrete pad 9' by 19' by 12" will be poured in the location indicated on the plan. 4 concrete bollards will be installed on the north side of the pad to protect the EPSS. The concrete pad will be located 60 feet from the nearest property line to the north and approximately 194 feet from the nearest residential structure. The western edge of the property that is on Lake Johanna lies within an area FEMA designates has a high degree of flooding. The concrete pad is located further to the east in a zone designated with minimal risk of flooding.



Distance to nearest residential units

## B. Screening and Fencing – Section 1325.05, Subd. 4

According to City Code, mechanical equipment requires screening to be “constructed and located so as to completely screen from view of adjacent streets and differing land uses.” The proposed EPSS will be located near the north of the site, adjacent to Sandeen Road. The site plan indicates that mechanical equipment will be screened with a chain link fence with beige fence weave privacy slats will be installed on all 4 sides of the concrete pad to a height of 11 ½ feet above grade to conceal the EPSS, which is 11.5 feet tall from grade. Zoning code section 1325.05 Subd. 4, D, 7, states that in exceptional and unusual circumstances in residential districts a deviation from the maximum permitted residential fence height of six (6) feet may be permitted via site plan review and Planning Commission and City Council Approval. This situation is unique as the proposed EPSS is 11.5 feet tall and requires a tall fence for appropriate screening. The Applicant is proposing to construct a 10 to 12-foot-tall fence. As a condition of approval, the proposed fence shall be black vinyl-coated chain link. The intent of requiring the fence color to be black is to match the existing fencing onsite. In addition, the site is screen by landscaping.

## C. Noise

Screens and fencing help minimize adverse impacts of public nuisances, such as noise from monthly emergency tests on the EPSS. State licensing requires the facility to test the EPSS monthly to ensure that the equipment is working properly. The Applicant indicated to staff that emergency testing of the EPSS would be confined to day time hours. To help attenuate noise an air intake

silencer will be installed on the equipment by the manufacturer to reduce any noise with sound absorbing insulation.

The Applicants stated in a letter from the manufacturer that the acoustical goal for the EPSS when the air intake silencer is in operation shall be 60-dBA at a 60.00-foot distance from the concrete pad, which is roughly to the property line on the north side of the site. Minnesota's noise pollution rules (Minn. R. 7030.0040) are based on statistical calculations that quantify noise levels over a one-hour monitoring period. There are statutory limits for a residential location, which limits noise to 60 dBA during the daytime (7:00 a.m. – 10:00 p.m). This means that during a one-hour period of monitoring, daytime noise levels cannot exceed 65 dBA for more than 10 percent of the time or 60 dBA more than 50 percent of the time. Based on the reference materials provided by The Applicant, staff do not anticipate noise pollution issues with this proposal. As a condition of approval, the Applicant shall work with the City staff to mitigate any noise concerns if complaints are received.

### **Additional Review**

#### *Residential Building Inspector*

The Residential Building Inspector has reviewed the plans and has no additional comments at this time. A Building Permit will be required prior to any construction taking place.

#### *Public Works Director/City Engineer*

The Public Works Director/City Engineer has reviewed the plans and has no additional comments at this time.

### **Findings of Fact**

1. The Applicant is requesting site plan review for a proposed project at Johanna Shores Senior Living Facilities to install an Emergency Power Supply System (EPSS) on site.
2. The two existing EPSS systems are reportedly over 50 years old and are nearing the end of their serviceable lifetime. The replacement EPSS proposed will have a greater capacity than the combined total for the two existing EPSSs.
3. Under state licensure requirements, a nursing home shall be kept in a continuous state of good repair and operation including an emergency electrical service that shall be operated and tested at frequent intervals.
4. The Applicant indicated to staff that emergency testing of the EPSS would be confined to no more than one hour a month during day time hours.
5. The Subject Property is located within a PUD guided by the R-4 Zoning District and the location of the proposed EPSS is 60 feet from the nearest property line to the north and approximately 12 feet from the nearest structure, which meets all setback requirements for the Subject Property.
6. The concrete pad will be located further to the east in a zone designated with minimal risk of flooding.

7. Mechanical equipment will be screened with a chain link fence with beige fence weave privacy slats will be installed on all 4 sides of the concrete pad to a height of 11 ½ feet above grade to conceal the EPSS, which is 139" high.
8. To help attenuate noise an air intake silencer will be installed on the equipment by the manufacturer to reduce any noise with sound absorbing insulation.

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

### **Options and Motion Language**

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

- **Recommend Approval with Conditions:** Motion to recommend *approval* of Planning Case 19-012 for a Site Plan Review of 3200 Lake Johanna Blvd, based on the findings of fact and the submitted plans, as amended by the three (5) conditions in the October 9<sup>th</sup>, 2019 Report to the Planning Commission:
  1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
  2. All proposed fencing shall be black vinyl-coated chain link.
  3. The structure shall conform to all other regulations in the City Code.
  4. The Applicant shall work with the City staff to mitigate any noise concerns if complaints are received.
  5. Monthly equipment testing shall occur weekdays between the hours of 8:00 a.m. and 5:00 p.m.
- **Recommend Approval as Submitted:** Motion to recommend *approval* of Planning Case 19-012 for a site plan review of 3200 Lake Johanna Blvd, based on the findings of fact and the submitted plans in the October 9<sup>th</sup>, 2019 Report to the Planning Commission.
- **Recommend Denial:** Motion to recommend *denial* of Planning Case 19-012 for a site plan review of 3200 Lake Johanna Blvd, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
- **Table:** Motion to *table* Planning Case 19-012 for a site plan review of 3200 Lake Johanna Blvd: *a specific reason and information request should be included with a motion to table.*

### **Public Comments**

Staff mailed public notices to all properties within 350 feet of the proposed property as per City procedure and no comments were received from the public.

### **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on September 6, 2019. Pursuant to Minnesota State Statute, the City must act on this request by November 4, 2019 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

### **Attachments**

- A. Application
- B. Location Map
- C. Submittal Documents