



Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: March 3, 2011

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

Referral to: Zoning & Planning Committee

Subject: William Casey, on behalf of the Midtown Lofts Condominium Association, has appealed the decision of the City Planning Commission to approve applications for an amended Planned Unit Development with 198 additional dwelling units to be known as Track 29 Apartments. Specifically, the appellant has appealed the applications for a conditional use permit for a planned unit development and site plan review. The City Planning Commission also approved applications for a variance to reduce the south side yard setback from 15 feet to 5 feet and a plat. These applications have not been appealed. The applicant is proposing to amend a previously approved planned unit development by constructing a 198-unit apartment building and associated site improvements. The proposed building will have two wings, one fronting along the Midtown Greenway with 103 units and one wing fronting along Bryant Avenue S with 95 units.

In 2004, the applicant received approvals for a 112 unit residential planned unit development. Those approvals included rezoning from R5 and OR2 to R6, preliminary plat, a conditional use permit for the 112 unit PUD, several setback variances and site plan review. In 2005 the applicant received approvals for an amended planned unit development that included 125 residential units instead of 112. The 125 units approved included three townhome buildings with nine units each fronting along Aldrich Avenue, three 9-unit townhome buildings fronting along Bryant Avenue and one 71-unit loft building. Of those units, only the three townhome buildings that front on Aldrich Avenue were constructed. The land use approvals for this previous project expired on March 28, 2009 after receiving one two-year extension.

Recommendation: The following action was taken by the City Planning Commission on February 7, 2011 (BZZ-5055 and PL-250):

**2. Track 29 Apartments (BZZ-5055 and PL-250, Ward: 10), 2813-2841
Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S.**

A. Conditional Use Permit: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a conditional use permit for an amended Planned Unit Development consisting of 198 additional dwelling units for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and approved the conditional use permit to allow a planned unit development with 198 dwelling units located at the property of 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 30 points: Public Right-of-Way Dedication, Underground parking, Outdoor Children's Play Area, Art Feature, Pedestrian Improvements, Reflective Roof, Shared Vehicles, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Pet Exercise Area and Water Feature.
3. The applicant shall implement all amenities as required by section 527.120 of the zoning code by February 7, 2013
4. The applicant shall provide high-quality building materials, subject to CPED-Planning staff review and approval.

B. Variance: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a variance to reduce the south side yard setback for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and approved the variance to reduce the south side yard setback from 15 feet to 5 feet for the property at 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S.

C. Site Plan Review: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a site plan review for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and approved the application for site plan review located at the property of 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 7, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. A living wall shall be provided on the north-facing and south-facing garage walls to mitigate the impact of the blank wall, in compliance with Section 530.120 of the zoning code.
4. Windows shall be provided for a minimum of 20 percent of the wall area on the east elevation facing Aldrich Avenue S, in compliance with Section 530.120 of the zoning code.
5. A minimum of 10 canopy trees shall be provided within the development, in compliance with Section 530.170 of the zoning code.
6. The ornamental trees along the east side of the building, adjacent to the private drive, shall be continued for the length of the building as an alternative compliance measure, in accordance with Section 530.170 of the zoning code.
7. Applicant shall add signage directing motorists to approach Bryant Avenue with caution. Sign shall be posted in a location that is visible to motorists exiting the private drive.

D. Plat: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a plat for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat for the property located at 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, subject to the following condition:

1. The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

Ward: 10

Prepared by: Kimberly Holien, City Planner (612-673-2402) Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Kimberly Holien, City Planner
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Community Impact

- Neighborhood Notification: The Lowry Hill East Neighborhood Association was notified of the application on December 6, 2010.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On February 17, 2011, staff sent a letter to the applicant extending the 60 day decision period to no later than April 29, 2011.

Supporting Information

William Casey, on behalf of the Midtown Lofts Condominium Association, has appealed the decision of the City Planning Commission to approve applications for site plan review and a conditional use permit for an amended planned unit development consisting of 198 additional dwelling units at the addresses of 2813-41 Bryant Avenue S, 2828 Aldrich Avenue S and 811 28th Street W. At its meeting on February 7, 2011, the City Planning Commission voted unanimously to approve all applications. Other applications approved that are not subject to the appeal include a variance to reduce the south side yard setback from 15 feet to 5 feet to allow for a

sidewalk and wall, and a plat. The City Planning Commission minutes and Planning Division staff report are attached.

In the statement submitted, the appellant notes that they are concerned exclusively with the Bryant Avenue (Phase II) building, and not the portion of the building that would front on the Midtown Greenway. The appellant states that they are looking for meaningful changes to the building design. The primary modification requested is a building that steps down in height to create a transition that respects the neighboring residential uses that are of a lower density. The appellant cites references from the *Midtown Greenway Land Use and Redevelopment Plan*, the *Uptown Small Area Plan* and *The Minneapolis Plan for Sustainable Growth*. The complete appeal statement has been attached for review.

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variance, Site Plan Review, and Plat
BZZ-5055 & PL-250

Date: February 7, 2011

Applicant: Bryant Lofts, LLC

Address of Property: 2813-2841 Bryant Avenue S, 811 28th Street W, 2828 Aldrich Avenue S

Project Name: Track 29 Apartments

Contact Person and Phone: Loren Brueggemann, (612) 386-9071

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: December 30, 2010

End of 60-Day Decision Period: February 28, 2011

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: R5 Multiple-family district, R3 Multiple family district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 198 dwelling units

Concurrent Review:

Conditional use permit to amend a planned unit development to allow 198 additional dwelling units.

Variance to reduce the south side yard setback from 15 feet to 5 feet to allow for a sidewalk and concrete wall.

Site plan review.

Plat, preliminary.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 527, Planned Unit Development; Chapter 530 Site Plan Review; and Chapter 598 Land Subdivision Regulations.

Background: The applicant is proposing to amend a previously approved planned unit development by constructing a 198-unit apartment building and associated site improvements. The proposed building

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will have two wings, one fronting along the Midtown Greenway with 103 units and one wing fronting along Bryant Avenue S with 95 units. The two wings would have a ground floor and below grade connection and are proposed to be constructed within two months of each other, with the portion of the building that fronts along the Midtown Greenway to be constructed first. The project includes underground parking and various amenities provided in compliance with Chapter 537, Planned Unit Development. The site is bordered by Bryant Avenue on the west, Aldrich Avenue on the east, the Midtown Greenway on the south and single family homes that front on 28th Avenue S to the north. A narrow extension on the north end of the site also connects to 28th Street W. The planned unit development contains three existing townhome buildings with nine units each. No changes are proposed to these existing buildings as part of the project.

In 2004, the applicant received approvals for a 112 unit residential planned unit development. Those approvals included rezoning from R5 and OR2 to R6, preliminary plat, a conditional use permit for the 112 unit PUD, several setback variances and site plan review. In 2005 the applicant received approvals for an amended planned unit development that included 125 residential units instead of 112. The 125 units approved included three townhome buildings with nine units each fronting along Aldrich Avenue, three 9-unit townhome buildings fronting along Bryant Avenue and one 71-unit loft building. Of those units, only the three townhome buildings that front on Aldrich Avenue were constructed. The land use approvals for this previous project expired on March 28, 2009 after receiving one two-year extension. The amended planned unit development proposed at this time includes 198 additional dwelling units in a two-wing apartment building that will front along the Midtown Greenway and Bryant Avenue S.

In the R5 district, a planned unit development (PUD) with a multiple-family dwelling of 5 or more units is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

The applicant is proposing 198 new dwelling units in addition to the 27 that have previously been constructed on the site. Site plan review is required for any new use with 5 or more dwelling units.

The site is located north of the Midtown Greenway, which was given a residential zoning designation as part of the Midtown Greenway Rezoning study. The Planned Unit Development chapter allows for a reduction in required yards along the periphery of a planned unit development, except along property lines abutting a side or rear lot line of a residential district. Because this public pathway is zoned residential, a variance is required to reduce the required side yard. The required side yard setback is $5+2x$ where x is equal to the number of stories above the first floor. For this six-story building, a setback of 15 would be required. A pedestrian promenade and wall for the underground parking garage are proposed within five feet of the south side property line. A variance has been requested accordingly.

As part of an application for a PUD, any land proposed for the development is required to be platted into one or more lots suitable for the PUD. The applicant has submitted a preliminary plat as part of this application. Before final City approvals can be obtained, the final plat will need to be approved by the planning commission.

The site contains split zoning. The majority of the site is zoned R5. However, the parcel at 811 28th Street W is zoned R3. This parcel is approximately 4,380 square feet and comprises 3.6 percent of the total site area. The split-zoning situation was existing on January 1, 2009 and therefore is subject to the exception in Section 535.210, which reads, "*Where one zoning district occupies at least 75 percent of*

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the total lot area and the other zoning district(s) occupies less than 5,000 square feet of the total lot area, the district regulations of the district occupying the larger portion of the lot shall apply to the entire zoning lot.” To summarize, the entire development is subject to the regulations of the R5 District.

The applicant was required to complete a Travel Demand Management Plan (TDMP) in 2005 as part of the previous application. For the current proposal, the Public Works Department requested an amendment to the TDMP with updated land use assumptions and site plan information. Although the amendment has not been finalized, a draft was submitted. Information from the original TDMP and the draft amendment is referenced in this report.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow an amended planned unit development with 198 additional dwelling units.

Findings as Required by the Minneapolis Zoning Code for Conditional Use Permits:

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

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

The establishment of a planned unit development with 198 dwelling units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department 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 site is surrounded by a mix of commercial and residential uses of varying densities. To the east, the site is primarily bordered by commercial uses that front on Lyndale Avenue. Residential uses are located to the north and west. It is also adjacent to the Midtown Greenway. The scale and massing of the proposed building is compatible with other multi-family residential buildings in the immediate area. Other multi-family residential buildings in the area include the 146-unit, 6-story Blue development at 2900 Aldrich, which is directly south of the site across the Midtown Greenway. The Midtown Lofts cluster development is located directly west of the site and was approved for 72 residential units with buildings up to 4 stories in height. Several other large apartment buildings are located in the area. Existing and future development in the area should not be negatively affected by the development.

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

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The site is served by existing infrastructure. The existing townhomes are served by a private drive that is accessible from Aldrich Avenue S. This private drive is proposed to be extended to provide access through the site to Bryant Avenue. The Public Works Department reviewed the project as part of the PDR process for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The PDR report has been attached for review.

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

The project would comply with all minimum parking and loading requirements. The parking requirement for residential uses is one space per dwelling unit, or 225 spaces in this case. The applicant is proposing 240 spaces, all of which are underground. One small loading space is required and one small loading space is proposed. The bicycle parking requirement for multi-family residential uses is one space for every two dwelling units. The existing townhomes were constructed prior to adoption of the bicycle parking requirements and therefore not subject to this standard. For the 198 new units proposed, a minimum of 99 bicycle parking spaces are required. The applicant is proposing 108 bike parking spaces within the underground parking garage, exceeding the minimum requirement.

Vehicle access is proposed from Bryant Avenue S at the north end of the site. This private drive would connect with the existing private drive that was constructed with Phase 1 of the project. The existing drive connects to Aldrich Avenue and will provide access to all underground parking structures. Access was reviewed by Public Works as part of the Preliminary Development Review process and those comments can be found in the attached PDR report. The site is directly north of the Midtown Greenway and ample bike parking has been provided to encourage biking as an alternate mode of transportation. The applicant is also proposing two shared vehicles within the development. Per the updated TDMP, the number of dwelling units proposed is expected to generate 1,462 vehicles trips per day to and from the site. The use is expected to generate 72 peak hour trips in the morning hours and 92 peak hour trips in the afternoon. These projections do not take transit or bicycle modes into account. These alternate modes of transportation are expected to reduce vehicle trips by 19 percent. The traffic anticipated from the proposed development is not expected to have a significant impact on the existing levels of service of intersections in the surrounding area.

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

The site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation contains a range of residential densities with a limited amount of other uses appropriate in a residential setting. The site is one block west of the Lyndale Avenue Commercial Corridor and two blocks north of the Lake Street Commercial Corridor. The following policies of the Comprehensive Plan apply to the site:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

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- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 3.1: Grow by increasing the supply of housing.

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

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

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

Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

- 3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

- 10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.
- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.
- 10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

The site is also within the study area of the *Midtown Greenway Land Use Development Plan*. The small area plan calls for high-density housing in this location, particularly 40-120 dwelling units per acre. The site is 2.76 acres in size and 198 dwelling units are proposed in addition to the 27 existing units, for a total of 225 units. The number of units proposed results in a density of 81.5 units per acre, consistent with the recommended density. The plan also calls for urban-oriented building design, such as an apartment building, rowhouse or townhouse development in this location. The following additional policies of the small area plan:

- A primary recommendation of the plan is to provide a linear public “promenade” or walkway wherever possible between private development and the Midtown Greenway. Promenades have similar value to sidewalks in that they create a street-level pedestrian network, and provide visual connections between the Midtown Greenway and adjacent spaces.
- Wherever possible, a minimum of 12 feet (8 feet paved) should be provided between private development and the Midtown Greenway right of way for a publicly accessible pedestrian promenade, except where a Greenway building is proposed.
- 15-foot setbacks along the Midtown Greenway property line.
- Explicit consideration of shadowing and visual connectedness in conditional use permit applications for additional height.
- Promote development that reinforces appropriate architectural scale and relates to adjacent land uses. Employ development strategies that minimize Greenway and adjacent property shadowing.
- Use new development, the pedestrian environment and open space to promote an integrated relationship between the Greenway floor and the Greenway edge/rim, fostering a sense of place and community.
- Develop a premier public edge along both sides of the Greenway, including a more pedestrian and bicycle-friendly 29th Street and public promenades.
- City policy supports housing and population growth in appropriate locations. New housing development should be generally located in areas that have good transit access, and that are close to commercial goods and services and in other high-amenity areas. All of the property in the MGLUD study area has these characteristics to varying degrees.

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- A primary face and main entrances of buildings should address the public street while not excluding the possibility that additional “front doors” may at times also front the greenway.
- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.
- Building height and mass is encouraged to step down at the boundary between a higher-density development district and a lower density district and existing residential neighborhoods.
- Access and parking for new developments should be from the alley or a private driveway.

Providing a high-density apartment building in this location is consistent with the above policies of the small area plan and the Comprehensive Plan. While the site is designated as Urban Neighborhood, the specific policies in the *Midtown Greenway Land Use Development Plan* call for the proposed density. The development will include a public promenade along the Greenway that is 10’7” in width, underground parking access from a private drive within the development, ground level patios with additional entrances facing the Greenway and a significant building setback on the south side. The Bryant Avenue wing of the building will step down on the north side with respect to the single family homes to the north. The site is also within the study area of the *Lyn-Lake Small Area Plan*, which essentially refers back to the policy language of the *Midtown Greenway Land Use and Redevelopment Plan* as cited above.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The use of the site for a planned unit development with 198 additional dwelling units will conform to the applicable regulations upon the approval of the conditional use permit, variance, site plan review, and plat applications.

Findings Required for Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. Additional uses. (See Section B Below for Evaluation)**
- C. The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)**

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.

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- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Alternatives requested:

- **Placement and number of principal residential structures.**

Number of Principal Residential Structures – No alternative requested.

- **Bulk regulations.**

Maximum Floor Area – No alternative requested.

Building Height: In the R5 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the residential building would function as five stories. However, the fifth floor exceeds 14 feet in height, making the building six stories per the zoning code definition. The tallest portions of the building are located near the building entrances where architectural height increases are proposed to emphasize the entrance locations. The majority of the building will have a height of 64 feet.

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

1. Access to light and air of surrounding properties.

This development would not be expected to have significant impacts on the amount of light and air that the surrounding properties receive. The proposed residential building would be separated from surrounding properties by public streets on the east and west, the Midtown Greenway to the south and a proposed private street to the north. The building would be setback approximately 36 feet from the only other residential uses on the same block. The fifth floor would be setback an additional five feet.

2. Shadowing of residential properties or significant public spaces.

Staff would expect some minimal effects on the adjacent non-residential and residential uses according to the attached shadow survey. The west wing of the building, fronting on Bryant Avenue, will be setback approximately 36 feet from the north edge of the property. This setback is increased by an additional five feet for the fifth floor of the building to provide a maximum setback of 41 feet from the rear lot line of the adjacent single family home. The significant setback provided will minimize the impact of any shadowing on the properties to the north. The residential uses to the west will be separated from the proposed building with a public street, again reducing the impact of any shadowing. No significant shadowing of public spaces is expected.

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. Staff believes that the proposal is compatible with the scale and character of other buildings in the area. The subject site is surrounded by structures of varying residential densities that range from one to six stories in height. The applicant is proposing a building that functions as five stories, but is technically six. The design and allocation or distribution of height on site would be compatible with the contextual surroundings. The Midtown Greenway Land Use and Redevelopment Plan calls for apartment buildings in this location at a height of three to five stories. As stated above, most of the building will be five stories in height but additional architectural roofs near the building entrances increase the height of the building to six stories.

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. The project is on the north side of the Midtown Greenway and therefore would project very minimal shadowing on this public pathway.

- **Lot area requirements.** – The R5 District requires a minimum of 700 square feet of lot area per dwelling unit. The total site is 120,258 square feet in area, which would allow for 171 dwelling units. The project is eligible for a 20 percent density bonus because all of the required parking is provided underground. The 20 percent bonus allows 34 additional dwelling units, for a total of 205 units. The maximum number of dwelling units may be increased by another 20 percent per the planned unit development standards for the purposes of promoting an integrated development that provides a variety of housing types and amenities. The second 20 percent bonus would allow for a total of 239 units on the site. The applicant is proposing 225 dwelling units.

- **Yards.**

1) To allow a reduction or elimination of required yards within the planned unit development.

An alternative has been requested to allow a reduction of required yards within the planned unit development. The proposed building is to be constructed with two separate wings connected below grade and on the ground floor, with each wing on its own platted lot. The south wing will be on the proposed Lot 1, Block 1, and the west wing will be on Lot 2, Block 1. For the south wing of the building, the applicant is requesting a reduction from 15 feet to three feet where adjacent to the private drive and from 15 feet to 0 feet to allow the building wall to directly abut the wall of the Bryant Avenue building.

A yard reduction is requested for the Bryant Avenue wing to reduce the south side yard setback from 15 feet to 0 feet and to reduce the east rear yard setback from 15 feet to 0 feet to allow for the portion of the garage wall that extends above grade. Along the north side property line, the applicant is proposing to reduce the setback adjacent to Outlot A from 15 feet to 9 feet for the wall of the residential structure.

2) To allow a reduction or elimination of required yards along the periphery of the planned unit development, except along property lines abutting a side or rear lot line of a residential

district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes. In the front yard of both lots, along Bryant Avenue S, the applicant is proposing to reduce the front yard setback from 15 feet to 0 feet to allow for stairs that exceed six feet in width. Three sets of stairs are proposed in this required yard to provide access from the public sidewalk to the three building entrances. The building wall in this location is proposed at a minimum setback of 10 feet, as opposed to the 15 feet required. Other encroachments in this yard include a walkway that is eight feet in width, a wall at the edge of the underground parking garage that extends approximately two feet above grade and a ground level patio that exceeds 50 square feet in area. There is a walkway constructed of pervious pavers proposed on the north edge of Outlot A. This walkway is 4.5 feet in width and is allowed as a permitted encroachment.

Reductions are also requested for the front yard on the east side of Lot 1, adjacent to Aldrich Avenue S. The required setback is 15 feet and the applicant is again requesting a reduction to allow a wall at the edge of the underground parking garage to extend approximately three feet above grade directly on the property line. A reduction is requested from 15 feet to 10 feet for the building wall. The exhaust air area wall will also be located in this yard.

- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

Points required:

- Minimum required amenity(ies) – **10 points.**
- Bulk regulations, height – **5 points.**
- Lot area requirements – **5 points.**
- Yards, within the PUD- **5 points.**
- Yards, periphery- **5 points**
- **Total – 30 points.**

Amenities provided: The applicant has provided a supplemental table (attached to this report) describing all of the amenities proposed. Staff believes 30 points worth of amenities are provided as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1: Public Right-of-Way Dedication, Underground parking, Outdoor Children’s Play Area, Art Feature, Pedestrian Improvements, Reflective Roof, Shared Vehicles, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Pet Exercise Area and Water Feature.

Public right-of-way dedication – The required standards for public right-of-way dedication are:

- **Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved city plan or that restores the city’s traditional grid subject to the approval of the applicable agencies or departments.** The Midtown Greenway Land Use and Redevelopment Plan calls for a publicly accessible promenade at a minimum width of 12 feet (8 feet paved) between private development and the Midtown Greenway right of way. The applicant is proposing to

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construct a public promenade that is 9'10" wide along the south property line, consistent with the small area plan. This promenade will be privately owned and not dedicated as public right-of-way. Because it meets the intent of the ordinance, although it will be privately owned, staff is recommending partial points for this amenity.

- **Right-of-way improvements should be designed in accordance with Chapter 598, Land Subdivision Regulations.** The promenade will not be dedicated as public right-of-way but will be maintained according to City standards.
- **Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.** No alleys would be reconstructed or relocated as part of this development.

This provision is worth 5 points.

Underground parking- The required standards for underground parking are:

- **All parking shall be located underground.** All of the parking proposed for the project will be located underground. The applicant is receiving a density bonus for locating all of the 225 required parking stalls underground and therefore is not eligible for a full 10 points for this amenity. However, there are 15 parking spaces proposed in excess of the minimum requirement that will also be located underground. Because this additional parking is to be located underground, staff recommends granting partial points for this amenity.
- **Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story. Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level.** The grade of the site slopes along the south property line due to the access ramp the Midtown Greenway, exposing the wall of the underground parking structure. The wall is also exposed on the north side of the south wing where access into the parking garage is located. The exterior parking garage walls do not extend more than three feet above grade where adjacent to the public street.

This provision is worth 3 points.

Outdoor children's play area – The required standards for outdoor children's play area are:

- **An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet.** No units with three or more bedrooms are proposed; therefore at least 500 square feet of play area is required. The designated play area would be 1,815 square feet.
- **The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision.** The play area will be secured by a decorative fence that allows views in and out and would be separated from the adjacent driveway. Benches will also be included to provide an area from which adults can observe children.
- **The play area shall include play equipment, installed to the manufacturer's specifications, or natural features suitable for children in both preschool and elementary school.** The proposed play equipment would be suitable for young children and will include a spring toy, a swing set and a slide. An illustration of the proposed play equipment is included in the applicant's landscape plan.
- **Play equipment shall not be located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard.** The required side and rear yard setback is 5 feet, and the required front yard setback is 15 feet. All play

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equipment will comply with the minimum setback requirements. The portion of the play area that is located within a required yard is equivalent to 25.1 percent of the total area.

- **Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.** The applicant has indicated that the play area and equipment are designed for winter use and the space is positioned to receive natural sunlight early in the day.

This provision is worth 5 points.

Art feature – The required standards for art feature are:

- **Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely.** The applicant has been working with the City’s Public Arts Coordinator to select an artistic drinking fountain from one of the five unrealized designs from the Artist-Designed Public Drinking Fountains Public Art Project.
- **The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public.** The art piece will be placed in the southwest corner of the site, adjacent to the promenade to make it accessible to the public and specifically for people entering or exiting the Midtown Greenway.
- **If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets.** The art would be located outside.
- **The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.** The applicant has indicated that the total capital cost of the proposed principal structure is \$21 million. The public drinking fountains have been valued by the City at \$50,000 each and additional costs will be incurred for installation. The art will likely exceed a value of .25 percent, or \$52,500 in this case.

This provision is worth 3 points.

Pedestrian improvements – The required standards for pedestrian improvements are:

- **A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review.** The applicant is proposing prominent entry spaces in front of the entries to each wing of the building. These entry spaces will be connected with a private sidewalk that ranges in width from four feet to ten feet. These entry plazas will be connected to the public sidewalk along Bryant Avenue with stairs and a sloped concrete sidewalk. As noted above, the applicant is also proposing a pedestrian promenade, per the *Midtown Greenway Land Use and Redevelopment Plan*. This promenade will be almost ten feet in width and will provide a pedestrian connection from Bryant Avenue to Aldrich Avenue along the south side of the site. The applicant is also proposing a pedestrian connection from Bryant Avenue to the pet exercise area and children’s play area in the form of a 4-foot sidewalk.
- **The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.** The pedestrian promenade and entry plazas at both building wing entries are to be surfaced with decorative pavers. These areas will be well lit and complimented with significant landscaping to create aesthetically pleasing pedestrian spaces.

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This provision is worth 3 points.

Reflective roofs – Utilize roofing materials for seventy-five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs. Reflective roofing materials with a Solar Reflectance Index equal to or greater than that required by the USGBC will be provided for a minimum of 75 percent of the total roof area.

This provision is worth 3 points.

Shared vehicles - Access to a shared passenger automobile available for short-term use. For residential uses, a minimum of one (1) car per one hundred (100) dwelling units is required. The applicant is proposing 198 new dwelling units and two shared vehicles to meet this requirement.

This provision is worth 3 points.

Decorative fencing – Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing. The applicant is using three types of decorative fencing throughout the site. A decorative metal fence 3.5 feet in height is proposed along the promenade on the south side of the site. A decorative metal fence of a slightly different design at a height of 6 feet is proposed along the perimeter of the children’s play area and the pet exercise area. This same metal fencing is proposed along the perimeter of the patios outside of each unit at a height of 3.5 feet and along the property line at the edges of the underground parking garage. Along the north property line, adjacent to the single family residential homes, the applicant is proposing a dog-eared cedar fence at a height of six feet to screen the private drive from these residences.

This provision is worth 1 point.

Enhanced exterior lighting – Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability. The applicant has provided a lighting plan. Decorative bollard, wall mounted and pole lights are proposed throughout the site. The lighting along the pedestrian promenade would consist of decorative pole lights and ground level halogen lights. This ground level lighting would continue along Bryant Avenue to the entrance of the Bryant Avenue wing of the building. Each of the residential patios would have exterior lighting and lighting would be provided along walkways and driveways throughout the site. The lighting would comply with Chapter 535 standards.

This provision is worth 1 point.

Enhanced landscaping – The required standards for enhanced landscaping are:

- **A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review.** The applicant is providing a landscaped area equivalent to 34.7 percent of the site not occupied by buildings. The landscape plan includes approximately 28 different species of shrubs, 17 different species of perennials and a variety of ornamental and canopy trees. However, only two overstory canopy trees are proposed and the remaining trees are ornamental. This would not meet the minimum requirements of the ordinance, which requires 25 canopy trees. Staff does not recommend granting any points for this amenity unless the required number of canopy trees is provided.

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- **The landscaped areas shall have a resource efficient irrigation system.** An irrigation system will be provided for all landscaped areas.
 - **The landscaping plan shall be prepared by a licensed landscape architect.** The landscape plan was prepared by a licensed landscape architect with the firm Close Landscape Architects.
- This provision is worth 0 points.

Recycling storage area – **Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.** Recycling areas would be located adjacent to the trash collection areas within the underground parking structure. Each wing of the building will have its own recycling storage area. This provision is worth 1 point.

Pet exercise area – The required standards for pet exercise area are:

- **A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet.** The exercise area would be approximately 19 by 79.5 feet (1,510 square feet).
- **It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste.** Decorative fencing would surround the area. Accommodations for proper disposal of animal waste would be provided.
- **The pet exercise area shall not be located in a required yard.** A portion of the pet exercise area would be located within the required yards. However, the portion of the pet exercise area that is located outside of the required yard is 14 feet by 60 feet, consistent with the minimum dimensions required.

This provision is worth 1 point.

Water feature- The standards for water feature are:

- **A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** The applicant is proposing a reflecting pool within a garden in the center of the site, between the two wings of the building.

This provision is worth 1 point.

Points Summary

<i>Amenity</i>		<i>Points Requested by Applicant</i>	<i>Points Recommended by Staff</i>
Amenities from Table 527-1	Underground Parking	3	3
	Public Right-of-Way Dedication	10	5
	Outdoor Children’s Play Area	5	5
	Art Feature	3	3
	Pedestrian Improvements	3	3
	Reflective Roof	3	3
	Shared Vehicles	3	3
	Enhanced Exterior Lighting	1	1
Decorative Fencing	1	1	

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	Enhanced Landscaping	1	0
	Recycling Storage Areas	1	1
	Pet Exercise Area	1	1
	Water feature	1	1
Total		36	30

A total of 30 points are required for the requested alternatives and 30 points have been provided.

Phasing plan. – The development would not be phased. The timeline submitted by the applicant indicates that the two wings of the proposed building will be constructed within two months of each other.

Section B: Additional Uses

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

Additional uses are not proposed.

Section C: Conformance with Required Planned Unit Development Findings

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. **That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. **The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

The applicant is proposing to amend a planned unit development by adding 198 dwelling units to the 27 units that currently exist on site. The existing units are provided in three townhome buildings with nine units each. The proposed unit mix includes studios (identified as alcoves on the floor plans), one bedroom and two bedrooms. Spaces around the multiple-family dwelling

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include amenities for the residents as well as semi-public areas that should create positive activity near the Midtown Greenway.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

The project would comply with all minimum parking and loading requirements. The parking requirement for residential uses is one space per dwelling unit, or 225 spaces in this case. The applicant is proposing 240 spaces, all of which are underground. One small loading space is required and one small loading space is proposed. The bicycle parking requirement for multi-family residential uses is one space for every two dwelling units. The existing townhomes were constructed prior to adoption of the bicycle parking requirements. For the 198 new units proposed, a minimum of 99 bicycle parking spaces are required. The applicant is proposing 108 bike parking spaces within the underground parking garage, exceeding the minimum requirement.

Vehicle access is proposed from Bryant Avenue S at the north end of the site. This private drive would connect with the existing private drive that was constructed with Phase 1 of the project. The existing drive connects to Aldrich Avenue and will provide access to all underground parking structures. Access was reviewed by Public Works as part of the Preliminary Development Review process and those comments can be found in the attached PDR report. The site is directly north of the Midtown Greenway and ample bike parking has been provided to encourage biking as an alternate mode of transportation. The applicant is also proposing two shared vehicles within the development. Per the TDMP, the number of dwelling units proposed is expected to generate 1,462 vehicles trips per day to and from the site. The use is expected to generate 72 peak hour trips in the morning hours and 92 peak hour trips in the afternoon. These projections do not take transit or bicycle modes into account. These alternate modes of transportation are expected to reduce vehicle trips by 19 percent. The traffic anticipated from the proposed development is not expected to have a significant impact on the existing levels of service of intersections in the surrounding area.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

From Table 527-1 of the zoning code, Public Right-of-Way Dedication, Underground parking, Outdoor Children's Play Area, Art Feature, Pedestrian Improvements, Reflective Roof, Shared Vehicles, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Pet Exercise Area and a Water Feature are proposed in this development. The amenities proposed provide the 30 points required for the requested alternatives.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

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The primary exterior materials would be durable and include metal panels, cementitious siding, masonry units, and glass. The applicant is also proposing a significant amount of synthetic stucco on the upper floors. The applicant has confirmed that this will be a stucco panel and will not be EIFS. All sides of both building wings would be compatible to each other and similar in appearance. The materials proposed would compliment the materials on the existing townhome buildings within the same development. All building walls would contain an abundant amount of windows that would allow for natural surveillance opportunities around the building.

The scale and massing of the proposed building is compatible with other multi-family residential buildings in the immediate area. Other multi-family residential buildings in the area include the 146-unit, 6-story Blue development at 2900 Aldrich, which is directly south of the site, across the Midtown Greenway. The Midtown Lofts cluster development is located directly west of the site and was approved for 72 residential units with buildings up to 4 stories in height and several other large apartment buildings are located in the area. The building is not expected to have significant effects on access to light or air, create significant shadow effects, or impede any significant views. The applicant has provided shadow studies that were further evaluated in the height alternative section above. A significant amount of landscaping is proposed and all parking will be located underground.

- e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

The property is bordered by single family homes to the north and a combination of single family homes and multi-family residential uses across Bryant Avenue to the west. There is also one vacant parcel to the east of the existing townhomes that is zoned R6. The public streets on the east and west sides of the site provide a significant transition space between the proposed building and the existing residential uses. Landscaping, proposed building setbacks and wide sidewalks will provide an additional buffer between these uses. This development would not be expected to have significant impacts on the amount of light and air that surrounding properties receive. Staff would expect some minimal effects on the adjacent non-residential and residential uses according to the attached shadow survey. The ample setback provided between the building and the single family homes to the north, in addition to the 5-foot step back on the 5th floor, should create an adequate transition to the neighboring uses. The setback from the proposed building to the north lot line is 36 feet for the first four floors and 41 feet for the 5th floor. The distance to the closest single family home is approximately 62 feet from the proposed north building wall.

- f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The project was reviewed by the Public Works Department as part of the PDR process in terms of its relationship to public facilities, stormwater, erosion control and other aspects. The applicant has provided for on-site retention of stormwater with a system that was constructed as part of the first phase of this project. The PDR report in its entirety has been attached for review.

- g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

The site is currently vacant. The applicant is encouraged to use sustainable building practices during the construction phases of the project.

- 2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary plat section of this report.

VARIANCE: to reduce the south side yard setback from 15 feet to 5 feet to allow for a sidewalk and concrete wall.

Findings Required by the Minneapolis Zoning Code:

- 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.**

The site is located north of the Midtown Greenway, which was given a residential zoning designation as part of the Midtown Greenway Rezoning study. The Planned Unit Development chapter allow for a reduction in required yards along the periphery of a planned unit development, except along property lines abutting a side or rear lot line of a residential district. Because this public pathway is zoned residential, a variance is required to reduce the required side yard.

The applicant is proposing a sidewalk, or promenade, within the required side yard setback at a width of 10'7". A walkway for a multi-family residential building is only a permitted encroachment in a required side yard if it is no more than six feet in width. The wider sidewalk proposed is consistent with the recommendations of the Midtown Greenway Land Use and Development Plan, which calls for a minimum of 12 feet (8 feet paved) to be provided between private development and the Midtown Greenway right of way for a publicly accessible pedestrian promenade. The proposed sidewalk is slightly wider than the small area plan calls for. However, the additional width enhances this pedestrian feature without having a detrimental impact on the adjacent public pathway. Reasonable use of the land would not be allowed without the variance, because the strict regulations of the ordinance would prohibit a feature called for in an approved City plan. In 2005, before the Midtown Greenway was zoned R1A, a similar promenade was approved with a minimum setback of approximately two feet from the south property line.

Due to the grade change in this location caused by the existing Greenway access ramp, a portion of the underground parking garage wall will be above grade in the required yard. This wall is not a permitted encroachment and a variance is required to allow this feature as well. The roof of the parking garage serves as the surface for the pedestrian promenade. Therefore, requiring

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the garage wall to be moved 10 feet to the north would shift the public promenade further away from the Greenway. Again, strict adherence of the code would not allow reasonable use of the property because it would diminish the pedestrian quality of this feature as called for in the *Midtown Greenway Land Use and Redevelopment Plan*.

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.**

The circumstances are unique to this parcel of land because the land is located on the north side of the Greenway where there is currently no pedestrian connection at street level. The policies of the *Midtown Greenway Land Use and Redevelopment Plan* specifically address this type of situation and emphasize the need for a public promenade when these conditions are present. These circumstances have not been created by the applicant. Similarly, the grade change that exists in the form of the Midtown Greenway access ramp is a circumstance that is unique and not caused by the applicant.

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.**

Granting of the variance to reduce the side yard setback for a sidewalk that will function as a public promenade would allow a pedestrian feature that is specifically called for in an approved small area plan. This pedestrian promenade would improve pedestrian circulation in this area near the Midtown Greenway. Granting this variance would be in keeping with the spirit and intent of the ordinance and will not have a detrimental impact on the character of the surrounding area.

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.**

The variance would allow for an important pedestrian feature that is called for in an approved small area plan and improve pedestrian access in the area. Granting the variance would not result in increased congestion in the public street, be detrimental to the public welfare or be a danger to public safety.

SITE PLAN REVIEW

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

BUILDING PLACEMENT AND DESIGN:

- 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, windows, and active functions:
 - 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.

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- 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.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The building wall will be setback a minimum of ten feet and a maximum of 18 adjacent to Bryant Avenue S. The increased setback is due to the R5 zoning on the property, which requires a minimum front yard setback of 15 feet. The placement of the building and the building design will promote natural surveillance and visibility of the adjacent public spaces and private amenities. The area between the building wall and the front lot line would include amenities such as patios, landscaping, an entry plaza, public art and decorative fencing. Each wing of the building has a principal entrance that faces Bryant Avenue S. A second entrance for the west wing of the building will also face Bryant Avenue S. An entrance will also be provided that faces the Midtown Greenway. The entrances facing Bryant Avenue will be emphasized with height increases, awnings and signage. The entrance facing the Midtown Greenway will be recessed.

All of the parking proposed for the site would be located underground, including the parking that is provided for the existing townhomes.

The building would not include any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length. Multiple recesses and projections are provided, including balconies on all of the upper floors and height variations along the roofline. However, the locations where the underground parking garage wall is exposed would have blank sections that exceed 25 feet. This includes the north elevation facing the interior of the site, the east elevation facing the interior of the site and the south elevation facing the Midtown Greenway. The landscape plan shows Boston Ivy along the base of the east wall. As a condition of approval, the Boston Ivy or other living wall material shall be continued onto the north-facing and south-facing garage walls to mitigate the impact of the blank wall.

The primary exterior materials would be durable and include metal panels, cementitious siding, masonry units, and glass. The applicant is also proposing a significant amount of synthetic stucco or varying colors on the upper floors. The applicant has confirmed that this will be a stucco panel and will not be EIFS. The garage wall facing the Midtown Greenway will be constructed of poured concrete, consistent with prior approvals. The exposed garage walls on the interior of the site will be constructed of scored

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block. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of the building would be compatible to each other and similar in appearance. The proposed building is also compatible with the existing townhomes.

Plain face concrete block would not be used as a primary exterior building material.

Multiple entrances would be provided for the building. Two primary entrances will be provided facing Bryant Avenue S and one is provided that faces the Greenway. A third entrance is located on the north end of the building, facing Bryant Avenue. Each ground floor unit will have an entrance that opens onto a private patio. These entrances are not intended to serve as the primary entrance for any of the units and they will be separated from the public sidewalk or public promenade.

The window requirements for this residential use are 20 percent of the walls on the first floor and ten percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot. The first floor of the building facing Bryant Avenue S will contain windows for approximately 20.6 percent of the façade. Additional windows are provided on the west elevation that have not been counted because they are more than four feet above the adjacent grade. The upper floors of this west elevation will contain windows for a minimum of 22.1 of the wall area. The south elevation, facing the Midtown Greenway, will contain windows for 28.6 percent of the first floor and a minimum of 27 percent of each of the upper floors. The portion of east elevation that will be visible from Aldrich Avenue contains windows for 16.3 percent of the first floor. Staff does not recommend granting alternative compliance to allow a reduction in windows. As a condition of approval, a minimum of 20 square feet of additional glazing shall be required on this elevation which would bring it into compliance with the 20 percent minimum. The upper floors on this elevation meet the minimum requirements. The applicant has indicated that additional glazing may be added to each elevation. Additional glazing may be approved administratively upon approval of the site plan. The proposed windows are more or less evenly distributed and vertical in proportion.

The first floor of the building contains active functions for more than 70 percent of each wall that fronts on a public street or public pathway.

The proposed roofline is primarily flat, consistent with other multi-family buildings in the area and the existing townhomes. The roofline is varied with a slanted, architectural roof near the entrance of the south wing of the building and a curved architectural roof near the entrance of the Bryant Avenue wing.

A portion of the wall for the underground parking garage will be visible from the Midtown Greenway due to the slope of the existing pedestrian ramp in that location. However, vehicles will not be visible.

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.

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- 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.

Conformance with above requirements:

Walkways a minimum of four feet in width would connect the building entrances to the public sidewalk. The parking garages will be accessible from the interior of the building.

A transit shelter is not proposed or adjacent to the site.

Vehicle access into the site currently comes from Aldrich Avenue S. The access through the site is via a private drive that will connect to Bryant Avenue S as part of this phase of the project. The proposed access and circulation should minimize vehicular conflicts with pedestrians. Several pedestrian walkways have been incorporated into the site design to clearly direct pedestrian movements.

There is an alley easement on the east side of the proposed children's play area. The applicant is not proposing to utilize this alley for access and it is currently separated from the development with a wood fence at a height of 6-feet.

All of the parking proposed for the site would be located underground. Vehicle circulation will be accommodated with a private drive that has access from Bryant Avenue S and Aldrich Avenue S. This private drive provides access into the underground parking garage which has one-way drive aisles for interior circulation. The amount of impervious surface proposed is equivalent to 82.7 percent of the total zoning lot. This amount is within the parameters allowed and is not excessive.

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.

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- 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.

Conformance with above requirements:

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 120,258 square feet. The building footprints, including the existing townhomes, would be approximately 58,884 square feet. The net lot area is 61,374 square feet, of which at least 20 percent (12,275 square feet) must be landscaped. The applicant is proposing a landscaped area of 21,304 square feet, or 34.7 of the net site area. When evaluating the current phase of the project by itself, 35.9 percent of the site not occupied by buildings is landscaped.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 25 and 123 respectively. The applicant is proposing 376 shrubs with this phase of the development and 196 were installed on the site in Phase 1. The applicant is proposing two canopy trees and 11 ornamental trees with this phase of the project. An additional 27 ornamental trees were planted as part of Phase 1. While the number of ornamental trees provided is significant, staff does not recommend granting alternative compliance to allow only two canopy trees. As a condition of approval, a minimum of 10 canopy trees shall be provided on site in conjunction with the proposed ornamental trees. Staff further recommends that the ornamental trees along the east side of the building, adjacent to the private drive, be continued for the length of the building to further compensate for the lack of canopy trees. In addition to the shrubs and trees, over 1,000 perennials would be located on site. A garden in the center of the site will contain a reflecting pool with a bubbler fountain. The remainder of the site not covered by the buildings, parking area, driveways, walkways, plazas, and patios would be covered with perennials, native grasses, and sod.

All parking will be provided underground and no additional landscaping standards apply.

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

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- **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.**

Conformance with above requirements:

Continuous concrete curbing would be provided for the length of the private driveway. All stormwater from the site would be collected and routed to an underground chamber. Provisions for on-site retention of stormwater were reviewed by Public Works as part of the PDR process and that report is attached for review.

The buildings should not impede any views of important elements of the city.

Staff would expect some minimal effects on the adjacent non-residential and residential uses according to the attached shadow survey. The west wing of the building, fronting on Bryant Avenue, will be setback approximately 36 feet from the north edge of the property. This setback is increased by an additional five feet for the fifth floor of the building to provide a maximum setback of 41 feet from the rear lot line of the adjacent single family home. The significant setback provided will minimize the impact of any shadowing on the properties to the north. The residential uses to the west will be separated from the proposed building with a public street, again reducing the impact of any shadowing. No significant shadowing of public spaces is expected.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage on all sides of the building to provide opportunities for tenants to observe adjacent spaces. Enhanced lighting would be provided throughout the site. Information submitted by the applicant indicates that lighting levels would enhance security without creating glare or excessive lighting. Walkways, landscaping and fencing would be provided to guide pedestrian movement in and around the site and to distinguish between public and private spaces.

The buildings on the site were previously demolished as part of Phase 1. The site is not locally designated. However, the site is adjacent to the CM&StP Grade Separation Historic District, which is listed on the National Register of Historic Places. The applicant previously completed a Section 106 Review for historic preservation and reconstruction of the retaining wall along the Midtown Greenway (29th Street Rail Corridor). The MnDOT Cultural Resources Unit and SHPO (State Historic Preservation Office) collaborated with Public Works and CPED to approve a raw concrete wall design for the portion of the underground parking garage that will be exposed. The applicant is implementing this wall design as part of the project.

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 majority of the site is zoned R5 district. As stated above, the parcel at 811 28th Street is zoned R3 but because this parcel is less than 5,000 square feet in area, it is governed by the regulations of the R5 District. A multiple-family dwelling with 5 or more units is a conditional use in the R5 district.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple-family dwellings in the R5 District is one space per dwelling unit. A total of 198 units are proposed with this phase of the project and 198 spaces are proposed, all of which will be provided underground. Not more than 25 percent of the required spaces can be compact. Approximately 24.7 percent of the total number of spaces would be compact. The existing townhomes have 42 underground parking stalls to serve the 27 units, exceeding the minimum requirement.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. All parking proposed for the project will be underground.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. The existing townhomes were constructed prior to adoption of the bicycle parking requirements. For the 198 new units proposed, a minimum of 99 bicycle parking spaces are required. The applicant is proposing 108 bike parking spaces within the underground parking garage, exceeding the minimum requirement.

Loading: One small loading space is required for a multiple-family dwelling with 100 to 250 dwelling units. One small space is proposed in the center of the site, just west of the private drive.

Maximum Floor Area: The proposed lot area is 120,258 square feet. The maximum FAR allowed in the R5 District is 2.4 when all required parking is located underground. The existing and proposed buildings would have a total gross floor area of 232,900 square feet, for an FAR of 1.9.

Minimum Lot Area: The minimum lot area requirement in the R5 district is 700 square feet per dwelling unit. The site is 120,258 square feet in area, which allows 171 units. The development qualifies for a 20 percent bonus, or 34 units, to increase the number of dwelling units by enclosing all required residential parking. A second 20 percent bonus is requested as an alternative per the PUD. The second bonus will allow an additional 34 units, for a total of 239 units. With the existing townhomes, 225 units are proposed.

Dwelling Units per Acre: The site is 2.76 acres in size and 198 dwelling units are proposed in addition to the 27 existing units, for a total of 225 units. The number of units proposed results in a density of 81.5 units per acre, consistent with the recommended density in the Midtown Greenway Land Use and Redevelopment Plan.

Building Height: In the R5 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the residential building would function as 5 stories. However, the height of the fifth floor exceeds 14 feet, making the building six stories per the zoning code definition. Through the PUD, the applicant is requesting an alternative of this ordinance by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

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Yard Requirements: The applicant has requested a variance for the south side yard setback from 15 feet to 5 feet to allow a sidewalk and garage wall within the required yard. Additional reductions to the required yards have been requested as part of the planned unit development.

Building Lot Coverage: Lot coverage in the R5 District is limited to 70 percent and 49 percent is proposed.

Impervious Surface: Impervious surface in the R5 District is limited to 85 percent of the zoning lot. The applicant is proposing impervious surfaces for 82.3 percent of the zoning lot, including the first phase.

Specific Development Standards: The specific development standards for planned unit developments are the requirements in Chapter 527 of the zoning code, which have been evaluated above.

Hours of Operation: Not applicable for residential uses.

Refuse Screening: Refuse storage containers would be stored in the buildings.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Mechanical equipment would be located north of the residential building and adjacent to 38th Street. They would be screened sufficiently by landscaping.

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Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The applicant has submitted lighting information that indicates the proposed lighting will comply with the above standards.

Fences: Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. The fencing proposed would comply with these requirements.

Signs: Signage is proposed to identify the residential building. Any proposed signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN

Please refer to the conditional use permit section of this report.

SMALL AREA PLANS

The site is within the study area of the *Midtown Greenway Land Use Development Plan*. The small area plan calls for high-density housing in this location, particularly 40-120 dwelling units per acre. The site is 2.76 acres in size and 198 dwelling units are proposed in addition to the 27 existing units, for a total of 225 units. The number of units proposed results in a density of 81.5 units per acre, consistent with the recommended density. The plan also calls for urban-oriented building design, such as an apartment building, rowhouse or townhouse development in this location. The site is also within the study area of

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the *Lyn-Lake Small Area Plan*, which essentially refers back to the policy language of the *Midtown Greenway Land Use and Redevelopment Plan* as cited below. The following policies of the small area plan apply:

- A primary recommendation of the plan is to provide a linear public “promenade” or walkway wherever possible between private development and the Midtown Greenway. Promenades have similar value to sidewalks in that they create a street-level pedestrian network, and provide visual connections between the Midtown Greenway and adjacent spaces.

Staff comment: As discussed above, the applicant is providing a promenade along the south property line. This pedestrian feature will be privately owned and maintained in accordance with City standards.

- Wherever possible, a minimum of 12 feet (8 feet paved) should be provided between private development and the Midtown Greenway right of way for a publicly accessible pedestrian promenade, except where a Greenway building is proposed.

Staff comment: The proposed promenade will be surfaced with decorative pavers and will be 9’10” in width.

- 15-foot setbacks along the Midtown Greenway property line.

Staff comment: The building setback along the south property line, adjacent to the Greenway, will be approximately 31 feet. A variance has been requested to allow the promenade and above-grade portion of the garage wall to be located within the required setback.

- Explicit consideration of shadowing and visual connectedness in conditional use permit applications for additional height.

Staff comment: Staff has evaluated the shadowing and visual impacts in the conditional use permit findings above. Due to the building’s location on the north side of the Greenway, it is not expected produce shadows that will significantly affect this public pathway.

- Promote development that reinforces appropriate architectural scale and relates to adjacent land uses. Employ development strategies that minimize Greenway and adjacent property shadowing.

Staff comment: The site is surrounded by both commercial and residential uses. The residential uses include a mix of densities, from single family homes to high-density, mixed-use developments. The proposed project would be appropriate in this setting. Due to the building’s location on the north side of the Greenway, it is not expected produce shadows that will significantly affect this public pathway.

- Use new development, the pedestrian environment and open space to promote an integrated relationship between the Greenway floor and the Greenway edge/rim, fostering a sense of place and community.

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Staff comment: The applicant will be constructing a public promenade on the south side of the site to promote pedestrian access near the Greenway. There is an existing pedestrian ramp in this location that provides access from the street level to the Greenway floor. The applicant is proposing a landscaped edge on the south side of the promenade and patio or balcony spaces for each dwelling unit that face the Greenway.

- Develop a premier public edge along both sides of the Greenway, including a more pedestrian and bicycle-friendly 29th Street and public promenades.

Staff comment: A public promenade will be provided.

- City policy supports housing and population growth in appropriate locations. New housing development should be generally located in areas that have good transit access, and that are close to commercial goods and services and in other high-amenity areas. All of the property in the MGLUD study area has these characteristics to varying degrees.

Staff comment: This residential development is located one block west of the Lyndale Avenue commercial corridor and two blocks north of the Lake Street Commercial corridor. The intersection of Lake Street and Lyndale Avenue is a designated Activity Center. Transit access is readily available on these corridors.

- A primary face and main entrances of buildings should address the public street while not excluding the possibility that additional “front doors” may at times also front the greenway.

Staff comment: The building will be constructed with two wings; one with its primary face to the Midtown Greenway and one with its primary face to Bryant Avenue. Each wing will have a primary entrance facing Brant Avenue. The south wing of the building will have a second primary entrance facing the Greenway.

- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.

Staff comment: Each dwelling unit on the south-facing elevation will have a balcony or patio overlooking the Greenway to further activate this space. The ground floor units will have doors that face the Greenway, but these doors will not serve as primary entrances to the units. The ground level patios will be surrounded with landscaping and fences to delineate these private spaces from the adjacent promenade.

- Building height and mass is encouraged to step down at the boundary between a higher-density development district and a lower density district and existing residential neighborhoods.

Staff comment: The applicant is proposing to step the fifth floor of the building back a minimum of 5 feet on the north side, with respect for the single family homes to the north. This step-back will be approximately ten feet at the corner. Due to the significant 36-foot setback between the building and the north property wall, staff believes an appropriate transition is provided.

- Access and parking for new developments should be from the alley or a private driveway.

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Staff comment: The underground parking garage will be accessible from the private driveway. This private driveway currently has access from Aldrich Avenue and will be extended to Bryant Avenue as part of this phase of the project.

ALTERNATIVE COMPLIANCE:

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

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested to allow blank, uninterrupted walls in excess of 25 feet where the garage wall is exposed above-grade. This includes the north elevation, facing the interior of the site, the east elevation facing the interior of the site and the south elevation facing the Midtown Greenway. The landscape plan shows Boston Ivy along the base of the east wall that would grow up the garage wall. As a condition of approval, a living wall shall also be provided on the north-facing and south-facing garage walls to mitigate the impact of the blank wall.

Alternative compliance has been requested for the window requirements on the east elevation. The portion of east elevation that will be visible from Aldrich Avenue contains windows for 16.3 percent of the first floor. Staff does not recommend granting alternative compliance to allow reduction in windows. As a condition of approval, a minimum of 20 square feet of additional glazing shall be required on this elevation, which would bring it into compliance with the 20 percent minimum.

Alternative compliance has also been requested for the minimum number of canopy trees. A minimum of 25 canopy trees are required on the site, including the land in the first phase of the project. The applicant is proposing two canopy trees and 11 ornamental trees with this phase of the project. An additional 27 ornamental trees were planted as part of Phase 1. While the number of ornamental trees provided is significant, staff does not recommend granting alternative compliance to allow only two canopy trees. As a condition of approval, a minimum of 10 canopy trees shall be provided on site in conjunction with the proposed ornamental trees. Staff further recommends that the ornamental trees along the east side of the building, adjacent to the private drive, be continued for the length of the building to further compensate for the lack of canopy trees.

PRELIMINARY PLAT

Findings as required by the Minneapolis Zoning Code for the preliminary plat:

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

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The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The land is currently platted as four lots. The land is proposed to be platted into three lots and one outlot. A subdivision for a PUD is required to include a deed restriction as required by section 598.260 of the subdivision ordinance.

598.260. Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

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

The plat should have no impact on the surrounding area.

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

The site is basically level with the exception of grade changes near the Greenway. These grade changes should not impact the ability to develop the property. The site does not present the other noted hazards.

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

Each lot is buildable with minimal alterations and with frontage on streets.

- 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 practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The Public Works Department has reviewed the project for appropriate drainage and stormwater management. Most of the stormwater will be retained on site with the existing Stormtech system. The amount of stormwater runoff from the site should be minimized.

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 conditional use permit to allow a planned unit development with 198 dwelling units located at the property of 2813-41 Bryant Avenue S, 811 28th Street W and 2828 Aldrich Avenue S, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 30 points: Public Right-of-Way Dedication, Underground parking, Outdoor Children’s Play Area, Art Feature, Pedestrian Improvements, Reflective Roof, Shared Vehicles, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Pet Exercise Area and Water Feature.
- 3) The applicant shall implement all amenities as required by section 527.120 of the zoning code by February 7, 2013

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 variance to reduce the south side yard setback from 15 feet to 5 feet for the property at 2813-41 Bryant Avenue S, 811 28th Street W and 2828 Aldrich Avenue S.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review located at the property of 2813-41 Bryant Avenue S, 811 28th Street W and 2828 Aldrich Avenue S, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 7, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) A living wall shall be provided on the north-facing and south-facing garage walls to mitigate the impact of the blank wall, in compliance with Section 530.120 of the zoning code.
- 4) Windows shall be provided for a minimum of 20 percent of the wall area on the east elevation facing Aldrich Avenue S, in compliance with Section 530.120 of the zoning code.
- 5) A minimum of 10 canopy trees shall be provided within the development, in compliance with Section 530.170 of the zoning code.
- 6) The ornamental trees along the east side of the building, adjacent to the private drive, shall be continued for the length of the building as an alternative compliance measure, in accordance with Section 530.170 of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the 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 for the property located at 2813-41 Bryant Avenue S, 811 28th Street W and 2828 Aldrich Avenue S, subject to the following condition:

- 1) The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use, responses to findings and site amenities table
- 3) Zoning map
- 4) Correspondence
- 5) Letter from SHPO regarding the wall adjacent to the Midtown Greenway

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- 6) Plans
- 7) Photos