



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: June 23, 2005

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Prepared by: Becca Farrar, Senior City Planner, (612) 673-3594

Approved by: Barbara Sporlein, Director, Planning

Subject: Appeal of the decision of the City Planning Commission by Judy L. Meath and Alexandra Coe.

Previous Directives: At the May 23, 2005, City Planning Commission meeting, nine of the Planning Commission members were present. Planning Commissioners voted 7-1 to approve the front yard setback variance along Sheridan Avenue and 8-0 to approve all other land use applications associated with the development known as Biltmore-On Lake Calhoun located at 3809, 3811 and 3813 Sheridan Avenue South.

Financial Impact: Not applicable

Community Impact: See staff report and attached neighborhood letters.
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Ward: 13

Neighborhood Notification: The applicant notified the Linden Hills Neighborhood Council by letter on April 22, 2005 informing them of the development project. Staff has not received any correspondence from the neighborhood group.
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City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable
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Other: Not applicable

Background/Supporting Information: Judy L. Meath and Alexandra Coe have filed an appeal of the decision of the City Planning Commission. The appeal is associated with the decision of the City Planning Commission to approve land use applications associated with the development known as Biltmore-On Lake Calhoun. The applications that are being appealed are as follows: (1) Variance of the front yard setback requirement along Sheridan Avenue, and (2) Site Plan review. The minutes from the May 23, 2005, City Planning Commission meeting are attached.

The appellants have stated that the decisions are being appealed for three reasons. First, the appellants state that the existing setback on Sheridan should be maintained as granting the

variance will significantly compromise the views of Lake Calhoun and the expanse of lawns adjacent to Sheridan Avenue South. Second, the appellants believe that the proposed development presents a significant visual departure from the tone and feel of the neighborhood by appearing to be a development. Third, the appellants believe that because the proposed development is also called an association, the exclusivity of an association violates the neighborhood spirit of Linden Hills and detracts from the neighborly feel. The appellant's complete statement of the actions being appealed and reasons for the appeal are attached.

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permits, Variances and Site Plan Review

BZZ-2338

Preliminary and Final Plat

PL-170

Date: May 23, 2005

Applicant: Biltmore Land Group, LLC, 18312 Minnetonka Blvd., Wayzata, MN 55391-3272, (952) 449-9448

Addresses of Property: 3809, 3811 and 3813 Sheridan Avenue South

Project Name: Biltmore – On Lake Calhoun

Contact Person and Phone: Travis Van Liere, Coen & Partners, 400 1st Avenue North #710, Minneapolis, MN 55401, (612) 341-8070

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: April 26, 2005

End of 60-Day Decision Period: June 24, 2005

End of 120-Day Decision Period: Not applicable for this application

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R2B (Two-family) district, SH (Shoreland) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 29

Lot area: 30,349 square feet or .70 acres

Legal Description: See attachment.

Proposed Use: A six-unit cluster development in the R2B district.

Concurrent Review:

- Conditional Use Permit for a six-unit cluster development in the R2B district.
- Conditional Use Permit to allow development within 40 feet of the top of a steep slope.
- Variance of the front yard setback requirement along Sheridan Avenue from 41.5 feet to 20 feet.

- Variance of the front yard setback requirement (reverse corner) along West Calhoun Parkway from 55 feet to 20 feet at the closest point.
- Variance to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope.
- Site Plan review.
- Preliminary and Final Plat.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances & Chapter 530 Site Plan Review and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct a new cluster development located at the southeast corner of West Calhoun Parkway and Sheridan Avenue South overlooking Lake Calhoun. The addresses of the properties are 3809, 3811 and 3813 Sheridan Avenue South. The properties are zoned R2B and located within the SH (Shoreland) Overlay District. The development would consist of six single-family units which would replace two existing structures on site, one a single-family structure and the other a duplex unit. Four of the single-family units are located adjacent to West Calhoun Parkway and the other two single-family units would be located to the south or the rear of the site.

The proposed cluster development requires a conditional use permit in the R2B district. The applicant is also requesting approval of a front yard variance along Sheridan Avenue and a front yard variance (reverse corner lot) along West Calhoun Parkway. The variance is necessary as both front yards are subject to a front yard increase (546.160). Typically, the development would require a 20 foot setback along both Sheridan Avenue and West Calhoun Parkway, however, the established front yard of the closest principal building located on the same block face on either side of the property exceeds the front yard required by the R2B district. As such, the required front yards cannot be less than such established front yard. Based on this provision the applicant would be required to adhere to a setback of 41.5 feet along Sheridan Avenue and 55 feet along West Calhoun Parkway.

Further, due to the proximity of the properties to Lake Calhoun, the grades on site and their location within the SH Overlay District, the proposed development requires another conditional use permit to allow development within 40 feet of the top of a steep slope and a variance to permit development in the SH Overlay District within 40 feet of the top of a steep slope. The SH Overlay District defines a steep slope as land having an average slope of 18 percent or greater measured over a horizontal distance of 50 feet or more.

Preliminary and Final Plat approval is required as all land proposed for a cluster development must be platted or replatted into one or more lots. Major site plan review is also required.

CONDITIONAL USE PERMIT - for a six-unit cluster development (no dwelling unit shall intrude on the vertical airspace of any other dwelling unit)

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – 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 generally believe that the proposed cluster development would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant proposes to construct six single-family dwelling units on the subject parcels. The proposal meets all of the applicable lot dimension and building bulk requirements in the R2B district for a cluster development as well as all applicable specific development standards.

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 generally believe that a six-unit, single-family cluster development would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. A single family residential unit and a duplex unit are currently located on the properties.

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

The applicant would be required to work 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 parking requirement for this development would be six spaces. The applicant is providing 12 enclosed parking spaces in tuck-under garages. Staff believes that adequate measures would be provided based on the proposed design of the cluster development.

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

According to the *Minneapolis Plan*, the site is located in a predominately low density residential area. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will grow by increasing its supply of housing.
- Improve the availability of housing options for its residents.

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.
- Maintain and strengthen the character of the city's various residential neighborhoods.
- Support the development of residential dwellings of appropriate form and density.

The applicant proposes to remove two existing residential structures (a single-family and duplex) and replace those with a six-unit, single-family cluster development. This development is in conformance with the above noted principles and policies of the comprehensive plan.

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 permits, variances, site plan review and preliminary and final plat this development would meet the applicable requirements of the R2B zoning district.

Additional Criteria for a Cluster Development

(A) Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

The applicant has submitted a site plan or development plan that addresses all the above listed items. The development plan is being evaluated simultaneously with the conditional use permit application for the cluster development.

(B) All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The applicant has submitted both a preliminary plat and final plat that complies with all of the applicable requirements contained in Chapter 598, Land Subdivision regulations.

(C) The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.

The cluster development meets the minimum lot area and lot width requirements of the R2B district. Cluster developments in the R2B District require 15,000 square feet of lot

area or 5,000 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 80 feet in width. The lot has 30,349 square feet of lot area and is situated on a lot greater than 80 feet in width.

(D) Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.

The proposed development meets the above listed requirements.

(E) Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

The proposed development meets the above listed requirements. The majority of the open/common space for the proposed development is located to the rear of the parcel, adjacent to the south lot line. The area is designated on the site plan as a community garden / shared open space. The developer has discussed the possibility of including a pool in this area. All open/common space on site is accessible to all six of the proposed single-family structures.

(F) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

The proposed development meets the applicable above listed requirements. For further information regarding the proposed development, see Chapter 530 findings for Site Plan review which is discussed below.

(G) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

The proposed development meets the above listed requirements as an appropriate landscaped transition area between the use and adjacent properties has been provided that complies with the required setbacks along the adjacent private property to the south and to the east.

(H) Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.

The project would not include manufactured housing.

CONDITIONAL USE PERMIT - to allow development within 40 feet of the top of a steep slope.

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.

Staff does not generally believe that allowing the proposed development within 40 feet of the top of a steep slope would endanger the public health, safety, comfort or general welfare. The four single-family units proposed to be located adjacent to West Calhoun Parkway are located within 12 feet at the closest point to 28 feet at the farthest point from the top of the steep slope.

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.

Staff does not generally believe that the proposed development even though located within 40 feet of the top of a steep slope would be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area.

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

The applicant would be required to work 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 parking requirement for the proposed development would be six spaces. The applicant is providing 12 enclosed parking spaces in tuck-under garages. Staff believes that adequate measures would be provided based on the proposed design of the cluster development.

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

See the above listed response to finding #5 in the conditional use permit application.

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 permits, variances, site plan review and preliminary and final plat this development would meet the applicable requirements of the R2B zoning district. The applicant must comply with the grading and filling regulations of Section 551.510, including employing best management practices to prevent erosion and trap sediment. Additionally, removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

ADDITIONAL FINDINGS FOR CONDITIONAL USES (551.490) –

A. Evaluation Criteria

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicant would prevent soil erosion or other possible pollution of public waters, both during and after construction. The applicant would install a silt fence during construction and would follow all applicable City requirements to prevent any type of pollution.

- 2. Limiting the visibility of structures and other development from protected waters.**

Staff believes that there are opportunities to reduce the visibility of the proposed development from Lake Calhoun. Removal of the extensive retaining walls in front of the four proposed residential structures adjacent to West Calhoun Parkway would help to minimize the impact.

- 3. The suitability of the protected water to safely accommodate the types,**

uses and numbers of watercraft that the development may generate.

Not applicable for the proposed development.

B. Uses Allowed – development within 40 feet of the top of a steep slope

- 1. The foundation and underlying material shall be adequate for the slope condition and soil type.**

The applicant has verified that the underlying material would be adequate for the existing slope conditions and soil types. The existing slope would remain intact and undisturbed throughout the entire construction process.

- 2. The development shall present no danger of falling rock, mud, or uprooted trees or materials.**

The applicant has verified that the development would not present any danger of falling rock, mud or uprooted trees and other materials. The area would be fenced off during the construction process and left undisturbed until the installation of final landscaping. Silt fencing would be placed at both the top and bottom of the steep slopes subject to City requirements.

- 3. The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.**

The applicant believes that the view of the developed slope from the protected water would be consistent with the natural appearance of the slope and with the surrounding architectural features. The applicant believes that the proposed structures will blend into the surrounding landscape. Staff believes that the extensive use of retaining walls in front of the single family units fronting on West Calhoun Parkway will be visible and won't blend into the natural appearance of the slope. Staff would require that the retaining walls be redesigned or minimized to reduce this likely impact.

VARIANCES – **(1)** of the front yard setback requirement along Sheridan Avenue from 41.5 feet to 20 feet, **(2)** of the front yard setback requirement (reverse corner) along West Calhoun Parkway from 55 feet to 20 feet at the closest point, **(3)** to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope.

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

- 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 setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet):

The property could be put to a reasonable use under the conditions allowed and with strict adherence to the regulations of the zoning code. The applicant is requesting a

variance from the required 41.5 feet to the proposed 20 feet along Sheridan Avenue South. Strict adherence to the established front yard setback of 41.5 feet would not cause an undue hardship. The established setback matches into the location of the majority of homes along the same block face as the proposed development along Sheridan Avenue South. There is clearly an established setback and allowing the proposed cluster to be located significantly closer than the existing residential structures along the same block would impact the existing street edge as well as obstruct some views of Lake Calhoun.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): The property could be put to a reasonable use under the conditions allowed and with strict adherence to the regulations of the zoning code. The property would like not be able to support a cluster development with strict adherence but could still be put to reasonable use as either single or two-family residential units could be constructed.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: It would be difficult to put the property to a reasonable use under the conditions allowed and with strict adherence to the regulations of the zoning code. The top of the steep slope on site is based on the existing contours of the site and is therefore, irregular. The buildable area would be significantly reduced and would require that the majority of any new construction be located adjacent to the rear lot line.

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 setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet) : The circumstances requiring the 41.5 foot setback could be considered unique as the property is subject to a front yard increase per 546.160. However, this provision was created in order to preserve existing setbacks and to maintain the street edge in primarily developed neighborhoods. Further, allowing a reduction would likely result in the obstruction of some views and a break in the relative contiguity of building placement along Sheridan Avenue.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): The circumstances requiring the 55 foot setback could be considered unique as the property is subject to a front yard increase per 546.160. This provision was created in order to preserve existing setbacks and to maintain the character and street edge in primarily developed neighborhoods. However, while there is some contiguity in regard to building placement along West Calhoun Parkway the extent is not as clear as along Sheridan Avenue South as all properties along the Parkway are densely vegetated. The width of the proposed drive aisle is larger than required and offers a reasonable opportunity to shift the proposed dwellings two feet farther to the south.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: The circumstances requiring a variance to allow development within 40 feet of the top of a steep slope are unique and have not been created by any persons presently having an interest in the property.

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 setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet): Granting the setback request from 41.5 feet to 20 feet would not be in keeping with the spirit and intent of the ordinance and would likely alter the essential character of the neighborhood and be injurious to the use and enjoyment of other property in the vicinity. As previously stated, there is clearly an established setback for the properties located on the same block face along Sheridan Avenue South. To allow a reduction in the setback to 20 feet would obstruct some views and would result in a break in the relative contiguity of building placement along Sheridan Avenue. The established setback should be required in order to maintain the street edge.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): Granting the setback request from 55 feet to 20 feet (at the closest point) would likely be in keeping with the spirit and the intent of the ordinance and will likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There is not the extent of contiguity in regard to building placement as there is along Sheridan Avenue South. The properties along the Parkway are all very densely vegetated which would likely minimize any foreseeable visible impact of the proposed setback variance provided the applicant removes or substantially reduces the fortress-like retaining walls facing Lake Calhoun.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: Granting a variance would be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the area along West Calhoun Parkway and would not be injurious to the use or enjoyment of other property in the vicinity. The adjacent residential structure to the west of the site is configured so that a principal entrance is located to the west; not oriented towards West Calhoun Parkway. There is not the extent of contiguity in regard to building placement as there is along Sheridan Avenue South.

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 setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet): Granting the setback variance along Sheridan Avenue would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): Granting the setback variance along West Calhoun Parkway would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: Granting the setback variance to allow development within 40 feet of the top of a steep slope would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- 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.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 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.

Four of the proposed six single-family residential structures are located adjacent to West Calhoun Parkway. All four residential structures located along the frontage have principal entrances facing West Calhoun Parkway. The applicant proposes to construct two walkways to connect into the existing sidewalk/parkway trail located along West Calhoun Parkway in order to facilitate pedestrian access and circulation. Staff is concerned with the proliferation of retaining walls located in front of the residential structures and adjacent to West Calhoun Parkway. The proposed height of those retaining wall/fence structures are too tall and would not be permitted. There are two single-family units located to the rear or south of the site. Those two structures are oriented towards West Calhoun Parkway as well. Staff would require that the proposed structure located adjacent to Sheridan Avenue South be oriented so that a principal entrance faces that frontage. A walkway would also need to be installed to connect the structure to the public sidewalk.

All proposed parking for the cluster development would be located toward the interior of the site as all parking would be enclosed in tuck-under garages. The applicant proposes to provide 12 enclosed parking spaces for the development. Staff believes that the access drive should be reduced 2 feet to the minimum of 22 feet so that the residential structures fronting on West Calhoun Parkway can be shifted 2 feet to the south. This would still allow the development to meet the minimum drive aisle requirement.

The proposed design of the buildings would incorporate windows at the first floor. At least 20% of the first floor façade that faces a public street or sidewalk shall be windows or doors. All proposed single-family units exceed this requirement as the proposed structures are composed of a majority of glass. However, the proposed building located at the northwest corner of the site (on the corner of West Calhoun Parkway and Sheridan Avenue South) does not meet the 10 percent window requirement on upper floors facing streets, etc. Staff will require that the proposed building be modified to meet this requirement. All other proposed buildings appear to meet this requirement. The exterior materials would be compatible on all sides of the proposed buildings. The applicant is proposing that the exterior of the residential structures be composed of stucco, burnished limestone block with accents of cedar trim.

ACCESS AND CIRCULATION:

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

There are walkways that connect the principal entrances of the residential structures located adjacent to West Calhoun Parkway to the public sidewalks. Those shared, gated stairs/walkways are 4 feet wide. Bollard lighting is proposed. Staff will require

that a walkway to the public sidewalk along Sheridan Avenue South be provided as the residential structure located to the rear of the lot adjacent to Sheridan Avenue South must be oriented to face that street frontage.

The site is accessed off of Sheridan Avenue South. A 24-foot wide curb cut and drive aisle is proposed. Staff is recommending that the applicant reduce the drive aisle to 22 feet which is the minimum width permitted. This would allow the residential structures to be shifted two feet to the south. Traffic impacts on surrounding properties would be minimized.

The proposal minimizes the use of impervious surfaces. The site would have a landscaped area of approximately 13,519 square feet or approximately 45% of the site is proposed to be pervious. These areas include the lawn, gardens and various planting areas.

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.**

According to the applicant, once the project is complete approximately 45 percent of the net site or 13,519 square feet of the site will be landscaped (please see the attached landscaping plan). The zoning code requires that there be at least 10 trees and 45 shrubs planted on the site. The applicant is proposing to have 78 trees and 286 shrubs on the site. The applicant is exceeding the landscape requirement. Staff is recommending that the drive aisle on site be reduced to the minimum width of 22 feet and that additional green space be added to the site in order to increase the percentage of landscaping generally.

The applicant is proposing to install a six-foot high retaining wall with a three-foot high cable railing in the front yards of the four units fronting on West Calhoun Parkway. These retaining walls/ fence structures are excessively high and would not be permitted. Further, the applicant is providing a six-foot steel fence at the property line around the rear and side yards of the property. The extent of the fence isn't clearly shown on the plans, however, the fence would not be able to extend beyond the front edge of the principal structure either on the northeast side of the property (interior side yard) or the southwest side of the property along Sheridan Avenue South. It appears that the adjacent residential structures are located 5 feet from these yards and as such the 6-foot fencing would be permitted. Staff would require that the applicant verify those adjacent structure setbacks from the property line. Staff is recommending that the applicant more clearly define on the site plan where the proposed fence will be located and that a detailed elevation of the fence be submitted with the final plans. The applicant is also proposing an 8-foot high retaining wall along the east (interior side yard) property line. This retaining wall seems excessively tall and based on the contours shown on the site plan seems unnecessary. Another retaining wall is being proposed at the entry off of Sheridan Avenue South. Public Works has requested that this retaining wall be removed from the plans in order to maintain required sight distances and visibilities. Planning Staff would require that these walls be removed from the final plans. All fences and retaining walls will be subject to final review and approval. Section 113.10 of the code of ordinances requires a permit for any retaining wall over four feet in height. The applicant is also proposing to locate a six foot arborvitae hedge in the rear yard.

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.

The applicant is proposing to install decorative pedestrian-scale bollard light fixtures as well as recessed light fixtures. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541. The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. The officer further recommended that the entrances to the private walkways/stairways leading up to the four units along West Calhoun Parkway be gated in order to define public versus private space.

The site plan as proposed could impact the adjacent properties in regard to blockage of views of Lake Calhoun. The proposed setback on Sheridan Avenue South at 20 feet would not be compatible with the location of other residential structures on this block face of Sheridan. Residential structures located on this block face of Sheridan are located at approximately 40 feet from the property line. Staff believes that in order for the proposed development to not block views of Calhoun, the established setback should be adhered to.

The development as proposed would not be expected to shadow adjacent properties or public spaces and wind currents would not be expected to be substantial.

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

ZONING CODE - The proposed use is conditional in the R2B District

With the approval of the conditional use permits, variances, site plan review, preliminary and final plat this development will meet the requirements of the R2B zoning district.

Specific Development Standards for a cluster development:

The specific development standards were addressed under the conditional use permit for a cluster development under additional criteria.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. The applicant proposes to provide 12 enclosed parking spaces for the proposed development which exceeds the requirement.

Signs: No signs are proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: Not applicable.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the R2B District. Cluster developments in the R2B District require 15,000 square feet of lot area or 5,000 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 80 feet in width. The lot has 30,349 square feet of lot area, 5,058 square feet per dwelling unit, and is situated on a lot greater than 80 feet in width.

Height: Maximum building height for principal structures located in the R2B District and the Shoreland Overlay District is 2.5 stories or 35 feet, whichever is less. The proposed six single-family units all conform with this requirement.

Yard Requirements: The required yards are as follows:

Front: Typically, along both West Calhoun Parkway (reverse corner) and Sheridan Avenue South the required setback would be 20 feet. However, both front yard setbacks are subject to a front yard increase per 546.160. Therefore, the required setback along West Calhoun Parkway is 55 feet and along Sheridan Avenue South is 41.5 feet.

Rear yard: 10 feet

Interior side yards: 10 feet

Building coverage: The maximum building coverage in the R2B District is 60 percent. Buildings would cover approximately 27 percent.

Impervious surface area: The maximum impervious surface coverage in the R2B District is 75 percent. Impervious surfaces would cover approximately 56 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

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

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities,

bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

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

No alternative compliance is necessary based on the proposal.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations.

ZONING CODE

With the approval of the conditional use permits, variances, site plan review, preliminary and final plat this development would meet the applicable requirements of the R2B zoning district.

THE MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

2. 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.

Staff does not believe that the proposed plat for a six-unit cluster development would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site does have steep slopes on the property. However, the proposed development is not occurring on the steep slopes and as such should not present the above 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 lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATIONS:

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 application for a conditional use permit to allow for a 6-unit cluster development for property located at 3809, 3811 and 3813 Sheridan Avenue South.

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 application for a conditional use permit to allow development within 40 feet of the top of a steep slope for property located at 3809, 3811 and 3813 Sheridan Avenue South , subject to the following condition:

1. Removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for the variance of the front yard setback requirement along Sheridan Avenue for property located at 3809, 3811 and 3813 Sheridan Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the front yard setback requirement (reverse corner) along West Calhoun Parkway for property located at 3809, 3811 and 3813 Sheridan Avenue South subject to the following conditions:

1. Reduce the drive aisle width to 22 feet and shift the applicable residential structures an additional 2 feet south.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope for property located at 3809, 3811 and 3813 Sheridan Avenue South.

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 application for property located at 3809, 3811 and 3813 Sheridan Avenue South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by May 23, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The access drive shall be reduced 2 feet to the minimum of 22 feet so that the residential structures fronting on West Calhoun Parkway can be shifted 2 feet to the south.

4. The proposed structure located adjacent to Sheridan Avenue South (near the southwest corner of the property) shall be oriented so that a principal entrance faces the street. A walkway shall be required to connect the structure to the public sidewalk.
5. The proposed structure located at the northwest corner of the site (on the corner of West Calhoun Parkway and Sheridan Avenue South) shall be modified to meet the 10 percent window requirement on the second floor facing Sheridan Avenue South.
6. Retaining wall / fence structures will not be permitted in the front yard. All proposed retaining wall / fence structures are subject to final review and approval.
7. The applicant shall define more clearly define on the final site plan where the proposed fencing will be located and shall provide a detailed elevation of any proposed fencing with the final plans.
8. The retaining wall being proposed at the entry off of Sheridan Avenue South shall be removed from final plans in order to maintain required sight distances and visibilities.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for property located at 3809, 3811 and 3813 Sheridan Avenue South.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

350 South Fifth Street, Room 210
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2728 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: May 24, 2005

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of May 23, 2005

The following actions were taken by the Planning Commission on May 23, 2005. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Present: President Martin, El-Hindi, Krause, Krueger, Kummer, LaShomb, Motzenbecker, Schiff and Tucker – 9

8. Biltmore – On Lake Calhoun (BZZ-2338, PL-170, Ward 13), 3809, 3811 and 3813 Sheridan Avenue South ([Becca Farrar](#)).

A. Conditional Use Permit: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a Conditional Use Permit for a 6-unit cluster development in the R2B district for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow for a 6-unit cluster development for property located at 3809, 3811 and 3813 Sheridan Avenue South.

B. Conditional Use Permit: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a Conditional Use Permit to allow development within

40 feet of the top of a steep slope for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow development within 40 feet of the top of a steep slope for property located at 3809, 3811 and 3813 Sheridan Avenue South , subject to the following condition:

1. Removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

C. Variance: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a variance of the front yard setback requirement along Sheridan Avenue for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the application for the variance of the front yard setback requirement to 20 feet along Sheridan Avenue for property located at 3809, 3811 and 3813 Sheridan Avenue South based on the following findings:

1. The design intent and the spatial configurations of the cluster development are meant to act as a whole and to shift one piece out of that whole would disrupt the entire development;
2. Not allowing the variance would reduce the amount green space and views that are planned;
3. The spatial envelope of the proposed corner building will reinforce the street wall;
4. The buildings are going to be inserted into the grade; thus, perceived height is reduced;
5. Proposed vegetation on the site will help mask that particular building;
6. Based on the concept of the cluster development, it is important to make it work with a common space. Leaving the gaps between the four front buildings does get the common space down in the front and connect it; and
7. The rhythm of the front four buildings being separated is more sympathetic to the neighborhood context.

D. Variance: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a variance of the front yard setback requirement (reverse corner) along West Calhoun Parkway for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the variance of the front yard setback requirement (reverse corner) along West Calhoun

Parkway for property located at 3809, 3811 and 3813 Sheridan Avenue South subject to the following conditions:

1. Reduce the drive aisle width to 22 feet and shift the applicable residential structures an additional 2 feet south.

E. Variance: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a variance to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the variance to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope for property located at 3809, 3811 and 3813 Sheridan Avenue South.

F. Major Site Plan Review: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a Major Site Plan review for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 3809, 3811 and 3813 Sheridan Avenue South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by May 23, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The access drive shall be reduced 2 feet to the minimum of 22 feet so that the residential structures fronting on West Calhoun Parkway can be shifted 2 feet to the south.
4. The proposed structure located at the northwest corner of the site (on the corner of West Calhoun Parkway and Sheridan Avenue South) shall be modified to meet the 10 percent window requirement on the second floor facing Sheridan Avenue South.
5. Retaining wall / fence structures shall not exceed four feet. All proposed retaining wall / fence structures are subject to final review and approval.
6. The applicant shall more clearly define on the final site plan where the proposed fencing will be located and shall provide a detailed elevation of any proposed fencing with the final plans.
7. The retaining wall being proposed at the entry off of Sheridan Avenue South shall be removed from final plans in order to maintain required sight distances and visibilities.

G. Preliminary Plat: Application by Travis Van Liere, on behalf of the Biltmore Land Group, LLC, for a Preliminary Plat (PL-170) for the properties located at 3809, 3811 and 3813 Sheridan Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat application for property located at 3809, 3811 and 3813 Sheridan Avenue South.

Staff Becca Farrar presented the staff report.

Commissioner Schiff: Becca, can you explain what you understand the impact of the staff recommendation to be on the proposal? Without approving that sideyard setback, are you intending for them to remove a unit or to make all the units smaller and closer together?

Staff Farrar: Well, it's pretty much up to the applicant. How it is in its current configuration, one would expect that they would lose 1 to 2 units. And we don't necessarily think that 6 units is injurious – it meets all the requirements in regard to lot width, lot area requirements, all of that stuff. But by denying that setback on Sheridan, it would likely require a reduction – they'd have to move their 40 percent open space with a cluster and I think that's impossible if we were to deny that variance.

Commissioner Motzenbecker: Becca, can you clarify if the house at 3815 – that house directly behind the development, is that existing or has that been torn down?

Staff Farrar: Well, it was existing. They did remove the majority of that structure actually for renovations. And I did speak with the developer or the builder of that property and he had said that basically they were looking to do some renovations and merely fix it and I think that he found the foundation or actually the structure itself was weak, but I believe they're building on the existing foundation. That's the way that I understand it. But I drove out there myself and it looks to be, other than the foundation which supposedly is old, looks to be entirely new.

Commissioner Motzenbecker: And what is the City's position on.. because the current house is outside of that setback and the proposed use would fit within that same setback line as it appears, so it technically would not be a change in where that building sits, so I was just wondering what the City's take is on that. The garage of the current house on the lot that's going to be turned out is in the same sight line as the proposed building.

Staff Farrar: I think that our perspective on that was that even though it is somewhat in the same sight line, I believe it's set back further than 20 feet just from visually looking at it. Perhaps it's not. But it's also a tuck-under garage and I think if you're going to be looking at a 35-foot structure, as opposed to a tuck-under garage, I think the impacts are going to be more substantial.

Commissioner Tucker: I just had a question about the common open space for the cluster. As proposed, that meets the 40 percent?

Staff Farrar: It does.

Commissioner Tucker: And that's in the space between the front houses and the two back houses, or does that include the front slope?

Staff Farrar: It also includes the front. The way that they're platting it is that each individual structure will be located on its own lot. The rest of the area is common space.

Commissioner Tucker: And so the units in back can get to that front slope by the stairs?

Staff Farrar: Correct.

Commissioner Tucker: So, the driveway parking area doesn't reduce that to less than half of the 40 percent needed?

Staff Farrar: That's correct.

Commissioner Tucker: Thank you.

President Martin: OK, I'll open the public hearing and ask if there's anyone who wishes to speak to item number 8.

Dan Anderson (3812 West Calhoun Pkwy.): The only reason I'm up here right now is because Charles Stinson had promised us a wall along here which I believe he intends to follow because we've had 20 years of erosion. And my picture window is right here. As long as this doesn't go out any further, I don't have too big of objection. And we have a utility pole here and he's promised us that he'll put that underground and I don't want to be assessed on moving a transformer, so I just want to be on record doing that. Other than that, those homes have been abandoned now basically they're empty for two months now – it'd be nice to get something going. He's been forthright, I've seen his work around town. We have no objections and good luck.

Julie Allenson Erickson (3822 West Calhoun Pkwy.): I live in the same set of structures as Dan going this way. And I'm concerned about how far this sticks out for Dan and for the rest of us. That's really a great walking area, et cetera. And is this within... I believe he said it went to 20 feet on the front on West Calhoun Parkway and is that the full 20 feet, or is the 20 feet pushed out further?

Staff Farrar: Well, the way that the site's configured, it's 20 feet at the closest point on West Calhoun Parkway, so they're sort of located in a diagonal manner, out along West Calhoun Parkway. It's 20 feet at the closest.

President Martin: 20 feet for the one that's furthest north.

Staff Farrar: However, it extends much further.

Julie Allenson Erickson: So you're thinking this one is 20 feet.

Dan Anderson: This is a little deceptive. Let's look at the home that's standing here now. Is... Can you see my finger? So I believe, Charles, let me know if I'm wrong here, from the existing home that's there, we're talking about 4 ½... 3 feet closer.

Julie Allenson Erickson: Then how did we get from 55 feet for the existing homes to 20 feet.

Staff Farrar: As I was mentioning before, the setback is irregular along West Calhoun Parkway. It sort of jogs in and out and that's why it's 20 feet at the closest point.

Dan Anderson: This might help you too. This home that's here now, this has been torn down. And this home goes all the way back to here with a garage and an extension and a deck on top of that. It's a congested corner, but my concern is I don't have any issue with it. Maybe other neighbors do.

Julie Allenson Erickson: I just want to make sure it really isn't going further out than we're anticipating. I haven't seen these plans until today.

President Martin: Well, Ms. Erickson, we have plans and if the developer says what they're going to do what it says on these plans, it won't move.

Tom Austin (3790 Lake Calhoun): I'm actually supportive of the project. I'm really grateful that Charles Stinson, who's actually a modern day Frank Lloyd Wright, is going to be developing something in the neighborhood because it will really be a face lift. It is a dilapidated neighborhood in many ways and I encourage you to approve the variances that he's requested. Thank you.

President Martin: I think a lot of people here might laugh at the idea that you guys live in a dilapidated neighborhood [laughter].

Commissioner Schiff: That and McDonalds is quality food [laughter]?

Charles Stinson (architect and one of the owners and developers): If I could take just a minute to kind of go in the background. The Biltmore group, the owners, it's a group – myself as the architect, Streeter and Associates (three of the partners) and a fifth partner. And we formed this group about three years ago and the intent of doing it was to do some good development – to kind of put our money and our effort where our passions are. And we were actually invited by a neighbor into this project and then the property next to it became available and now this neighbor said, 'Why don't you get that one too?'. So it was a stretch for us to do this, but we did it. And it's almost a year now that we've met with the City and the Planning Department and the Zoning has been to great to work with. We've met with policemen and engineering, et cetera. We realize that the property, with the zoning, we could get a density – it's approved in the zoning up to 12 units. That was never our intent. We originally were going to have them attached units. Early in the process, one of the planners suggested that perhaps we stretch them out to get some space and maybe go to single family homes – that the space between them would be more receptive to the neighborhood. As we got into this, we saw another benefit to doing this. And this is where the importance of the Sheridan setback comes in. Because of the terrain of the site and the hill, to get handicapped

accessibility into the units became more challenging. So our idea was we wanted to keep the hill and keep the trees, but so actually our driveway that we have under the property [illustration on overhead] – the driveway into the property, the idea is we're going to do that in pavers and make it kind of a European courtyard which [is] actually heated to take care of the snow removal problem. But the idea is coming in here that we'd actually carve that down so we'd keep a low profile. So, even though we have a 35 foot height that we're allowed to go 35 feet, our idea is to keep it lower. So by doing the tuck-under and the garage access from that point, that could also take care of our handicapped accessibility because guests could come from that entrance as opposed to going up the stairs on the Calhoun side and we could take a 2-car garage and then have enough room for an entrance and then we're going to be roughing in an elevator in each building, so it's up to the owner to put one in if they want. With that width, that became our width and that worked within the setbacks of the existing building. All the requirements, all the variances that we're looking for – the existing buildings that are there now would require the same variances that we're looking for. The other thing we're doing is we looked at (if we could zoom out a little to look at the overall neighborhood)... We also got involved, besides ourselves as architect and builder, Cohen and Partners, who just have won a lot of awards nationally and locally, and they're just great contextual land planners, I mean we really get into neighborhoods, they just do a great job. Working with them, we looked at the whole texture of the neighborhood. Again, instead of putting these buildings together, having them individual and work within the character and the setbacks. I circled a number of homes all the way around this neighborhood – I think there's 12 or 14 within the block – that are all within the setbacks that we're looking at on Sheridan. And the location of the buildings on Calhoun, we vary from actually... from the actual curb, we are about 105 to 132 feet away from the curb and where we'll be on Sheridan is 32 feet away from the curb. So, in that idea, the units we're looking at – we're looking at 2,000 square feet to 5,000 for the biggest one. So the idea is 2,000; 2,000; 3,000; 3,000; maybe 4,000 and 5,000. So we're not overpowering the neighborhood and actually we're smaller than a number of the footprints that we have in the neighborhood. But also, creating kind of a little community within the community with the shared open space and a visual open space. And the house directly to our south, the one that Erik and Stef are walking on, they've enlarged the footprint quite a bit. So even working with them, they'll have an open view over our open space and through those buildings if we keep the setback we have. So, early on we met with the immediate neighbors when we were working with the City and kept them informed and their support and then we went from there to the neighborhood zoning or planning meeting and we got unanimous approval on that. And this last week, we got together with the concerned neighbors on Sheridan. Since then, we've included today, we have letters from the neighbors that didn't come. We have letters from the immediate neighbors – all of them that immediately touch or see our property are in total support of the project just as it is. And there's also a list – in the neighborhood meeting last Sunday – all the neighbors that were invited on Sheridan came and we also have a list if you would like to look at the names and their opinions. So from that there were no opposed. They were for or neutral. So our goal is to do just a really great project on this site and have it a win-win for everyone.

President Martin: Mr. Stinson, I think there are some questions. Jason, you had something?

Staff Wittenberg: Just a quick point. Reference was made to the ability to put 12 units on the property, but according to Ms. Farrar's report, page 17, at least 5,000 square feet of lot area is required per dwelling unit and 5,058 is proposed per dwelling unit, so my understanding is that 6 units is the maximum number that could be placed on the property without any kind of variance.

Charles Stinson: I'll have Travis answer that.

Travis Van Liere (landscape architect, Cohen Partners): Early on in the process, when we were just feeling out what the zoning requirements were for this site, it was stated to us when we spoke with the Zoning Administrators that ultimately if we wanted to, we could do 6 multi-family units on the property. That would be within the 5,000 square foot requirement, giving us 12 units for the site. We had never intended to do that. That was just stated to us as part of what could be potentially put on to the property by zoning code. That was very early on in the process.

Commissioner Schiff: I do have a question for Mr. Stinson. Given the staff recommendation to deny the side yard variance, what would that do to your project?

Charles Stinson: Well, the units would have to either be joined together or we lose the handicapped accessibility. Because within the zoning, we're not allowed to have entrances between the buildings.

Commissioner Schiff: And then, do you have an elevation for the west side facing Sheridan that you can show us.

Charles Stinson: Yes. To show the approach coming down Sheridan. This is the view from mid-block which our site is at the very end. This is the next one, progression. The sawhorses are where our property begins so we're getting closer. And this photograph is taken – this is the beginning of our property. This is where the renovation is going on. So walking up the street, there's existing landscaping that we intend to keep and the site grade goes up and that's why we are digging the units into the ground here at the entrance. So, to the right, you cannot see in this photograph the existing garage which is at the same location as we propose the new building to go. So if our new building, which at the top of the hill will be 2 stories, it won't be 3 stories, because we're digging the lower level in. So it will be off the page from here. And because of the line of vision – the triangle – from that corner, we're 130 feet away from the road so there really is no vision. And the people most influenced by our property directly to the south are in total support of the project the way it is now. The other thing that happens, if we move things back, actually the view that they now will be getting with this plan will be reduced because we're keeping kind of a view corridor for them through the middle of the project.

Commissioner Schiff: Mr. Stinson, I think that view there helps address one of my concerns which is of a wall being created as you go down the sidewalk. But can you show the west elevation? I have very small, shrunken versions of them and I have a hard time figuring out what's a window and what's part of the exterior structure.

Charles Stinson: This would be the west side. It doesn't show all the trees. The drawing was an attempt to show the architecture. If we drew all the trees, you wouldn't see the architecture. But the materials we're using as well – you can see where it will just be a 2-story at that point. And the materials we're using are natural tones – kind of a golden limestone and kind of a bronze window and try to have traditional colors and materials with kind of fresh, modern forms.

Commissioner Schiff: OK, so the vegetation would pretty much obscure the entire first level.

Charles Stinson: And also, in the driveway there will be kind of a view corridor into that courtyard. So it isn't just a wall of buildings. There's some rhythm to it and the same from the Calhoun. Even from Calhoun, what you see on the corner here, we're terracing it, or we're stepping it back, so it actually reduces – the corners are kind of recessed in 4 feet from each side.

Commissioner Motzenbecker: Mr. Stinson, the staff has some concerns with the height of the retaining walls in front of the property, or the Lake Calhoun frontage of the property. Can you address the reasoning behind that height?

Charles Stinson: What we're doing is at that point on the grade is creating kind of a lawn area. Our idea is we put a giant number in our budget for landscaping. We're going to be spending hundreds of thousands of dollars to do immediate large landscaping. And there we're looking at a natural stone like a blue stone, so it will be very subtle. But at least then we could work on the grades and the main level, as opposed to having a balcony or something, you're coming out on to the site. So it will be very understated, plus it's a hundred feet away from the parkway. It's a long ways back.

Commissioner Motzenbecker: Could you address the intent of the height of the wall? I believe it was 6 feet high...?

Charles Stinson: Well, it varies.

Travis Van Liere: The reason why it's 6 feet at front is basically the grading plan works its way out from the back of the site to the front of the site and we're dictated by what the existing elevation is set at the road for Sheridan and driveway access is into the site. We kept all the elevations for the back areas of the site at the same grade for all the units and then moved up only 8 feet from the garage to the main floor and that grade pushes that out to the front and it requires those retaining walls to be at the height so that the entry area is as a level entry into the site. Otherwise, we would have continuous stairs coming right up to the front....

Commissioner Motzenbecker: Could those walls on the Calhoun frontage be reduced? Because they don't look to me like they're retaining on the Calhoun side. They look like they're providing enclosure for the yard. Would reducing the height of them affect your retaining function?

Travis Van Liere: We could reduce them a little bit – 4 feet is probably what we could get down to. Otherwise, it's going to be pretty steep on the parkway side for the grades.

Charles Stinson: Could I add one other thing? From the pedestrian, as you can look at the wall here – by having the wall at this point on that lawn, as you look up, it really blocks the view of the building. It's going to make the building look much smaller in height and as well is for the privacy. The idea – and everybody is getting older – and if you can do things that are accessible, it just is nicer. So even guests coming over, instead of walking out on a balcony or dropping down a steep lawn, the main living area can just open up to a subtle lawn so there's some subtle activity on the lake instead of just walls of building. Again, in trying to create something that's in harmony with the neighborhood and the field, it's kind of a win-win scenario. It seemed like it was a wonderful solution that took care of... I mean, it's been a year tweaking these projects...

President Martin: Mr. Stinson, you're pitching us here [laughter]. We're not buyers.

Commissioner Motzenbecker: One more question on the wall. I know there were some questions stated about a metal fence, at least on the plan there was some indication of a metal fence around the rear of the property, but then there was also a conflicting elevation showing the stone wall was there as well. Could you please clarify that for me.

Charles Stinson: There's no metal fence. There's a railing up above that we may be using airplane cable on the upper level just because it's transparent (because of height requirements). And I have an example for that [shows overhead]. This is a house that we did on Cedar Lake and you can see the cable railing.

Commissioner Motzenbecker: So it's a cable rail fence. Thank you.

Commissioner Tucker: Could you talk a bit more about the south elevation. I'm particularly interested in the part between the 20 foot setback and the 41 foot setback – what that's going to look like.

Charles Stinson: [showing illustration] The south elevation is on the bottom. The house that Erik and Stef are building actually goes from here to about back here. They are creating a kind of a roof-top deck and that's where their view now will be between our buildings and kind of to the open space of the pool area. But the back buildings are very simple. It's about ... actually we stepped back the corners, so it's about 22 feet. And stepping back and with natural materials and the glass we are planning to use there, was like translucent so it was more of a glow so they wouldn't lose privacy and neither would we. So it's really like two glorified carriage houses.

Commissioner Tucker: What would be the effect of moving that one back to the 41 feet?

Charles Stinson: Well, we would lose the open space as one, courtyard space and they would lose their view that we're creating.

Shane Cohen (Cohen partners, 400 1st Avenue North): I just wanted to say, more historically, I go around and lecture – recently at Clemson, South Dakota, North Dakota, University of Minnesota... on urban design and neighborhood planning issues. It is the most passionate thing besides my kids and family for sure in my life. Two things I just

wanted to share with you. When Biltmore started, they invited Travis and I over to talk about their development group and they said two things: We want to push you to do the best development possible and we want you to push us; very unusual for developers. And the second thing that Streeter said is we want to spend a lot of money on landscape. That's also very unusual.

President Martin: Come on, you guys did Jackson Meadows, didn't you?

Shane Cohen: Absolutely.

President Martin: So it's not so unusual for you.

Shane Cohen: But it's understated. No, but Harold's a great developer. So, I think this started out actually in our office as 6 attached... Biltmore's idea was 6 attached units. I felt extremely passionate that that was not the right proposal. That we needed breaks between each one and that we'd see 4 from Calhoun. That the breaks, the voids, would be as important as the masses. And I think we've achieved a really interesting balance of scale and relationship to street. And the wall that we're proposing – and I think we can get it down to 4... my friend has been working with these contractors and streeters on these blue stone walls now for quite a few years and they do have an unbelievably quiet and pleasing texture to them that will set this line up across Calhoun. So I think it's a quite positive addition to the architectural character facing Lake Calhoun.

Jim Lotter (3831 Sheridan): I guess I would just like to say that I'm not in approval of the setback along Sheridan. I think it caps the end of the street and ruins the site line for all of us that live back on Sheridan. Right now, that's true, there is a garage there, but it's a tuck-under garage and it's not above the ground level. Building a 2-story plus unit that's there is going to impede the end of the block, it's going to kind of cap it and it's going to change the look of the street and the neighborhood as we know it.

President Martin: Anyone else? I'm going to close the public hearing. We have a whole bunch of stuff here, Commissioners. I think we're going to need to march through them in order. We might be able to do a couple variances together, but not the hard one.

Commissioner LaShomb: I'm going to move approval of conditional use permit A and B (Tucker seconded).

The motion carried 8 – 0.

Commissioner LaShomb: Well, I'm going to need some help with some justification, but I want to move approval of the variance under C (Motzenbecker seconded).

Commissioner Motzenbecker: I have lots. I think that keeping the setback... I don't think it should be reduced to 41.5; I think it should be kept up at 20 feet. Specifically because in a cluster development, the intent of the development – the design intent and the spatial configurations are meant to act as a whole. And to shift one particular piece out of that whole would disrupt the entire thing and basically ruin the intent of the cluster development. It would also reduce the amount of green space, reduce some of the views that were already mentioned. Some of the ideas about the placement of... under

the zoning code, the building placement and façade: the building shall reinforce the street wall, et cetera – the spatial envelope of that proposed corner building does do that and I think it does so in coincidence with the building that's in front of it. It again should not be moved back to conflict with that. In speaking to the views or the height of that particular piece as well, it's been stated by the architect that the buildings are going to be inserted into the grade so it will reduce the perceived height of the building from beyond as well as the picture that was shown and that I have been to the site as well and to see that vegetation that's currently there, which a lot of the vegetation as proposed to have been kept on the site, I think would help to mask that particular building as well. Thank you.

President Martin: Commissioner Tucker, you have things to add?

Commissioner Tucker: Yes, I wanted to second many of his comments. Back on the idea of the cluster, I think it's important to make it work with a common space and leaving the gaps between the four front buildings does get that common space down in to the front and connect the two. I also think the rhythm of the front four buildings being separated probably is more sympathetic to the neighborhood context than having a single building four of those wide. Normally I am all for keeping that street wall wherever the neighbors are at 41 feet, but I think in this case it does work and I would support granting the variance.

President Martin: OK, so the motion is to approve the variance for the front yard setback. All those in favor of that motion, please signify by saying aye.

The motion carried 7 – 1 (Krause opposed).

Commissioner LaShomb: I'll move D and E (Tucker seconded).

The motion carried 8 – 0.

Commissioner LaShomb: I'll move the site plan with at least...I see possibly two changes (Tucker seconded). One is I think number 6 needs to be amended to say that the retaining wall fence structure in the front yard shall not exceed 4 feet and then the next sentence is probably appropriate. And then I'm not quite sure what 8 means, so...anyone can tell me whether that should be in there or not. I would propose taking it out, but I could be wrong. Is it necessary to have it in there – I guess that's the question. [response off microphone] I see a head yes.

President Martin: Becca is saying yes.

Staff Farrar: That proposed retaining wall was discussed several months ago as PSPR or PPR – it's known as a few things now. But regardless, Public Works had asked for that to be specifically removed from the plans because it reduces site visibility and you can't see in or out when maneuvering.

Commissioner LaShomb: So I would approve the site plan with a modification to item number 6.

Commissioner Motzenbecker: I would like to add an additional condition. I have a concern with the proposed number 4, reorienting that building to face Sheridan. Again, the same argument being with the cluster development. While normally I agree with that intent, in this case, it would compromise the intent of the cluster development to have to reorient just the one building out of sync to have to face and have an entry on Sheridan. So I would move with that.

President Martin: So you're proposing what, deleting that?

Commissioner Motzenbecker: Yes, deleting that condition.

Staff Wittenberg: I'm actually concerned that the Commission may not have the authority to do that. Single family homes for example, there is no authorized exception from the front entrance facing the street. And I think the code is perhaps not clear about whether there is an exception from that requirement for a cluster development. Actually, I'll take that back. We do have clusters where there are units that don't face the street. I would take that back – you do have the authority.

Commissioner Schiff: I just have a question for the author. What the purpose is for explicitly allowing a 4 foot retaining wall in the front of the house.

Commissioner LaShomb: I haven't been out there to look at the site, but if the ground is going to be so steep going down to the street or the curb or whatever it is there, it's really pretty unusual property. I would rather allow some green space for the buildings on top of the hill. 6 feet is much too high to me – 4 feet... There are lots of retaining walls around Lake Calhoun – it's not a big surprise that people...

Travis Van Liere: Can I say something on that retaining wall? There's a retaining wall there right now.

President Martin: Right, you showed it to us.

Travis Van Liere: Without it, that whole front would erode. There aren't large enough trees there to hold that property up.

President Martin: It seems necessary.

Commissioner LaShomb: And I think I was going to get to that – I think there's a reason why there are retaining walls. So things don't slide down including people and trees and bushes. So that's the reason why I think the 4 foot is justifiable. But 6 feet to me gets to be a little prison wall look. I think 4 feet is a normal height for fences and other things.

President Martin: Commissioner LaShomb, is it considered a friendly amendment to you to delete condition number 4?

Commissioner LaShomb: Yes, I think it's fine.

President Martin: OK, so the motion that's before us is to approve the site plan with condition number 4 deleted and condition 6 amended to stipulate that the retaining wall is no higher than 4 feet. All those in favor of that motion, please signify by saying aye.

The motion carried 8 – 0.

Commissioner LaShomb: I'll move the preliminary plat (Tucker seconded).

The motion carried 8 – 0.