



**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525, Article IX Variances, specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...”, and Chapter 530 Site Plan Review.

**Background:** The applicant proposes to rezone the property located at 2510 4th Street North from the R2B district to either the R5 (Multiple-family) district or R4 (Multiple-family) district. The subject property is approximately 13,502 square feet in size and the existing building located on the property had been occupied by 11 dwelling units. The applicant proposes to rezone to two separate zoning classifications as the rezoning to R5 does not require a variance and the rezoning to R4 requires a variance. The applicant has applied for both in the circumstance that one of the rezoning proposals is supported by the City Council. The variance that accompanies the R4 zoning district request is a variance of the minimum lot area requirement to allow 11 dwelling units in the existing building. The R4 district requires a minimum lot area for multiple-family dwelling units of 1,250 square feet per dwelling unit. The applicant proposes 1,228 square feet per dwelling unit or a variance of approximately 2%. Site plan is also required regardless of the zoning classification in order to re-establish rights for 11 dwelling units within the existing vacant building.

In February of 2010, the applicant submitted an application to the City (BZZ-4653) in order to establish non-conforming rights by rebutting abandonment of the 11-unit building located on the property. The Board of Adjustment denied the nonconforming use certificate. That determination was appealed by the applicant; however, the Board of Adjustment’s decision was upheld by both the Zoning and Planning Committee and City Council. The findings that were made by Planning Staff and adopted by the City Council were as follows:

- 1) Building records indicate that a Certificate of Occupancy was issued for subject property as an eleven-unit multiple-family residence in August 31, 1966.
- 2) The zoning classification from 1924 to 1963 was Multiple Family; an 11-unit multiple-family dwelling is a permitted use.
- 3) The subject property was rezoned in 1963 to R5 Multiple-Family District; an 11-unit multiple-family dwelling is a permitted use.
- 4) The subject property was rezoned in 1991 to R2B Two-Family District; an 11-unit multiple-family dwelling is a prohibited use. The existing use becomes a legal nonconforming use.
- 5) The rental license for the subject property was revoked on November 30, 2006, and the property was vacated.
- 6) From November 30, 2006, to December 1, 2007, the nonconforming use of the property as an eleven-unit multiple-family residence was discontinued and legal nonconforming rights were lost. The building remains vacant as of the writing of this report.
- 7) The applicant has failed to present clear and convincing evidence that discontinuance of the nonconforming use or structure for the specified period was due to circumstances beyond the property owner's control per Zoning Code Provision 531.40 (a) (2).

**Additional Property Background:** Urban Choice, LLC, purchased the subject property on July 11, 2000, and maintained the use with an active rental license for 11 dwelling units. On June 30, 2006, the property was placarded and the owner was notified that the rental license was being revoked due to reported illegal conduct on the premises related to weapons and child endangerment. The owner was given a deadline of July 17, 2006, to appeal the revocation action. The owner did not pursue an appeal of the revocation action. On November 30, 2006, the rental license was revoked and the building was vacated. On September 24, 2007, Urban Choice, LLC, signed a quit claim deed to Imperial Capital Bank relinquishing ownership of the property. On December 1, 2007, following one year of discontinued use,

the property was deemed to have lost its nonconforming rights to an 11-unit multiple family dwelling. The building is presently vacant and boarded.

The applicant purchased the property in August of 2009, over a year and a half after the property had lost its nonconforming rights.

Staff has received official correspondence from the Hawthorne Neighborhood Council which supports the rezoning of the property. Any additional correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

**REZONING** – to the R4 or R5 district

**Findings as Required by the Minneapolis Zoning Code:**

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is not located along or adjacent to any designated land use features and is designated as urban neighborhood. The area within a 1000-foot radius of the property on the west side of Interstate 94 is entirely zoned R2B. The properties on the east side of Interstate 94 are predominately zoned industrial. The residential properties within a 350-foot radius include 47 conforming single-family dwellings and duplexes, and 5 non-conforming multiple-family dwellings ranging in density from 3 units to 64 units. The closest land use features are Lyndale Avenue North which is a designated Community Corridor in this location and is approximately 2 blocks west of the site, and West Broadway which is a designated Commercial Corridor and is approximately 5 ½ blocks south of the subject site. It should also be noted that the property is located a block away from 3<sup>rd</sup> Street North which parallels Interstate 94 in this location.

According to *The Minneapolis Plan for Sustainable Growth*, urban neighborhoods are a “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.” With no adopted small area plan for this area and no adopted city policies that support a rezoning of the property given the fact that the site is not located adjacent to a designated land use feature, neither the R4 nor R5 district is supportable in this circumstance. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.8 states: “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. This policy includes the following applicable implementation step (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Housing Policy 3.8 states: “Preserve and strengthen community livability by enforcing high standards of property management and maintenance. This policy includes the following applicable implementation steps (3.8.1) “Ensure attractive, livable neighborhoods by education and enforcement of the housing and property maintenance codes”; (3.8.3) “Reduce the number of vacant and boarded buildings.”

Planning Staff believes that the proposal to rezone the subject property from the R2B to the R4 or R5 district is not supported by the above listed policies and implementation steps. It should be acknowledged, however, that denying the request will result in the likely demolition of the structure.

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

A rezoning to the R4 or R5 district would be considered primarily in the interest of the property owner as it would allow the existing building on the site to be rehabilitated in order to accommodate 11 dwelling units. The amendment could also be considered in the public interest insofar as it would allow the vacant building to be activated and reused as originally constructed.

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

The area within a 1000-foot radius of the subject property on the west side of Interstate 94 is entirely zoned R2B. The properties on the east side of Interstate 94 are predominately zoned industrial. The residential properties within a 350-foot radius include 47 conforming single-family dwellings and duplexes, and 5 non-conforming multiple-family dwellings ranging in density from 3 units to 64 units. Given the surrounding zoning classification, the context and uses in the area, as well as adopted policy, Staff believes that neither the R4 nor R5 zoning district would be appropriate and compatible in this location. As previously mentioned, all surrounding properties are zoned R2B and the majority conform to the R2B district regulations. The property has been vacant since 2006 and lost its non-conforming rights over 4 1/2 years ago. Substantive work must be done to the building in order to allow for occupancy. Further, the applicant acquired the property over a year and a half after the building had lost its non-conforming rights.

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

In general, there are reasonable uses allowed under the existing R2B zoning classification; however, should the City feel that there is justification to save the building and to allow for the rehabilitation of the structure despite its condition, a rezoning would need to be supported as the conversion of the former 11-unit structure into a duplex would not be practical. As previously noted, there are no specific adopted city policies that would support either proposed zoning classification. Planning Staff has included an

attachment to the staff report which further details the differences between the existing and proposed zoning classifications for the property.

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

The zoning classification from 1924 to 1963 was Multiple Family and an 11-unit multiple-family dwelling was a permitted use. Under the 1963 Zoning Code, the subject property was zoned R5 (Multiple-Family) district and an 11-unit multiple-family dwelling was a permitted use. In 1991, the subject property was rezoned to the R2B (Two-Family) district and the 11-unit multiple-family dwelling became a legal nonconforming use. There haven't necessarily been changes relative to the character and trend of the development in the general area; however, the area has seen extensive foreclosures. The amendment to alter the existing zoning classification on the properties would suggest that the City finds the proposal consistent with adopted city policies and further, has an interest in seeing the vacant, boarded and rather dilapidated building rehabilitated to allow for residential occupancy.

**VARIANCE** – (1) Variance of the minimum lot area requirement in the R4 district to allow 11 dwelling units in the existing building.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Should the Planning Commission find that the R4 zoning request is appropriate, there would certainly be practical difficulties that exist in complying with the ordinance because of circumstances unique to the property. The building is existing and was originally constructed as an 11-unit multiple family dwelling that was compliant with zoning regulations at that time. Should the R4 zoning district be deemed consistent with adopted City policies, it would be reasonable for the property to be utilized as it was prior to the loss of its non-conforming rights; denying the request would result in the loss of one dwelling unit if R5 were deemed an appropriate zoning classification for the site.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The proposal to vary the minimum lot area requirement should the R4 district be deemed consistent with adopted policies to allow 11 dwelling units in the existing building would be reasonable and would be in keeping with the spirit and intent of the ordinance and comprehensive plan. The R4 district requires a minimum lot area for multiple-family dwelling units of 1,250 square feet per dwelling unit. The applicant proposes 1,228 square feet per dwelling unit or a variance of approximately 2%.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The proposal to reduce the minimum lot area per dwelling unit by approximately 2% in the R4 district would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties should the Planning Commission deem the R4 zoning district consistent with adopted city policies. The building is existing and was originally constructed as an 11-unit multiple family dwelling that was compliant with zoning regulations at that time.

### **SITE PLAN REVIEW**

#### **Findings as Required by the Minneapolis Zoning Code:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

#### **Section A: Conformance with Chapter 530 of Zoning Code**

##### **BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance.

**Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**

- a. **Windows shall be vertical in proportion.**
  - b. **Windows shall be distributed in a more or less even manner.**
- **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
      - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
      - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
      - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
      - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
      - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

**Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**

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  - **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
  - **The form and pitch of roof lines shall be similar to surrounding buildings.**
  - **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

The 8,400 square foot building is existing on the premises. The applicant proposes to install new windows within existing openings, as well as clean, patch and paint the stucco on the exterior of the building. The applicant also proposes to repave the parking lot at the rear of the site and landscape and screen as required. All other proposed substantive modifications are interior.

The existing elevations will not be evaluated for the purposes of the window requirements. Typically, residential developments are subject to a 20% window requirement on the ground floor. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. A 10% window requirement typically applies on each floor above the first floor. In this circumstance, should the rezoning be approved and the boarded windows be replaced

with new windows, the development would appear to comply with the window provisions as outlined above.

The building complies with the ground floor active functions provision.

The existing exterior materials and appearance of the rear and side walls of the existing building would be similar to and compatible with the front of the building. The building has an exterior stucco finish which would be repaired and repainted should the rezoning be approved. The existing elevations will not be evaluated for blank uninterrupted walls that exceed 25 feet in width. The existing roofline is flat.

A total of 11 off-street surface parking spaces are proposed that would be accessed via the public alley at the rear of the site. No underground or structure parking is proposed.

#### **ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

There are two existing principal entrances to the building; one off of the public sidewalk along 4<sup>th</sup> Avenue North and the other off of the parking lot at the rear of the site. Both entrances are connected to the adjacent public sidewalk and to the parking area via walkways that are at least 4 feet in width.

There are no transit shelters within the development.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The off-street parking for the proposed development would be located at the rear of the site via the public alley.

The maximum impervious surface requirement in both the R4 and R5 zoning districts is 85%. The site has been designed to minimize the use of impervious surfaces as a total of approximately 57% of the site not occupied by buildings is pervious as a result of providing landscaped yards.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 13,502 square feet. The footprint of the building is 2,800 square feet. When you subtract the footprint from the lot size the resulting number is 10,702 square feet; 20% of this number is 2,140 square feet. According to the applicant's site plan there is 6,091 square feet of landscaping on the site or approximately 57% percent of the site not occupied by the building which meets the minimum requirement.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 trees and 21 shrubs. The applicant is proposing to plant 5 canopy trees and 36 shrubs on the site. The proposal exceeds the quantity requirements for the site, however, should the site plan review application be approved, Planning Staff will require a more diverse planting plan and an accompanying landscape plan that includes planting notes and explicitly notes about proposed vegetation.

A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the north, south and east sides of the property. The applicant is proposing an approximate 7 to 11-foot wide yard along the north property line in addition to a 3-foot solid cedar privacy fence; however, adequate landscaping is not provided in the yard. Alternative compliance is necessary. Planning Staff would recommend that should the site plan be approved that the applicant complies with the landscaping requirement. Along the south property line a 9 to 11-foot wide yard is provided as well as a 3-foot tall cedar privacy fence; however, adequate landscaping is not provided in the yard. Alternative compliance is necessary. Planning Staff would recommend that should the site plan be approved that the applicant complies with the landscaping requirement. The landscape yard varies from 6 to 9 feet wide along the east property line. The yard requirement is one foot short in some locations and is not landscaped or screened in compliance with this provision. Alternative compliance would be necessary. Planning Staff would recommend that partial alternative compliance be granted. Should the site plan be approved, the width provided is adequate; however, the applicant would need to comply with both the landscaping and screening requirement in this location.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The applicant is proposing a total of 11 spaces in the surface parking lot. All parking spaces

are within 50 feet of an on-site deciduous tree. No tree islands are proposed, however, two 5-foot wide vegetated islands line the entrance to the parking lot off of the public alley.

**ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

A total of 11 surface parking stalls are located on the site. The surface parking area will be designed with curb openings so that stormwater runoff drains towards the perimeter green space areas on the site.

The building is existing and will not result in the blocking of any significant views or any additional shadowing impacts on adjacent properties or on public spaces. The proposal would also not have any additional impacts on light, wind and air in relation to the surrounding area.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Planning Staff has no additional comments at this time regarding site safety.

There are no historic structures on the subject site.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE** - The proposed 11-unit building would be a permitted use in the R5 district and in the R4 district with the approval of a lot area variance. With the approval of the rezoning, applicable variance and site plan review, this development would meet the requirements of either the R4 or R5 zoning district.

**Parking and Loading:**

*Minimum automobile parking requirement:* Chapter 541 requires one off-street parking space per dwelling unit or a total of 11 parking spaces for the proposed residential project. The applicant is proposing to provide a total of 11 parking stalls that includes 1 van accessible space, 8 standard spaces

and 2 compact spaces in a surface parking lot at the rear of the site. The proposal is meeting the minimum off-street parking requirement.

*Maximum automobile parking requirement:* There is no maximum parking requirement for residential uses. The plan would comply with the requirement that no more than two off-street parking spaces per dwelling unit may be provided outdoors on the site.

*Bicycle parking requirement:* Multiple-family dwellings with 5 or more units have a minimum bicycle parking requirement of 1 space per 2 dwelling units. The applicant is proposing to provide a total of 8 spaces which meets the minimum requirement. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

*Loading:* There is no loading requirement for residential developments with less than 100 units.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A dumpster enclosure is located adjacent to the alley on the northeast side of the site. The design of the dumpster enclosure shall meet the requirements of the Zoning Code.

**Signs:** No signage is proposed at this time. Any signage must meet the requirements as outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for any proposed signage.

**Lighting:** No photometric plan has been provided. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 and 541 of the Zoning Code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum F.A.R. for all structures in the R4 and R5 district is the gross floor area of the building which is 8,400 square feet divided by the area of the lot which is 13,502 square feet. The outcome is .62 which is less than the maximum of 1.5 that is permitted in the R4 District and less than the maximum of 2.0 that is permitted in the R5 district.

**Minimum Lot Width and Lot Area:** The project would meet the minimum lot width requirements in the R4 and R5 district as the development is situated on a lot greater than 40 feet in width. The minimum lot area per dwelling unit in the R4 zoning district is 1,250 square feet. The applicant proposes 1,228 square feet per dwelling unit or a variance of approximately 2%. The minimum lot area per dwelling in the R5 district is 700 square feet per dwelling unit; the development complies with this requirement without a variance.

**Dwelling Units per Acre:** With 11 dwelling units on a site having 13,502 square feet of lot area, the proposal would include approximately 35 dwelling units per acre.

**Height:** Maximum building height for multiple-family dwellings located in the R4 and R5 zoning district is 4 stories or 56 feet, whichever is less. The height of the existing building is 3 stories or approximately 30 feet; therefore, it complies with the requirement.

**Yard Requirements:** The required yards are as follows:

*Front - along 4<sup>th</sup> Avenue North:* 15 feet

*Interior side yard/rear (5+2x):* 9 feet

The building is existing; therefore, no yard variances are necessary.

**Building coverage:** The maximum building coverage in the R4 and R5 district is 70 percent. The building covers approximately 21 percent of the site.

**Impervious surface area:** The maximum impervious surface coverage in the R4 and R5 district is 85 percent. Impervious surfaces would cover approximately 34 percent of the site.

### **THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH**

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps apply to the site plan review application as well.

### **Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

There are no small area plans for this geographic area of the city.

### **ALTERNATIVE COMPLIANCE**

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

Landscaping and screening requirements: A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the north, south and east sides of the property. The applicant is proposing an approximate 7 to 11-foot wide yard along the north property line in addition to a 3-foot solid cedar privacy fence; however, adequate landscaping is not provided in the yard. Alternative compliance is necessary. Planning Staff would recommend that should the site plan be approved that the applicant complies with the landscaping requirement. Along the south property line a 9 to 11-foot wide

yard is provided as well as a 3-foot tall cedar privacy fence; however, adequate landscaping is not provided in the yard. Alternative compliance is necessary. Planning Staff would recommend that should the site plan be approved that the applicant complies with the landscaping requirement. The landscape yard varies from 6 to 9 feet wide along the east property line. The yard requirement is one foot short in some locations and is not landscaped or screened in compliance with this provision. Alternative compliance would be necessary. Planning Staff would recommend that partial alternative compliance be granted. Should the site plan be approved, the width provided is adequate; however, the applicant would need to comply with both the landscaping and screening requirement in this location.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:**

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning petition to change the zoning classification of the property located at 2510 4th Street North from the R2B district to the R5 district.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:**

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning petition to change the zoning classification of the property located at 2510 4th Street North from the R2B district to the R4 district.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance of the minimum lot area requirement in the R4 district to allow 11 dwelling units in the existing building on the property located at 2510 4th Street North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **deny** the site plan review application to allow 11 dwelling units within the existing building on the property located at 2510 4<sup>th</sup> Street North.

Department of Community Planning and Economic Development – Planning Division  
BZZ-5579

**Attachments:**

1. Rezoning Matrix – R2B vs. R4 and R5
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan and elevations
6. Photos