

LAND USE APPLICATION SUMMARY

Property Location: 113 East 26th Street
Project Name: 26th & Stevens Apartments
Prepared By: Hilary Dvorak, Principal Planner, (612) 673-2639
Applicant: CPM Development
Project Contact: Scott Nelson with DJR Architecture
Request: To construct a new mixed-use building with ground floor commercial space and 70 dwelling units.

Required Applications:

Conditional Use Permit	To increase the height of the building.
Variance	To increase the maximum Floor Aare Ratio (FAR) of the building.
Site Plan Review	For a new mixed-use building with ground floor commercial space and 70 dwelling units.

SITE DATA

Existing Zoning	C2 Neighborhood Corridor Commercial District PO Pedestrian Oriented Overlay District
Lot Area	29,048 square feet / .67 acres
Ward(s)	10
Neighborhood(s)	Whittier
Designated Future Land Use	Urban Neighborhood
Land Use Features	Commercial Corridor (Nicollet Avenue, two blocks west) Eat Street (26 TH St and Nicollet Ave) Activity Center (one-half block west)
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	September 9, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	November 8, 2015	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The property is located on the southwest corner of East 26th Street and Stevens Avenue. The property is currently vacant except for a garage structure that is occupied by environmental remediation equipment.

From 1900 until 1986 the majority of the site was occupied by a dry cleaning establishment. In the 1930's and 1940's a gas station operated on a portion of the site. In 1986 the dry cleaning establishment shut down and the site remained vacant until 1994 when it and the single-family dwelling located on the southern portion of the site were demolished. The single-family dwelling was owned by the dry cleaning establishment. As a result of the uses on the property and the storage of underground tanks, the site became contaminated with pollutants. Environmental remediation began in 1994 and continues still today. It is likely that the soil vapor extraction (SVE) system will be required to be incorporated into the building design as access to SVE system and site wells for monitoring and maintenance will be required.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by residential developments of varying densities, offices, commercial establishments, the Minneapolis College of Art and Design and the Minneapolis Institute of Art. The site is located in the Whittier neighborhood.

PROJECT DESCRIPTION. The applicant is proposing to construct a new mixed-use building on the southwest corner of East 26th Street and Stevens Avenue. The proposed building will have approximately 3,000 square feet of ground floor commercial space and 70 dwelling units located on floors two through five. There will be ground floor common space for the residents including a lounge, workout room and a bike parking room.

There will be a total of 46 parking spaces provided on the site. Twenty-six of them will be located within the building on the ground floor and 20 will be located outside. The parking areas will be accessed from a curb cut along Stevens Avenue and from the public alley. In the PO District standards for the Nicollet Franklin Area there is no parking requirement for non-residential uses.

The site is zoned C2 Neighborhood Corridor Commercial District and is located in the PO Pedestrian Oriented Overlay District. The site is subject to the specific PO District standards for the Nicollet Franklin Area. The site is subject to a maximum height of 4 stories or 56 feet. The applicant has applied for a conditional use permit to increase the height of the building to 5 stories or 61 feet. The PO District standards for the Nicollet Franklin Area require a minimum FAR of 1.0 and the C2 District has a maximum FAR of 1.7. The development does qualify for the 20 percent density bonus for mixed commercial-residential buildings so the maximum FAR for this development is 2.04. The proposed FAR of the building is 2.41. The applicant has applied for a variance to increase the maximum FAR of the building. Site plan review is also required given the size of the building and the number of proposed dwelling units.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-2342	Rezoning from R2B to C2. Conditional use permit for 14 dwelling units. Variance to reduce the front yard setback along Stevens Avenue South. Variance to reduce the south interior side yard setback. Variance to reduce the width of the drive aisle. Site Plan Review.	Mixed-use development including commercial space and 14 dwelling units	Approved, June 27, 2005
BZZ-3179	Conditional use permit for 23 dwelling units. Variance of the front yard setback along Stevens Avenue South. Site plan review.	Mixed-use development including commercial space and 23 dwelling units	Approved, September 18, 2006

PUBLIC COMMENTS. Public comment letters, including a letter from the Whittier Alliance, are included with the report. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the height of the building based on the following findings:

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

The height limitation in the C2 zoning district is four stories or 56 feet. The applicant is proposing to construct a building that is five stories or 61 feet. The majority of the building is 56 feet tall however; the parapet walls on the northeast and southeast corners of the building are five feet taller to provide architectural interest therefore making the overall height of the building 61 feet. The proposal to increase the height of the building from four stories or 56 feet to five stories or 61 feet will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The proposal to increase the height of the building from four stories or 56 feet to five stories or 61 feet will not be injurious to the use and enjoyment of other property in the vicinity and will not

impede the normal or orderly development and improvement of surrounding property. The majority of the building is 56 feet tall however; the parapet walls on the northeast and southeast corners of the building are five feet taller to provide architectural interest. The building meets or exceeds all of the required setbacks in the C2 zoning district and the building has been designed in an “L” shape with the building mass pushed towards the property lines along the public streets.

The adjacent property to the south is a two-and-a-half-story dwelling. The proposed building will be located 29 feet from the shared interior property line. Across the alley from the site there is a three-story mixed-use building, a one-story commercial building and four two-and-a-half-story dwellings. The closest portion of the proposed building will be located 13 feet from the property line along the alley. This portion of the building is located near the three-story mixed-use building. The remainder of the building will be located 64 feet from the property line along the alley. The alley is 12 feet wide. The mixed-use buildings located across Stevens Avenue from the site range in height from one to two stories and the building across East 26th Street is a three-story commercial building.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

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

Land Use Policy 1.1: 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.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 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 1.2: 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.

The building meets or exceeds all of the required setbacks in the C2 zoning district and the building has been designed in an “L” shape with the building pushed towards the property lines along the public streets. The heights of the buildings in the area range between one and seven stories. The proposed height of the building will be compatible with the surrounding development.

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

If the requested land use applications are approved, the proposal will comply with all provisions of the C2 Neighborhood Corridor Commercial District and the PO Pedestrian Oriented Overlay District.

Additional Standards to Increase Maximum Height

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in commercial districts:

1. *Access to light and air of surrounding properties.*

The height of the proposed building will not impede access to light and air for surrounding properties. The adjacent property to the south is a two-and-a-half-story dwelling. The proposed building will be located 29 feet from the shared interior property line. All of the other surrounding properties are separated from the site by a public alley or public streets.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

The applicant submitted a shadow study depicting shadowing impacts an hour after sunrise, at noon and an hour before sunset on March 22nd, June 21st and December 22nd. The shadow study indicates that the proposed building will cast shadows on the residential properties to the east and west. The shadow study illustrates the differing impacts of the 56-foot tall and 61-foot tall portions of the building. A four-story building that is 56 feet in height would have similar shadowing impacts as the proposed building that is primarily 56 feet in height with only the northeast and southeast corners of the building at 61 feet in height. In addition, staff is not aware of any existing solar energy systems that would be affected by the proposed building.

3. *The scale and character of surrounding uses.*

There is a mixture of uses in the area including residential developments of varying densities, offices, commercial establishments, the Minneapolis College of Art and Design and the Minneapolis Institute of Art. The height of the buildings in the area range between one and seven stories. The proposed development will be compatible with the surrounding development.

4. *Preservation of views of landmark buildings, significant open spaces or water bodies.*

The development site is not located in an historic district. However, the Washburn-Fair Oaks Historic District is located across East 26th Street from the site. Given the fact that the area is densely built-out, views of the district from surrounding properties would be blocked whether the proposed building was four stories or five stories in height. It should be noted that the intent of the standard is to preserve public view corridors, not to preserve individual views from private developments.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum Floor Area Ratio (FAR) of the building based on the following findings:

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 maximum FAR allowed in the C2 zoning district is 1.7. The development does qualify for the 20 percent density bonus for mixed commercial-residential buildings so the maximum FAR for this development is 2.04. The proposed FAR of the building is 2.41. Given the lot size the maximum amount of development that is allowed as of right is 59,257 square feet. The applicant is proposing to construct a building that is 70,108 square feet.

The zoning in the area varies. There is R2B, R4, R5, OR1, OR3, C1, C2, C3A and C4 zoning within 600 feet of the property. There are large amounts of R5 and OR3 zoned properties in the area. These zoning districts allow higher FAR's than the C2 zoning district. The allowed FAR in the R5 zoning district is 2.0 and the allowed FAR in the OR3 zoning district is 3.5. Much of the R5 zoning is located further into the neighborhood. This is a unique circumstance that was not created by the applicant.

In addition, due to the contamination in the soils underground parking is not practical. If it were, the site could qualify for a second density bonus for enclosed parking. It should also be noted that smaller-scale development projects proposed for the site have proven economically infeasible, partly because of the condition of the site's soil.

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 variance request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan. In general, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. The building meets or exceeds all of the required setbacks in the C2 zoning district and the building has been designed in an "L" shape with the building mass pushed towards the property lines along the public streets.

The comprehensive plan designates this site as Urban Neighborhood. Areas designated as Urban Neighborhood are predominantly residential with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. These areas 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. Generally these areas are not intended to accommodate significant new growth, other than the replacement of existing buildings with those of similar density.

Nicollet Avenue, located two blocks to the west, is a designated Commercial Corridor in the comprehensive plan and the boundary of the designated Eat Street Activity Center (26TH St and Nicollet Ave) begins half of a block to the west. The comprehensive plan policies for Activity Centers encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas. The comprehensive plan defines high-density as 50-120 dwelling units per acre. The proposed development has a density of

104 dwelling units per acre. While the site is not immediately adjacent to the boundary of the Activity Center, all of the properties on the south side of East 26th Street, between 1st Avenue South and the half block on the east side of Stevens Avenue, are zoned commercial. Further, the site is located between an Activity Center and two large-scale institutions (the Minneapolis College of Art and Design and the Minneapolis Institute of Art).

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 the variance 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. In the area there is a mixture of residential developments of varying densities, offices, commercial establishments, the Minneapolis College of Art and Design and the Minneapolis Institute of Art. There are several buildings in the area that occupy the majority of the property that yield higher FAR's than what is allowed by the current zoning code.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

I. Conformance to all applicable standards of Chapter 530, Site Plan Review.

Building Placement and Design – *Requires alternative compliance*

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building will be located up to the front property line along Stevens Avenue and up to the corner side property line along East 26th Street, there will be entrances and exits at street level that can be accessed by residents, guests, employees and customers and there will be large windows and balconies on all sides of the development that maximize the opportunities for people to observe adjacent spaces.
- The front yard setback requirement along Stevens Avenue is 25 feet for the first 25 feet north of the south property line. This setback is being met as the building will be located 29 feet from the south property line. The building will be located up to the property line along Stevens Avenue. The corner side yard setback along East 26th Street is zero feet. The building will be located up to the property line along East 26th Street.
- The building will be located up to the front and corner side property lines.
- The main entrance to the residential portion of the building and the entrances to the two commercial spaces within the building will face East 26th Street. East 26th Street is a front yard.
- There will be a total of 46 parking spaces provided on the site. Twenty-six of them will be located within the building on the ground floor and 20 will be located outside. The parking areas will be accessed from a curb cut along Stevens Avenue and from the public alley.
- The building is articulated with projecting balconies, varying materials and taller parapets on the northeast and southeast corners of the building.
- There are no portions of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- The exterior materials include brick, Nichiha panel and fiber cement panel. The sides and rear of the building are similar to and compatible with the front of the building.
- Plain face concrete block is not being proposed as an exterior building material.

- The development meets the minimum window percentages required by the zoning code except for the commercial portion of the building facing the parking lot. See Table I. The windows in the development are vertical in nature and are evenly distributed along the building walls. Alternative compliance is needed.
- Twenty-nine percent of the building frontage along Stevens Avenue contains active functions and 100 percent of the building frontage along East 26th Street contains active functions. Alternative compliance is needed.
- The principal roof line of the building will be flat. The majority of the commercial, mixed-use and multiple-family residential buildings in the area have flat roofs and the majority of the low-density residential uses in the area have pitched roofs.

Table I. Percentage of Windows Required for Elevations Facing a Public Street, Sidewalk, Pathway, or On-Site Parking

	Code Requirement		Proposed	
Residential Uses				
1st Floor facing Stevens Avenue	20% minimum	248 sq. ft.	36%	445 sq. ft.
2nd Floor and Above facing Stevens Avenue	10% minimum	198 sq. ft.	Greater than 10 %	
1st Floor facing East 26 th Street	20% minimum	48 sq. ft.	78%	186 sq. ft.
2nd Floor and Above facing East 26 th Street	10% minimum	113 sq. ft.	Greater than 10 %	
1st Floor facing the surface parking lot (west wall)	20% minimum	210 sq. ft.	33%	347 sq. ft.
2nd Floor and Above facing the surface parking lot (west wall)	10% minimum	131 sq. ft.	Greater than 10 %	
2nd Floor and Above facing the surface parking lot (north wall)	10% minimum	49 sq. ft.	Greater than 10 %	
Nonresidential Uses				
1st Floor facing Stevens Avenue	40% minimum	138 sq. ft.	49%	168 sq. ft.
1st Floor facing East 26 th Street	40% minimum	266 sq. ft.	61%	403 sq. ft.
1st Floor facing the surface parking lot (north wall)	30% minimum	86 sq. ft.	0%	0 sq. ft.

Access and Circulation – Meets requirements

- All of the entrances to the building are directly connected to the public sidewalk and the on-site parking.
- There is no transit shelter proposed as part of this development. However, there is a bus stop on Stevens Avenue directly in front of the building.

- On-site parking will be located within the building on the ground floor and outside in a surface parking lot towards the west side of the site. The parking areas will be accessed from a curb cut along Stevens Avenue and from the public alley. Residential developments are permitted to utilize the alley for access to on-site parking.
- There is no maximum impervious surface requirement in the C2 zoning district. According to the materials submitted by the applicant 85 percent of the site will be impervious.

Landscaping and Screening – Requires alternative compliance

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. In the PO District standards for the Nicollet Franklin Area the landscaping requirement is increased to 30 percent of the site not occupied by the building. The lot area of the site is 29,048 square feet. The footprint of the buildings is 15,617 square feet. When you subtract the footprint from the lot size the resulting number is 13,431 square feet. Thirty percent of this number is 4,029 square feet. According to the applicant's landscaping plan there will be 4,253 square feet of landscaping on the site or approximately 32 percent of the site not occupied by the building.
- 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 be planted on the site. The tree and shrub requirement for this site is six and 27 respectively. The applicant is providing a total of five canopy trees and 78 shrubs on the site. In addition, the applicant is proposing to provide a total of 15 evergreen trees, eight ornamental trees and 119 perennials, grasses and ground cover on the site. CPED is recommending that the required number of canopy trees be provided on the site.
- A seven-foot wide landscaped yard is required when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. A landscaped yard is required along the south and west property lines. There will be a seven-foot wide landscaped yard along the south property line and a five-foot wide landscaped yard along the west property line. Alternative compliance is needed.
- Screening that is six feet in height and not less than 95 percent opaque is required when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. In the landscaped yards along the south and west property lines a four-foot high decorative metal fence is proposed. In addition to the fence, canopy trees, evergreen trees and ornamental trees landscape materials that range in height from three to six feet tall are proposed. CPED is recommending that the landscape materials that are planted in the landscaped yards along the south and west property lines grow to a height of at least six feet.
- Not less than one tree shall be provided for every 25 linear feet of parking lot frontage. The parking lot does not have frontage on a public street.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All of the parking spaces are located within 50 feet of an on-site deciduous tree.
- Tree islands in parking lots must have a minimum width of seven feet in any direction. There is one tree island in the parking lot that has a minimum width of seven feet in every direction.

Table 2. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	29,048 sq. ft.
Building footprint	--	15,617 sq. ft.
Remaining Lot Area	--	13,431 sq. ft.
Landscaping Required	4,029 sq. ft. (30 % required in the PO District standards for the Nicollet Franklin Area)	4,253 sq. ft.
Canopy Trees (1: 500 sq. ft.)	6 trees	5 trees
Shrubs (1: 100 sq. ft.)	27 shrubs	78 shrubs

Additional Standards – Meets requirements with Conditions of Approval

- There will be 20 parking spaces provided in a surface parking lot towards the west side of the site. The parking area will be defined with six-inch by six-inch concrete curbing. Stormwater runoff from the parking lot will drain towards Stevens Avenue. While there is green space provided in the southwest corner of the site it sits at a higher elevation and would therefore not be effective in managing stormwater runoff.
- The development site is not located in an historic district. However, the Washburn-Fair Oaks Historic District is located across East 26th Street from the site. Given the fact that the area is densely built-out, views of the district from surrounding properties would be blocked whether the proposed building was four stories or five stories in height. It should be noted that the intent of the standard is to preserve public view corridors, not to preserve individual views from private developments.
- A shadow study was done that depicts shadowing impacts on December 21st at 10 am, 12 noon, 2 pm and 4 pm. The shadow study indicates that there will be shadows cast on the residential buildings to the northwest and northeast at different times of the day; however, the shadowing impacts do not appear to be significant. The applicant submitted a shadow study depicting shadowing impacts an hour after sunrise, at noon and an hour before sunset on March 22nd, June 21st and December 22nd. The shadow study indicates that the proposed building will cast shadows on the residential properties to the east and west. The shadow study illustrates the differing impacts of the 56-foot tall and 61-foot tall portions of the building. A four-story building that is 56 feet in height would have similar shadowing impacts as the proposed building that is primarily 56 feet in height with only the northeast and southeast corners of the building at 61 feet in height. In addition, staff is not aware of any existing solar energy systems that would be affected by the proposed building.
- The building is articulated with projecting balconies, varying materials and taller parapets on the northeast and southeast corners of the building.
- The site plan complies with crime prevention design elements as the building entrances are directly connected to the public sidewalk, there will be large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there will be lights located near all of the building entrances and in the surface parking lot.
- The site is neither locally designated nor located in a historic district. However, the Washburn-Fair Oaks Historic District is located across East 26th Street from the site.

2. Conformance with all applicable regulations of the zoning ordinance.

The proposed use is *permitted* in the C2 District.

Off-street Parking and Loading – Meets requirements

Table 3. Vehicle Parking Requirements Per Use (Chapter 54I)

	Minimum Vehicle Parking	Applicable Reductions	Total Minimum Requirement	Maximum Parking Allowed	Proposed
General retail sales and services	4	PO District standards for the Nicollet Franklin Area (4)	0	19	--
Residential dwellings	70	Transit Incentives for Multiple-Family Dwellings (35)	35	0, except when the spaces are not provided within an enclosed structure. In this case there shall be no more than 2 spaces provided per dwelling unit	46
Total	70	(35)	35	159	46

Table 4. Bicycle Parking and Loading Requirements (Chapter 54I)

	Minimum Bicycle Parking	Minimum Short-Term	Minimum Long-Term	Proposed	Loading Requirement	Proposed
General retail sales and services	6	Not less than 50%	--	10	None	0
Residential dwellings	35	--	Not less than 90%	67	None	0
Total	41	3	32	77	None	0

Building Bulk and Height – Requires conditional use permit and variance

- The site is subject to a maximum height of 4 stories or 56 feet. The applicant has applied for a conditional use permit to increase the height of the building to 5 stories or 61 feet.
- The PO District standards for the Nicollet Franklin Area require a minimum FAR of 1.0 and the C2 District has a maximum FAR of 1.7. The development does qualify for the 20 percent density bonus for mixed commercial-residential buildings so the maximum FAR for this development is 2.04. The

proposed FAR of the building is 2.41. The applicant has applied for a variance to increase the maximum FAR of the building.

Table 5. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	29,048 sq. ft. / .67 acres
Gross Floor Area (GFA)	--	70,108 sq. ft.
Minimum Floor Area Ratio (GFA/Lot Area)	1.0	2.41
Maximum Floor Area Ratio (GFA/Lot Area)	2.04	2.41
Maximum Building Height	4 stories or 56 ft., whichever is less	5 stories or 61 ft.

Lot Requirements – Meets requirements

Table 5. Lot Requirements Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	70 DUs
Density (DU/acre)	--	104 DU/acre
Minimum Lot Area	Not applicable	Not applicable
Maximum Impervious Surface Area	Not applicable	Not applicable
Maximum Lot Coverage	Not applicable	Not applicable
Minimum Lot Width	Not applicable	Not applicable

Yard Requirements – Meets requirements

Table 6. Minimum Yard Requirements

	Zoning District	Overriding Regulations	Total Requirement	Proposed
Front, Stevens Avenue	25 ft. for the first 25 ft. north of the south property line	--	25 ft. for the first 25 ft. north of the south property line	0 ft., the building is not located in the required front yard setback
Front, East 26th Street	0 ft.	--	0 ft.	0 ft.
Interior Side (South)	13 ft.	--	13 ft.	29 ft.
Rear, alley	13 ft.	--	13 ft.	13 ft.

Signs – Meets requirements

- Signs are subject to Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The sign height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.
- According to the materials submitted by the applicant there are three generic signs shown on the canopy above the commercial spaces. As shown, the signs would meet the requirements of the zoning code. All signs require separate sign permits.

Screening of Mechanical Equipment – Meets requirements

- All mechanical equipment is subject to the screening requirements of [Chapter 535](#) and district requirements. The applicant is proposing to locate a transformer next to building towards the northwest corner of the site. The transformer would be screened by vegetation.

Refuse Screening – Meets requirements

- All refuse and recycling storage containers are subject to the screening requirements in [Chapter 535](#). The applicant is proposing to locate the refuse and recycling storage containers inside the building.

Lighting – Meets requirements

- Existing and proposed lighting must comply with [Chapter 535](#) and Chapter 541 of the zoning code, including. A lighting plan showing footcandles was submitted as part of the application materials. And is in conformance with the requirements of the zoning code.

Fences – Meets requirements

- Fences must comply with the requirements in [Chapter 535](#). The applicant is proposing to locate a four-foot high decorative metal fence along the south and west property lines. The fence, in conjunction with landscaping, will help screen the parking lot.

Specific Development Standards – Not applicable

PO Overlay District Standards – Meets requirements

- The proposed development meets all of the requirements of the PO Pedestrian Oriented Overlay District and the PO standards for the Nicollet Franklin Area.

3. Conformance with the applicable policies of *The Minneapolis Plan for Sustainable Growth*.

The Minneapolis Plan for Sustainable Growth identifies the site as Urban Neighborhood on the future land use map. The proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

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 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

- 10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.
- 10.9.2 Promote building and site design that delineates between public and private spaces.
- 10.9.3 Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors.
- 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.2 Identify commercial areas in the city that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

4. Conformance with applicable development plans or objectives adopted by the City Council.

Not applicable.

5. Alternative compliance.

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for alternative compliance. Alternative compliance is requested for the following requirements:

- **Windows.** The development meets the minimum window percentages required by the zoning code except for the commercial portion of the building facing the parking lot as there are no windows. Adjacent to the commercial space on the interior side of the building is the outdoor area for the residents. In order to provide some privacy for the residents while utilizing this space CPED is recommending that the City Planning Commission grant alternative compliance to not require the full 30 percent windows along this wall. However, to help break up the brick wall CPED is recommending that a minimum of 10 percent windows be added to commercial portion of the building facing the parking lot.

- **Active functions.** Twenty-nine percent of the building frontage along Stevens Avenue contains active functions as the remaining 71 percent is dedicated to enclosed parking. Given the contamination issues on the site, locating the parking below ground would very costly if allowed to happen at all. Eliminating all of the enclosed parking would require a variance. CPED is recommending that the City Planning Commission grant alternative compliance.
- **Landscaped yard.** A seven-foot wide landscaped yard is required when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The required landscaped yard along the west property line will be five-feet in width. If the landscaped yard was increased to seven feet in width all of the parking in the surface parking lot would have to be compact in size. As submitted, nine of the 46 parking spaces are compact in size. If the number of compact spaces was increased a variance would be needed. CPED is recommending that the City Planning Commission grant alternative compliance.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by CPM Development for the property located at 113 East 26th Street:

A. Conditional Use Permit to increase the height of the building in the C2 District.

Recommended motion: **Approve** the application for a conditional use permit to increase the height of the building from 4 stories/56 feet to 5 stories/ 61 feet, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

B. Variance of the maximum floor area ratio.

Recommended motion: **Approve** the application for a variance to increase the maximum Floor Area Ratio (FAR) of the building from the permitted 2.04 to 2.41.

C. Site Plan Review for a new mixed-use building.

Recommended motion: **Approve** the application for a new mixed-use building with ground floor commercial space and 70 dwelling units, subject to the following conditions:

1. Approval of the final site plan, landscaping plan, elevations and lighting plan by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 5, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. There shall be a minimum of six canopy trees provided on the site.
4. The landscape materials that are planted in the landscaped yards along the south and west property lines shall grow to a height of at least six feet.
5. A minimum of 10 percent windows shall be added to commercial portion of the building facing the parking lot.

ATTACHMENTS

1. PDR report
2. Project description and written responses to the conditional use permit and variance findings submitted by the applicant
3. Environmental contamination history
4. Zoning map
5. Site survey
6. Plans
7. Site context and photos
8. Site aerial
9. Renderings
10. Shadow study
11. Correspondence