

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, six Variances and Site Plan Review
BZZ-2330

Date: July 18, 2005

Applicant: Jaime Mathwig with Olin 3, LLC

Address of Property: 5236, 5238 and 5248 Minnehaha Avenue

Project Name: Olin Crossings

Contact Person and Phone: David Crockett with Crockett Associates, Inc., (612) 845-5290

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: June 17, 2005

End of 60-Day Decision Period: August 16, 2005

End of 120-Day Decision Period: October 15, 2005

Ward: 12 **Neighborhood Organization:** Nokomis East Neighborhood Association

Existing Zoning: R1A, Single-family District and C2, Neighborhood Corridor Commercial District

Proposed Zoning: OR2, High Density Office Residence District

Zoning Plate Number: 40

Legal Description: Lots 8, 9, 10, 11 and 12, Block 1, Sunrise Park Addition to Minneapolis, Hennepin County, Minnesota

Proposed Use: 48-unit condominium development

Concurrent Review:

Rezoning: of 5236 and 5238 Minnehaha Avenue from R1A to OR2 and 5248 Minnehaha Avenue from C2 to OR2.

Conditional use permit: for 48 (was 49) dwelling units.

Variance: to reduce the minimum lot size requirement from 588 square feet per dwelling unit to 527 (was 516) square feet per dwelling unit (10.37 percent variance, was 12 percent variance).

Variance: to reduce the front yard setback along Minnehaha Avenue from the established 24.5 feet to a distance ranging between 15 feet and 11 feet for the building, porches and balconies.

Variance: to reduce the front yard setback along 48th Avenue South from the established 24.5 feet to a distance ranging between 7.5 feet and 3.5 feet for the building, porches, balconies and a garage exhaust air grille.

Variance: to reduce the corner side yard setback from the required 14 feet to 4 feet for the building, porches and balconies.

Variance: to reduce the north interior side yard setback from the required 11 feet to 9 feet for balconies (this variance is no longer necessary for the aspect of the project) and to 8 feet for a garage intake air grille.

Variance: to reduce the rear yard setback from the required 11 feet to 5 feet and 1.5 feet (was 0 feet) for the building and to 2 feet for a transformer.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(2) “to vary the lot area or lot width up to thirty (30) percent...”, Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations;” and Chapter 530, Site Plan Review.

Background: The building located at 5248 Minnehaha Avenue has operated as a motel since it was constructed in 1954. The two adjacent properties, 5236 and 5238 Minnehaha Avenue, are both occupied by single-family dwellings. The property located at 5238 Minnehaha Avenue is owned by the same person as the motel site. According to the applicant, both of these properties have been up for sale for approximately 5 years.

The applicant is proposing to demolish or remove all 3 structures on the site and construct a 48-unit, 4-story condominium building. There will be both underground parking and ground level parking within the building. Besides the 48 dwelling units, there will also be an exercise room within the building for the tenants. All of the dwelling units will have outdoor patios or balconies. In addition, the majority of the dwelling units located on the first floor of the building will have entrances that can be accessed from the street.

The motel site is currently zoned C2, Neighborhood Corridor Commercial District and the two single-family sites are zoned R1A, Single-family District. The applicant is proposing to rezone all 3 of the sites to OR2. In addition, a lot area variance, several setback variances and site plan review are required for this development project.

REZONING - of 5236 and 5238 Minnehaha Avenue from R1A to OR2 and 5248 Minnehaha Avenue from C2 to OR2

Findings as Required by the Minneapolis Zoning Code:

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

The site is designated as both single-family and services - commercial in the comprehensive plan. This site is located in the designated 50th Street/Minnehaha Park Transit Station Area (TSA). The site is also located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Maintain and strengthen the character of the city’s various residential areas (Policy 9.8).
- Encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users (Policy 9.36).

Rezoning these parcels of land from R1A and C2 to OR2 would be in conformance with the foregoing policies of the comprehensive plan. The site is located within the 50th Street/Minnehaha Park Transit Station Area where the plan calls for moderate-density housing to be located. The proposed development site is located three blocks south of the East 50th Street Light Rail Station and two blocks north of the VA Medical Center Light Rail Station.

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

The amendment will allow the applicant to construct a multiple-family development on the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located this site within the 50th Street/Minnehaha Park Transit Station Area where they believe more intensive residential development such as the proposed development would be appropriate and in the public interest.

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

The site is bordered by R1A zoning to the north, a mixture of OR2 and R5 zoning to the east, a mixture of C1 and R1A zoning to the south and R1A zoning to the west. Adjacent uses include single-family dwellings, an auto sales dealer, multiple-family developments and a bakery. Given the varying zoning classifications and the mixture of the adjacent land uses the proposed OR2 zoning district is compatible with the immediately surrounding area.

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.

There are reasonable uses of the property permitted under the R1A and C2 zoning districts. The R1A zoning district is a single-family district. Permitted uses in the R1A district include, but are not limited to, the following:

- Single-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

The C2 zoning district is a Neighborhood Corridor Commercial District. Permitted uses in the C2 district include, but are not limited to, the following:

- General retail sales and services
- Bank or financial institution
- Funeral home
- Video store
- Restaurant, sit down, including the serving of alcoholic beverages, with limited entertainment
- Single or two-family dwelling
- One (1) to four (4) dwelling units, as part of a mixed use building
- Community residential facility serving six (6) or fewer persons
- Preschool
- Community center
- Library
- Place of assembly

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.

In April of 2003, the property located at 5247 Minnehaha Avenue was rezoned from C2 to OR2. This site was combined with the property located at 4820-24 East 53rd Street. At the same time as the rezoning approval, the City Planning Commission also approved a series of applications to allow for the construction of a 91-unit senior condominium development. Although the building is no longer intended for seniors only, it is under construction. In addition, the City of Minneapolis recently celebrated the one year anniversary of Light Rail operations.

CONDITIONAL USE PERMIT - for 48 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that a multiple-family development will be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development complements other uses in the area and should increase ridership of the light rail line.

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

The Planning Division does not believe that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base. The proposed building complies with the required setback along the one lot line that is shared with another property (the north lot line).

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The zoning code requires 0.9 parking spaces per dwelling unit in the OR2 District, resulting in a requirement of 43 spaces for a 48-unit building. The applicant proposes to have 57 parking spaces. Fifty of the parking spaces are located in one level of underground parking and the remaining 7 spaces are located on ground level within the building. The underground parking would be accessed off of the alley and the ground level parking would be accessed off of Minnehaha Avenue.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is designated as both single-family and services - commercial in the comprehensive plan. This site is located in the designated 50th Street/Minnehaha Park Transit Station Area (TSA). The site is also located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users (Policy 9.36).

The applicant is proposing to demolish or remove three existing structures and construct a 48-unit, for-sale condominium development. The site is located within the 50th Street/Minnehaha Park Transit Station Area where the plan calls for moderate-density housing to be located. The proposed development site is located three blocks south of the East 50th Street Light Rail Station and two blocks north of the VA Medical Center Light Rail Station.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit, the six variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the minimum lot size requirement from 588 square feet per dwelling unit to 527 square feet per dwelling unit (10.37 percent variance).

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Lot size: The applicant is seeking a variance to reduce the minimum lot size requirement from 588 square feet per dwelling unit to 527 square feet per dwelling unit (10.37 percent variance). The lot area requirement in the OR2 District is 700 square feet of lot are per dwelling unit. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 588 square feet per dwelling unit. With this lot area requirement the applicant would be able to construct up to 43 dwelling units on the site. The applicant is proposing to construct 48 dwelling units on the site; therefore a lot area variance is required.

The City of Minneapolis recently approved PO Overlay District standards for four of the TSAs along the light rail line; Cedar-Riverside, Lake Street/Midtown, 38th Street and 46th Street. One of the approved standards allows for a 30 percent density bonus where the primary zoning district provides for a density bonus. This site is located within the 50th Street/Minnehaha Park TSA, however PO Overlay standards were not adopted for this TSA. If they had been it would be reasonable to assume that the same density bonus standard would have been approved and may be approved in the near future. If that had been the case, 46 dwelling units could be built on this site.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Lot size: The fact that the site is located in a TSA is a unique characteristic of this parcel of land that would warrant a lot area variance that would allow up to 46 dwelling unit. The Planning Division finds no unique circumstance of the parcel of land that would warrant a greater variance.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Lot size: The granting of the variance to allow up to 46 dwelling units will not significantly affect the essential character of the area given that the applicant would be constructing only three more dwelling

units on the site than allowed as of right. In addition, it is likely that when the PO Overlay for this TSA is approved that it will contain the same density bonus provision as the other four.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Lot size: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed lot area variance be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along Minnehaha Avenue from the established 24.5 feet to a distance ranging between 15 feet and 11 feet for the building, porches and balconies

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback along Minnehaha Avenue: The applicant is seeking a variance to reduce the front yard setback along Minnehaha Avenue from the established 24.5 feet to a distance ranging between 15 feet and 11 feet for the building, porches and balconies. The applicant has indicated that the front wall of the building will be setback 15 feet, the balconies on the upper three levels of the building will be setback 13 feet and the porches on the first level of the building will be setback 11 feet. The required front yard setback in the OR2 District is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback is increased because the adjacent single-family dwelling to the north is setback 24.5 feet from the front property line. The applicant has indicated that the property has an unusual shape due to the alignment of Minnehaha Avenue and 48th Avenue South. The applicant has indicated that in order to construct a reasonably sized building and the required parking spaces on the site that the building needs to be located closer to the front property line than the zoning code allows. The applicant has pointed out that the adjacent single-family dwelling to the north is located 7.5 feet from the shared interior property line. The subject building would be located 11 feet from the shared interior property line. Therefore there would be 18.5 feet of green space between the proposed building and the adjacent single-family dwelling.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback along Minnehaha Avenue: The unusual shape of the lot is a unique circumstance of this parcel of land. Several of the buildings along Minnehaha Avenue are located close to the front property line.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback along Minnehaha Avenue: The granting of the variance will not significantly affect the essential character of the area given that there would be 18.5 feet between the subject building and the adjacent single-family dwelling to the north. The applicant proposes to have open lawn and plantings between the building and the interior property line.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback along Minnehaha Avenue: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along 48th Avenue South from the established 24.5 feet to a distance ranging between 7.5 feet and 3.5 feet for the building, porches, balconies and a garage exhaust air grille

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback along 48th Avenue South: The applicant is seeking a variance to reduce the front yard setback along 48th Avenue South from the established 24.5 feet to a distance ranging between 7.5 feet and 3.5 feet for the building, porches, balconies and a garage exhaust air grille. The applicant has indicated that the property has an unusual shape due to the alignment of Minnehaha Avenue and 48th Avenue South. The applicant has indicated that in order to construct a reasonably sized building and the required parking spaces on the site that the building needs to be located closer to the front property line than the zoning code allows. Please note that there is approximately 8 feet of lawn area between the back of sidewalk and the property line along 48th Avenue South.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback along 48th Avenue South: The unusual shape of the lot is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback along 48th Avenue South: The granting of the variance will not significantly affect the essential character of the area. With the additional 8 feet of lawn area between the property line and the sidewalk the building will appear to have a greater setback than it really does.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback along 48th Avenue South: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the corner side yard setback from the required 14 feet to 4 feet for the building, porches and balconies

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback from the required 14 feet to 4 feet for the building, porches and balconies. Please note that only a portion of the building is located 4 feet from the property line. The majority of the building is located more than 11 feet from the property line. The applicant has indicated that the property has an unusual shape due to the alignment of Minnehaha Avenue and 48th Avenue South. The applicant has indicated that in order to construct a reasonably sized building and the required parking spaces on the site that the building needs to be located closer to the corner side property line than the zoning code allows. Please note that there is approximately 5 feet of lawn area between the back of sidewalk and the property line along East 53rd Street.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Corner side yard setback: The unusual shape of the lot is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Corner side yard setback: The granting of the variance will not significantly affect the essential character of the area. The southeast corner of the single-family dwelling to the east is located over 100 feet from the west property line of the subject site.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Corner side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the north interior side yard setback from the required 11 feet to 8 feet for a garage intake air grille

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 11 feet to 8 feet for a garage intake air grille. The applicant has indicated that the garage air intake grille is flush with the ground and that the proposed landscaping around it will screen it from view. The applicant has pointed out that the adjacent single-family dwelling to the north is located 7.5 feet from the shared interior property line. Therefore there would be 15 feet of green space between the proposed garage air intake grille and the adjacent single-family dwelling.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

North interior side yard setback: The Planning Division believes that it is reasonable to locate the garage air intake grille 8 feet from the front property line as it is flush with the ground and almost unnoticeable.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

North interior side yard setback: The granting of the variance will not significantly affect the essential character of the area given that the garage air intake grille will be screened from view with landscaping. Please note that because this is the garage air intake grille and not the garage exhaust air grille that there will be no odors emitted that would affect the adjacent single-family dwelling.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

North interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the rear yard setback from the required 11 feet to 5 feet and 1.5 feet for the building and to 2 feet for a transformer.

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 11 feet to 5 feet and 1.5 feet for the building and to 2 feet for a transformer. The applicant has indicated that the property has an unusual shape due to the alignment of Minnehaha Avenue and 48th Avenue South. The applicant has indicated that in order to construct a reasonably sized building and the required parking spaces on the site that the building needs to be located closer to the rear property line than the zoning code allows.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Rear yard setback: The unusual shape of the lot is a unique circumstance of this parcel of land.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Rear yard setback: The granting of the variance will not significantly affect the essential character of the area. The building is shaped like a “U” so not the entire building wall is within 5 feet of the rear property line. Located on the west side of the subject property is the alley and 4 garages.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Rear yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE:

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

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

- a. Windows shall be vertical in proportion.**
- b. Windows shall be distributed in a more or less even manner.**

- **Nonresidential uses:**

- **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**

- a. Windows shall be vertical in proportion.**
- b. Windows shall be distributed in a more or less even manner.**
- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.
- This development is located in the OR2 zoning district. The property to the north is located in the R1A zoning district. Given this, the proposed building is subject to a 24.5-foot front yard setback. The corner side yard setback requirement is 14 feet. The applicant is seeking a variance to reduce both of these setbacks. Located between the building and the front and corner side property lines are open lawns, front porches and balconies.

- The principal entrance to the building faces the corner side property line and is setback 4 feet from the front property line. Because Minnehaha Avenue is one lane heading south and does not have a shoulder, it would be impossible for someone to stop while picking someone up or dropping someone off. There is an entrance to the building along the Minnehaha Avenue elevation. However, this entrance is only accessible to residents of the building. The dwelling units on the first floor of the building along Minnehaha Avenue have individual entrances that are accessible from the sidewalk. However, the entrances do not face the public street. The Planning Division is recommending that the entrances be placed so they are facing the street.
- The applicant proposes to have 57 parking spaces. Fifty of the parking spaces are located in one level of underground parking and the remaining 7 spaces are located on ground level within the building. The underground parking would be accessed off of the alley and the ground level parking would be accessed off of Minnehaha Avenue.
- The exterior materials of the principal structure will be granite glazed block and stucco and there will be metal railings around all of the porches and balconies. All four sides of the building will be compatible with one another.
- There are no blank, interrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building wall facing both Minnehaha Avenue and East 53rd Street are required to be windows.
 - Minnehaha Avenue: the percentage of windows on the first floor of the building is 15 percent, the percentage of windows on the second and third floors of the building is 16 percent and the percentage of windows on the fourth floor of the building is 13 percent. The Planning Division is recommending that the commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building facing Minnehaha Avenue. The garage door is located on this side of the building.
 - East 53rd Street: the percentage of windows on the first floor of the building is 29 percent, the percentage of windows on the second and third floors of the building is 24 percent and the percentage of windows on the fourth floor of the building is 20 percent.
- Along the north side of the building on the first floor there are proposed to be glass block windows. In order to provide architectural detailing along the northern portion of the building, the Planning Division is recommending that the applicant locate a glass block window on the Minnehaha Avenue elevation of the building, north of the garage door.
- The roof line of the building will be flat. This roofline is similar to other buildings found along Minnehaha Avenue.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- The principal entrance is connected to the public sidewalk along East 53rd Street. The individual entrances to the dwelling units on the first floor of the building along Minnehaha Avenue are also connected to the public sidewalk via walkways.
- There are no transit shelters on or adjacent to the site.
- All of the parking for the development is located within the building.
- Twenty percent of the site is pervious. The impervious surface and landscaping requirements for this site are being met.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 25,304 square feet. The footprint of the buildings is 17,627

square feet. When you subtract the footprint from the lot size the resulting number is 7,677 square feet. Twenty percent of this number is 1,534 square feet. The applicant has a total of 4,997 square feet of landscaping, or 65 percent of the site.

- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 15 respectfully. The applicant is providing a total of 12 canopy trees, 4 ornamental trees, 5 evergreen trees and 53 shrubs.
- The applicant is proposing to install a 4-foot high decorative metal fence along the north property line which will connect to the building on both the east and west corners. The same fence will be located along the west side of the driveway leading to the belowground parking level.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff will be drained to the green space on the property.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.

- The Crime Prevention Specialist has not reviewed the project in regards to crime prevention design elements. This development will be reviewed at the Preliminary Development Review meeting on Wednesday, July 13th, 2005. The site has been designed with CPTED guidelines in mind. The placement of outdoor lawns, windows and doorways provide opportunities for people to observe the area around the building. There are lights located near all of the entrances and exits to the building and there are walkways that guide visitors directly to the entrances to the building
- This site is neither historic nor located in a historic district.

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

ZONING CODE:

- **Use:** The proposed use is conditional in the OR2 District.
- **Off-Street Parking and Loading:** The zoning code requires 0.9 parking spaces per dwelling unit in the OR2 District, resulting in a requirement of 43 spaces for a 48-unit building. The applicant proposes to have 57 parking spaces.
- **Maximum Floor Area:** The maximum FAR in the OR2 District is 2.5. The lot in question is 25,304 square feet in area. The applicant proposes 56,022 square feet of gross floor area, an FAR of 2.21. The applicant is not taking advantage of the additional gross floor area that would be allowed as part of the bonus for enclosed parking.
- **Building Height:** Building height in the OR2 District is limited to 4 stories or 56 feet, whichever is less. The applicant is proposing a 4-story (51-foot) building.
- **Minimum Lot Area:** The OR2 District requires not less than 700 square feet of lot area per dwelling unit. With 48 proposed dwelling units on a lot of 25,304 square feet, the applicant proposes approximately 527 square feet of lot area per dwelling unit. The applicant has applied for a lot area variance.
- **Yard Requirements:** The OR2 District requires a 15-foot front yard setback unless the adjacent residential structures have a greater setback. The interior side and rear yard setbacks are 5+2x and the corner side yard setback is 8+2x, where x equals the number of stories above the first floor. In this development the front yard setback is 24.5 feet, the interior side and rear yard setbacks are 11 feet and the corner side yard setback is 14 feet. The applicant has applied for variances of the front, corner side, interior side and rear yard requirements.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.

- **Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. The applicant proposes no signage at this time.
- **Refuse storage:** The applicant is proposing to have a dumpster located inside the below-ground parking level.

MINNEAPOLIS PLAN:

The site is designated as both single-family and services - commercial in the comprehensive plan. This site is located in the designated 50th Street/Minnehaha Park Transit Station Area (TSA). The site is also located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Policy 9.8)
- Support efforts that recognize both the increased visibility and importance of corner properties... (Policy 9.10).
- Require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form (Policy 9.37).
- Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks) (Implementation Step for Policy 9.37).

The applicant is proposing to construct a 48-unit condominium building along Minnehaha Avenue, which is a light rail line. The Planning Division believes that this development is in compliance with the foregoing policies of the comprehensive plan. The building is located close to the property lines along both Minnehaha Avenue and East 53rd Street. Between the front wall of the building and the two streets there are open lawns, front porches and balconies; all of which foster pedestrian interaction. The principal entrance and the majority of the first floor dwelling units have direct access to the street. The materials of the building are similar to other buildings throughout the area and the height of the building is compatible with other multiple-family developments in the area.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have**

been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building facing Minnehaha Avenue. The garage door is located on this side of the building. The garage door is located where three sets of windows would have been if vehicular access was not provided from the east side of the building.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning petition of 5236 and 5238 Minnehaha Avenue from R1A to OR2 and 5248 Minnehaha Avenue from C2 to OR2.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 46 dwelling units located at 5236, 5238 and 5248 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum lot size requirement from 588 square feet per dwelling unit to 550 square feet per dwelling unit (6 percent variance) located at 5236, 5238 and 5248 Minnehaha Avenue.

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

Department of Community Planning and Economic Development – Planning Division
BZZ-2330

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Minnehaha Avenue from the established 24.5 feet to a distance ranging between 15 feet and 11 feet for the building, porches and balconies for the properties located at 5236, 5238 and 5248 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along 48th Avenue South from the established 24.5 feet to a distance ranging between 7.5 feet and 3.5 feet for the building, porches, balconies and a garage exhaust air grille for the properties located at 5236, 5238 and 5248 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback from the required 14 feet to 4 feet for the building, porches and balconies for the properties located at 5236, 5238 and 5248 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the north interior side yard setback from the required 11 feet to 8 feet for a garage intake air grille for the properties located at 5236, 5238 and 5248 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear yard setback from the required 11 feet to 5 feet and 1.5 feet for the building and to 2 feet for a transformer for the properties located at 5236, 5238 and 5248 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a multiple-family development for the properties located at 5236, 5238 and 5248 Minnehaha Avenue subject to the following conditions:

1. The entrances to the first floor units along Minnehaha Avenue shall be placed so they are facing the street.
2. The applicant shall locate a glass block window on the Minnehaha Avenue elevation of the building, north of the garage door.
3. The applicant shall submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
4. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
5. All site improvements shall be completed by August 19, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of the project
2. Easement agreement
3. Conditional use permit and variance findings
4. Various letters to Council Member Zimmerman
5. Various letters to Stevens Square Community Organization
6. Zoning Map
7. Site plan, floor plans and elevations
8. Photographs of the site and surrounding area