

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-5562

Date: June 11, 2012

Applicant: Daniel Oberpriller, CPM Development

Address of Property: 3535-3543 Grand Avenue S

Project Name: 3535 Grand

Contact Person and Phone: David Motzenbecker and Karl Drecktrah, (612) 339-3752

Planning Staff and Phone: Joe Bernard, (612) 673-2422

Date Application Deemed Complete: May 16, 2012

End of 60-Day Decision Period: June 29, 2012

Ward: 10 **Neighborhood Organization:** Lyndale

Existing Zoning: R5 Multiple-family district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 12

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 30 dwelling units

Concurrent Review:

- Variance** to reduce the west front yard setback from the established 20 feet 5 ½ inches to 15 feet
 - Variance** to reduce the north and south side yard setbacks from 15 feet to 11 feet to allow for side entrances
 - Variance** to reduce the east rear yard setback from 11 feet to 4 feet
- Site plan review**

Applicable zoning code provisions: Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, Chapter 530 Site Plan Review; Chapter 535 Regulations of General Applicability; and Chapter 546, Residence Districts

Background: The applicant is proposing to construct a 30 unit multiple-family building. As submitted to Planning staff, the building is 4 stories and 48 feet in height. Individual ground level entrances are

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present on the three first floor units that face Grand Avenue South, while the principal common entrance to the project is on the southwest corner of the property. The applicant proposes 28 parking stalls in an entirely enclosed underground structure accessible from the alley located off of 36th Street between Grand and Pleasant Avenues.

Under different ownership and management, a development was proposed on this site in 2006 that included two five unit structures. The project ultimately did not move forward.

The existing site is a vacant 15,535 square foot lot. Immediately adjacent to the south of the property is a 2 ½ story 11 unit multiple-family residence. To the north is a single-family dwelling. Across the alley to the rear (east) of the property is a mix of single- and multiple-family dwellings. Across Grand Avenue to the west of the site are a couple of mixed-use buildings containing dwelling units and first floor retail. The 35XX block of Grand Avenue consists predominantly of multiple-family dwellings, but also contains a couple of single-family structures, all ranging in age and character.

The proposed building consists of four stories of 8,200 square feet of floor area each. The gross floor area of the project is 32,800 square feet. This results in a total floor area ratio (FAR) for the building of 2.11. The maximum FAR for multiple-family dwellings in the R5 Multiple-family district is 2.0. However, the project as proposed qualifies for density bonuses as outlined in 546.130; both for enclosed parking and affordable housing. Each of these density bonuses afford the project a 20 percent increase in the FAR and the allowed number of dwelling units bringing the allowed FAR to 2.8. A summary of the parking requirements is found below, and a summary of the proposed affordability component can be found in the attachments to this report.

The R5 Multiple-family zoning district permits multiple-family dwellings at a density of 1 unit per 700 square feet of lot area. With 15,535 square feet of lot area, the site is allowed 22 dwelling units. By applying the density bonuses mentioned above, the number of dwelling units allowed on the site increases to 30, which is the total number proposed by the applicant in this project.

As previously stated, the project proposes to meet parking requirements with an entirely enclosed and underground parking structure. Residential uses require parking at a rate of 1 space per dwelling unit. This results in a parking requirement of 30 spaces. However, the location of the project allows for a reduction in that requirement due to section 541.200 of the zoning ordinance.

Multiple-family dwellings. The minimum parking requirement may be reduced ten (10) percent if the proposed use is located within three hundred (300) feet of a transit stop with midday service headways of thirty (30) minutes or less in each direction.

Served by Metro Transit bus routes 18, 135, and 113, the intersection at 36th Street South and Grand Avenue South, which is within 300 feet of the project site, meets the above requirements. The resultant 10 percent reduction in the parking requirement brings the total required count to 27 spaces. The applicant is proposing to provide 28 stalls, 75 percent of which comply with the minimum dimensions for standard spaces, with the remaining 25 percent complying with the minimum dimensions for compact spaces.

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Bicycle parking is also required for multiple-family dwellings at the rate of 1 space per 2 dwelling units. This results in a requirement of 15 spaces for the project; 90 percent of these spaces must meet the standards of long-term bicycle parking as outlined in section 541.180 of the zoning ordinance. The applicant proposes 19 bicycle parking spaces in the underground parking structure, thus meeting the above noted requirement. An additional 2 bicycle parking racks are also proposed for public use on the southwest corner of the property near the main entrance to the building.

The applicant is requesting variances to the front, side, and rear setbacks. Site plan review is also required.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if received, at the City Planning Commission meeting.

VARIANCE: to reduce the west front yard setback from the established 20 feet 5 ½ inches to 15 feet.

Findings Required by the Minneapolis Zoning Code:

- 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.**

Development of this property is constrained through the existence of an established front yard setback created by the property directly adjacent to the north of the site. By applying the established setback standard, the property has a required setback of approximately 21 feet at its northwest corner. This established setback line tapers to approximately 15 feet at the southwest portion of the site. The applicant proposes to place the building 15 feet from the front property line in an area of the site where the established front yard setback ranges from 20 feet 5 ½ inches on the north end to 15 feet 11 ½ inches on the south end. The requested 15 foot setback is consistent with the condition on the property directly south of the subject site. The uniquely inconsistent setback of buildings found on either side of the property presents a practical difficulty for the applicant in complying with the ordinance.

- 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 intent of the front yard setback standard is to create a uniform street frontage that is appropriate for the types of development allowed in a given district. Considering that the building located to the south of the project sits at the required 15 foot R5 district setback, continuing that street frontage consistently to the north is in keeping with the spirit and intent of the ordinance. *The Minneapolis Plan for Sustainable Growth* also supports the reasonableness of the request in policy 10.8.1: “Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.”

- 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.**

As mentioned in the background of the report, the character of the street is largely residential, predominated by multi-family housing. Properties closer to the intersection of 36th Street South and Grand Avenue South contain buildings that are generally closer to the front lot line. Continuing this pattern with redevelopment at the district setback of 15 feet at the 3535 Grand site is in keeping with the essential character of the area and will reinforce a pedestrian focused street wall extending from the intersection just south of the site. In this manner, the requested variance is not detrimental to the health, safety, or welfare of the general public.

VARIANCE: to reduce the south and north side yard setback from 15 feet to 11 feet to allow for building entrances.

Findings Required by the Minneapolis Zoning Code:

- 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.**

The side yard setback for multiple-family dwellings in the R5 district is 5 feet. Two additional feet are added to the setback for multi-story projects for each story above the first. In this case, the proposed 4-story building has a district required setback of 11 feet. Additionally however, section 535.250 of the zoning ordinance requires that the minimum width of interior side yards for all multiple-family dwellings with side entrances be not less than 15 feet. The applicant is proposing two points of egress from the building along the required north setback, and one along the south. The two access points along the north side of the building are intended to be used for emergency purposes only; in one case to allow occupants to exit the parking garage, and the other as a means of egress for the dwelling units. The applicant has proposed that neither of these doors have exterior handles, and will as such not serve as a general entrance. As previously stated in this report the main entrance to the building fronts on Grand Avenue at the southwest corner of the building. The door on the south side of the building is for access to the building's trash and recycling room. The intent of the property owner is to use this door only on trash and recycling pickup days in order to bring materials to the alley for disposal. Planning Staff believes that the circumstances are unique as the applicant is attempting to provide a secondary means of egress from the building and enclose all trash and recycling bins within a development that is consistent with adopted City policies. The actual building walls are both compliant with the underlying district requirement of 11 feet.

- 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 intent of side yard setbacks in this instance is to ensure adequate access to light and air for not only the subject property but also adjacent structures. By complying with the district setback of 11

feet, the applicant proposes to meet the main intent of the ordinance. The increased setback requirement for buildings with side entrances is intended to reduce any nuisance to neighboring properties that may be related to building users entering and exiting. As the applicant proposes to only use the doors on the north side for emergency egress, and door on the south side for trash pickup, the request both meets the intent of the ordinance and is a reasonable use of the property. The project is in keeping with policy 10.6.1 of *The Minneapolis Plan for Sustainable Growth*, which states: "Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks."

- 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.**

By adhering to the district required setback of 11 feet, granting the variance will not alter the essential character of the locality. Other multi-family buildings on the block of similar density exhibit smaller setbacks than this project. The comparative increase in setback seen in this project is appropriate when considering the respective building's heights. Regardless, to mitigate the potential impact of residents exiting the building on the north side and trash removal on the south facade, it is appropriate to require screening and landscaping in those locations. This mitigation will help to ensure that granting the variance will not be injurious to the use or enjoyment of other property in the vicinity. Planning staff also notes that by allowing the south door to be located at 11 feet, the applicant is afforded the opportunity to enclose trash and recycling bins within the structure, which is a positive aesthetic improvement to the site. By granting this request, there will not be detriment to the health, safety, or welfare of the general public.

VARIANCE: to reduce the east rear yard setback from 11 feet to 4 feet.

Findings Required by the Minneapolis Zoning Code:

- 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.**

The rear yard setback for a multiple-family dwelling in the R5 district is 5 feet plus two additional feet for every story over one. The proposed 4-story building then has a required district setback of 11 feet. The applicant requests that the rear yard setback be reduced to 4 feet to allow for encroachment into the rear yard by the parking structure. In the detailed cross section of the proposed treatment of this structure, the roof of the parking garage will sit roughly at grade, while a 4 foot tall wall will serve as a fence to screen the structure. The main building wall that serves to enclose the dwelling units is actually over 29 feet from the rear property line. The relatively flat terrain of the site presents a practical difficulty to the applicant in complying with the setback requirements in that the slope required to get automobiles to an underground garage is prohibitive. On a site with a more distinct slope to the rear of the property, the applicant would not be presented with this difficulty.

- 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.**

As previously stated, the main building wall sits approximately 29 feet from the rear property line, well in compliance with the district required setback of 11 feet. The encroachment of the concrete wall acts in a similar fashion as a fence. The intent of the setback ordinance is to ensure access to light and air as well as reduce any nuisance to adjacent properties created by nearby structures. The proposed building and wall configuration clearly meets the spirit and intent of the ordinance. The project is in keeping with policy 10.6.1 of *The Minneapolis Plan for Sustainable Growth*, which states: “Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.”

- 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.**

Granting this variance will not alter the essential character of the locality as the building wall is proposed to be over 29 feet from the rear property line, a distance that is comparable to other multiple-family buildings in the vicinity. Rear yard screening, similar in nature to what is proposed in this case to be 4 feet from the rear property line, is not uncommon among multiple- and single-family dwellings in Minneapolis. Therefore, the proposed variance will not be detrimental to health safety or welfare of the general public.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code for the Site Plan Review:

- 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 the 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.

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- 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.
- 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.

Conformance with above requirements:

The building wall will be setback 15 feet from the property line fronting Grand Avenue South, consistent with the front yard setback of the property directly to the south. The increased setback is due to the R5 zoning on the property, which requires a minimum front yard setback of 15 feet. The placement of the building and the building design will promote natural surveillance and visibility of the adjacent sidewalk. The area between the building wall and the front lot line would include amenities such as patios, landscaping, an entry area, and bicycle parking. The principal entrance to the building faces Grand Avenue South.

All of the parking proposed for the site would be located underground in a 28 stall structure.

The building does not include any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length. Multiple recesses and projections are provided, including balconies on upper floors and height variations along the roofline.

The primary exterior materials would be durable and include metal panels, brick cladding, fiber cement board, and glass. The planting areas in the front as well as the patio area to the rear will be contained by fences to be constructed of poured concrete. All sides of the building would be compatible to each other and similar in appearance. However, as currently proposed the north and south elevations are not showing brick extending the same distance toward the rear of the property. In light of the proposed front yard setback variance, and the visual appearance of the building approaching the site from the north, staff recommends that brick cladding be applied for a similar distance along the north elevation as is present on the south elevation.

Plain face concrete block is not proposed as a primary exterior building material.

Multiple entrances would be provided for the building. A primary entrance will be provided facing Grand Avenue South and entrances to three individual units are also proposed to face Grand Avenue. Each ground floor unit that fronts Grand Avenue will have an entrance that opens onto a private patio. These entrances are intended to serve as the primary entrance for these units as they will have separate access from the public sidewalk.

The window requirements for this residential use are 20 percent of the walls on the first floor and ten percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot. The first floor of the building facing Grand Avenue will contain windows for approximately 32.0 percent of the façade. Portions of these windows extend above 10 feet from adjacent grade, including those portions of the windows would bring the total percentage to 38.7. The west elevation contain windows for 34.0 percent of the wall area on floors two and three, while the fourth floor contains windows for 25.8 percent of the wall area. The proposed windows are more or less evenly distributed and vertical in proportion.

The proposed roofline is primarily flat, consistent with other multi-family buildings in the vicinity.

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.

Conformance with above requirements:

Walkways a minimum of four feet in width would connect the building entrances to the public sidewalk. The parking garages will be accessible from the interior of the building. A transit shelter is not proposed or adjacent to the site. Several pedestrian walkways have been incorporated into the site design to clearly direct pedestrian movements. Vehicle access into the site is proposed from the alley between Grand and Pleasant Avenues off of 36th Street. Access from the alley to the parking garage is via a two-way ramp. A two-way drive aisle serves the entirety of the parking area, which requires only one entry point to the parking garage. All of the parking proposed for the site would be located underground. The amount of impervious surface proposed is equivalent to 77.9 percent of the total zoning lot. This amount is within the parameters allowed (maximum of 85 percent) and is not excessive.

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.

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- **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.**

Conformance with above requirements:

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 15,535 square feet. The building footprint, including the roof of the parking garage, would be approximately 10,050 square feet. The net lot area is 5,485 square feet, of which at least 20 percent (1,097 square feet) must be landscaped. The applicant is proposing a landscaped area of approximately 3,319 square feet, or 60.5 percent of the net site area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 11 respectively. The applicant is proposing 89 shrubs, 7 canopy trees, and 12 ornamental trees. In addition to the shrubs and trees, 186 grasses and over 1,900 perennials would be located on site. Some of these plantings will be present in a green roof in the rear of the property above the roof of the parking garage, this equates to an additional 900 square feet of green space not included in the above net landscaped area calculations.

As noted in the variance application for the north and south side yard setbacks, additional screening of the areas near the side entrances is desired. Staff recommends that screening be required that is 6 feet in height and ninety-five percent opaque throughout the year for these locations. The applicant has currently proposed three Techny Arborvitae for the area in front of the south door. The north egress point is treated using a Winged Burning Bush. The treatment on the south egress point currently meets staff desire for screening. The treatment of the north egress point should be enhanced to provide year-round screening.

All parking will be provided underground and no additional landscaping standards apply.

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.**

Conformance with above requirements:

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All stormwater from the site is proposed to be handled by improvements to the site. Of concern to surrounding properties is the propensity for stormwater to pool in the alley behind this property. Correspondence from neighboring property owners indicate that this happens during severe rain events. A letter describing the situation is attached to this report. The project has gone through the City's preliminary development review process and received approval from Public Works. Public Works Staff indicated that they are confident that the project is not only handling on site stormwater adequately, but that it is also likely improving drainage conditions in the alley. However, concern remains over the possible pooling of stormwater in the underground parking garage, as the entrance to the parking garage is at a low point on the site. In addition to significant landscaping, the applicant has proposed installing a new catch basin at the northeast corner of the property in an attempt to allay flooding concerns.

The buildings should not impede any views of important elements of the city.

Staff would expect some effects on the adjacent residential building to the north due to shadowing. The proposed building is taller than surrounding structures at 48 feet in height, but well within the district allowance of 56 feet. The impacts are reasonable considering the building's scale relative to others nearby. No significant shadowing of public spaces is expected.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage on all sides of the building to provide opportunities for tenants to observe adjacent spaces. In addition, individual front entrances and patios increase the perceived surveillance of the public realm. Walkways and landscaping also serve to guide pedestrian movement in and around the site and to distinguish between public and private spaces.

No locally designated historic structures are present in the vicinity of the proposed project.

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 site is zoned R5 Multi-family district. A multiple-family dwelling with 5 or more units is a permitted use in the R5 district.

Parking and Loading:

Minimum automobile parking requirement: The project proposes to meet parking requirements with an entirely enclosed and underground parking structure. Residential uses require parking at a rate of 1 space per dwelling unit. This results in a parking requirement of 30 spaces. However, the location of the project allows for a reduction in that requirement due to section 541.200 of the zoning ordinance.

Multiple-family dwellings. The minimum parking requirement may be reduced ten (10) percent if the proposed use is located within three hundred (300) feet of a transit stop with midday service headways of thirty (30) minutes or less in each direction.

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Served by Metro Transit bus routes 18, 135, and 113, the intersection at 36th Street South and Grand Avenue South, which is within 300 feet of the project site, meets the above requirements. The resultant 10 percent reduction in the parking requirement brings the total required count to 27 spaces. The applicant is proposing to provide 28 stalls, 75 percent of which comply with the minimum dimensions for standard spaces, with the remaining 25 percent complying with the minimum dimensions for compact spaces.

Bicycle parking requirement: Bicycle parking is also required for multiple-family dwellings at the rate of 1 space per 2 dwelling units. This results in a requirement of 15 spaces for the project; 90 percent of these spaces must meet the standards of long-term bicycle parking as outlined in section 541.180 of the zoning ordinance. The applicant proposes 19 bicycle parking spaces in the underground parking structure, thus meeting the above noted requirement. An additional 2 bicycle parking racks are also proposed for public use on the southwest corner of the property near the main entrance to the building.

Loading: A loading space is not required.

Maximum Floor Area: The proposed building consists of four stories of 8,200 square feet of floor area each. The gross floor area of the project is 32,800 square feet. This results in a total floor area ratio for the building of 2.11. The maximum FAR for multiple-family dwellings in the R5 Multiple-family district is 2.0. However, the project as proposed qualifies for density bonuses as outlined in section 546.130; both for enclosed parking and affordable housing. Each of these density bonuses afford the project a 20 percent increase in the FAR and the allowed number of dwelling units bringing the allowed FAR to 2.8. A summary of the parking requirements is found above, and a summary of the proposed affordability component can be found in the attachments to this report.

Minimum Lot Area: The R5 Multiple-family zoning district permits multiple-family dwellings at a density of 1 unit per 700 square feet of lot area. With 15,535 square feet of lot area, the site is allowed 22 dwelling units. By applying the density bonuses referenced above, the number of dwelling units allowed on the site increases to 30, which is the total number proposed by the applicant in this project.

Dwelling Units per Acre: The site is 0.36 acres in size and 30 dwelling units are proposed. This results in a density of 84.1 units per acre, consistent with the “High-density” designation afforded to the R5 district. The comprehensive plan identifies high-density as a range between 50 and 120 dwelling units per acre. The property is designated as Urban Neighborhood in *The Minneapolis Plan for Sustainable Growth*, which states that these areas are “Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.” Densities existing on individual properties near the site range from a low of 8 dwelling units per acre for a single family home to 75 dwelling units per acre for a multi-family building.

Building Height: In the R5 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the proposed residential building meets this condition at 4 stories and 48 feet.

Yard Requirements: The applicant has requested variances to the required yards on all sides of the property. Those requests are detailed earlier in this report.

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Building Lot Coverage: Lot coverage in the R5 District is limited to 70 percent and 64.7 percent is proposed.

Impervious Surface: Impervious surface in the R5 District is limited to 85 percent of the zoning lot. The applicant is proposing impervious surfaces for 78.6 percent of the zoning lot.

Specific Development Standards: No specific development standards apply to this project.

Hours of Operation: Not applicable for residential uses.

Refuse Screening: Refuse storage containers would be stored in the buildings.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Lighting must comply with Chapter 535 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

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- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Fences: Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. The fencing proposed would comply with these requirements.

Signs: Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the R5 zoning district one can have one wall identification sign not exceeding 32 square feet with a maximum height of 12 feet or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one freestanding ground sign not exceeding 32 square feet in area and eight feet in height. Signage is proposed to identify the residential building. Any proposed signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN

The following policies of *The Minneapolis Plan for Sustainable Growth* support the development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

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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.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

SMALL AREA PLANS

A small area plan has not been completed that includes this site.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator 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

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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 not requested for any portion of the site plan review.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the west front yard setback from the established 20 feet 5 ½ inches to 15 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required front yard setback from the established 20 feet 5 ½ inches to 15 feet for the properties located at 3535-43 Grand Avenue S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the north and south side yard setbacks from 15 feet to 11 feet to allow for side entrances:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the north and south side yard setbacks from 15 feet to 11 feet to allow for side entrances for the properties located at 3535-43 Grand Avenue S, subject to the following conditions:

1. The landscaping and screening adjacent to building entrances on the north and south elevations shall be 6 feet in height and a minimum of 95 percent opaque throughout the year.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the east rear yard setback from 11 feet to 4 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the east rear yard setback from 11 feet to 4 feet for the properties located at 3535-43 Grand Avenue S.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review located at the property of 3535-43 Grand Avenue S, subject to the following conditions:

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1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
2. All site improvements shall be completed by June 11, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials of brick cladding and metal panel shall extend from the front of the building around the northwest corner and along the north elevation for a distance not less than what is provided on the south elevation.
4. The landscaping and screening adjacent to building entrances on the north and south elevations shall be 6 feet in height and a minimum of 95 percent opaque throughout the year.

Attachments:

- 1) Statement of findings and project description
- 2) Zoning map
- 3) Stormwater letters
- 4) Correspondence
- 5) Plans
- 6) Photos