

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permits, Variances,
Site Plan Review, Plat & Alley Vacations
BZZ – 3345, PL – 190, Vac-1477 & Vac-1478

Date: December 18, 2006

Applicant: Van Cleve Court Development, LLC

Address of Property: 901-941 13th Avenue Southeast and 932 12th Avenue Southeast

Project Name: Van Cleve Court

Contact Person and Phone: Shalaunda Holmes, (612) 455-5154

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: November 20, 2006

End of 60-Day Decision Period: January 19, 2007

End of 120-Day Decision Period: On December 4, 2006, staff sent the applicant a letter extending the decision period no later than March 20, 2007.

Ward: 2 **Neighborhood Organization:** Southeast Como Improvement Association

Existing Zoning: I1 Light Industrial District

Proposed Zoning: Add the Industrial Living (IL) Overlay District to the existing I1 District

Zoning Plate Number: 15

Legal Description: See attached

Proposed Use: Planned unit development to allow five residential buildings with a total of 236 dwelling units.

Concurrent Review:

Rezoning: petition to add the Industrial Living Overlay District to the properties of 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

Conditional use permit: to allow a Planned Residential Development with 236 dwelling units.

Conditional use permit: to allow a community residential facility with 20 units.

Variance: to reduce the interior side yard along the South property line, from 11 feet to 8.5 feet to allow Building A.

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Variance: to reduce the interior side yard along the North property line, from 9 feet to 6 feet to allow Building B.

Variance: to reduce the interior side yard along the Southwest property line, from 15 feet to 0 feet to allow an addition to Building F.

Variance: to reduce the interior side yard along the Southwest property line, from 15 feet to 0 feet to allow the balconies to Building F.

Variance: to reduce the minimum lot area requirement from 605 to 471.1 square feet (22.1 percent) to allow 236 dwelling units.

Site plan review.

Preliminary Plat.

Alley Vacations.

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 permitted obstructions into required yards not allowed by the applicable regulations.” and Section 525.520(2) “to vary the lot area or lot width requirements up to thirty percent...”; Chapter 527; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

Background: The applicant proposes to convert a former industrial site to a residential development with 236 dwellings, including 20 units of supportive housing. The site is located south of Como Avenue, west of Van Cleve Park and just north of the Burlington Railroad Corridor. It is also less than a half-mile from the University of Minnesota campus. The immediate area is predominantly residential although there is a cluster of commercial uses just east of Van Cleve Park on Como Avenue. The existing Bunge tower (head house) and grain elevators that are parallel to the railroad corridor would be converted to residential. All other existing buildings, including the grain elevators that are north of the head house, would be demolished to allow for the construction of four new multifamily dwellings. The site is eligible for listing on the National Register of Historic Places. As a result, demolition of existing structures requires approval by the Minneapolis Heritage Preservation Commission (HPC). On November 14, 2006, the HPC approved a Demolition of Historic Resource permit for a portion of the Bunge Elevator complex. This decision was not appealed. Two segments of 12th Avenue Southeast and Brook Avenue Southeast, vacated at some previous time, would be reconstructed and dedicated as public streets. They would allow continuous access through the subject site.

The development would offer a mix of rental and for-sale units. Please refer to the applicant’s statement of proposed use for information on the number of dwellings proposed in each building and how the rental and for-sale units would be distributed. The two newly constructed buildings located next to proposed 12th Avenue Southeast would be rental. Through a partnership with the Cabrini Partnership, a transitional housing provider, twenty units for a residential community facility would be dispersed between the two buildings. The building further west would be four stories, while the other would be three stories. Parking would be enclosed and below grade for these buildings. Adjacent to 13th Avenue Southeast, two townhouse residences with for-sale units would be constructed facing the park. One building would be two stories and the other would be three stories in height. Parking for both would be provided in tuck-under garages. Lastly, the head house and grain elevators would be converted to for-

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sale housing. Parking for this building would be provided in a multi-level parking structure located between the head house and the townhomes south of Brook Avenue.

The I1 Light Industrial district does not allow residential uses. The applicant seeks to add the Industrial Living Overlay district (ILOD) to the subject properties for the purpose of establishing a planned unit development (PUD) with 236 dwelling units.

A PUD requires a conditional use permit (CUP) in the ILOD. Supportive housing is also a conditional use in the ILOD. Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law.

In the industrial districts, an interior side yard is required for residential structures containing windows facing an interior side lot line. The side yard must be at least 5 feet plus 2 feet for each story above the first floor or 15 feet, whichever is less. All parts of the building are subject to the yard requirement. Along the southwest property line adjacent to the railroad corridor, three variances to reduce the yard requirement are requested. Portions of the 4-story structure identified as “Building A” on the site plan would encroach up to 2.5 feet into the required yard. The applicant is requesting a variance to reduce the side yard requirement from 11 feet to 8.5 feet. The structure identified as “Building F” on the site plan is the existing head house and grain elevators. The tower would have 20 floors. The grain elevators would have 13 floors. To access all levels, a stair tower addition would connect the two structures. It would abut the southwest property line. In addition to the stair tower, balconies would extend up to the property line. These encroachments require a variance to reduce the side yard from 15 feet to 0 feet. The structure identified as “Building B” would be three stories in height. Along the north property line adjacent to the alley, the building would be set back 6 feet. A variance is required to reduce the side yard from 9 feet to 6 feet.

A site plan review is required for any new use containing five or more dwelling units.

A plat is required as part of any application for planned unit development approval. A plat is also required to dedicate a public street. The applicant proposes to dedicate two streets, 12th Avenue and Brook Avenue.

Two alleys must be vacated in order to build the development as proposed. Two alley vacations are requested by the applicant.

A Phase I and Phase II Environmental Assessment (EA) have been completed for the site. The Phase II EA found soil contamination in some areas of the site that exceeds the residential risk-based values established by the Minnesota Pollution Control Agency. As a result, a Voluntary Response Action Plan (VRAP) was created. The VRAP indicates that the contaminated soil will be removed from the site.

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

One of the requirements for a CUP is that the use complies with all applicable requirements of the Zoning Code. Supportive housing facilities must comply with specific development standards. One of these standards requires that supportive housing facilities be located at least a quarter mile from all other

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existing supportive housing facilities as well as community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. The spacing requirement cannot be varied through the zoning code.

It has been determined that there are 2 facilities located within a quarter-mile of the proposed supportive housing facility that fall into one of the categories mentioned above. Cabrini House, located at 1025 6th Street Southeast, is a supportive housing facility. A community residential facility is also located at 1307 6th Street Southeast.

Because of the site's proximity to the above referenced facilities, the applicant is seeking reasonable accommodation under the Federal Fair Housing Act of 1988 in order to locate the facility at this location. For your reference, the definitions of the above mentioned uses are provided below:

Community correctional facility. A facility where one or more persons placed by the court, court services department, parole authority, or other correctional agency having dispositional power over a person charged with or convicted of a crime or adjudicated delinquent reside on a twenty-four (24) hours per day basis, under the care and supervision of the Department of Corrections (DOC) or Hennepin county, or licensed by the Department of Corrections as a corrections facility, excluding detention facilities. The maximum capacity shall not exceed thirty-two (32) persons.

Community residential facility. A facility where one or more persons reside on a twenty-four (24) hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

Inebriate housing. A facility that provides housing twenty-four (24) hours per day to persons who are clinically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988. It does not include any facility licensed by the Minnesota Department of Human Services (DHS), Minnesota Department of Corrections (DOC), or any other county, state, or federal community correctional facility.

Motel. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

Overnight shelter. An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed sixteen (16) hours within twenty-four (24) hour period to persons without permanent housing.

Supportive housing. A facility that provides housing for twenty-four (24) hours per day and programs or services designed to assist residents with improving daily living securing employment or obtaining permanent housing. It does not include:

- 1) Elderly housing with congregate dining.

- 2) Inebriate housing.
- 3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- 4) Any other county, state or federal community correctional facility.
- 5) Fraternities, sororities or other student housing.
- 6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- 7) The use of one dwelling unit on one zoning lot which meets the occupancy requirements of the zoning district in which it is located.

REASONABLE ACCOMODATION

As described in the memorandum from the City Attorney's Office dated September 14, 2001, that is attached to this report, the evaluation process for determining whether the federal law requires an accommodation in how the City's zoning regulations are applied or enforced can be broken down into three areas of inquiry. First is a determination whether the request is being made on behalf of a person or persons who are considered "handicapped" under the provisions of the Act. The second issue is whether the requested accommodation is necessary to afford such persons equal opportunity to use and enjoy a dwelling. Finally, it must be determined whether the requested accommodation is reasonable.

The Planning Commission should make findings regarding each of these factors in determining whether the requested accommodation should be granted or denied.

Handicap

With respect to a person, "handicap," as defined by federal statute, means: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a regard of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. The courts have found that impairment under the Act includes alcoholism, past abuse of drugs, chronic mental illness, mental retardation and HIV/AIDS.

Twenty units of supportive housing are proposed. The applicant has indicated that each unit would be one-bedroom with one occupant. The residents would be chronically homeless single adults with mental illness, past abuse of drugs and various other mental health disabilities, including bi-polar, depression, anxiety disorder, post traumatic stress disorder, personality disorder and schizophrenia. The applicant has indicated that these handicaps impair major life activities, including an inability to maintain positive social relationships and employment, difficulty responding appropriately to people and events, occasional resistance to maintaining a medication regimen, addictive tendencies which may be unhealthful, and other behaviors that compromise physical health and safety. All services provided by the facility would be individualized and based on the strengths and needs of the resident. According to the applicant, supportive services are necessary in order for the residents to make the transition from poverty and instability to economic independence and healthy, integrated living. It appears the people who will be residents would be considered handicapped under the Act.

Is the Accommodation Necessary to Afford Such Person Equal Opportunity to Use and Enjoy a Dwelling?

The planned unit development would have 5 multi-family structures with a total of 236 dwelling units. Of those units, 20 would be supportive housing units. A planned unit development is a conditional use and is not subject to a spacing requirement. Thus, a threshold question in this analysis is whether “supportive” housing (as opposed to simply “housing”) is necessary to ameliorate the effects of the residents’ disabilities.

In the metropolitan area, there is a shortage of affordable housing, including supportive housing. There are areas within Minneapolis spaced greater than ¼ mile from supportive housing and other congregate living uses subject to the spacing requirement. These areas are typically well established single- and two-family areas or large industrial areas where land values are high or unaccommodating for residential use.

The applicant has indicated that this location was picked for several reasons. According to the applicant, the proposed supportive housing is an off-site expansion of the existing Cabrini Partnership operations located at 1025 6th Street Southeast. Because their existing site does not allow for growth, they looked for a nearby location to expand their services. In addition to close proximity, acquisition costs to purchase and assemble a large enough site were taken into consideration when looking for a potential site. Large, undeveloped tracts of land are rare in Minneapolis. Assembling existing residential parcels would have been too costly. Further, the site has convenient access to public transportation, Van Cleve Park, a variety of commercial uses on Como Avenue, and the University of Minnesota.

Reasonableness

Refusal to make a reasonable accommodation is discrimination under the federal law. Case law has established the following test for when an accommodation is unreasonable: an accommodation is not reasonable if it would 1) impose an undue financial hardship or administrative burden on a local government or 2) if it would create a fundamental alteration in a local government's land use and zoning scheme or otherwise undermine the basic purpose which the requirement seeks to achieve.

The CPED Planning Division has not identified any financial or administrative burdens that the City would incur as a result of granting a waiver of the spacing requirement, therefore that factor will not be considered further in this report.

The basic purpose for having a spacing requirement in the zoning code is to prevent the undue concentration of specific types of uses. Up until 1995, supportive housing was not a term recognized in the Minneapolis Zoning Code. In 1995, the term "supportive housing" was added to the list of definitions in the code in order to allow the People's Lodge on Franklin Avenue to proceed with a housing program for American Indians who were considered chronically chemically dependent and considered handicapped under the Federal Fair Housing laws. At their inception, supportive housing facilities were not subject to any spacing requirements.

In 1996, the term "supportive housing" was redefined to include a variety of program types such as board and lodging facilities, emergency housing, shelters for battered persons and some types of

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transitional housing programs. Many, but not all, of the uses that became supportive housing under the new definition were subject to an existing half-mile spacing requirement. In the 1996 amendment, supportive housing facilities were required to be spaced at least a quarter mile from all other existing supportive housing facilities as well as from community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. Supportive housing facilities became subject to a quarter-mile spacing requirement in order to become more consistent with the spacing requirement for state licensed facilities. Please note that state licensed community correctional facilities are required to be spaced a quarter-mile from other community correctional facilities. State licensed community residential facilities are required to be spaced a quarter-mile from other community residential facilities. Motels are not subject to a spacing requirement nor are overnight shelters. And inebriate housing facilities are required to be spaced at least a quarter mile from all other existing inebriate housing facilities as well as community correctional facilities, community residential facilities, supportive housing facilities, motels and overnight shelters.

In the I1 district with the Industrial Living Overlay, allowed residential uses are limited to the following: single-, two-, and multi-family dwellings of 3 or more units, supportive housing and community correctional facilities. The properties in the immediate area are zoned residential with the exception of a few small, industrially zoned properties adjacent to the railroad corridor. The various residential districts in the area allow for low to high density and a broader variety of congregate living uses than allowed in the industrial districts including supportive housing. Van Cleve Park is east of the site across 13th Avenue. The Burlington Railroad corridor separates the site from residential and a few nonresidential uses south and southwest of the site. North of the site, the area is predominantly residential. The site is separated from other residences by an alley. These residences, ranging from single- to multi-family, are the closest neighbors. The applicant has indicated that the project would provide a variety of housing types, including affordable housing, and positively affect property values. The CPED Planning Division believes that 20 units of supportive housing would be compatible with the surrounding area.

It has been determined that there are 2 facilities located within a quarter-mile of the proposed supportive housing facility that fall into one of the categories mentioned above. Cabrini House, located at 1025 6th Street Southeast, is a supportive housing facility with 23 units. The applicant has stated that the supportive housing at Van Cleve Court would be an expansion of the Cabrini Partnership. A new site was chosen because an on-site expansion was not possible. Also, a community residential facility is located at 1307 6th Street Southeast. The applicant has indicated that the proposed supportive housing should have little impact on this residential facility and vice versa. Both of the congregate living facilities are located on the periphery of the quarter-mile radius from the subject site. Further the railroad corridor acts as a physical boundary that also separates the Marcy Holmes and Como neighborhoods. The CPED Planning Division believes the proposed facility would have little impact on those already existing and should not contribute to undue concentration of congregate living uses.

REZONING: Petition to add the Industrial Living Overlay District to the properties of 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

Findings As Required By The Minneapolis Zoning Code:

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

According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

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

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Encourage the rehabilitation and sensitive reuse of older or historic buildings for housing including affordable housing units.

Staff comment: A rezoning of these properties would in general allow the City’s housing population to increase. It would also provide an opportunity to increase the mix of housing types and affordability levels. The site is directly adjacent to multifamily residences in medium- and high-density residential zoning districts. The density allowed by the rezoning would be compatible with the density allowed in the immediate area. The site, previously used for industrial purposes, has been vacant for two years. The Bunge Elevators are a landmark in the southeast Minneapolis area. It is unlikely the existing structures would be reused for industrial purposes. Rezoning to allow residential uses allows an opportunity to preserve this landmark by converting it to a residential structure. The I1 zoning with the Industrial Living Overlay should be consistent with the policies of the comprehensive plan.

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

An amendment of the zoning district would allow for the establishment of high density housing. Because the site is located in a predominantly residential area and is within walking distance of the University of Minnesota, medium- to high-density residential development is more

appropriate use of the land than an industrial use. Also, rezoning to allow residential uses allows an opportunity to preserve a landmark, the Bunge Elevators, by converting the head house some of the grain elevators to a residential structure. The amendment is in the public interest and not solely in the interest of the property owner.

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 properties in the immediate area are zoned residential with the exception of a few small, industrially zoned properties adjacent to the railroad corridor. Van Cleve Park, located east of the site across 13th Avenue, is zoned R1 Single-Family Residential. Directly north of the alley adjacent to the subject site, a range of single- to multi-family residences are located in the R4 and R5 Multiple Family District. The Burlington Railroad Corridor is located along the southwest boundary of the site. Provided residents of the development understand that they are living next to an active railroad corridor that produces noise and may involve other reasonable industrial activity, the proposed zoning should be compatible with the surrounding uses and zoning classifications.

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.

A variety of industrial uses could occupy the site. However, a planned residential development is proposed for these properties. Because the site is located in a predominantly residential area and is within walking distance of the University of Minnesota, medium- to high-density residential development is more appropriate use of the land than an industrial use.

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.

The site has been zoned industrially since 1963. In 1987, a large number of residential properties were down-zoned as part of a rezoning study in the Como neighborhood. Since that time, little change or new development has occurred in the immediate area.

CONDITIONAL USE PERMIT: to allow a planned unit development.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

Soil contamination exists in some areas of the site that exceeds the residential risk-based values established by the Minnesota Pollution Control Agency. As a result, a Voluntary Response Action Plan (VRAP) was created. The VRAP indicates that the contaminated soil will be removed from the site. The establishment of a planned unit development with 236 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.

Provided residents of the development understand that they are living next to an active railroad corridor that produces noise and may involve other reasonable industrial activity, the railroad should continue to operate (and may continue to operate in a legal fashion) without incident. The site was previously used for industrial purposes, but has been vacant for several years. Because of the proximity to the University of Minnesota and location in a predominantly residential area, medium- to high-density residential development is more appropriate use of the land than an industrial use. A multiple family residential development should have little impact to the surrounding residential uses. Existing and future development of uses allowed in the area should not be negatively affected by the proposed development.

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

Two segments of 12th Avenue Southeast and Brook Avenue Southeast, vacated at some previous time, would be reconstructed and dedicated as public streets. They would allow continuous access through the subject site. Building B and C would have vehicle access from the alley east of 12th Street. Building A and D, the drop-off area for Building F, and the surface parking area would have vehicle access from Brook Avenue. Finally, the below grade parking for Building F would be accessed from 13th Street. New infrastructure would be provided with the new streets. The Public Works Department will review the project for appropriate drainage and stormwater management.

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

The amount of parking provided in the development exceeds the minimum requirements defined by the zoning code for multiple family dwellings. Two hundred sixty spaces would be provided on-site. The minimum requirement for the proposed development is 236 spaces. The applicant has indicated that the excess parking would only be made available to residents of the development. A travel demand management (TDM) plan has been reviewed for the planned unit development. The TDM plan indicated that the proposed development would not likely have an

adverse impact on traffic on nearby streets and intersections. Measures the applicant would take include providing bike racks for all units and information about transportation alternatives to people living in the building. The site is also near two bus transit routes and within walking distance of the University of Minnesota. The project should have little effect on congestion in the area.

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

According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

2.1 Minneapolis will increase its share of economic prosperity in the region.

Applicable Implementation Step

Facilitate investments in land preparation through pollution clean up and land assembly activities.

Staff comment: A Phase I and Phase II Environmental Assessment (EA) have been completed for the site. The Phase II EA found soil contamination in some areas of the site that exceeds the residential risk-based values established by the Minnesota Pollution Control Agency. As a result, a Voluntary Response Action Plan (VRAP) was created. The VRAP indicates that the contaminated soil will be removed from the site.

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

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

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

Staff comment: The proposed development includes 236 dwelling units. The site, previously used for industrial purposes, has been vacant for two years. The site is directly adjacent to multifamily residences in medium- and high-density residential zoning districts. The density proposed would be compatible with the density allowed in the immediate area.

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

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

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Encourage the rehabilitation and sensitive reuse of older or historic buildings for housing including affordable housing units.

Staff comment: The development would offer a variety of housing types including apartments, townhouses and condominiums. Many of the proposed housing units could be adapted to changing housing needs. It would also offer a mix of rental (85) and for-sale (151) units. The rental units, contained in Buildings A and B, and the 5 for-sale units in Building C would be affordable to households at or below 50% of the metropolitan median income. The Bunge Elevators are a landmark in the southeast Minneapolis area. The proposed development would preserve this landmark by converting it to a residential structure with for-sale units.

9.13 Minneapolis will restore and maintain the traditional street grid.

Applicable Implementation Step

Restore the street grid whenever possible.

Staff comment: Two segments of 12th Avenue Southeast and Brook Avenue Southeast, vacated at some previous time, would be reconstructed and dedicated as public streets. They would allow continuous access through the subject site.

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Steps

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Staff comment: All new structures would comply with the height requirements of the zoning district in which it is located. The height of existing headhouse and grain elevators would increase to allow for a roof-top, mechanical room addition and a stair/elevator tower connecting the head house to the elevators. Although the height would be increased, the applicant is proposing to remove the portion of elevators that are closest to and likely cast the most shadows on the adjacent residences. Because a portion of the elevator complex will be removed, overall access to light and air should increase.

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

The use of the site for a multi-family residential planned unit development will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permits, variances, site plan review, plat and alley vacations.

Through the planned unit development, the applicant is requesting exceptions to the following standards of the zoning code:

The applicant is requesting that the planning commission authorize an increase in the maximum height of a structure, a reduction in the minimum lot area requirement per dwelling unit, a reduction of a required yard, and allow two freestanding signs as part of a master sign plan. Exceptions to these zoning

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regulations may be authorized only upon the Planning Commission finding that the PUD includes adequate site amenities to address any adverse effects of the exception.

Building Height: The maximum height allowed for a principal structure in the I1 district is four stories or 56 feet, whichever is less. The applicant seeks to increase the height of Building F to allow 21 stories where the tallest part of the building would be 236 feet above grade. Building F is the merger of two existing structures, the Bunge head house and grain elevators. The head house would have 20 floors of habitable space plus a roof top addition for mechanical equipment. Because the rooftop addition is greater than 14 feet in height, it is considered a story for purposes of determining height. The roof top addition would be 236 feet above grade. The grain elevator portion of the building would have 13 floors. The height in feet would not change significantly; however, the top level would be expanded in area. A stair and elevator addition would connect the two structures. It would be 234 feet above grade.

The increased height should have little affect on surrounding properties and public spaces. A shadow study has not been submitted for this part of the application. The existing elevator complex already casts shadows on residential properties to the north. The applicant is proposing to remove the portion of elevators that are closest to and likely cast the most shadows on the adjacent residences. The building will continue to shadow the site and proposed streets. Because a portion of the elevator complex will be removed, overall access to light and air should increase. Most of the structures in the area are between one and three stories in height. The new structures of the development would be between two and four stories in height. The proposed rooftop and elevator addition would only increase the overall height of the headhouse by 14 feet. The scale and massing of the additions is compatible with the existing structure and would allow reuse of a community landmark. Also, the additions should not impede any views.

Section 527.140(b) authorizes the Planning Commission to grant exceptions to the building height limitations of a district for the purpose of promoting an integrated project that provides additional site amenities. Amenities proposed by the applicant include constructing two public streets, restoration and reuse of a structure that is eligible for national designation, enclosing most of the required parking, and landscaping that exceeds the minimum requirements of the site plan review chapter. Staff recommends that the planning commission approve the proposed increase in maximum height.

Lot Area: The ILOD requires not less than 900 square feet of lot area per dwelling unit. The proposed site has 111,175 square feet. This would allow 123 dwelling units on the site. The applicant qualifies for a bonus to increase the number of dwelling units by providing more than 48 (20 percent of total units) affordable housing units. One density bonus would allow the applicant to construct a total of 147 dwelling units. This would reduce the required lot area per dwelling unit to 756.3 square feet. The applicant has requested the maximum allowed exception of the zoning code requirement by 20 percent to reduce the lot area through the planned unit development. This would reduce the lot area per dwelling unit to 605 square feet. The total number of units proposed is 236. Thus the applicant proposes 471.1 square feet of lot area per dwelling unit. The applicant is requesting a variance to reduce the minimum lot size requirement by 22.1 percent (after the exception is applied). Staff is recommending approval of the exception and the variance to allow the proposed density.

Section 527.150(b) authorizes the Planning Commission to grant exceptions to the minimum lot area per dwelling unit required by not more than 20 percent for the purposed of promoting an integrated project

that provides a variety of housing types and additional site amenities. A mix of housing types, including apartments, townhomes, condominiums, some affordable and some at market-rate, are proposed. Other amenities proposed by the applicant include constructing two public streets, restoration and reuse of a structure that is eligible for national designation, enclosing most of the required parking, and landscaping that exceeds the minimum requirements of the site plan review chapter. Because the streets would become public right-of-way, the right-of-way area is not included in the lot area calculation. If the streets were retained as private drives, additional units would be allowed without requesting a variance or the full 20 percent reduction through the PUD. Staff recommends that the planning commission approve a 20 percent reduction of the lot area requirement.

Interior Side Yard: In the industrial districts, an interior side yard is required for residential structures containing windows facing an interior side lot line. The side yard must be at least 5 feet plus 2 feet for each story above the first floor or 15 feet, whichever is less. All parts of the building are subject to the yard requirement. Building B would be located 5 feet from the proposed east lot line that would separate it from Building C. A porch and stairs are also located in the side yard. A 9-foot interior side yard is required because the building would be three stories in height.

Section 527.160 authorizes the planning commission to grant a reduction to the minimum yard requirements provided such required landscaped yards are not located along the periphery of the PUD. The applicant is meeting or requesting a variance to reduce some of the yards along the periphery of the site. Staff is recommending approval of the variances. The east side of Building B is adjacent to the driveway for Building C. The reduced setback should have little affect on the adjacent building. Staff is recommending that the planning commission approve the reduction in the interior side yard requirement.

Signs: Residential uses are governed by Table 543-1 of the zoning code. Standards for signs for PUDs are approved through the conditional use permit. If the multifamily dwellings were not part of a PUD, one non-illuminated, flat wall identification sign not exceeding 16 square feet in area would be allowed for a dwelling located on a lot less than 40,000 square feet in area. On lots greater than 40,000 square feet in area, one wall sign not exceeding 32 square feet in area and one freestanding ground sign not exceeding 32 square feet in area would be allowed. Either the wall sign or the ground sign can be illuminated, but not both. Wall signs cannot exceed 12 feet in height above grade and ground signs cannot be more than 8 feet in height. Three ground signs are proposed. A 32 square foot ground sign is proposed in front of Building A, an 18 square foot ground sign is proposed in front of Building B, and a 50 square foot ground sign is proposed in front of Building F. All signs would be less than 8 feet in height. No other exterior signage is proposed. To comply with the PUD platting requirement, the site would be replatted. The proposed lot size for Buildings A and B is less than 40,000 square feet. The proposed lot size for Building F, which also includes Building D, would be 48,675 square feet in area.

Section 527.170 authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs, in planned unit developments. The proposed signage would not likely lead to sign clutter. However, the signs may detract from the residential character of the area. The signs would be constructed of pour in place concrete with applied metal letters. The signs are not of an exceptional design that would enhance the architecture or design of the site or the surrounding area. Staff is recommending that the planning commission not approve the master sign plan as proposed. Staff believes wall signs as allowed for multifamily residences in the residential districts would provide sufficient signage for the proposed development.

Additional Findings Required For Planned Unit Developments:

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 a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.

The immediate area is predominantly residential. Residences range from single- to multifamily dwellings. A multifamily development with 236 dwelling units is proposed. A mix of housing types, including apartments, townhomes, condominiums, some affordable and some at market-rate, would be provided.

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 and availability of transit alternatives.

A travel demand management (TDM) plan has been reviewed for the planned unit development. The TDM plan indicated that the proposed development would not likely have an adverse impact on traffic on nearby streets and intersections. Two segments of 12th Avenue Southeast and Brook Avenue Southeast, vacated at some previous time, would be reconstructed and dedicated as public streets. They would allow continuous access through the subject site. Building B and C would have vehicle access from the alley east of 12th Street. Building A and D, the drop-off area for Building F, and the surface parking area would have vehicle access from Brook Avenue. Finally, the below grade parking for Building F would be accessed from 13th Street. The amount of parking provided in the development exceeds the minimum requirements defined by the zoning code for multiple family dwellings. Two hundred sixty spaces would be provided on-site. The minimum requirement for the proposed development is 236 spaces. The applicant has indicated that the excess parking would only be made available to residents of the development. Measures the applicant would take to reduce congestion include providing bike racks for all units and information about transportation alternatives to people living in the building. Proposed walkways lead to common and private entrances from the public sidewalks. Currently, sidewalks do not exist on the west side of 13th Avenue and both sides of 12th Avenue. The applicant would provide sidewalks adjacent to their site as well as adjacent to other sites leading up to Como Avenue. The site is also near two bus transit routes and within walking distance of the University of Minnesota. The project should have little effect on congestion in the area.

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

Amenities proposed by the applicant include constructing two public streets, restoration and reuse of a structure that is eligible for national designation, enclosing most of the required parking, and landscaping that exceeds the minimum requirements of the site plan review chapter such as large, open spaces located behind Buildings A and B for private use by residents.

- 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.**

New structures in the development would be two to 4 stories in height. Building A would be a four story, L-shaped building on 12th Avenue. It would be the tallest of the new structures. It would be adjacent to two, high-density multifamily dwellings (two to three stories in height) located north of the alley. Building B and D would be three stories in height. Finally, Building C would be two stories in height. The heights of the buildings step down toward the park. This allows views of the Bunge tower to be maintained as well as remain compatible the two-story residences along Como Avenue. Also, each of the new structures would have individual entrances for ground floor units. A new one-story entrance addition is proposed on Building F. The addition would be compatible with the existing character and style of the building.

The surface parking would be located in the interior of the site between Buildings D and F adjacent to Brook Avenue. If the staff recommendations for screening and landscaping are implemented, the design and location of the surface parking should be compatible with the uses in the development and surrounding uses.

- e. 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 applicant has been working with the Public Works requirements to comply with their requirements. The Public Works Department has not indicated concerns about the capacity of the public infrastructure in relation to this project. A stormwater management plan is required for the project, which will be reviewed by the Public Works Department.

- 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.

CONDITIONAL USE PERMIT: to allow 20 units of supportive housing.

Findings as required by the Minneapolis Zoning Code:

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 20 units of supportive housing would be integrated into the two rental buildings, Building A and B. The applicant has indicated that a staff member would be available 24-hours a day to respond immediately to a supportive housing resident's crisis needs. Further, the applicant would carefully select residents to ensure compatibility with other residents in the building.

The zoning code has specific development standards for supportive housing developments. The applicant cannot comply with the minimum spacing requirement. The CPED Planning Division believes the applicant will be serving a protective class under the Fair Housing Act and therefore is able to locate in this area without having to meet or vary the standard under reasonable accommodation. The Planning staff also believes the proposed facility would have little impact on congregate living uses already existing and should not contribute to undue concentration of congregate living uses.

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

The site is adjacent to a park, a railroad corridor and single- and multi-family residences. With proper program management, landscaping and site improvements, and site security the proposed use should not have negative impacts on surrounding properties.

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

Two segments of 12th Avenue Southeast and Brook Avenue Southeast, vacated at some previous time, would be reconstructed and dedicated as public streets. They would allow continuous access through the subject site. The two buildings containing the supportive housing units, Buildings A and B, would have vehicle access from 12th Street. New infrastructure would be provided with the new streets. The Public Works Department will review the project for appropriate drainage and stormwater management.

- 4. Adequate measures have not been or will not be provided to minimize traffic congestion in the public streets.**

In Building A, 45 parking spaces would be provided for 50 units. In Building B, 38 spaces would be provided for 35 units. The amount of parking provided in the entire development exceeds the minimum requirements defined by the zoning code for multiple family dwellings. Two hundred sixty spaces would be provided on-site. The minimum requirement for the proposed development is 236 spaces. The applicant has indicated that the excess parking would only be made available to residents of the development, therefore sufficient parking would be provided for the supportive housing. A travel demand management (TDM) plan has been reviewed for the planned unit development. The TDM plan indicated that the proposed development would not likely have an adverse impact on traffic on nearby streets and intersections. Measures the applicant would take include providing bike racks for all units and information about transportation alternatives to people living in the building. The site is also near two bus transit routes and within walking distance of the University of Minnesota. The project should have little effect on congestion in the area.

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

According to the principles and policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.

Applicable Implementation Steps

Promote increase development of housing for very low-income households earning 30% or less of metropolitan median income.

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges.

4.12 Minneapolis will reasonably accommodate the housing needs of all of its citizens.

Applicable Implementation Steps

Permanent housing for people with disabilities shall not be excluded by the zoning ordinance or other land use regulations from the benefit of residential surroundings. Special housing shall be available as needed and appropriately dispersed throughout the city.

Staff comment: The supportive housing units are intended to serve households at 30% of the metropolitan median income. The zoning code has specific development standards for supportive housing developments. The applicant cannot comply with the minimum spacing requirement to be located at least a quarter-mile from other congregate living uses. It has been

determined that there are 2 such facilities located within a quarter-mile of the proposed supportive housing facility. Both of these facilities are located on the periphery of the quarter-mile radius from the subject site. Further the railroad corridor acts as a physical boundary that also separates the Marcy Holmes and Como neighborhoods. The Planning staff believes the applicant will be serving a protective class under the Fair Housing Act and therefore is able to locate in this area without having to meet or vary the standard under reasonable accommodation. The Planning staff also believes the proposed facility would have little impact on congregate living uses already existing and should not contribute to undue concentration of congregate living uses.

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.

With the approval of the rezoning, conditional use permits, variances, site plan review, plat and alley vacations, the use of the site for a multi-family residential planned unit development including 20 units of supportive housing will conform to the applicable regulations of the districts in which it is located.

VARIANCES: 1) to reduce the interior side yard Along the South property line, from 11 feet to 8.5 feet to allow Building A; 2) to reduce the interior side yard along the North property line, from 9 feet to 6 feet to allow Building B; 3) to reduce the interior side yard along the Southwest property line, from 15 feet to 0 feet to allow an addition to Building F; and 4) to reduce the interior side yard along the Southwest property line, from 15 feet to 0 feet to allow the balconies to Building F.

Findings as required by the Minneapolis Zoning Code:

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

In the industrial districts, an interior side yard is required for residential structures containing windows facing an interior side lot line. The side yard must be at least 5 feet plus 2 feet for each story above the first floor or 15 feet, whichever is less. All parts of the building are subject to the yard requirement. Along the southwest property line adjacent to the railroad corridor, three variances to reduce the yard requirement are requested. Building A, 4-stories in height, would encroach up to 2.5 feet into the required yard. The applicant is requesting a variance to reduce the side yard requirement from 11 feet to 8.5 feet. On Building F, the head house would be converted to 20 floors with a roof-top addition for mechanical equipment and the elevators would be converted to 13 floors. To access all levels, a stair tower addition would connect the two structures. It would abut the southwest property line. In addition to the stair tower, balconies would extend up to the property line. These additions and encroachments require a variance to reduce the side yard from 15 feet to 0 feet. The applicant is requesting a reduction in the yard requirements along the north and east property lines for Building B. A 9-foot interior side yard is required because the building would be three stories in height. Along the north property line adjacent to the alley, the building would be set back 6 feet. The fact that the side lot lines, in this case, either abuts public right of way or a railroad corridor reduces the concern that a building

would be constructed that would block light and air to the proposed and surrounding residential uses. The proposed setbacks would be reasonable.

- 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.**

Interior side yard to allow Building A: The site is an odd-shaped parcel that was formerly used for industrial purposes. The southwest property line follows the angle (approximately 35 degrees) of the adjacent railroad corridor. The design of the building incorporates 45 and 90 degree angles. As a result small portions of the building project into the side yard. The circumstances affecting the property exist and were not created by the applicant.

Interior side yard to allow Building B: The minimum required street right-of-way width is 60 feet. In order to accommodate the street width, the building encroaches into the side yard. Setting the building back to comply with the yard requirement would have a significant impact on the buildable area of the site. The required yard is also adjacent to an alley. Although this is not a unique circumstance, there is less of a concern about impacting light and air of adjacent properties.

Interior side yard to allow the additions and balconies for Building F: The applicant is proposing to convert an existing industrial building to a multifamily dwelling. The building is adjacent to the southwest property line, which follows the angle of the railroad corridor (approximately 35 degrees). The fact that the rear of the building is along a railroad corridor is unique and is not generally applicable to other projects.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The variances in question are along a public right of way and railroad corridor rather than a property with a building on it. The granting of the variances should have little effect on the surrounding properties and are in keeping with the intent of the ordinance.

- 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.**

Adequate parking facilities are provided on-site. The CPED Department does not expect that granting the variances would affect congestion or public safety.

VARIANCE: To reduce the minimum lot area requirement from 605 to 471.1 square feet (22.1 percent) to allow 236 dwelling units.

Findings as required by the Minneapolis Zoning Code:

- 1. The property can not 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 applicant is requesting to reduce the minimum lot size requirement per dwelling unit from 605 square feet to 471.1 square feet. A mix of housing types, including apartments, townhomes, condominiums, some affordable and some at market-rate, are proposed. The applicant is also proposing to restore and reuse a structure that is eligible for national designation and construct two public streets. Because the streets would become public right-of-way, the right-of-way area is not included in the lot area calculation. If the streets were retained as private drives, the variance would not be necessary. Because the applicant is providing amenities that serve the public interest, the proposed residential density is reasonable.

- 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 property is a former industrial site with close proximity to the University of Minnesota. A portion of the grain elevators will be converted to residential. The applicant has indicated that they will remove contaminated soil from the site. These circumstances are unique to the property.

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

Lot area requirements are established to ensure compatibility with surrounding uses. The site is located adjacent to other multifamily dwellings and high density residential zoning districts. Provided residents of the development understand that they are living next to an active railroad corridor that produces noise and may involve other reasonable industrial activity, the railroad should continue to operate (and may continue to operate in a legal fashion) without incident. The granting of the variance should have little effect on the surrounding properties and is in keeping with the intent of the ordinance.

- 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 proposed variance should not increase the danger of fire or endanger public safety. Adequate parking facilities are provided on-site. The additional traffic generated by the development should not have a large impact on the public streets.

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 Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on

each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.
- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 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.

Conformance with above requirements:

All new structures would contribute to a street wall. Main entrances and entrances for ground floor units adjacent to a street would connect to the public sidewalk. The grain elevators, referred to hereafter as “Building F,” is oriented diagonally because it parallels the southwest property line and railroad corridor. The proposed Brook Avenue would run east to west. Although Building F angles away from the street, the entrance addition would be oriented towards Brook with a walkway leading from the street to entrance. Further, an abundant amount of windows would be provided on all buildings to maximize natural surveillance.

Building B would be within 8 feet of both Brook and 12th Avenue. The first floor of Building A would be setback between 0 and 11 feet along 12th Avenue. Along 13th Avenue, Building C would be set back between 10 and 12 feet and Building D would be set back between 7 and 11 feet. Building D would also be set back 9 feet from Brook Avenue. Setting portions of the buildings back further than 8 feet allows for more landscaped area and porches to serve as a buffer between ground level units and the streets. Staff believes alternative compliance is warranted.

Landscaping would be located between all newly constructed buildings and the front lot line. In addition to landscaping, a drop-off parking area would be located between Building F and the front lot line.

Each building would have a principal common entrance facing a front lot line.

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The majority of the parking would be enclosed within the buildings. Although part of a parking structure, the at-grade parking between Buildings D and F will be addressed as surface parking. It would be located to the interior of the site.

The buildings would include sufficient architectural detail and would make generous use of windows to avoid large blank walls.

To divide the buildings into smaller, identifiable sections, recesses and projects, multiple entrances, windows and other architectural features have been incorporated.

The primary exterior materials for Building A include brick, fiber cement panel siding and burnished concrete masonry units. Primarily stucco, burnished block and metal would be used for exterior materials on Building B. For Buildings C and D, the primary exterior material would be cementitious siding. The applicant has indicated that the final exterior material for Building F would either be exposed concrete or stucco finish.

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

All sides of each building would be compatible with their front facades.

Principal entrances would be emphasized as appropriate to the type of dwelling. For example, small porches would be provided for the town house units, while a large canopy would shelter the common entrance of Building B. All proposed windows would be vertical in proportion and evenly distributed. On Buildings A, B and F, windows would exceed 20 percent of the first floor façade facing a street or parking area. On the other floors facing the street or parking area, windows would exceed 10 percent. On Building C, 19.5 percent of the first floor elevation would be windows. Twenty percent is required. The amount of required windows on other elevations exceed the minimum requirements. An abundant amount of windows are also provided on most other walls where minimum requirements do not apply. Several elevations on Building D also fall short of meeting minimum window requirements. No windows are provided on the first floor facing the surface parking area. This wall is occupied by two-stall garage doors leaving little room for windows. Windows on the upper floors exceed the minimum amount required. Further, Building F also faces the surface parking area where windows exceeding 50 percent of each floor are provided. The amount of windows proposed should be sufficient to provide natural surveillance of the parking area. Also, the minimum window requirements are not met on the first and third floor elevations facing Brook Avenue on Building D. On the first floor, 51 square feet (20%) of windows are required. Only 37.5 square feet (14.7%) are proposed. On the third floor, 26 square feet (10%) of windows are required. Only 12.5 (4.9%) are proposed. The majority of windows on Building D are oriented towards 13th Avenue and the park. For these reasons staff believes alternative compliance should be granted for the window requirements on Building C and D.

Buildings A, C and D would have pitched roofs. Many other residential buildings in the area have pitched roofs. Building A is larger in mass than the townhouse buildings. With a pitched roof, the building is more suburban in character. For these reasons, the applicant is encouraged

to propose a flat roof on Building A. The roofs on Building B and the additions to Building F would be flat. Multifamily and industrial buildings in the area also have flat roofs.

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.

Conformance with above requirements:

Walkways are proposed from the public sidewalk or parking areas to the building entrances.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access to the enclosed below grade parking level in Building A would be from the intersection of 12th and Brook Avenue. Access to parking for Building F would be obtained for 13th Avenue from the cul-de-sac. The surface parking area and the drop-off for Building F would have access from Brook Avenue through two curb cuts. The proposed curb cuts should have minimal conflicts with pedestrians.

Alley access is proposed for Buildings B and C. Between the buildings, 43 parking spaces are proposed. Traffic flow should not negatively affect other residents of the area who use the alley.

The amount of impervious surface would be reduced on the property with the proposed development.

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.

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 111,175 square feet. The building footprints would be approximately 61,465 square feet. The lot area minus the building footprints therefore consists of approximately 49,710 square feet. At least 20 percent of the net site area (9,942 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 16,425 square feet, which far exceeds the minimum requirement.

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 20 and 100 respectfully. The applicant is providing 40 trees and over 500 shrubs as well as other perennials.

A seven-foot landscaped yard is required between the surface parking area and Brook Avenue. An 11-foot wide yard is proposed with the exception of where the access stair emerges from the lower parking levels and the yard is only 6 feet wide. Because most of the yard is 11 feet wide staff believes alternative compliance is warranted.

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking area and the street. Although the applicant has indicated landscaping would be provided, it is unclear if it would meet the screening requirements. Staff is recommending that screening be provided.

Trees are required to be provided for every 25 feet of parking area lot frontage. Four trees would be required in the landscaped yard adjacent to Brook Avenue. No trees are proposed. The landscaped yard is 11 feet wide, except where the access stairs for the lower levels of the ramp are located. At that location the yard would be 6 feet in width. The applicant is proposing two trees in the street boulevard. Because two trees would be provided in the boulevard, staff is recommending that the applicant provide two trees in the landscaped yard.

The landscape plan indicates that areas of the parking lot that are unavailable for parking or vehicle circulation would be landscaped.

All surface parking spaces are required to be located within 50 feet of an on-site deciduous tree. Thirteen of the 30 spaces would not. These spaces are generally located in the center row and the two center spaces adjacent to the southwest property line. The surface parking area is constructed over below grade parking. It would likely be impractical to plant trees within the parking area. If the staff recommendation to provide two trees in the landscaped yard is implemented, then 2 more spaces would be within 50 feet of a tree. Also, if the staff recommendation to construct the retaining wall parallel to the below grade parking access drive for Building F is implemented, another tree could be provided. Two more spaces would be within 50 feet of a tree. Staff is recommending that the planning commission grant alternative compliance to allow no more than 9 spaces to be spaced more than 50 feet from an on-site deciduous tree.

Turf would cover all areas that are not paved or landscaped.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

Continuous six inch by six inch concrete curbing is proposed around the surface parking area. The plans indicate that water would drain out the curb cut located on Brook Avenue. The parking lot is adjacent to two buildings and abuts an adjacent property. On-site infiltration would be impractical.

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

Shadowing from the newly constructed buildings should have little impact on public spaces and adjacent properties. Building F will continue to shadow the site. Shadowing from the additions to this building should not be significant.

Wind currents should not be a major concern.

To limit access to and from the adjacent railroad corridor, the applicant is proposing a 6-foot high, wrought “iron” type metal fence along the southwest property line. Private spaces, such as the fenced and elevated play area behind Building B, are located at the interior of the site to separate them from public areas. Windows are provided on all sides of all buildings to maximize natural surveillance of private and public spaces. Staff is concerned that the retaining wall adjacent to the ramp entrance south of Building D could impact resident’s safety. The niche in the retaining wall could provide a hiding place and open an opportunity for someone to follow cars into an otherwise secured parking area. Staff is recommending that the retaining wall run parallel to the driveway to eliminate this safety hazard.

The site is eligible for listing on the National Register of Historic Places. As a result, demolition of existing structures requires approval by the Minneapolis Heritage Preservation Commission (HPC). On November 14, 2006, the HPC approved a Demolition of Historic Resource permit for a portion of the Bunge Elevator complex. This decision was not appealed. The remaining grain elevators and the head house would be converted to a multifamily dwelling.

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: Multi-family residences and supportive housing are not allowed in the I1 district. Therefore the applicant is requesting a petition to add the Industrial Living Overlay District to allow a planned unit development with 236 units including 20 used for supportive housing.

Parking and Loading: The minimum parking requirement for the development is 236 spaces (one per dwelling unit). The applicant is proposing 260 parking spaces.

Signs: As noted in the conditional use section of this report, the applicant is proposing three ground signs. Section 527.170 authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs, in planned unit developments. Staff is recommending that the planning commission not approve the master sign plan as proposed. Staff believes wall signs as allowed for multifamily residences in the residential districts would provide sufficient signage for the proposed development.

Maximum Floor Area: The lot area, according to the applicant, is 111,175 square feet. The maximum FAR allowed is 2.7. The applicant qualifies for a bonus to increase the FAR by providing more than 48 (20 percent of total units) affordable housing units. This would increase the maximum FAR to 3.24. The buildings would have a total of 295,451 square feet, which is an FAR of 2.66.

Minimum Lot Area: As previously noted, the overall lot has 111,175 square feet. The ILOD requires not less than 900 square feet of lot area per dwelling unit. This would allow 123 dwelling units on the site. The applicant qualifies for a bonus to increase the number of dwelling

units by providing more than 48 (20 percent of total units) affordable housing units. One density bonus would allow the applicant to construct a total of 147 dwelling units. This would reduce the required lot area per dwelling unit to 756.3 square feet. The applicant has requested the maximum allowed exception of the zoning code requirement by 20 percent to reduce the lot area through the planned unit development. This would reduce the lot area per dwelling unit to 605 square feet. The total number of units proposed is 236. Thus the applicant proposes 471.1 square feet of lot area per dwelling unit. The applicant is requesting a variance to reduce the minimum lot size requirement by 22.1 percent. Staff is recommending approval of the exception and the variance to allow the proposed density.

Dwelling Units Per Acre: The applicant proposes a density of 92.5 dwelling units per acre.

Height: Building height in the ILOD is limited to four stories or 56 feet, whichever is less. All new structures would comply with the height requirement. Several additions are proposed to Building F that would exceed the height allowed. The planning commission may grant increases in height through the planned unit development application. The applicant seeks to increase the height of Building F to allow 21 stories where the tallest part of the building would be 236 feet above grade. Building F is the merger of two existing structures, the Bunge head house and grain elevators. The head house would have 20 floors of habitable space plus a roof top addition for mechanical equipment. Because the rooftop addition is greater than 14 feet in height, it is considered a story for purposes of determining height. The roof top addition would be 236 feet above grade. The grain elevator portion of the building would have 13 floors. The height in feet would not change significantly; however, the top level would be expanded in area. A stair and elevator addition would connect the two structures. It would be 234 feet above grade. Staff is recommending that the planning commission approve the proposed increase in height.

Yard Requirements: In the industrial districts, an interior side yard is required for residential structures containing windows facing an interior side lot line. The side yard must be at least 5 feet plus 2 feet for each story above the first floor or 15 feet, whichever is less. All parts of the building are subject to the yard requirement. Along the southwest property line adjacent to the railroad corridor, three variances to reduce the yard requirement are requested. Building A, 4-stories in height, would encroach up to 2.5 feet into the required yard. The applicant is requesting a variance to reduce the side yard requirement from 11 feet to 8.5 feet. On Building F, the head house would be converted to 20 floors with a roof-top addition for mechanical equipment and the elevators would be converted to 13 floors. To access all levels, a stair tower addition would connect the two structures. It would abut the southwest property line. In addition to the stair tower, balconies would extend up to the property line. These additions and encroachments require a variance to reduce the side yard from 15 feet to 0 feet. The applicant is requesting a reduction in the yard requirements along the north and east property lines for Building B. A 9-foot interior side yard is required because the building would be three stories in height. Along the north property line adjacent to the alley, the building would be set back 6 feet. The applicant is requesting a variance. The building would be located 5 feet from the proposed east lot line that would separate it from Building C. A porch and stairs are also located in the side yard. Section 527.160 authorizes the planning

commission to grant a reduction to the minimum yard requirements provided such required landscaped yards are not located along the periphery of the PUD. Staff is recommending approval of all yard variances and the exception through the planned unit development.

Specific Development Standards: Supportive housing is subject to the following development standards of Chapter 536 of the zoning code:

Supportive housing.

- (1) Supportive housing shall be located at least one-fourth (1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:
 - a. Community correctional facility.
 - b. Community residential facility.
 - c. Inebriate housing.
 - d. Motel.
 - e. Overnight shelter.
- (2) The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- (3) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- (4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

The supportive housing would comply with all development standards except the quarter mile spacing requirement. The applicant is requesting reasonable accommodation under the Fair Housing Amendments Act. The Planning staff believes the applicant will be serving a protective class under the Act and therefore is able to locate in this area without having to meet or vary the standard under reasonable accommodation. The Planning staff also believes the proposed facility would have little impact on congregate living uses already existing and should not contribute to undue concentration of congregate living uses.

Lighting: Lighting proposed for the development 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 shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not 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.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Dumpster screening: A trash enclosure would be located north of Building F. Screening must comply with Chapter 535 of the zoning code including:

535.80. Screening of refuse storage containers. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

Screening of mechanical equipment: Several transformers would be located in interior side yards. Mechanical equipment proposed for the development must comply with Chapter 535 screening requirements:

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.
- (b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:
- (1) Minor equipment not exceeding one (1) foot in height.
 - (2) Mechanical equipment accessory to a single or two-family dwelling.
 - (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

MINNEAPOLIS PLAN: Please see finding number 5 under the conditional use permit sections of this report.

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 by the applicant for the following standards:

- Location of the buildings within 8 feet from a lot line adjacent to a street

The first floor of Building A would be setback between 0 and 11 feet along 12th Avenue. Along 13th Avenue, Building C would be set back between 10 and 12 feet and Building D would be set back between 7 and 11 feet. Building D would also be set back 9 feet from

Brook Avenue. Setting portions of the buildings back further than 8 feet allows for more landscaped area and porches to serve as a buffer between ground level units and the streets. Staff believes alternative compliance is warranted.

- Window requirements

On Building C, 19.5 percent of the first floor elevation facing the street would be windows. Twenty percent is required. The amount of required windows on other elevations exceed the minimum requirements. An abundant amount of windows are also provided on most other walls where minimum requirements do not apply. Several elevations on Building D also fall short of meeting minimum window requirements. No windows are provided on the first floor facing the surface parking area. This wall is occupied by two-stall garage doors leaving little room for windows. Windows on the upper floors exceed the minimum amount required. Further, Building F also faces the surface parking area where windows exceeding 50 percent of each floor are provided. The amount of windows proposed should be sufficient to provide natural surveillance of the parking area. Also, the minimum window requirements are not met on the first and third floor elevations facing Brook Avenue on Building D. On the first floor, 51 square feet (20%) of windows are required. Only 37.5 square feet (14.7%) are proposed. On the third floor, 26 square feet (10%) of windows are required. Only 12.5 (4.9%) are proposed. The majority of windows on Building D are oriented towards 13th Avenue and the park. For these reasons staff believes alternative compliance should be granted for the window requirements on Building C and D.

- Landscaped yard between a parking area and a street

A seven-foot landscaped yard is required between the surface parking area and Brook Avenue. An 11-foot wide yard is proposed with the exception of where the access stair emerges from the lower parking levels and the yard is only 6 feet wide. Because most of the yard is 11 feet wide staff believes alternative compliance is warranted.

- Screening between a parking area and a street

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking area and the street. Although the applicant has indicated landscaping would be provided, it is unclear if it would meet the screening requirements. Staff is recommending that screening be provided and that alternative compliance not be granted.

- Trees along lot frontage adjacent to a surface parking area

Trees are required to be provided for every 25 feet of parking area lot frontage. Four trees would be required in the landscaped yard adjacent to Brook Avenue. No trees are proposed. The landscaped yard is 11 feet wide, except where the access stairs for the lower levels of the ramp are located. At that location the yard would be 6 feet in width. The applicant is proposing two trees in the street boulevard. Because two trees would be provided in the boulevard, staff is recommending that the applicant provide two trees in the landscaped yard.

- Surface parking spaces within 50 feet of a tree

All surface parking spaces are required to be located within 50 feet of an on-site deciduous tree. Thirteen of the 30 spaces would not. These spaces are generally located in the center

row and the two center spaces adjacent to the southwest property line. The surface parking area is constructed over below grade parking. It would likely be impractical to plant trees within the parking area. If the staff recommendation to provide two trees in the landscaped yard is implemented, then 2 more spaces would be within 50 feet of a tree. Also, if the staff recommendation to construct the retaining wall parallel to the below grade parking access drive for Building F is implemented, another tree could be provided. Two more spaces would be within 50 feet of a tree. Staff is recommending that the planning commission grant alternative compliance to allow no more than 9 spaces to be spaced more than 50 feet from an on-site deciduous tree.

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.**

The plat would not create nonconformities related to the zoning regulations of the I1 Light Industrial District or Industrial Living Overlay District. The land would be divided into four parcels having the following area:

Block 1, Lot 1: 23,448 square feet
Block 1, Lot 2: 9,738 square feet
Block 2, Lot 1: 29,296 square feet
Block 2, Lot 2: 48,675 square feet

Individual lots within a planned unit development are not required to meet the minimum lot area for the use located on that individual lot provided that the overall lot area of the planned unit development must be sufficient to accommodate all of the uses within the development.

The subdivision is in conformance with the design requirements of the land subdivision regulations and the street design standards from Table 598-1 except for Section 598.230 (5), which requires utility easements to be 5 feet wide on an interior side lot line. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the reduction of drainage and utility easements on the side lot line adjacent to the railroad corridor for Block 2, Lot 2. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these

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regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

A utility easement would not be provided adjacent to the side lot line. The existing grain elevators and head house are located between 3 and 6 feet from the side lot line. A stair/elevator addition to Building F would be built up to the lot line. The lot would also be adjacent to two public streets. Building F would connect to utilities on Brook Avenue. Building D would connect to utilities on 13th Avenue. The variance should have little effect on surrounding properties.

Please note: The preliminary plat refers to the east/west platted street as “Brooke Avenue Northeast.” The existing street name is “Brook Avenue Southeast” in City and County records. Because this is intended to be a continuation of the existing Brook Avenue, which extends east until 18th Avenue Southeast (although not constructed, street right-of-way exists under Van Cleve Park), the spelling of the street name should be consistent and corrected on the final plat. To keep the proposed spelling, the applicant would need to go through the street naming process, which requires City Council approval.

- 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 little impact on the surrounding area. The continuation of Brook and 12th Avenue would eliminate a dead-end street, which would benefit the 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 and does not present the other noted hazards, except soil contamination. The applicant has indicated that they will remove the soil contamination from the site. The applicant has requested a variance of the utility easement requirement along the side lot line of Block 2, Lot 2. Access to proposed utilities would be provided from Brook and 13th Avenue. The easement variance should have little effect on surrounding uses.

- 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.**

Minimal changes to the grade are proposed. The site would have frontage on existing and proposed public streets. The proposed streets would meet the minimum subdivision design requirements.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The Public Works Department will review the project for appropriate drainage and stormwater management. Less impervious surfaces would cover the site than currently exist to allow more on-site filtration of stormwater.

ALLEY VACATION (Vac-1477)

Development Plan: The applicant intends to use the vacated alleys as part of a developable area to construct a multiple family dwelling.

Responses from Utilities and Affected Property Owners: Of the responses received, there were no objections and no easements requested.

Findings: The CPED Planning Division and Public Works Department finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor.

ALLEY VACATION (Vac-1478)

Development Plan: The applicant intends to use the vacated alleys as part of a developable area to construct two multiple family dwellings and a parking area.

Responses from Utilities and Affected Property Owners: Of the responses received, there were no objections and no easements requested, except from Xcel Energy. Xcel Energy has requested that an easement be reserved for the entire length and width of that part of the alley adjacent to Lots 13 thru 24, Block 2, Ewell's Third Addition to Minneapolis.

Findings: Building B would encroach on the requested easement by Xcel Energy. The CPED Planning Division and Public Works Department finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to add the Industrial Living Overlay District to the properties of 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit for a Planned Unit Development:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a planned unit development with 236 dwelling units for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast, subject to the following conditions:

1. All signs for individual buildings within the planned unit development shall comply with residential standards for multifamily dwellings on lots less than 40,000 square feet in area from Table 543-1 of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for a Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow supportive housing serving 20 people for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard along the South property line from 11 feet to 8.5 feet to allow Building A for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard along the North property line from 9 feet to 6 feet to allow Building B for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard along the Southwest property line from 15 feet to 0 feet to allow an addition to Building F for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard along the Southwest property line, from 15 feet to 0 feet to allow the balconies to Building F for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot area requirement from 605 to 471.1 square feet (22.1 percent) to allow 236 dwelling units for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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 to allow a planned unit development with 236 dwelling units located at the properties of 901-941 13th Avenue Southeast and 932 12th Avenue Southeast, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by January 26, 2009, or the permit may be revoked for non-compliance.
3. As required by section 530.170(b) and (c), screening and at least two canopy trees shall be provided between the surface parking area and Brook Avenue.
4. At least 21 of the proposed surface parking spaces shall be within 50 feet of an on-site deciduous tree as required by section 530.170(e) of the zoning code.

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5. The retaining wall adjacent to the parking ramp entrance south of Building D shall be parallel to the driveway to comply with Section 530.260 Crime Prevention Through Environmental Design of the zoning code.
6. Mechanical equipment and trash containers shall be screened in compliance with section 535.70 and section 535.80 of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the alley vacations for the properties located at 901-941 13th Avenue Southeast and 932 12th Avenue Southeast.

Attachments:

1. Legal Description
2. Zoning code information sheet
3. Preliminary Development Review comments
4. Reasonable Accommodation Requirements of the Federal Fair Housing Amendments Act
5. Statement of use and findings
6. Applicant request for reasonable accommodation
7. Correspondence
8. Zoning map
9. Hennepin County maps
10. Orthophoto
11. Vacation maps
12. Plans
13. Site photos