



LAND USE APPLICATION SUMMARY

Property Location: 2903, 2905, 2907, 2911 Harriet Avenue South & 2900, 2904, 2910, and 2912 Grand Avenue South
Project Name: Harriet Avenue Apartments
Prepared By: Lisa Steiner, Senior City Planner, (612) 673-3950
Applicant: Curt Gunsbury & Robb Miller
Project Contact: Dan Pellinen, Tushie Montgomery Architects
Request: To construct a new six-story 111-unit building.
Required Applications:

Rezoning	Petition to rezone 2903, 2905, 2907, and 2911 Harriet Avenue South from the I1 to the R5 District and to rezone 2900, 2904, 2910, and 2912 Grand Avenue South from the R2B to the R5 District
Conditional Use Permit	To increase the maximum height in the R5 District from the permitted 4 stories/56 feet to 6 stories/74 feet
Variance	To reduce the required front yard on Grand Avenue South from 20 feet (established) to 14 feet for the building, 2 feet for a loading area, and 0 feet for stairs, landings, and a portion of the green roof of the parking garage below that extends above grade.
Variance	To reduce the required front yard on Harriet Avenue South from 15 feet to 4 feet for the building and 0 feet for balconies on floors 2 through 6.
Variance	To reduce the required south interior side yard from 15 feet to 5 feet (9 feet at 1 st floor) for the building
Variance	To reduce the loading requirement
Site Plan Review	For a new 6-story, 111-unit residential building.
Preliminary Plat	To consolidate the underlying properties into two lots.
Vacation	Vacation of portion of existing alley (Vac-1652)

Date Application Deemed Complete	March 3, 2016	Date Extension Letter Sent	March 9, 2016
End of 60-Day Decision Period	May 2, 2016	End of 120-Day Decision Period	July 1, 2016

SITE DATA

Existing Zoning	II Light Industrial District and R2B Two-Family District
Lot Area	Developable lot: 34,136 square feet Outlot: 1,271 square feet Total Lot Area: 35,407
Ward	10
Neighborhood	Whittier
Designated Future Land Use	Urban Neighborhood
Land Use Features	None; One block from Lyn-Lake Activity Center, One block from Commercial Corridor (Lake Street), Two blocks from Commercial Corridor (Lyndale Avenue)
Small Area Plans	<u>Midtown Greenway Land Use and Development Plan (2007)</u> <u>Lyn-Lake Small Area Plan (2009)</u>

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is composed of eight parcels located directly south of the Midtown Greenway between Grand Avenue South and Harriet Avenue South. The site is bisected by an existing public alley which is proposed to be vacated and rerouted to the south. The site currently includes two houses and a garage that are proposed to be demolished as well as a surface parking lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The proposal is located in the Whittier neighborhood. The surrounding area includes a variety of uses and a mix of zoning districts. An industrially-zoned two-story commercial building is located directly south of the subject property on Harriet Avenue and a residentially-zoned duplex is located south of the project site on Grand Avenue. The adjacent properties across Harriet Avenue and Grand Avenue are zoned industrially, as is a self-storage facility across the Midtown Greenway. Diagonally across the Midtown Greenway is a multi-family residential building that is zoned R5. Various commercial uses are present along both Lake Street and Lyndale Avenue. Along the Midtown Greenway, there is a mix of industrial, commercial, residential, and office residential zoning, including several residential buildings which have been built within the last decade.

PROJECT DESCRIPTION. The applicant is proposing to construct a six-story multi-family residential building which would include 111 dwelling units. There would be 96 off-street parking stalls accommodated in two levels of underground parking. The applicant is proposing to vacate a portion of the existing public alley and dedicate a new alley extending to Grand Avenue South. The underground parking area would be accessed from the public alley. The main pedestrian entrance for the residences would be on Harriet Avenue with another entrance on Grand Avenue. A pedestrian path would be incorporated north of the proposed building which would provide east to west access between Grand Avenue and Harriet Avenue. A one-story glass portion of the building would be constructed closest to the Greenway.

Since the January 28, 2016, Committee of the Whole meeting, the applicant has widened the pedestrian path north of the building from 3 feet to 4 foot 6 inches or 5 feet, removed balconies from the easternmost portion of the south elevation, reduced the amount of rockface concrete block, and

removed proposed gates on the east and west sides of the pedestrian path along Grand Avenue and Harriet Avenue.

PUBLIC COMMENTS. Letters have been received from the Whittier Alliance and Midtown Greenway Coalition which are included in the appendix. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the property at 2903, 2905, 2907, and 2911 Harriet Avenue South from the I1 to the R5 District and to rezone the property at 2900, 2904, 2910, and 2912 Grand Avenue South from the R2B to the R5 District based on the following findings:

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

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Urban Neighborhood on the future land use map. The site is located two blocks from Lyndale Avenue, a Commercial Corridor, one block from the Lyn-Lake Activity Center, and one block from Lake Street, a Commercial Corridor. The Urban Neighborhood land use is supportive of residential zoning with a range of densities based on the surrounding context.

The following principles and policies outlined in the plan apply to this proposal:

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.

- 1.1.5 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 1.8: 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.

Housing Policy 3.1: Grow by increasing the supply of housing.

- 3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Rezoning the properties to the R5 District will support housing density in a location that is well connected by transit and close to commercial, cultural, and natural amenities. The site is within one and two blocks of two major Commercial Corridors and the Lyn-Lake Activity Center.

The site is located within the study area for both the *Midtown Greenway Land Use and Development Plan*, adopted in 2007, and the *Lyn-Lake Small Area Plan*, adopted in 2009. Both plans designate the future land use of this site as high-density housing. Additionally, the *Midtown Greenway Rezoning Study*, which was completed in 2010, had recommended that these parcels be rezoned to the R5 District to encourage the type of development envisioned in the adopted plans. However, that rezoning was not adopted at the time of the study. High-density housing is defined in those plans as up to 120 dwelling units per acre. The subject proposal would have a density of 137 dwelling units/acre, slightly higher than that upper limit.

The *Midtown Greenway Land Use and Development Plan* also notes that its recommendations are similar to a “district-node pattern of urban development, where a mixed-use core or center is surrounded and supported by a concentric pattern that is more intensive near the center and less intensive near the edge of the district.” The subject site is located two blocks from Lyndale Avenue, a Commercial Corridor, one block from the Lyn-Lake Activity Center, and one block from Lake Street, a Commercial Corridor. Staff finds that the site’s proximity to these land use features supports the higher density proposed at this site.

Overall, the proposal to rezone the property from II Light Industrial District and R2B Two-Family District to the R5 Multiple-Family District is consistent with the applicable policies of the comprehensive plan and small area plans.

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

The proposal is both in the interest of the property owner and the public interest. Rezoning to the R5 District in this location allows for multiple-family residential development in an area designated for such future land use in several plans and studies as noted above. Rezoning the properties to the R5 District will support housing density in a location that is well connected by transit and close to commercial, cultural, and natural amenities. The site is within one and two blocks of two major Commercial Corridors and the Lyn-Lake Activity Center.

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

Higher density residential zoning would be compatible with the varied zoning classifications of the general area, which include residential, commercial, and industrial property. Industrially-zoned properties are located across Harriet Avenue from the subject site as well as across the Midtown Greenway. Diagonally across the Midtown Greenway between Grand Avenue and Pleasant Avenue is a multi-family residential building that is zoned R5. Various commercial uses are present along both Lake Street and Lyndale Avenue. Along the Midtown Greenway, there is a mix of industrial, commercial, residential, and office residential zoning, including several residential buildings, many of which have been built within the last decade. The property south of the subject site along Harriet Avenue is zoned II Light Industrial and is utilized as a commercial building. The properties south of the subject property along Grand Avenue are zoned R2B and R3. The mix of existing uses and zoning classifications of property within the general area are compatible with the proposed R5 zoning.

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

The subject parcels on Harriet Avenue are zoned industrially although the existing uses are a surface parking lot and a nonconforming single-family home. New industrial development in this location would not be consistent with adopted plans and policies as the gradual transition of most of the industrial land along the Midtown Greenway is anticipated. The parcels on Grand Avenue are currently zoned R2B and include a duplex, a vacant lot, and a portion of the slope down to the Midtown Greenway. While these are permitted uses, retaining R2B zoning in this location would not allow the high density residential development envisioned in both the *Midtown Greenway Land Use and Development Plan* and the *Lyn-Lake Small Area Plan*.

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

When the 1963 zoning code was adopted, the subject parcels were zoned industrially, as was nearly all land along the Midtown Greenway in this area. Around 1983, the subject parcels were rezoned to the R3 District. In 1992, the parcels along Harriet Avenue were rezoned back to industrial and the parcels along Grand Avenue were rezoned to R2B.

As noted above, the adopted small area plans designate the future land use of this site as high-density residential. Although not ultimately adopted by the City Council in 2010, the *Midtown Greenway Rezoning Study* recommended that these parcels be rezoned to the R5 District in order to encourage the type of development envisioned in the adopted plans.

The land use and development patterns along the Midtown Greenway in this area have experienced a great deal of change over the past 20 years. Some of this change has resulted from the abandonment of the railroad line, while other changes can be attributed to changes in the real estate and development market. A significant change in the character or trend of development in the general area has taken place since the properties were zoned within the R2B Two-Family District and II Light Industrial District.

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum height in the R5 District from 4 stories or 56 feet to 6 stories, 74 feet 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 request to increase the maximum height in the R5 District from 4 stories or 56 feet to 6 stories, 74 feet will not be detrimental to or endanger the public health, safety, comfort, or general welfare. The applicant has proposed a terraced building design with the highest portions of the building concentrated at the southern portion of the site. The northernmost portion of the building is 4 stories, 48 feet in height. A fifth story is stepped back 11 feet and the sixth story is stepped back 19 additional feet. This design was intended to minimize the building's shadowing impacts on the Midtown Greenway and accommodate a pedestrian path between the building and the Greenway, while still accommodating dense housing development.

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 property is located in a developed area and is not expected to be injurious to the use and enjoyment of other property in the vicinity. The additional height will not impede the normal and orderly development and improvement of surrounding property. The six-story portion of the building is concentrated along the southern portion of the property. Along Harriet, this six-story portion of the building is adjacent to an industrially-zoned two-story commercial building. Because the public alley would be redirected to the south of the proposed building, there will be approximately 45 feet of separation between the six-story portion of the building and the nearest home on Grand Avenue. Because both of these adjacent properties are south of the proposed building, there would not be shadowing impacts due to the six-story building. The proposed building is not exceeding its maximum floor area ratio of 2.4. The building has been designed to minimize shadowing impacts on the Midtown Greenway and therefore accommodates building bulk in the fifth and sixth story which would have a greater impact on shadowing were the building to be constructed nearer to the Greenway. See further shadowing analysis below.

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

The site would be accessed by vehicles utilizing the redirected public alley. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

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

Increasing the height of the building is not expected to contribute to traffic congestion in the adjacent public streets. The minimum parking requirement for the proposed development is 56 spaces. The applicant would provide 96 off-street parking spaces in two levels of underground parking.

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.

- 1.1.5 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.

Housing Policy 3.1: Grow by increasing the supply of housing.

- 3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

The massing of the building complies with the maximum floor area ratio, which measures bulk and intensity of development. The building has a floor area ratio of 2.31 where the maximum floor area

ratio permitted is 2.4. The heights of buildings in the surrounding area range from two to six stories, with most of the lower density housing being two or two and a half stories. The proposed height will be compatible with the overall context of the surrounding area.

This site is also located within the boundaries of both the *Midtown Greenway Land Use and Development Plan* and the *Lyn-Lake Small Area Plan*. Both plans designate the future land use of this site to be high-density housing.

The *Midtown Greenway Land Use and Development Plan* outlines several guidelines to address development intensity. This site is designated Urban-Oriented, which notes that buildings should be up to five stories in height. The plan also notes that developments should mitigate development intensity by incorporating open space visible from the public realm and stepping back the mass of building from adjacent properties and the Greenway.

The plan does not identify any areas in the study area to be very-high density housing (over 120 dwelling units per acre). The subject proposal would have a density of 137 dwelling units/acre, slightly higher than the upper limit of “high-density housing.” As noted above in the rezoning analysis, the plan states that it is similar to a “district-node pattern of urban development, where a mixed-use core or center is surrounded and supported by a concentric pattern that is more intensive near the center and less intensive near the edge of the district.” The subject site is located one block from the Lyn-Lake Activity Center, one block from Lake Street, a Commercial Corridor, and two blocks from Lyndale Avenue, a Commercial Corridor. Staff finds that the site’s proximity to these land use features supports the higher density proposed at this site.

The plan emphasizes the importance of solar access to the Greenway. Stepping back the mass of buildings along the south side of the Greenway is one of several recommendations in order to minimize shadowing. Additionally, the plan notes that buildings should step down at the boundary between higher density districts and lower density districts and existing residential neighborhoods. The building’s shadowing impact will be analyzed below.

Another primary recommendation of the plan is to provide a linear public “promenade” or walkway wherever possible between private development and the Midtown Greenway, in order to develop a premier public edge along both sides of the Greenway. These promenades create a street-level pedestrian network and visual connections between the Greenway and adjacent spaces. The plan identifies this site as a recommended location for a promenade.

The *Lyn-Lake Small Area Plan* also identifies the future land use of this site as high-density housing. The plan also allows for additional density (very-high density) in Activity Centers. The plan also recommends the creation of a promenade along the Greenway as properties are redeveloped, and notes that several recent developments had included a promenade. Stepped down building heights, a transition of uses, and buffering to adjacent residential areas is encouraged. In addition, the plan states that shadowing of sidewalks and the Midtown Greenway should be minimized to ensure as comfortable of a pedestrian environment as possible.

Staff finds that the proposed six-story building is consistent with the above applicable policies of the comprehensive plan and applicable guidance of the adopted small area plans.

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 R5 Multiple-Family 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 subject property would be a through lot and would front on two public streets. This provides adequate separation allowing for access to light and air for surrounding properties to the west and east. The adjacent property to the south on Harriet Avenue is a two-story commercial building constructed only one foot from their northern property line. This existing adjacent building has no ground floor windows and only two glass block windows in the second floor on the north side of the building. The proposed building would be five feet from their shared property line. The nearest property along Grand Avenue is a duplex. Because the public alley is proposed to be redirected to the south of the building, there will be approximately 45 feet of separation between the six-story building and the adjacent home on Grand Avenue. The additional two stories requested is not expected to impact access to light and air of surrounding properties.

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

The applicant submitted a detailed shadow study depicting shadowing impacts of the proposed six-story building. The nearest residential property is the duplex south of the subject property along Grand Avenue. Because the public alley would be redirected to the south of the proposed building, there would be approximately 45 feet of separation between the six-story building and this adjacent duplex on Grand Avenue. Additionally, because this property is south of the proposed building, shadowing of the duplex would not occur. Because the Midtown Greenway separates the property from the nearest residential use to the north, any shadowing impact would be minimal and limited to winter evenings. There are no known solar energy systems that would be impacted by this proposal.

The Midtown Greenway is a significant public space. The proposed building will shadow the Greenway path for 108 days of the year, between October 29th and February 13th. The rest of the year, any shadowing is limited to the slope area and would not impact the bike or pedestrian path in the Greenway. The building wall setbacks vary from east to west. The majority of the building would be set back 53 to 58 feet from the southern property line of the Midtown Greenway, with the fifth story set back between 61 and 69 feet from that line. The sixth story would be set back between 80 and 88 feet from the Greenway property line. A one-story portion of the building does extend to within 29 feet of that property line but does not contribute significantly to any shadowing. The terraced design and varied setbacks proposed minimizes shadowing of the Greenway.

3. The scale and character of surrounding uses.

The height of buildings in the surrounding area range from two to six stories, with most of the lower density housing being two or two and a half stories. The proposed height will be compatible with the overall context of the surrounding area and will support dense development while also minimizing shadowing and providing a pedestrian promenade, as recommended by adopted plans.

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

As noted above, the various floors of the terraced building would be set back between 53 and 88 feet from the Greenway property line, with a one-story portion of the building extending to 29 feet from that property line. The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the required front yards along Grand Avenue and Harriet Avenue 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.*

Grand Avenue: The subject property would be a through lot with two front yards. On Grand Avenue, the adjacent duplex has an established front yard of 20 feet, which increases the typical 15 foot front yard requirement for the subject property to 20 feet. The applicant is proposing that the building wall would be located 14 feet from the front property line. Additionally, a portion of the parking garage below would extend above ground within the required front yard, as well as a 20 foot wide stairwell. These obstructions both extend to the property line. Also, the proposed loading area is located within the required front yard, two feet from the property line.

The placement of the building 14 feet from the property line and the location of the green roof of the parking garage below are due to practical difficulties because of circumstances unique to the property. The project site has a greater than typical front yard setback established by the nearest home to the south. The circumstances requiring the variance are unique to the parcel of land due to the location of the adjacent neighbor's house. The proposed setback is only one foot less than the typical front yard requirement of the R5 District.

The adopted plans and policies recommend stepping back the building from the Greenway. The green roof of the parking garage below comes to the property line because the developable north-south footprint of the site is limited by the policies recommending significant setbacks from the Greenway. If the parking garage aligned with the building above, this would also eliminate about 8 of the proposed parking spaces. The applicant is also proposing a 20 foot wide stairway and large landing at the entrance which exceed the allowances for permitted obstructions in a required front yard. Staff recommends approval of the variance for the building wall location at 14 feet and for the noted obstructions in the required front yard.

However, the request for the loading area to be located within the required front yard is not due to any practical difficulties. The applicant is proposing a loading area north of the alley which is 8 feet 7 inches wide by 77 feet. The loading requirement for multi-family dwellings of this size is one small space, with dimensions of 10 feet by 25 feet. There are no practical difficulties which necessitate the loading area be located within the required front yard. While staff recommends approval of the variance for the building wall and other obstructions noted above, staff recommends a condition of approval that the loading area shall be required to comply with the 20 foot required yard.

Harriet Avenue: The minimum front yard requirement along Harriet Avenue is 15 feet. The applicant is proposing a setback of 4 feet for the balconies, with balconies that are not permitted obstructions at 0 feet. The existing adjacent two-story commercial building was constructed directly on their front property line on Harriet Avenue. The commercial properties directly across Harriet are also built to their front property lines. The context of the immediate area contributes to unique circumstances not created by the applicant.

- 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.*

Grand Avenue: The applicant's proposed 14 foot setback for the building and 0 foot setback for the green roof of the parking garage below and large stair and landing are reasonable and are in

keeping with the spirit and intent of the ordinance and the comprehensive plan. Because of the location of the redirected alley, the proposed building will be over 45 feet from the nearest property to the south which should mitigate any impact of the building location or obstructions.

The proposed location of the loading area in the required front yard, however, is not reasonable. Comprehensive plan policies aim to mitigate the impact of parking and loading facilities on nearby properties. Required yards are intended to be unobstructed from the ground level to the sky with the exception of the list of permitted obstructions. Requiring the loading area to comply with the setback requirement would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Harriet Avenue: The immediately adjacent property to the south and the properties directly across Harriet Avenue are built directly on their property lines. A similarly located building will allow for a consistent street wall in this area. The location of the balconies is reasonable as well. The requested variance of the front yard is reasonable in this location and is in keeping with the spirit and intent of the ordinance and comprehensive plan.

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.*

Grand Avenue: The applicant's proposed 14 foot setback for the building and 0 foot setback for the green roof of the parking garage below and larger stair and landing will not alter the essential character of the locality or be injurious to the use and enjoyment of the property in the vicinity. If granted, the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

However, the proposed location of the loading area within the required front yard will be injurious to the use and enjoyment of other property in the vicinity. The location would impact both the neighbor to the south as well as those utilizing the property and nearby properties as the loading area would be located only 2 feet from the public right-of-way. Staff recommends as a condition of approval for the variance that the loading area must comply with the established yard requirement.

Harriet Avenue: The subject property is adjacent to industrially-zoned property along Harriet Avenue. Industrially-zoned land is also located across Harriet Avenue. Reducing the front yard from the required 15 feet to the proposed 4 feet and locating balconies to 0 feet will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Staff is recommending approval of this variance.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the required south interior side yard 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 applicant is seeking a variance to reduce the interior side yard setback from 15 feet to 5 feet. Multiple-family residential uses in the R5 District are subject to a minimum interior side yard equal to five feet plus two feet for every story above the first. For this six-story building, the minimum yard requirement is therefore 15 feet.

Adopted plans and policies have designated the future land use of this site as high density housing. The adopted plans also emphasize the importance of minimizing shadowing impacts on the Midtown Greenway and the importance of establishing pedestrian promenades along the rim of the Greenway to create east to west pedestrian access between streets. To minimize shadowing, the applicant has proposed a terraced building design. The majority of the building would be set back 53 to 58 feet from the Greenway, with the fifth story set back between 61 and 69 feet from the Greenway. The sixth story would be set back between 80 and 88 feet from the Greenway. While this design minimizes shadowing on the Greenway, it also concentrates most of the mass of the building towards the property's southern interior side property line. The policy recommendations guiding development in this location contribute to unique circumstances that have not been created by the applicant and create practical difficulties in complying with this yard requirement.

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 interior side yard requirement is to minimize conflict among the land uses and to buffer residential uses from adjacent uses to ensure access to light and air. The property owner 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 neighboring building to the south is a commercial building that is zoned industrially. The second through sixth floors would be cantilevered, so the first floor of the proposed building would be set back 9 feet from the property line, allowing for a larger separation between the existing and proposed buildings at the ground level. Along the eastern half of the site, the proposed building has over an 18 foot setback from the south interior property line.

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

The proposed variance of the south interior side yard from 15 feet to 5 feet will not alter the essential character of the locality. The location of the proposed building is not expected to be injurious to the use and enjoyment of other property in the vicinity. The first floor of the building would be set back 9 feet from the nearest property to the south, which is an industrially-zoned commercial building. The variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the minimum off-street loading requirement based on the following findings:

4. *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 off-street loading requirement for multiple-family dwellings with 100-250 dwelling units is one small loading space. Small loading spaces are required to be at least 10 feet wide by 25 feet. The applicant is proposing a loading area north of the alley which is 8 feet 7 inches wide by 77 feet. The width and location of the newly dedicated alley is required by City ordinance to incorporate a corner cut as proposed, which dictates the location of the alley. To minimize shadowing impacts, the building is set back significantly from the Greenway. With the required location of the alley and the location of the proposed building, a loading zone only 8 feet 7 inches in width is provided. Increasing

the width of the loading zone would either require shifting the building towards the Greenway or reducing the adjacent path from 4 foot 6 inches to only 3 feet in width. Practical difficulties exist in complying with the ordinance because of unique circumstances that were not self-created.

5. *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 loading zone would primarily be utilized for move-in and move-out of the residential units. A typical moving truck is approximately 7 feet 8 inches wide. The new dedicated alley extension to Grand Avenue would be adjacent to the loading area and would be 16 feet in width, approximately 4 feet wider than the existing alley. Considering this, the proposed width of the loading area is reasonable. However, the applicant has not indicated if the loading area will be signed or striped. The loading zone should be designed with visual separation, such as striping, change in materials, or other solutions approved by Public Works, between the public alley and the private loading area and signed as a loading area with private signage. This was also noted in the Preliminary Development Review process by the Public Works Department. Staff recommends a condition of approval requiring that the loading area be signed and designed with a visual separation from the public alley.

6. *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.*

A loading area that is one foot five inches narrower than the dimensional requirements in the zoning code will not alter the essential character of the locality. It is not expected to be injurious to the use or enjoyment of other property in the vicinity. As analyzed in the section regarding the front yard variance along Grand Avenue, staff is recommending a condition of approval for that variance which requires the loading area to be at least 20 feet from the property line. This will lessen any impact of the loading area to property in the vicinity, as will the recommended condition of approval requiring that the loading area be property signed and designed as separate from the public alley. The narrower loading area will not be injurious to the use and enjoyment of other property in the vicinity and will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

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:

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

BUILDING PLACEMENT AND DESIGN

Building placement – Meets requirements

- The first floor of a building is required to be within 8 feet of the front lot line except where a greater yard is required. The building is proposed on a through lot that fronts on both Grand Avenue and Harriet Avenue. The first floor of the building is located eight feet from the front lot line on Harriet Avenue and fourteen feet from the front lot line on Grand Avenue. Variances to reduce the required front yards have been recommended for approval with some conditions.
- The placement of the building reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. The building exceeds its minimum window

requirements on all elevations. An east-west pedestrian promenade has been incorporated north of the building along the edge of the Greenway.

- The area between the building and lot line includes amenities such as bicycle racks and a green roof area on the Grand Avenue entrance.
- All on-site accessory parking is located entirely below grade.

Principal entrances – Meets requirements

- The building is oriented so that at least one principal entrance faces the front property line. The site is a through lot with two front property lines facing Grand Avenue South and Harriet Avenue South respectively. There are principal entrances facing each front property line.
- The principal entrances are clearly defined and emphasized through the use of a canopy on Harriet Avenue and a wide stairway on Grand Avenue, as well as other architectural features.

Visual interest – Meets requirements

- The building walls provide architectural detail and contain windows in order to create visual interest.
- The proposed building emphasizes architectural elements – including recesses, projections, windows, and entries – to divide the building into smaller identifiable sections. The design utilizes changes in the color of the metal panel and step backs to divide the building into smaller sections.
- There are no blank, uninterrupted walls exceeding 25 feet in length.

Exterior materials – Meets requirements

- The applicant is proposing metal panel as the building’s primary exterior material with some rockface CMU. Two colors of metal panel, grey and black, are proposed. Each elevation would comply with the City’s durability standards for exterior materials (see Table I). Please note that exterior material changes at a later date may require review by the Planning Commission and an amendment to the site plan review.
- The application is consistent with the City’s policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials.
- Plain face concrete block is not proposed.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.

Table I. Percentage of Exterior Materials per Elevation

Material	Allowed Max	North	South	East	West
Glass	100%	34%	31%	32%	43%
Metal Panel	75%	65%	68%	65%	57%
Rockface CMU	30%	1%	1%	3%	0%

Windows – Meets requirements

- For residential uses, the zoning code requires that no less than 20 percent of the walls on the first floor, and no less than ten percent of the walls on each floor above the first that face a public street or public pathway shall be windows. The project is in compliance with the minimum window requirement (see Table 2).
- All windows are vertical in proportion and are evenly distributed along the building walls.

Table 2. Percentage of Windows per Applicable Elevation

	Code Requirement		Proposed	
Residential Uses				
1st floor – Grand	20% minimum	94 sq. ft.	27%	129 sq. ft.
1st floor – Harriet	20% minimum	133 sq. ft.	84%	557 sq. ft.
1st floor – Greenway	20% minimum	400 sq. ft.	54%	1,084 sq. ft.
2nd floor and above – Grand	10% minimum	Varies	Meets requirements	
2nd floor and above – Harriet	10% minimum	Varies	Meets requirements	
2nd floor and above – Greenway	10% minimum	Varies	Meets requirements	

Ground floor active functions – Meets requirements

- The ground floor facing both Grand Avenue and Harriet Avenue contain entirely active functions.

Roof line – Meets requirements

- The principal roof line of the building will be flat, which is similar to that of surrounding commercial, industrial, and multi-family residential buildings. The stepped down roof line is common on newer residential projects along the south side of the Midtown Greenway.

Parking garages – Meets requirements

- All of the proposed parking is located below ground within the building.

ACCESS AND CIRCULATION

Pedestrian access – Meets requirements

- There are clear and well-lit walkways at least four feet in width connecting building entrances to the adjacent public sidewalk and on-site parking facilities. Additionally, the applicant is proposing to incorporate a pedestrian promenade north of the building which would allow pedestrian access from east to west adjacent to the Greenway.

Transit access – Meets requirements

- No transit shelters are proposed as part of this development.

Vehicular access – Meets requirements

- Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. The underground parking area will be accessed from the public alley.
- Curb cuts have been consolidated.
- Traffic in the adjacent rerouted alley will be directed as to minimize its impact on other residential properties. A ten foot wide outlot with screening will be located between the nearest adjacent property and the new dedicated alley extending to Grand Avenue.
- Service vehicle access does not conflict with pedestrian traffic.
- The proposed site plan minimizes the use of impervious surfaces. According to the materials submitted by the applicant, 23,648 square feet (including the dedicated alley) of the site will be impervious.

LANDSCAPING AND SCREENING

General landscaping and screening – Requires alternative compliance

- The overall composition and location of landscaped areas complement the scale of development and its surroundings.
- At least 20 percent of the site not occupied by the building is landscaped. The applicant is proposing approximately 11,418 square feet of landscaping on site, or approximately 55 percent of the site not occupied by buildings (see Table 3).
- At least one canopy tree is required per 500 square feet of the required landscaped area. The applicant is proposing 34 trees on the site with 6 additional trees proposed in the public right-of-way. The tree requirement for the site is 8 canopy trees and the applicant is proposing a total of 13 trees that meet the definition of a canopy tree. However, 12 of these trees are located on the proposed outlot. Ten ornamental trees and 11 evergreen trees are also proposed on the site. Alternative compliance is required.
- Sites are required to incorporate at least one shrub per 100 square feet of the required landscaped area. The requirement for this site is 41 shrubs and the applicant is proposing only 26 shrubs on the site with 3 additional shrubs in the public right-of-way. This requires alternative compliance.
- With the exception of several areas of rock mulch, the remainder of the required landscaped area is covered with native grasses, perennial flowering plants, shrubs and other trees. The outlot south of the alley would be entirely covered with rock mulch. Additional rock mulch would be located along the sides of the pedestrian promenade. Alternative compliance is required.

Table 3. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	35,407 sq. ft.
Building Footprint	--	14,958 sq. ft.
Remaining Lot Area	--	20,449 sq. ft.
Landscaping Required	4,099 sq. ft.	11,418 sq. ft.
Canopy Trees (1:500 sq. ft.)	8 trees	13 trees
Shrubs (1:100 sq. ft.)	41 shrubs	26 shrubs

Parking and loading landscaping and screening – Requires alternative compliance

- While all parking is accommodated underground, the applicant is proposing a loading area north of the alley. This loading area is subject to the screening and landscaping requirements for loading areas per section 530.170 because it fronts on Grand Avenue.
- Along Grand Avenue, a 7 foot landscaped yard is required except where a greater yard is required. The required front yard is 20 feet in this area. As analyzed in the variance section above, staff is recommending that the loading area comply with the yard requirement and be at least 20 feet from the property line. It is currently proposed only 2 feet from the property line. Additionally, a three foot tall screen at least 60 percent opaque is also required along Grand Avenue, as well as one tree. The applicant is proposing several shrubs to screen the loading area in a 5 foot wide yard, 3 feet of which are located in the public right-of-way. Alternative compliance is required.
- The loading area would be across the alley from a residential use and residential zoning. Therefore, an on-site landscaped yard at least seven feet in width with at least 95 percent opaque screening is required. The ten-foot wide outlot complies in terms of size but as it is covered in rock mulch this is not considered a landscaped yard. Alternative compliance is required.
- Information included in the landscape plan indicates that the plant materials, and installation and maintenance of the plant materials, would comply with sections 530.200 and 530.210 of the zoning

code, with the exception of the proposed caliper size of the trees. Staff therefore recommends a condition of approval that the plant materials, and the installation and maintenance of the plant materials, would comply with sections 530.200 and 530.210 of the zoning code.

- All other areas not occupied by buildings, parking and loading facilities, or driveways would be covered with native grasses, perennials, shrubs, and trees. Rock mulch is proposed on either side of the pedestrian path north of the building as well as covering the entire outlot. Rock mulch does not meet the intent of the landscaping requirements. Alternative compliance is required.

ADDITIONAL STANDARDS

Concrete curbs and wheel stops – Meets requirements

- There are no surface parking spaces proposed on the site. The loading area would be defined by a continuous concrete curb.

Site context – Meets requirements

- Views of the Midtown Greenway or other important elements of the city should not be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties for most of the year. See shadowing analysis in the conditional use permit analysis section above.
- The building has been designed to minimize the generation of wind currents at ground level.

Crime prevention through environmental design – Meets requirements

- The site plan employs best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. The pedestrian promenade would be open to the public with various design features such as landscaping, stairs, and gates for the individual units adjacent to the path. These features will delineate between public and private space.
- The proposed site, landscaping, and buildings promote natural observation and maximize opportunities for people to observe adjacent spaces and public sidewalks.
- The project provides lighting on site, at all building entrances, and along walkways that will maintain a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- The landscaping, sidewalks, lighting, fencing, and building features are located to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations. The pedestrian promenade would be open to the public, which would be made clear as no gates are proposed from Grand Avenue or Harriet Avenue, and various design features are proposed along the promenade to delineate between public and private space of the walk-ups as noted above.
- The entrances, exits, signs, fencing, landscaping, and lighting are located to distinguish between public and private areas, to control access, and to guide people coming to and going from the site.

Historic preservation – Meets requirements

- This site is neither historically designated nor is it located in a historic district. The site is adjacent to the Midtown Greenway, or Chicago Milwaukee and St. Paul Railroad Grade Separation which is a designated historic district on the National Register of Historic Places. The district is not locally designated. The adjacent bridges over Grand Avenue and Harriet Avenue are considered contributing resources to the historic district. Although the subject properties are not located within the historic district boundaries, the vertical plane down to the trench is defined by the

earthen slope which is located on these subject properties. Work associated with the proposed development will not alter the existing slope down to the Greenway.

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

The proposed use is permitted in the R5 District.

Off-street Parking and Loading – Requires variance(s)

- The applicant is proposing to accommodate 96 parking spaces in two levels of underground parking. The off-street vehicle parking requirement is one space per dwelling unit. Because the property is located within one-quarter mile of a bus transit stop with midday service headways of fifteen minutes or less, the minimum parking requirement is reduced by fifty percent, for a total requirement of 56 spaces (see Table 4).
- The minimum bicycle parking requirement is one space for every two dwelling units, or 56 bicycle spaces. The applicant is proposing 127 bicycle parking spaces including wall mounted bike racks located between each parking space in the underground parking areas (see Table 5).
- The off-street loading requirement for multiple-family dwellings with 100-250 dwelling units is one small loading space. Small loading spaces are required to be at least 10 feet wide by 25 feet. The applicant is proposing a loading area north of the alley which is 8 feet 7 inches wide by 77 feet (see Table 6). This requires a variance, which staff has recommended approval of above.

Table 4. Vehicle Parking Requirements Per Use (Chapter 541)

Use	Minimum	Reductions	Total with Reductions	Maximum Allowed	Proposed
Residential Dwellings	111	Transit Incentives (55)	56	--	--
	--	--	56	--	96

Table 5. Bicycle Parking Requirements (Chapter 541)

Use	Minimum	Short-Term	Long-Term	Proposed
Residential Dwellings	56	--	Not less than 90%	127
	56	--	--	127

Table 6. Loading Requirements (Chapter 541)

Use	Loading Requirement	Proposed
Residential Dwellings	One small	One space – not meeting dimensions for small loading space
	1	1

Building Bulk and Height – Requires conditional use permit

- The proposal complies with the maximum floor area ratio of 2.4. The site is 35,407 square feet in size with a gross floor area of 81,910 square feet, which equals a floor area ratio of 2.31 (see Table 7). This lot area does not include the dedicated alley but does include both the developable lot and the outlot. The applicant has requested a conditional use permit to increase the height of the

building from 4 stories or 56 feet to six stories, 74 feet. Staff is recommending approval of that application as analyzed above.

Table 7. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	35,407 sq. ft. / 0.81 acres
Gross Floor Area	--	81,910 sq. ft.
Floor Area Ratio (Maximum)	2.4	2.31
Building Height (Maximum)	4 stories or 56 feet, whichever is less	6 stories / 74 ft.

Lot Requirements – Meets requirements

- The lot area utilized for the purpose of calculating impervious surface coverage and lot coverage includes the dedicated alley, for a total of 37,472 square feet. Impervious surfaces cover 23,648 square feet, or 63 percent of the site. The lot is 42 percent covered by principal structures (including the green roof of the parking garage that extends above ground), or 15,835 square feet (see Table 8).

Table 8. Lot Requirements Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	111 DUs
Density (DU/acre)	--	137 DU/acre
Lot Area (Minimum)	5,000 sq. ft.	35,407 sq. ft. / 0.81 acres
Impervious Surface Area (Maximum)	85%	63%
Lot Coverage (Maximum)	70%	42%

Yard Requirements – Requires variance(s)

- The proposal requires variances of the front yards along Grand Avenue and Harriet Avenue as well as a variance of the south interior side yard (see Table 9). Staff is recommending approval of these variances with some conditions as analyzed above.

Table 9. Minimum Yard Requirements

Setback	Zoning District	Overriding Regulations	Total Requirement	Proposed
Front (East - Grand)	15 ft.	Established – 20 ft.	20 ft.	14 ft. building 2 ft. loading area 0 ft. obstructions
Front (West - Harriet)	15 ft.	--	15 ft.	5 ft. 0 ft. balconies
Interior Side (North)	15 ft.	--	15 ft.	28 ft.
Interior Side (South)	15 ft.	--	15 ft.	5 ft.

Signs – Meets requirements

- All signs are subject to Chapter 543, On-Premise Signs. The applicant will be required to submit a separate sign permit application for any signage that is proposed. No specific signage is proposed at this time. Multiple-family dwellings on a lot of this size are allowed one non-illuminated, flat wall identification sign less than thirty-two square feet in area and fourteen feet high. On corner lots, properties are permitted to have two such signs. Because the property is located on a through lot, staff has determined that two such signs would be permitted as would be permitted on a corner lot.

Screening of Mechanical Equipment – Meets requirements with Conditions of Approval

- All mechanical equipment is subject to the screening requirements of 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.
- The applicant is proposing individual HVAC units for each dwelling unit which have been designed with the intent that they appear as an integral part of the structure. Some are incorporated within the window design. The applicant has also shown the location of additional rooftop mechanical equipment but has not indicated how these would be screened. Staff recommends as a condition of approval that all rooftop mechanical equipment shall be required to comply with the standards above.

Refuse Screening – Meets requirements

- All refuse and recycling storage containers are subject to the screening requirements in Chapter 535. All refuse and recycling storage containers are located within the building.

Lighting – Meets requirements with Conditions of Approval

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 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:
 - 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.
- The applicant is proposing several light fixtures. The lighting plan submitted does not provide the information necessary to ensure compliance with the above standards. Therefore staff is recommending as a condition of approval that a lighting plan indicating compliance with the standards above shall be provided prior to building permit issuance.

Fences – Meets requirements

- Fences must comply with the requirements in Chapter 535. The applicant is proposing one three foot six inch tall aluminum picket fence along the top of the retaining wall north of the building. No other fences are proposed.

Specific Development Standards – Meets requirements

- The applicant’s proposal meets the specific development standards for multiple-family dwellings in Chapter 536.

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. In addition to the policies analyzed previously, 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 10.6: 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.

- 10.6.3 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.

Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.

- 10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

Urban Design Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species
- 10.19.6 Green roofs, living walls, and porous pavement are encouraged but are not meant to be a substitute for ground-level landscaping of sites as landscaping provides both a natural amenity and aesthetic beauty to the urban landscape.

Urban Design Policy 10.22 Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

- 10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- 10.22.4 Provide on-site lighting at all building entrances and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- 10.22.5 Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

- 10.22.7 Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

CPED finds that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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

The site is located within the boundaries of both the *Midtown Greenway Land Use and Development Plan* and the *Lyn-Lake Small Area Plan*. Both plans designate the future land use of this site to be high-density housing. The subject proposal would have a density of 137 dwelling units/acre, slightly higher than the upper limit of high-density housing noted in both plans to be 120 dwelling units/acre. The subject site is located two blocks from Lyndale Avenue, a Commercial Corridor, one block from the Lyn-Lake Activity Center, and one block from Lake Street, a Commercial Corridor. Staff finds that the site's proximity to these land use features supports the higher density proposed at this site.

The *Midtown Greenway Land Use and Development Plan* is intended to guide future development in the corridor. The plan establishes several Greenway-supportive development principles that are applicable to the subject proposal:

- Promote a safe, vibrant and active environment with calmed streets and widened sidewalks. Focus investments toward developing an enlivened, pedestrian-friendly public realm.
- Encourage redevelopment projects to be transit-supportive by integrating bicycle and pedestrian amenities as well as accessible and visually appealing transit stops into projects.
- Promote development that reinforces appropriate architectural scale and relates to adjacent land uses. Employ development strategies that minimize Greenway and adjacent property shadowing.
- Use new development, the pedestrian environment and open space to promote an integrated relationship between the Greenway floor and the Greenway edge/rim, fostering a sense of place and community.
- Develop a premier public edge along both sides of the Greenway, including a more pedestrian and bicycle-friendly 29th Street and public promenades.
- Promote Greenway safety and comfort through environmental design features such as doors located on the street or Greenway as appropriate, windows facing public space and the relocation of service doors away from the public realm.

In the plan, this site is designated for Urban-Oriented development intensity, which notes that buildings should be up to five stories in height. The plan also notes that developments should mitigate development intensity by incorporating open space visible from the public realm and stepping back the mass of building from adjacent properties and the Greenway. Primary entrances of buildings are encouraged to face the public street, while balconies, windows, and entries oriented toward the Greenway are also strongly encouraged.

The plan also emphasizes the importance of solar access to the Greenway. Stepping back the mass of future buildings along the south side of the Greenway is one of several recommendations provided in the plan in order to minimize shadowing. Additionally, the plan notes that buildings should step down at the boundary between higher density districts and lower density districts and existing residential neighborhoods. The building's shadowing impact has been analyzed above.

A primary recommendation of the plan is to provide a linear public “promenade” or walkway wherever possible between private development and the Midtown Greenway, in order to develop a premier public edge along both sides of the Greenway. These promenades create a street-level pedestrian network and visual connections between the Greenway and adjacent spaces. The plan identifies this site as a recommended location for a promenade. The plan notes that wherever possible, a minimum of 12 feet of public realm should be provided between private development and the Midtown Greenway right of way for a publicly accessible pedestrian promenade. This includes at least an 8 foot sidewalk with a transition between the promenade and private development including a decorative wall, fence, or landscaping. The fence and landscaping should maintain visibility between spaces over 3½ feet to ensure the safety and desirability of the promenade.

The *Lyn-Lake Small Area Plan* also identifies the future land use of this site as high-density housing. The plan also recommends the creation of a promenade along the Greenway as properties are redeveloped. It also notes that several recent developments had included a promenade. Stepped down building heights, a transition of uses, and buffering to adjacent residential areas is encouraged. In addition, shadowing of sidewalks and the Midtown Greenway should be minimized to ensure as comfortable of a pedestrian environment as possible.

The proposed development incorporates bicycle and pedestrian amenities into the site plan. The building has been designed with significant setbacks of the fifth and sixth story, as well as varied setbacks of the building overall, in order to minimize shadowing of the Greenway and adjacent properties. The incorporation of a new east-west promenade promotes an integrated relationship between the Greenway floor and Greenway edge. The building has many windows on all elevations. Primary entrances face the public street while balconies, windows, and ground floor entries are present on the Greenway-facing elevation as well.

While the building height does not step down towards the lower density R2B zoned properties south of the proposal, the dedication of a new alley provides adequate separation between the uses. The western half of the building is adjacent to an industrially-zoned building.

The promenade feature includes a walkway that varies in width from 4 foot 6 inches to 5 feet in places. The narrower portion of the walkway is due to constraints associated with the location of a retaining wall. Lining the path would be 1 to 2 feet of rock mulch. The individual gates for walk-up units adjacent to the promenade would be located 1 foot off the path back, with landscaping in between. The height of features would retain visibility as recommended. Although the walkway is 3 to 3 ½ feet narrower than that recommended by the plan, staff finds that in providing an east-west pedestrian connection, the proposal meets the intent of this guidance. To ensure that the proposal retains this proposed east-west promenade connection shown in the submitted plans, staff recommends a condition of approval that gates shall not be incorporated in the design in accordance with applicable policies of the comprehensive plan and small area plan. Overall, the proposed development is in conformance with the applicant plans adopted by the City Council.

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:

- **General landscaping and screening – required canopy trees.** At least one canopy tree is required per 500 square feet of the required landscaped area. The applicant is proposing 34 trees on the site with 6 additional trees proposed in the public right-of-way. The tree requirement for

the site is 8 canopy trees and the applicant is proposing a total of 13 trees that meet the definition of a canopy tree. However, 12 of these trees are located on the proposed outlot, not on the developable site. Ten ornamental trees and 11 evergreen trees are proposed on the site. Staff finds that although the on-site trees proposed do not meet the definition of a canopy tree, the applicant is providing trees well in excess of the requirement as well as replacing trees in the public right-of-way. This alternative mitigates any adverse impacts of the reduction in on-site canopy trees. Staff recommends granting alternative compliance.

- **General landscaping and screening – required shrubs.** At least one shrub is required per 100 square feet of the required landscaped area. The requirement for this site is 41 shrubs and the applicant is proposing only 26 shrubs on the site with 3 additional shrubs in the public right-of-way. Staff does not find that alternatives have been provided to address the reduction in shrubs on the site, and finds that meeting the required number of shrubs on site would be reasonable. Therefore, a condition of approval requiring 41 shrubs is recommended.
- **General landscaping and screening.** There are several areas where rock mulch is proposed, including along the pedestrian path and in the outlot area. While staff finds that rock mulch is reasonable along the pedestrian path, rock mulch does not meet the intent of landscaping requirements and is not recommended to be approved to be utilized in lieu of wood mulch or other landscaping in the outlot area.
- **Parking and loading landscaping and screening along a public street.** Along Grand Avenue, a 7 foot landscaped yard is required except where a greater yard is required. The required front yard is 20 feet in this area. The applicant is proposing 6 shrubs to screen the loading area in a 5 foot wide yard, 3 feet of which are located in the public right-of-way. As analyzed in the variance section above, staff is recommending that the loading area comply with the yard requirement and be moved to 20 feet from the property line where it is currently only 2 feet from the property line. Additionally, a three foot tall screen at least 60 percent opaque is also required, as well as one tree. Staff does not recommend granting alternative compliance for these standards as the alternative would not adequately screen the loading area from the public street. Therefore, staff recommends that the loading area shall be landscaped and screened with at least a 7 foot wide landscaped yard which incorporates both a three foot tall screen at least 60 percent opaque, and one tree. Staff would further encourage the applicant to landscape the entire 20 foot required yard.
- **Parking and loading landscaping and screening across an alley from a residential use.** The loading area would be across the alley from a residential use and residential zoning. Therefore, a landscaped yard at least seven feet in width with at least 95 percent opaque screening is required. The ten-foot wide outlot complies in terms of size but as it is covered in rock mulch this is not considered a landscaped yard. Additionally, the tall columnar deciduous trees proposed would not meet the screening requirements. Since the loading area is separated by the public alley and the outlot and is not directly adjacent to the residential use, staff finds that a screen only three feet in height and sixty percent opaque would be adequate. Staff recommends a condition of approval that requires a three foot, sixty percent opaque screen, such as evergreen shrubs, be provided in the outlot area to screen the loading area. Additionally, staff recommends a condition of approval that the applicant shall replace the rock mulch on the outlot area with turf grass, shrubs, perennials, wood mulch, or a combination thereof to create a more attractive buffer from the adjacent residential use.
- **Landscaping of other areas.** All other areas not occupied by buildings, parking and loading facilities, or driveways would be covered with native grasses, perennials, shrubs, and trees. As noted above, there are several areas where rock mulch is proposed, including along the pedestrian path and in the outlot area. While staff finds that rock mulch is reasonable along the pedestrian path, rock mulch does not meet the intent of landscaping requirements and is not recommended to be approved to be utilized in lieu of wood mulch or other landscaping in the outlot area as noted above.

PRELIMINARY PLAT

The Department of Community Planning and Economic Development has analyzed the application for a preliminary plat based on the following findings:

1. *The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.*

A lot, outlot, and dedicated alley are proposed. In order to accommodate a corner cut for the alley, a strip of unbuildable land would remain. Any lot which due to the existing grade, physical conditions, hazard of flooding, or of a size, shape or in a location not conforming to these regulations and therefore not suitable for development, may be platted as an outlot.

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan, as evaluated above. However, it requires a variance to the subdivision regulations to allow a lot with more than five sides for a multi-family residential building. The applicant is proposing to vacate the existing public alley and dedicate a new alley. In order to accommodate a corner cut for the alley, an outlot would remain south of the alley. Due to this location of the vacation and the dedicated alley extension to Grand Avenue, the resulting property line has six sides.

Subdivision Regulations:

598.310. Variances. *Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:*

- (1) *There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.*

The applicant is proposing to vacate the existing alley and dedicate a new alley extending to Grand Avenue. Due to the dimensional requirements of the new alley, a corner cut is required, which creates an outlot south of the dedicated alley. The resulting property line north of the alley would jog because of the location of the adjacent property to the south along Harriet Avenue. In order to accommodate a loading area, additional landscaping, areas for mechanical equipment, and other necessary building functions without pushing the proposed building further towards the Midtown Greenway, the property line jogs south approximately 14 feet, creating a 6-sided lot. The proposed lot configuration will allow for reasonable use of the property considering the location of the dedicated alley.

- (2) *The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.*

Granting the variance to create a 6 sided lot should not be detrimental to the public welfare or injurious to other property in the vicinity as a newly dedicated alley would be provided. The proposed lot configurations will have no impact beyond the property lines.

2. *The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.*

The applicant is proposing to consolidate several existing platted lots into two new lots and dedicate an alley extension to Grand Avenue. The proposed plat would not be injurious to the use and enjoyment of other property in the immediate vicinity, nor would it be detrimental to present and surrounding land uses. The plat should not substantially add to congestion in the public streets.

3. *All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.*

The site is basically level with the exception of grade changes near the Greenway, where the northernmost portion of the site slopes down significantly toward the Greenway. However, the applicant is not proposing to develop any portions of the site with steep slope and these grade changes should not impact the ability to develop the property. The site does not present other noted hazards.

4. *The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.*

The proposed lot is buildable, has street frontage on two streets, and is suitable for the proposed use.

5. *The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.*

The proposed plat makes adequate provision for stormwater runoff. The Surface Waters and Sewers division of Public Works Department has initially reviewed the project for appropriate drainage and stormwater management. Specific comments related to stormwater can be found in the attached PDR report.

VACATION – 1652

The applicant is proposing to vacate a portion of the existing alley. The applicant intends to use the vacated alley as part of a developable area to construct a multiple-family dwelling. To prevent the creation of a dead end alley, a new east-west alley segment would be constructed and dedicated to allow access from Grand Avenue.

The area to be vacated is legally described as follows:

That part of the North - South Alley donated and dedicated to the public in Block 6, Excelsior Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, lying South of a line drawn from a point on the West line of Lot 1, said Block 6, distant 12 feet North of the Southwest corner thereof to a point on the East line of Lot 16, said Block 6, distant 12 feet North of the Southeast corner thereof, and lying North of a line drawn from a point on the West line of Lot 4, said Block 6, distant 14 feet south of the Northwest corner thereof, to a point on the East line of Lot 13, said Block 6, distant 14 feet South of the Northeast corner thereof;

And

The South 12 feet of Lot 1, Block 6, Excelsior Addition to Minneapolis, Hennepin County, Minnesota.

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. Minneapolis Public Works has reviewed the vacation petition and recommends approval. Public Works is also working with the applicant regarding additional excess right of way controlled land, 2900 Grand Avenue and 2905 Harriet Avenue, which would be purchased and utilized as part of the developable area. Of the responses received regarding the vacation, there were no objections and no easements requested, except from CenturyLink. CPED staff encourages the applicant to continue to work directly with CenturyLink moving forward. Staff recommends that an easement be granted over the described area to be vacated at this time.

FINDINGS. A dead-end alley would not be created if a new east-west segment is constructed with access to Grand Avenue South. The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that they can be vacated if any easements requested above are granted by the petitioner.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 25

LEGAL DESCRIPTION.

Lots 2–4 and 14–15, Block 6, Excelsior Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota; and the North 28 feet of Lot 1, Block 6, Excelsior Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, together with the Easterly 1/2 of vacated alley which accrued thereto by reason of the vacation thereof; and Lot 16, Block 6, including the adjacent half of alley vacated, Excelsior Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Tushie Montgomery for the properties located at 2903, 2905, 2907, and 2911 Harriet Avenue South & 2900, 2904, 2910, and 2912 Grand Avenue South:

- A. Rezoning the property located at 2903, 2905, 2907, and 2911 Harriet Avenue South from the II District to the R5 District and the property located at 2900, 2904, 2910, and 2912 Grand Avenue South from the R2B District to the R5 District.**

Recommended motion: **Approve** the application for a rezoning.

- B. Conditional Use Permit to increase height from 4 stories or 56 feet to 6 stories, 74 feet in the in the R5 District.**

Recommended motion: **Approve** the application for an increase in maximum height, subject to the following conditions:

- I. 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.

C. Variance of the required front yard on Grand Avenue South.

Recommended motion: **Approve** the application for a variance of the required front yard on Grand Avenue South from 20 feet (established) to 14 feet for the building, 2 feet for a loading area, and 0 feet for stairs, landings, and the green roof of the parking garage below, subject to the following conditions:

1. The proposed loading area shall comply with the established 20 foot required yard.

D. Variance of the required front yard on Harriet Avenue South

Recommended motion: **Approve** the application for a variance of the required front yard on Harriet Avenue South from 15 feet to 4 feet for the building and 0 feet for balconies.

E. Variance of the required south interior side yard.

Recommended motion: **Approve** the application for a variance of the south interior side yard from 15 feet to 5 feet.

F. Variance of the loading requirement.

Recommended motion: **Approve** the application for a variance of the loading requirement to allow a space narrower than the required dimensions for a small loading space, subject to the following conditions:

1. The loading zone shall be designed with visual separation between the public alley and the private loading area and shall be signed as a loading area with private signage.

G. Site Plan Review for a new six-story, 111-unit building.

Recommended motion: **Approve** the application for a new six-story, 111-unit building, subject to the following conditions:

1. All site improvements shall be completed by March 28, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
3. The plant materials, and installation and maintenance of the plant materials, shall comply with sections 530.200 and 530.210 of the zoning code.
4. All mechanical equipment shall be screened in compliance with Section 535.270 of the zoning code.
5. A lighting plan indicating compliance with Section 535.590 of the zoning code shall be provided.
6. In accordance with the plans submitted in the application, as well as the applicable policies of the comprehensive plan and small area plan, gates along Grand Avenue and Harriet Avenue shall not be incorporated in the design of the promenade.
7. The final landscaping plan shall incorporate 41 shrubs on the developable site.
8. The final landscaping plan shall provide a seven foot landscaped yard along Grand Avenue that incorporates one tree and screening of the loading area that is three feet in height and not less than 60 percent opaque, as required by section 530.170 of the zoning code.
9. The final landscaping plan shall provide screening of the loading area that is three feet in height and not less than 60 percent opaque in the outlot area.
10. The rock mulch on the outlot shall be replaced with turf grass, shrubs, perennials, wood mulch, or a combination thereof to create a more attractive buffer from the adjacent residential use.

H. Preliminary Plat (PL-303).

Recommended motion: **Approve** the preliminary plat.

I. Vacation of part of an alley (Vac-1652).

Recommended motion: **Approve** the vacation of the portion of the alley, subject to the retention of easements by CenturyLink.

ATTACHMENTS

1. Zoning map
2. Aerial photo
3. PDR report
4. Vac-1652 map and Public Works letter
5. Written description and findings submitted by applicant
6. Site survey
7. Plans
8. Building elevations
9. Shadow study
10. Renderings
11. Photos
12. Correspondence