Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits, Variances and Site Plan Review
BZZ-2545

Date: September 19, 2005

Applicant: Mary Armstrong with The Ackerberg Group

Address of Property: 2930 and 2936 Emerson Avenue South

Project Name: Lumen on Lagoon

Contact Person and Phone: Maria Ambrose with ESG Architects, (612) 373-4611

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

Date Application Deemed Complete: August 24, 2005

End of 60-Day Decision Period: October 23, 2005

End of 120-Day Decision Period: Not applicable

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

Existing Zoning: C2, Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District

Proposed Zoning: C3A, Community Activity Center District with the PO Pedestrian Oriented Overlay District

Zoning Plate Number: 24

Legal Description: That part of Lot 3, lying north of a line described as beginning at a point on the East line of Lot 3, distant 12.68 feet north of the Southeast corner thereof, thence West parallel to the South line of Lot 3, a distance of 62 feet, thence North parallel to the East line of Lot 3, a distance of 1.72 feet, thence West to a point on the West line of Lot 3 distant 14.8 feet North of the Southwest corner thereof; also all of Lots 1 and 2, all in Block 27, Windom's Addition to Minneapolis. AND;

That part of Lot 3 lying South of a line described as beginning at a point on the East line of Lot 3, distant 12.68 feet North of the Southeast corner thereof, thence West parallel to the South line of Lot 3 a distance of 62 feet, thence North parallel to the east line of Lot 3 a distance of 1.72 feet thence West to a point on the West line of Lot 3, distant 14.8 feet North of the Southwest corner thereof, also all of Lot 4, Block 27, Windom's Addition to Minneapolis. All according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

Proposed Use: mixed-use development including 44 dwelling units and approximately 11,700 square feet of commercial space

Concurrent Review:
Rezoning: from C2 to C3A
Conditional use permit: for 44 dwelling units
Conditional use permit: to increase the height of the building from 4 stories/56 feet to 5 stories/64 feet
Variance: to reduce the south interior side yard setback from the required 13 feet to 5 feet
Variance: to reduce the rear yard setback along the alley from the required 13 feet to 0 feet
Variance: to not provide a loading dock on the property
Site plan review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) "to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations", Section 525.520(6) "to reduce the applicable off-street parking, stacking or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is greater" and Chapter 530, Site Plan Review.

Background: The properties located at 2930 and 2936 Emerson Avenue South have an existing one-story office building located on them. The applicant is proposing to demolish the existing building and construct a new five-story mixed-use building containing 44 dwelling units and approximately 11,700 square feet of commercial space. The commercial space would be located on the first floor of the building and the dwelling units would be located above.

There will be one level of underground parking located below the building. All of the parking spaces within the building would be designated for the residents. The parking requirement for the residential portion of the building is one parking space per dwelling unit or 44 spaces. There are a total of 44 spaces located within the parking garage.

The commercial space within the building could be configured in several different ways. For parking purposes, the worst case scenario would be that one tenant leases the entire space. The parking requirement in this situation would be 26 spaces. The best case scenario for parking purposes would be that three individual tenants lease space within the building. The parking requirement in this situation would be 12 spaces. Neither of these scenarios assumes that a food or beverage use would locate in the building which would increase the parking requirement significantly. As shown on the submitted plans, the commercial space is divided into five individual commercial spaces. The parking requirement for the commercial portion of the building is 20 spaces.

The zoning code allows a reduction in parking by one space per use when a minimum of four bicycle parking spaces are provided on the site. As proposed, the parking requirement can be reduced by four spaces as the applicant is proposing to accommodate up to 16 bicycles on the site. As proposed two of the bicycle racks can accommodate up to seven bicycles each and the other two bicycle racks can accommodate one bicycle each. The two bicycle racks that can accommodate up to seven bicycles are both located on the Lagoon Avenue side of the site and the two single bicycle racks are located on the Emerson Avenue South side of the site.

As configured, four of the commercial spaces have entrances facing Lagoon Avenue and the fifth commercial space has its entrance facing Emerson Avenue South. The Planning Division is recommending that the applicant provide an additional bicycle rack or racks that can accommodate an additional two bicycles on the Emerson Avenue South side of the building in order to provide four bicycle parking spaces near the commercial space that faces this side of the site. If desired, the applicant could accommodate an additional two bicycle parking spaces on the site to reduce the parking requirement by one more parking space. Given all of this, the parking requirement for the commercial portion of the building minus the parking reduction for providing bicycle parking on-site is 16 spaces.

The applicant is not providing any on-site parking for the commercial tenants within the building. The zoning code allows off-street parking spaces to be located off-site if located within a certain distance from the site. The distance can range between 300 and 500 feet and is determined by the individual uses. General Retail Sales and Services uses can locate off-street parking 300 feet from the site and offices can locate off-street parking 500 feet from the site. However, for sites located in a PO Pedestrian Oriented Overlay District off-site parking may be located an additional five hundred (500) feet from the use served.

The applicant owns the property located directly across Lagoon Avenue from the site. The site's address is 2916 Emerson Avenue South. There are 10 parking spaces located on this property. The applicant leases these parking spaces to Planned Parenthood. Just south of this property there is a portion of land that is owner by the City of Minneapolis and leased to the applicant. There are 14 parking spaces located on this portion of land. The applicant has indicated that these parking spaces will be utilized by the commercial tenants for this development. These parking spaces are located within 300 feet of the site. Given this the applicant is still short two parking spaces for the commercial portion of the building.

The applicant has indicated that the remaining two parking spaces would be located in the Lagoon mixed-use development located on the northwest corner of Lagoon Avenue and Fremont Avenue South. These parking spaces are located within 500 feet of the site. As discussed in the May 23, 2005, staff report for this development project the applicant sought an exception to the parking requirement through the Planned Unit Development standards in the zoning code. The Planning Division does not believe that it would be appropriate to allow the applicant to locate the remaining two required parking spaces from this development on the Lagoon site given that the development did not meet its parking requirement. The Planning Division is recommending that once the number and type of tenants is determined for the building that either the applicant apply for a parking variance, if needed, or find another suitable location for off-street parking that meets the distance standards of the zoning code.

Travel Demand Management Plan: Developments containing more than 4,000 square feet of new or additional gross floor area, or more than four new or additional parking spaces located within the PO Overlay District in and around the intersection of West Lake Street and Hennepin Avenue South are required to prepare a Travel Demand Management Plan (TDMP). The TDMP shall address the transportation impacts of the development on air quality, parking and roadway infrastructure.

A draft TDMP was submitted to the City for comments on August 2, 2005. The City is in the process of reviewing the submitted plan and giving feedback to the applicants. The TDMP analyzed the

transportation impacts of the proposed development on parking and roadway infrastructure; however, it does not discuss the impacts on air quality. The conclusion of the TDMP was that the development would not have a negative impact on the parking supply in the area or on the roadway infrastructure. The Planning Division is recommending that the applicant revise the TDMP to include an air quality analysis. In addition, the Planning Division is recommending that no building permits be issued until the TDMP has been approved by both the Planning Division and Public Works.

REZONING - from C2 to C3A

Findings as Required by the Minneapolis Zoning Code:

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on Lagoon Avenue, which is a Commercial Corridor, within the designated Uptown Activity Center and in the designated Midtown Greenway Corridor Major Housing Site. According to the principles and polices outlined in *The Minneapolis Plan,* the following apply to this proposal:

- Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 4.3).
- Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).
- Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 4.7).
- Promote the incorporation of residential uses within the same structure as other commercial uses (Implementation Step for Policy 4.7).

Rezoning these parcels of land from the C2 District to the C3A District would be in conformance with the foregoing policies of the comprehensive plan. The site is located within the Uptown Activity Center and the Midtown Greenway Corridor Major Housing Site where the plan calls for mixed-use developments to be located. The site is located within an area of the city that has a mix of uses within close proximity to one another, including residential, commercial and office. Additional residential, commercial or office uses would be compatible with the surrounding area.

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

The amendment will allow the applicant to construct a mixed-use development on the site. Through the adoption of *The Minneapolis Plan*, City stakeholders have located this site within the Uptown Activity Center and the Midtown Greenway Corridor Major Housing Site where they believe more intensive residential development along with commercial uses such as the proposed development would be appropriate and in the public interest.

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

The site is bordered by a mixture of I1, C2 and C3S zoning to the north, a mixture of C3S and C2 zoning to the east, C2 zoning to the south and a mixture of C2, C3A and I1 zoning to the west. Adjacent uses include office uses, industrial uses, parking facilities and commercial businesses. Adjacent uses include a mixture of residential, commercial and industrial uses. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C3A zoning district would be compatible with the surrounding area.

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

There are reasonable uses of the property permitted under the C2 zoning district. The C2 zoning district is a neighborhood corridor commercial district. Permitted uses in the C2 district include, but are not limited to, the following:

- General retail sales and services
- Bank of financial institution
- Child care center
- Performing, visual or martial arts school
- Veterinary clinic
- Offices
- Coffee shop, with limited entertainment
- Restaurant, sit down
- Reception of meeting hall
- Multiple-family dwellings, three and four units
- School, vocational or business
- Community center
- Museum
- Place of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its

present zoning classification, where the amendment is to change the zoning classification of particular property.

There has been a change in the character of development in the area. In the past five years several housing developments have been constructed or have been approved and are going to be or are under construction. They include City Apartments at Uptown, the Emerson Row Homes, the Urban Village developments and The Edgewater. Several new commercial uses, including restaurants, have moved into the existing commercial spaces throughout the area. And the Lagoon mixed-use development was recently approved and Calhoun Square has submitted an application to the city for a major addition to the existing shopping complex.

CONDITIONAL USE PERMIT - for 44 dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that a 44-unit, for-sale condominium development would be detrimental to the surrounding area. The additional residential units would help support the commercial uses in the area, the nearby cultural amenities and the Midtown Greenway bike trail.

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

The Planning Department does not believe that a 44-unit, for-sale condominium development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a 44-unit, for-sale condominium development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

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

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

The residential portion of the development has a parking requirement of 44 spaces. The applicant proposes to have 44 parking spaces located in an underground parking garage. The parking garage will be accessed off of Emerson Avenue South.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on Lagoon Avenue, which is a Commercial Corridor, within the designated Uptown Activity Center and in the designated Midtown Greenway Corridor Major Housing Site. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 4.7).
- Promote the incorporation of residential uses within the same structure as other commercial uses (Implementation Step for Policy 4.7).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5)
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services (Policy 9.28).
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher-density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 9.28).

The applicant is proposing to demolish an existing one-story office building and construct a 44-unit, for-sale condominium development. The site is located on a designated Commercial Corridor and in a designated Activity Center where the plan calls for higher-density housing developments to be located.

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

PO Pedestrian Oriented Overlay District: All properties located within a designated PO Pedestrian Oriented Overlay District are subject to the provisions of the Pedestrian Oriented Overlay:

Prohibited uses. Drive-through facilities, automobile services uses and transportation uses are prohibited in the PO Overlay District.

- The specific commercial uses within the building are not known at this time. However, the building has not been designed to accommodate a drive-through facility or automobile related uses.

Fast food restaurants. Fast food restaurants shall be located only in storefront buildings existing on the effective date of this ordinance.

- Given that the proposed development will be new construction, fast food restaurants will not be allowed to locate in the building.

Building placement. Buildings shall be located not more than eight feet from the front lot line. In the case of a corner lot, the building wall abutting each street shall be located not more than eight feet from the lot line. The area between the building and the lot line shall include amenities. Buildings shall be oriented so that at least one principal entrance faces the public street rather than the interior of the site.

- The building is located on the southwest corner of Lagoon Avenue and Emerson Avenue South. The building is located between zero and two feet from both property lines. The area in between the building and the property lines is utilized for access into the building. Four of the five proposed commercial spaces have entrances facing Lagoon Avenue and the fifth commercial space has an entrance facing Emerson Avenue South. The residential entrance to the building faces Lagoon Avenue South.

Building facade. At least 40 percent of the first floor facade of any nonresidential use that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows shall be distributed in a more or less even manner. Awnings and canopies are encouraged in order to provide protection for pedestrians and to emphasize individual uses and entrances. Back-lighted awnings and canopies shall be prohibited.

- Sixty-one percent of the first floor facade that faces Lagoon Avenue is windows and or doors and 57 percent of the first floor facade that faces Emerson Avenue South is windows and or doors. The windows are distributed in an even manner. There are canopies located over all of the individual storefronts.

Prohibited on-premise signs. Pole signs, back-lighted awning and canopy signs and back-lighted insertable panel projecting signs are prohibited in the PO Overlay District.

- The applicant is proposing to have signs located on the canopies over the individual storefront. The signs are proposed to be made of metal and externally lit. The applicant is not proposing to have any pole signs or projecting signs located on the building facade.

Accessory parking. On-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade. Parking lots shall be limited to not more than 60 feet of street frontage. The driveway width for all parking facilities shall not exceed 20 feet of street frontage. The development of shared parking is encouraged, subject to the provisions of Chapter 541, Off-site Parking and Loading. When off-site parking is allowed as specified in Chapter 541, Off-Street Parking and Loading, parking may be located an additional five hundred (500) feet from the use served, subject to the requirements of Chapter 541, Off-Street Parking and Loading, governing the location of off-site parking. And the number of accessory parking spaces for nonresidential uses shall not exceed 150 percent of the minimum required parking spaces, as specified in Chapter 541, Off-Street Parking and Loading, or 10 spaces, whichever is greater, except where it is determined by the zoning administrator that such excess parking spaces serve to provide parking for another use or uses subject to the requirements of this section.

- The applicant is providing 44 parking spaces in one level of underground parking located below the building. The driveway which will be utilized to access the parking will be off of Emerson Avenue South and is proposed to be 18 feet wide.

Lake and Hennepin area. Developments located within the PO Overlay District in and around the intersection of West Lake Street and Hennepin Avenue South are required to prepare a Travel Demand Management Plan (TDMP).

- Please see the TDMP section above.

CONDITIONAL USE PERMIT - to increase the height of the building from 4 stories/56 feet to 5 stories/64 feet

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that increasing the height of the building from four stories/56 feet to five stories/64 feet would be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The Planning Division does not believe that increasing the height of the building from four stories/56 feet to five stories/64 feet would be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The building located on the west side of the alley from the site is five stories tall and the Lagoon development, which is located one block to the west, was approved at a height of 10 stories.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on Lagoon Avenue, which is a Commercial Corridor, within the designated Uptown Activity Center and in the designated Midtown Greenway Corridor Major Housing Site. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 4.7).
- Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established (Implementation Step for Policy 4.7).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).

Constructing a five story/64 foot high building on the site would be in conformance with the policies of the comprehensive plan. The proposed height of the building would be similar to the height of the adjacent building to the west and other building nearby.

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

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Increasing the height of the proposed building should have a minimal impact on the amount of light and air that the surrounding properties receive. Although the building to the west is residential in nature the east wall of the adjacent building is an internal hallway on all five levels so the actual amount of light and air that the dwelling units receive will not be diminished as a result of this building. In addition, the commercial buildings to the north are located across the street from the proposed building.

2. Shadowing of residential properties or significant public spaces.

The applicant did not submit a shadow study as part of this application. The residential building to the west will be shadowed by this building in the morning hours of the day. However, again, the east wall of the adjacent building is an internal hallway on all five levels so dwelling units themselves will not be impacted.

3. The scale and character of surrounding uses.

The height of proposed building is similar in height to the adjacent building to the west. The Uptown City Apartments building received a conditional use permit in August of 2002 to increase the height of the building from the permitted four stories/56 feet to five stories/60 feet. In addition, the Lagoon development, which is located one block to the west, was approved at a height of 10 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 that site that will be obstructed by the proposed building.

VARIANCE - to reduce the south interior side yard setback from the required 13 feet to 5 feet

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

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

South interior side yard setback: The applicant is seeking a variance to reduce the south interior side yard setback from the required 13 feet to five feet. In the commercial zoning districts, properties are not subject to any setbacks unless a property is adjacent to a property that is zoned residentially or has a residential use on it. However, residential uses are required to provide a setback of five feet plus two additional feet for every floor above the first floor that contains windows facing an interior side or rear property line.

In this development, it is not until the second floor where there are residential units with windows facing the interior side property line. From the second floor up, there are four floors of residential units with windows facing the interior side property line, so the required setback is 13 feet (2 x 4 = 8 + 5 = 13). The first floor of the building is not subject to this setback as it does not contain residential units with windows facing the interior side property line. If the applicant were constructing a non-residential building on the site there would not be an interior side yard setback requirement. The building will be setback five feet from the interior side property line. This setback should be adequate to provide light and air for the units.

The applicant has also indicted that in order to provide all of the required parking for the residential portion of the development and the appropriate maneuvering space to access the underground parking level that the building has been designed with the south wall five feet from the property line.

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

South interior side yard setback: The need to provide parking for the residential portion of the building is a unique condition of this parcel of land.

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

South interior side yard setback: The Planning Division believes that the granting of this variance would not alter the essential character of the area. The intent of the ordinance is to provide a setback for residential buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The building will be setback five feet from the south interior property line. This will allow access to light and air for these units and therefore should not circumvent the intent of the ordinance even if a tall building is constructed at the lot line on the adjacent property. Please note that the units that have windows facing the south interior property line also have windows facing east and west.

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.

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

VARIANCE - to reduce the rear yard setback along the alley from the required 13 feet to 0 feet

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

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

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback along the alley from the required 13 feet to zero feet. In the commercial zoning districts, properties are not subject to any setbacks unless a property is adjacent to a property that is zoned residentially or has a residential use on it. However, residential uses are required to provide a setback of five feet plus two additional feet for every floor above the first floor that contains windows facing an interior side or rear property line.

In this development, it is not until the second floor where there are residential units with windows facing the rear property line. From the second floor up, there are four floors of residential units with windows facing the rear property line, so the required setback is 13 feet (2 x 4 = 8 + 5 = 13). The first floor of the building is not subject to this setback as it does not contain residential units with windows facing the rear property line. If the applicant were constructing a non-residential building on the site there would not be an rear yard setback requirement. Although the building will be setback zero feet from the rear property line it is adjacent to a public alley which is 12 feet wide. The width of the alley should be adequate to provide light and air for the units.

The applicant has also indicted that in order to provide all of the required parking for the residential portion of the development and the appropriate maneuvering space to access the underground parking level that the building has been designed with the west wall zero feet from the property line.

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

Rear yard setback: The need to provide parking for the residential portion of the building is a unique condition of this parcel of land.

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

Rear yard setback: The Planning Division believes that the granting of this variance would not alter the essential character of the area. The intent of the ordinance is to provide a setback for residential buildings with windows facing an interior side or rear yard where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on an adjacent parcel blocking the windows. The building will be setback zero feet from the rear property line. The west side of the building abuts a public alley which is 12 feet wide. The width of the alley should be adequate to provide light and air for the units and therefore should not circumvent the intent of the ordinance even if a tall building is constructed at the lot line on the adjacent property. If the alley were to be vacated at some point in the future, half of the alley would accrue to the property in question, which would also ensure access to light and air. Please note that the units that have windows facing the rear property line also have windows facing north and south.

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

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

VARIANCE - to not provide a loading dock on the property

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

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

Loading dock: The applicant is seeking a variance to not provide a loading dock on the property. Given the size of the site, the applicant has indicated that in order to provide a loading dock on the property and still provide underground parking that a substantial portion of the commercial space on the first floor of the building would need to be removed and a portion of the frontage along either Lagoon Avenue or Emerson Avenue South would need to be converted to a loading dock entrance. The applicant does not believe that loading will be an issue for this development because there are only 44 dwelling units and approximately 11,700 square feet of commercial space in the building. In addition, the residential development to the west and the liquor store to the south both use the adjacent public alley for loading purposes. Please note that commercial vehicles can park in the public alley for up to 30 minutes without a permit.

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.

Loading dock: The size of the site, the amount of dwelling units and commercial square footage within the building and the character of the surrounding uses are unique circumstances of this parcel of land.

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

Loading dock: The Planning Division believes that the granting of this variance would alter the character of the surrounding area given that the other two uses on the block utilize the alley for loading purposes.

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.

Loading dock: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety. Again, the applicant has indicated that the public alley is available for loading purposes.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      a. Windows shall be vertical in proportion.
      b. Windows shall be distributed in a more or less even manner.
  - **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a**

public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

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

- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.
- The building is located between zero and two feet along both Lagoon Avenue and Emerson Avenue South. The area in between the building and the property lines is utilized for access into the building.
- The commercial spaces along Lagoon Avenue each have their own principal entrances facing the street as does the commercial space along Emerson Avenue South. The principal entrance to the residential lobby also faces Lagoon Avenue.
- All of the on-site parking associated with this development is structured parking and located beneath the building.
- The exterior materials of the structure will be a combination of copper, metal, burnished CMU, hardi-panel siding and glass. All four sides of the building will be compatible with one another.
- Portions of the west and south walls of the building are over 25 feet in length and blank. The Planning Division is recommending that the applicant design the walls to include windows, entries, recesses or projections, or other architectural elements.
- At least 40 percent of the first floor and at least 10 percent of the upper floors of the building walls facing Lagoon Avenue and Emerson Avenue South are required to be windows.

  - Lagoon Avenue: the percentage of windows on the first floor of the building is 61 percent, the percentage of windows on the second through fourth floors of the building is 44 percent and the percentage of windows on the fifth floor of the building is 53 percent.
  - Emerson Avenue South: the percentage of windows on the first floor of the building is 57 percent, the percentage of windows on the second through fourth floors of the building is 45 percent and the percentage of windows on the fifth floor of the building is 56 percent.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be flat. This roofline is similar to other buildings found in the area.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- The entrances to the residential lobby and the individual commercial spaces are connected to the public sidewalk along both Lagoon Avenue and Emerson Avenue South by walkways.
- There are no transit shelters on or adjacent to the site.
- The parking for the residential component of the development is located in one level of below ground parking.
- Approximately 97 percent of the site is covered by the building. Four percent of the overall site is pervious. The landscaping requirement for this site is being met.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 17,543 square feet. The footprint of the building is 16,375 square feet. When you subtract the footprint from the lot size the resulting number is 1,168 square feet. Twenty percent of this number is 234 square feet. The applicant has a total of 630 square feet of open space on the site, or 54 percent of the site not occupied by the building. All of this open space is located between the building and the south property line. The applicant is also proposing to install a total of 129 square feet of landscaping in the right-of-way along Emerson Avenue South.
- The site plan does not specify what will be located in the open space area located on the south side of the building. However, in an e-mail, the applicant indicated that this space will be either covered with concrete or asphalt. The Planning Division is recommending that the applicant install landscape material that covers the ground in the area between the building and the south property line in order to reduce the amount of impervious surface on the site and so the area does not become filled with trash and debris.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 1 and 2 respectfully. The applicant is not proposing to plant any trees or shrubs on the site. The applicant is proposing to plant two canopy trees in the right-of-way along Emerson Avenue South and a number of shrubs in the right-of-way along Lagoon Avenue. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the applicant to substitute landscape material that covers the ground in the area between the building and the south property line for the canopy tree that is required to be planted on site. The landscape material shall be shrubs, perennials or native grasses.
- The applicant is proposing to enclose the landscape area on the south end of the site with a six-foot high metal fence.

ADDITIONAL STANDARDS:

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

PLANNING DEPARTMENT RESPONSE:

- The majority of the site is covered by the building. The water from the roof will be drained towards a catch basin located in Emerson Avenue South.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To be in compliance with the CPTED guidelines, the landscaping plan should maintain a "window" into the site between three and six feet and proper lighting should be located over all building entrances and exits.
- This site is neither historically designated nor located in a historic district.

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

ZONING CODE:

- **Use:** The residential use is conditional in the C3A District. General retail sales and services uses and office uses are permitted in the C3A District.

- **Off-Street Parking and Loading:** The zoning code requires one parking space per dwelling unit and one parking space per 300 square feet of gross floor area over 4,000 square feet for general retail sales and services uses. If the commercial spaces are smaller than 4,000 square feet the minimum parking requirement is four parking spaces per commercial tenant. The resulting parking requirement for this development is 64 spaces; 44 spaces for the residential component and 20 spaces for the general retail sales and services uses. Within the building the applicant is providing a total of 44 parking spaces in one level of below ground parking. All of these parking spaces will be for the residential portion of the building. The applicant is providing four bicycle racks, which reduces the parking requirement for the commercial uses within the building by four parking spaces. The applicant is also providing 14 parking spaces in the parking lot located across Lagoon Avenue from the site. The applicant has indicated that the remaining two parking spaces would be located in the Lagoon mixed-use development located on the northwest corner of Lagoon Avenue and Fremont Avenue South. As discussed in the May 23, 2005, staff report for this development project the applicant sought an exception to the parking requirement through the Planned Unit Development standards in the zoning code. The Planning Division does not believe that it would be appropriate to allow the applicant to locate the remaining two required parking spaces from this development on the Lagoon site given that the development did not meet its parking requirement. The Planning Division is recommending that once the number and type of tenants is determined for the building that either the applicant apply for a parking variance, if needed, or find another suitable location for off-street parking that meets the distance standards of the zoning code.

- **Maximum Floor Area:** The maximum FAR in the C3A District is 2.7. Section 548.130 allows a 20 percent density bonus for enclosed parking and a 20 percent density bonus for mixed commercial-residential buildings. This development qualifies for both of the density bonus which, when calculated, would result in a permitted FAR of 3.78. The lot in question is 17,543 square feet in area. The applicant proposes a total of 66,067 square feet of gross floor area, an FAR of 3.77.

- **Building Height:** Building height in the C3A District is limited to 4 stories or 56 feet, whichever is less. The applicant is proposing a 5-story building or approximately 64 feet. The applicant has applied for a conditional use permit to increase the height of the building.

- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C3A District is 400 square feet. Section 548.130 allows a 20 percent density bonus for enclosed parking and a 20 percent density bonus for mixed commercial-residential buildings. This development qualifies for both of the density bonus which, when calculated, would result in a lot area requirement of not less than 240 square feet per dwelling unit. With 44 proposed dwelling units on a lot of 17,543 square feet, the applicant proposes 398.7 square feet of lot area per dwelling unit.

- **Yard Requirements:** For residential uses with windows facing the interior side or rear yard property line the setback is 5+2x, where x equals the number of stories above the first floor. The

resulting setback along the rear and south interior side property lines is 13 feet. The applicant has applied for variances of both of these setbacks.

- **Specific Development Standards:** There are no specific development standards for residential uses. Some commercial uses that locate within the building may be subject to specific development standards but those uses are unknown at this time.

- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation for the C3A District are Sunday through Saturday, 6 am to 1 am. The applicant has indicated that the commercial uses within the building will comply with these hours of operation.

- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. Given the length of the building walls the applicant can have up to 189 square feet of signage on the Lagoon Avenue side of the building and up to 192 square feet of signage on the Emerson Avenue South side of the building. The applicant has indicated that the amount of signage on the building will not exceed these limitations.

- **Refuse storage:** The applicant is proposing to have a trash room located within the building. The refuse storage containers would be accessed from the public alley.

MINNEAPOLIS PLAN:

The site is designated as retail-commercial in the comprehensive plan. According to the *Minneapolis Plan*, the subject site is located on Lagoon Avenue, which is a Commercial Corridor, within the designated Uptown Activity Center and in the designated Midtown Greenway Corridor Major Housing Site. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Policy 9.8).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).

The Planning Division believes that this development is in compliance with the foregoing policies of the comprehensive plan. The applicant is proposing to construct a mixed-use development containing 44 dwelling units and approximately 11,700 square feet of commercial space. The first floor of the building will contain the residential lobby and the commercial space. The 44 dwelling units will be located on the upper four floors of the building. All of the commercial spaces are directly connected to the public sidewalk and they all have their own individual entrances.

ALTERNATIVE COMPLIANCE:

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

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

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the applicant to not plant any canopy trees on the property. Instead, the applicant shall plant landscape material that covers the ground in the area between the building and the south property line.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning petition to change the zoning of the property located at 2930 and 2936 Emerson Avenue South from C2 to C3A.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 44 dwelling units located at 2930 and 2936 Emerson Avenue South subject to the following conditions:

1. The applicant shall revise the TDMP to include an air quality analysis.

2. No building permits shall be issued until the Travel Demand Management Plan (TDMP) has been approved by both the Planning Division and Public Works.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the building from 4 stories/56 feet to 5 stories/64 feet located at 2930 and 2936 Emerson Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the south interior side yard setback from the required 13 feet to 5 feet located at 2930 and 2936 Emerson Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the rear yard setback along the alley from the required 13 feet to 0 feet located at 2930 and 2936 Emerson Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to not provide a loading dock on the property located at 2930 and 2936 Emerson Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a mixed-use development for the properties located at 2930 and 2936 Emerson Avenue South subject to the following conditions:

1. The applicant shall provide an additional bicycle rack or racks that can accommodate an additional two bicycles on the Emerson Avenue South side of the building in order to provide four bicycle parking spaces near the commercial space that faces this side of the site.

2. 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 as required by Section 530.120 of the zoning code.

3. The applicant shall install landscape material that covers the ground in the area between the building and the south property line. The landscape material shall be shrubs, perennials or native grasses.

4. The applicant shall submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.

5. Once the number and type of tenants is determined for the building the applicant shall meet with the Planning Division to ensure that the commercial parking requirement is being met.

6. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.

7. All site improvements shall be completed by September 19, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of the project
2. Parking information
3. Rezoning, conditional use permit and variance findings
4. Preliminary Development Review comments
5. August 5, 2005, letter to Council Member Niziolek
6. August 5, 2005, letter to the Lowry Hill East Neighborhood Association
7. July 15, 2005 letter from the Lowry Hill East Neighborhood Association
8. Zoning Map
9. Site plan, floor plans and elevations
10. Photographs of the site and surrounding area