

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

Rezoning, Conditional Use Permits, Variances and Site Plan Review  
BZZ-3241  
Preliminary Plat  
PL-206

**Date:** November 13, 2006

**Applicant:** James Graham, American Indian Community Development Corporation,  
2020 Bloomington Avenue South, Minneapolis, MN 55404, (612) 813-1610

**Addresses of Property:** 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street

**Project Name:** Pokegama North

**Contact Person and Phone:** James Graham, American Indian Community  
Development Corporation, 2020 Bloomington Avenue South, Minneapolis, MN 55404,  
(612) 813-1610

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

**Date Application Deemed Complete:** October 10, 2006

**End of 60-Day Decision Period:** December 8, 2006

**End of 120-Day Decision Period:** On November 2, 2006, Staff sent the applicant a  
letter extending the decision period to no later than February 6, 2007.

**Ward:** 6 **Neighborhood Organization:** Ventura Village

**Existing Zoning:** R2B (Two-family) district, NP (North Phillips Overlay) District

**Proposed Zoning:** R4 (Multiple-family) district

**Zoning Plate Number:** 21

**Lot area:** 17,830 square feet .41 acres

**Legal Description:** 2111 14<sup>th</sup> Avenue South: Lot 5 except the East 17.50 feet thereof  
and the North ½ of Lot 6, Block 7, Eliot's Addition to Minneapolis; 2119 14<sup>th</sup>  
Avenue South: That part of the South ½ of Lot 6, Block 7, Eliot's Addition to  
Minneapolis, lying North of the South 40 feet of said lot; 1408 East 22<sup>nd</sup> Street: Lot  
7, Block 7 Eliot's Addition to Minneapolis

**Proposed Use:** A six-unit cluster development in the R4 district.

**Concurrent Review:**

- Petition to rezone the subject parcels from the R2B district to the R4 district;
- Conditional Use Permit for a 6- unit cluster development;
- Conditional Use Permit to increase the maximum permitted height from 2.5 stories to 3 stories for the proposed carriage house/garage unit structures;
- Variance of the front yards along East 22<sup>nd</sup> Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure; along 14<sup>th</sup> Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; and along East 21<sup>st</sup> Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment;
- Interior side yard variances along the east property lines;
- Variance to reduce the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South;
- Site Plan review for a 6-unit, single-family cluster development in the R4 district;
- Preliminary and Final Plat.

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

**Background:** The applicant proposes to construct a new cluster development located on the properties at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street. The properties are currently zoned R2B and located in the North Phillips (NP) Overlay District which was established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements. The applicant proposes to rezone the subject parcels to the R4 district. The development would consist of six single-family units, constructed in two different styles within a cluster development. The proposed cluster development requires a conditional use permit in the R4 district. A conditional use permit is also required to increase the maximum permitted height from the allowable 2.5 stories or 35 feet to 3 stories or 32 feet, 4 inches for the carriage houses/garage unit structures proposed as part of the development.

Several variances are required based on the proposal including: (1) the front yard adjacent to along East 22<sup>nd</sup> Street from 18 feet 8 inches (subject to a front yard increase per Section 546.160 of the Zoning Code) to 17 feet for the structure; (2) along 14<sup>th</sup> Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; (3) and along East 21<sup>st</sup> Street from 23 feet (subject to a front yard increase per Section 546.160) to 15 feet for the structure and to 9 feet for a porch encroachment; (4) interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point; (5) the required maneuvering area from 22 feet to 7 feet adjacent to 14<sup>th</sup> Avenue South. 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. Site plan review is also required.

Staff has not received correspondence from Ventura Village or any neighborhood letters prior to the printing of this report.

## **REZONING**

### **Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:**

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

The subject properties are located approximately two blocks off of Bloomington Avenue which is a designated Community Corridor and two blocks off of Franklin Avenue which is a designated Commercial Corridor. The following policies are relevant to the proposed development.

*Relevant policy:* **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

*Relevant Implementation Steps:*

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

The project would incorporate a cluster development consisting of six single-family homes within close proximity to a Community Corridor and a Commercial Corridor.

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

The amendment is clearly in the interest of the property owner. It would allow the applicant to construct a 6-unit cluster development, instead of the allowable single family or two-family dwellings permitted under the existing zoning classification of R2B. However, adopted policies in the comprehensive plan indicate that there is a public interest associated with adding housing capacity in along major corridors. Further, there are several bus lines in close proximity to the subject site.

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

The property is located two blocks off of Bloomington Avenue and Franklin Avenue. There is a mixture of zoning classifications within the immediate vicinity. The subject properties are located within an isolated block of R2B. To the north of the site there are blocks of I1 and C4 zoning; to the west predominantly R4 zoning; to the east R5 zoning and to the south OR2 zoning.

The proposal to rezone the subject site to R4 would seem compatible with the surrounding area and further, the proposed use of the subject site for a cluster development of single-family homes would seem appropriate given the proximity of the properties to both a Community and Commercial Corridor.

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

There are reasonable uses of the property permitted under the existing R2B zoning classification as either single family or two-family dwelling units. However, authorizing the rezoning which would allow the same type of use as a single-family home, just in a higher density as a cluster development in the R4 district would seem reasonable.

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

Under the 1963 Zoning Code, the subject properties were zoned R2B. Duplex or single-family structures could be constructed on the property, however; construction of a cluster development composed of single-family homes seems an appropriate and reasonable use of the subject properties.

**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. The properties are currently underutilized and vacant.

**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 six enclosed parking spaces in ground level garages. Two of the proposed structures on site have ground level garages with 3 enclosed spaces each at the ground level. 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 subject properties are located approximately two blocks off of Bloomington Avenue which is a designated Community Corridor and two blocks off of Franklin Avenue which is a designated Commercial Corridor. The following policies are relevant to the proposed development.

- 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 construct six single-family dwelling units in a 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 rezoning, conditional use permits, variances, site plan review and preliminary and final plat this development would meet the applicable requirements of the R4 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/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 a preliminary 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 R4 district. Cluster developments in the R4 District require 5,000 square feet of lot area or 1,500 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 17,830 square feet of lot area and is situated on a lot greater than 40 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 does not meet the above listed requirements of the zoning district as it pertains to yards around the periphery of the cluster development. Several yard variances are being required that include a: variance of the front yards along East 22<sup>nd</sup> Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure; along 14<sup>th</sup> Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; and along East 21<sup>st</sup> Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment, as well as variances of the interior side yards along the east property lines.

**(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 at the interior of the parcel. All open/common space on site is accessible to all six of the proposed single-family structures. The applicant is providing approximately 9,659 square feet of open space on site or approximately 84% of the site not occupied by buildings. No additional amenities are being provided within the proposed open space.

**(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 would meet 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.**

Staff believes that the proposed development should include additional plantings to meet this requirement, specifically along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14<sup>th</sup> Avenue South and East 22<sup>nd</sup> Street.

**(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 increase the maximum permitted height from 2.5 stories or 35 feet to 3 stories or 32 feet, 4 inches.

**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 be detrimental to or endanger the public health, safety, comfort or general welfare.**

Staff does not generally believe that allowing a 3-story building under the height limitation of feet permitted in the R4 district would be detrimental to or endanger the public health, safety, comfort or general welfare. However, the inferior design of the structure necessitating the variance would be improved should the proposal be required to adhere to the district regulation of 2.5 stories. The massing and overall blocky appearance of the carriage house structure could be detrimental to the comfort or general welfare of the immediate neighbors.

- 2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

This property is located in a fully developed area. It is possible due to the design of the proposed structure that the increase in height and overall massing could be injurious to the use and enjoyment of other property in the vicinity particularly given that the height increase is coupled with variances to reduce required yards. It is unlikely that the increase in height would impede the normal or orderly development and improvement of surrounding property for uses permitted in the district, however.

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

The site would be accessed off of 14<sup>th</sup> Avenue South. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. 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 should the plan be approved. This would be required 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 additional height proposed for the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for the proposed 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 rezoning, conditional use permits, variances and the site plan review this development would be in conformance with the applicable regulations of the zoning code.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

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

Staff would argue that the proposed blocky massing of the carriage house structure due to the proposed 3<sup>rd</sup> story would have more of an impact on access to light and air of surrounding properties than a structure built in compliance with the 2.5 story height limitation. While Staff is aware that the proposed development is less in feet than what is allowed in the zoning code, the bulk, massing and appearance of the structure particularly given that the height increase is coupled with variances to reduce required yards, could result in some negative impacts on the amount of light and air that surrounding properties receive.

**2. Shadowing of residential properties or significant public spaces.**

There are adjacent residential properties that surround the site; however, there are no significant adjacent public spaces. Staff would expect that the shadowing impacts on the adjacent properties would be negligible.

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

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Relative to similar developments within the general vicinity, Staff believes that the proposal would be compatible with the scale and character of other buildings in the area should the proposed development be modified to comply with the 2.5 story height limitation. It is likely that with a slight modification, the design and allocation or distribution of height on site would be compatible with the surrounding uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

**VARIANCE** – (1) Variance of the front yards along East 22<sup>nd</sup> Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure; along 14<sup>th</sup> Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; and along East 21<sup>st</sup> Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment; (2) Interior side yard variances along the east property lines; (3) Variance to reduce the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South;

**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.**

**Variance of the front yards:** The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. The property is irregularly shaped and subject to 3 front yards. Further, two of those yards adjacent to East 22<sup>nd</sup> Street and East 21<sup>st</sup> Street are subject to a front yard increase. To require that the single-family structures within the cluster development adhere to the required front yard setbacks would likely result in the loss of units as well as alter the functionality of the cluster development. The proposed 2.5 story home has been intended to complement existing structures in the area by incorporating front porches into the design of the structure. The proposed setback reductions would still maintain the character of the existing area along all 3 street frontages.

**Variance of the interior side yards along the east property lines:** The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. Staff believes that with the requirement that all principal residential structures adhere to the 2.5 story or 35 foot limitation, the granting of a setback variance from 7 feet to 4 feet 10 inches at the closest point is a reasonable request. Due to the odd configuration of the parcel, it is likely that any comparable development would need setback variances. Further, the proposed structures are close to the minimum permitted width of 22 feet.

**Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South:** Staff believes that granting the maneuvering variance is reasonable and strict adherence to the regulations of the zoning code could cause an undue hardship. The structure necessitating the maneuvering variance has been designed to provide parking for 3 of the single-family units. By calling for the applicant to meet the required maneuvering area, the development would not be able to accommodate the proposed enclosed parking. Granting the variance would in essence require that vehicles backing out of the garages utilize a portion of the public right-of-way on the 14<sup>th</sup> Avenue South frontage.

**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.**

**Variance of the front yards:** The circumstances could be considered unique as the property is subject to three front yards and is irregularly shaped. Based on the lot area and proposed zoning classification, a development of much higher density could be constructed on site. Allowing six single-family homes in a cluster development on an awkwardly shaped, vacant parcel seems a reasonable use of the subject parcel.

**Variance of the interior side yards along the east property lines:** The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that the site is irregularly shaped and has 3 frontages. To not allow a reduction in the interior side yards could potentially result in the further decrease in the required front yards or a potential reduction in the overall width of the proposed structure. The structures as proposed meet the minimum 22 foot width requirements but are modestly sized at 26 and 22 feet.

**Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South:** The circumstances could be considered unique as the property is subject to three front yards. The proposed development would be unable to provide enclosed parking for 3 of the units within the cluster development without the granting of the maneuvering variance.

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

**Variance of the front yards:** Granting the setback variances would likely be in keeping with the spirit and the intent of the ordinance. Further, granting setback variances for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed 2.5 story structure has been designed to fit into the scale and character of the existing residential neighborhood and includes similar design features such as front porches to further integrate the proposal. It is Staff's position that with the modification of the proposed carriage house structure to 2.5 stories, the proposed development would fit well into the developed neighborhood.

**Variance of the interior side yards along the east property lines:** The granting of a variance to allow a setback variance along the east property lines from 7 feet to 4 feet 10 inches at the closest point would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. This finding is assuming that the proposed carriage house structure be modified to fit within the 2.5 story height limitation for cluster developments within the R4 district.

**Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South:** Granting the maneuvering variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Utilizing the public right-of-way on 14<sup>th</sup> Avenue South for the partial maneuvering of 3 vehicles would seem likely to have a negligible effect on neighboring properties and would be the situation that exists with many single-family homes located on corner properties.

**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.**

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

**Variance of the interior side yards along the east property lines:** The proposed variance to allow a decrease in the setback adjacent to the east property lines would likely 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.

**Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

## **SITE PLAN REVIEW**

### **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.**

One of the proposed six single-family residential structures is oriented towards East 21<sup>st</sup> Street, another towards 22<sup>nd</sup> Street East, one towards the interior of the site and three towards 14th Avenue South. With the exception of the two carriage house/garage unit type structures the proposed residences have principal entrances facing the public streets. The applicant proposes to construct 4 foot wide walkways on site in order to facilitate pedestrian access and circulation. The area between the proposed residential structures and the public streets would have new and existing tree plantings, sod and shrubs.

All proposed parking for the cluster development would be located within the two proposed carriage house/garage unit structures. One is located adjacent to 14<sup>th</sup> Avenue South and the other adjacent to the interior of the site. The applicant proposes to provide 6 enclosed parking spaces for the development.

The proposed design of the 2.5 story structure would incorporate windows at the first floor; however the proposed carriage house/garage unit structure is primarily comprised of garage doors. At least 20% of the first floor façade that faces a public street or sidewalk shall be windows or doors. All proposed 2.5 story single-family units exceed this requirement. The proposed carriage house/garage units do not meet this requirement. Alternative compliance would be necessary. Staff will recommend based on this unique situation that the proposed structure be granted alternative compliance as it would not be practical to require the first floor garages to meet this requirement. Staff will recommend however that the garage doors be modified to incorporate some windows on the upper portion of the door. Both proposed structure styles meet the 10% window requirement on upper floors facing streets, etc. The windows are vertical in proportion and distributed in a more or less even manner.

The exterior materials would be compatible on all sides of the proposed buildings. The applicant is proposing that the exterior of the 2.5 story residential structure be composed of vinyl siding. Staff is concerned with the extensive use and durability of the proposed vinyl siding on the structure as vinyl siding is not considered to be a durable material. Staff will recommend that the Planning Commission require that all proposed vinyl siding be removed and replaced with any of the following durable materials listed in Chapter 530: cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass. The proposed carriage house/garage unit structure is proposed to be composed of stucco and brick.

### **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.**

The principal entrances to the proposed structures are connected via a 4-foot wide concrete walk and stairways to the public sidewalk. The parking facilities for each individual unit are located in the ground level of the two proposed carriage houses/garage unit structures on site.

There are no transit shelters within the development.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There would unlikely be significant traffic impacts on the adjacent residential properties. The surrounding property is predominantly residential, and the proposal to construct six single-family homes in a unified cluster development would not be expected to impact the adjacent uses.

There is no public alley adjacent to the site.

The site has been designed to minimize the use of impervious surfaces through extensive open space and landscaping. Impervious surfaces would cover approximately 46 percent of the site and would be further mitigated by the proposed rain gardens on site.

### **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.**

The proposal meets the 20% landscape requirement. The total site area is 17,830 square feet or .41 acres and the proposed building footprint on the site would be 6,302 square feet. A total of 2,306 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 9,659 square feet or approximately 84% of the site not occupied by buildings. The zoning code requires that there be at least 5 trees and 12 shrubs. The applicant is proposing to provide 5 trees and 42 shrubs. The proposal is meeting the minimum landscape quantity requirements. Staff would require that development include additional plantings to meet the cluster development standard relating to an appropriate transition area between the use and adjacent properties specifically along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14<sup>th</sup> Avenue South and East 22<sup>nd</sup> Street.

#### **ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**

- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

All parking is being provided in the ground level garages of the proposed carriage houses/garage unit structures. All access to the site would be via 14<sup>th</sup> Avenue South. The water drainage on site would need to be designed so as not to drain onto any adjacent lots.

The City's CPTED officer has recommended that an entry monument sign be provided off of 14<sup>th</sup> Avenue South to indicate the location of the structure labeled/addressed as 2115, at the interior of the site. Staff would concur with this recommendation.

The parking facilities have been designed to avoid headlights from shining on adjacent properties. There are adjacent residential properties surrounding the site that could be impacted as all vehicular access to and from the site would be off of 14<sup>th</sup> Avenue South.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties should the proposal comply with the 2.5 story height limitation. Further, with the compliance with the district height regulations, Staff would not expect the proposed building to have significant impacts on light, wind and air in relation to the surrounding area.

**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 R4 District and subject to specific development standards.

With the approval of the rezoning, conditional use permits, variances, site plan review, and preliminary and final plat this development would meet the requirements of the R4 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 6 enclosed parking spaces for the proposed development which meets the requirement.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. All single-family homeowners will be responsible for their individual trash removal. No dumpsters shall be provided for the proposed cluster development.

**Signs:** Any signage is required to meet the requirements of the code. A separate permit is required from the Zoning Office as no signage is being approved as part of the submitted applications.

**Lighting:** The applicant is proposing to install light fixtures at all entires. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

**Maximum Floor Area:** Not applicable.

**Minimum Lot Area:** The project would meet the minimum lot width and area requirements of the R4 District. Cluster developments in the R4 District require 5,000 square feet of lot area or 1,500 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 17,830 square feet of lot area, 2,971 square feet per dwelling unit, and is situated on a lot greater than 40 feet in width.

**Dwelling Units per Acre:** Based on the lot area of 17,830 or .41 acres and a total of 6 units provided, 2.5 dwelling units per acre are being provided based on the proposal.

**Height:** Maximum building height for principal structures in a cluster development located in the R4 District is 2.5 stories or 35 feet, whichever is less. The maximum allowable floor height is 14 feet. The proposed six single-family units would be required to conform to this requirement.

**Yard Requirements:** The required yards are as follows:

*Front:* Typically, along all 3 frontages the required setback would be 15 feet. However, two front yards are subject to a front yard increase per 546.160. Therefore, the required setbacks are as follows:

- East 22<sup>nd</sup> Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure;
- 14<sup>th</sup> Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments
- East 21<sup>st</sup> Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment;

*Interior side yards (5+2x):* 7 feet

**Building coverage:** The maximum building coverage in the R4 District is 70 percent. Buildings would cover approximately 35 percent.

**Impervious surface area:** The maximum impervious surface coverage in the R4 District is 85 percent. Impervious surfaces would cover approximately 46 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.**

Alternative compliance is necessary as at least 20% of the first floor façade that faces a public street or sidewalk shall be windows or doors. The proposed carriage house/garage units do not meet this requirement. Alternative compliance would be necessary. Staff will recommend based on this unique situation that the proposed structure be granted alternative compliance as it would not be practical to require the first floor garages to meet this requirement. Staff will recommend however that the garage doors be modified to incorporate some windows on the upper portion of the door.

**PRELIMINARY PLAT –**

**Required Findings:**

**1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance 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 rezoning, conditional use permits, variances, site plan review, and preliminary and final plat this development would meet the applicable requirements of the R4 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 users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

The site does not have steep slopes on the property.

**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. in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

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 rezoning:**

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street from the R2B district to the R4 district.

#### **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 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street subject to the following conditions:

1. Compliance with the specific development standards for a cluster development as stated in Section 536.20 of the zoning code.

#### **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 **deny** the application for a conditional use permit to allow an increase in height 2.5 stories to 3 stories for the proposed carriage house/garage unit structures within a 6-unit cluster development for property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**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 application for a variance of the front yard along East 22<sup>nd</sup> Street from 18 feet 8 inches to 17 feet for the structure on the property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**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 application for a variance of the front yard along 14<sup>th</sup> Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments for property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**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 application for a variance of the front yard along East 21<sup>st</sup> Street from 23 feet to 15 feet for the structure and to 9 feet for a porch encroachment for property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**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 application for a variance of the interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point for property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**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 application for a variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14<sup>th</sup> Avenue South for property located at 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**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 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street 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 December 22, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the proposed carriage house/garage unit to meet the 2.5 story height limitation for cluster developments in the R4 district.
4. Modification of the carriage house/garage units to incorporate windows on the upper portion of the garage door.
5. All proposed vinyl siding shall be removed and replaced with a durable material as listed in Chapter 530, such as cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass.
6. Additional plantings shall be incorporated into the final design to meet the cluster development standards as stated in Section 536.20 (7) along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14<sup>th</sup> Avenue South and East 22<sup>nd</sup> Street.

**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 2111 and 2119 14<sup>th</sup> Avenue South, 1408 East 22<sup>nd</sup> Street.

**Attachments:**

1. Statement of use / description of the project
2. Findings –CUP and variances
3. Correspondence
4. Zoning map
5. Plans – Site, landscape, elevations, floor plans, etc.
6. Photos
7. PDR notes