

Community Planning and Economic Development Planning Division Report

Rezoning, Conditional Use Permit, Variance, and Site Plan Review
BZZ-4476

Date: August 10, 2009

Applicant: Brighton Development Corporation

Address Of Property: 610 28th Street West

Project Name: Lyndale Green

Contact Person And Phone: Jesse Osendorf – Brighton Development Corporation 612-332-5664

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: July 15, 2009

End of 60 Day Decision Period: September 13, 2009

Date Extension Letter Sent: August 3, 2009

End of 120 Day Decision Period: November 12, 2009

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: R2B Two-family District

Proposed Zoning: C2 Neighborhood Corridor Commercial District

Plate Number: 24

Legal Description: Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, and the west 19.42 feet of Lot 5 EXCEPT the north 8.00 feet thereof, Block 2, GROVER'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota;

TOGETHER WITH that part of the vacated north-south alley in said Block 2, GROVER'S ADDITION TO MINNEAPOLIS, lying south of the westerly extension of the south line of the north 8.00 feet of said Lot 5;

TOGETHER WITH Lot 4, Lot 5, Lot 6, and the west 25.42 feet of Lot 3, Block 1, COE'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota;

TOGETHER WITH that part of the vacated east-west alley in said Block 1 lying northerly and adjoining said Lot 3, Lot 4, Lot 5, and Lot 6 and lying west of the northerly extension of the east line of the west 25.42 feet of said Lot 3.

CPED – Planning Division Report
BZZ – 4476

Proposed Use: Four-story, 61 mixed-use building with ground floor retail.

Concurrent Review:

Rezoning: From the R2B Two-family Residential District to the C2 Neighborhood Corridor Commercial District.

Conditional Use Permit: To allow a 61-unit building.

Variance: To increase the percentage of compact spaces from 25 to 30 percent (4 spaces).

Site Plan Review. For a four-story, 61-unit mixed-use building.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(7) “To increase the percentage of required spaces that may be satisfied by providing compact spaces”; Chapter 530 Site Plan Review; and Chapter 598 Subdivisions.

Background: The applicant proposes to renovate the existing Salem Luther Church building, built in 1904, for the Lyndale United church of Christ and Salem English Lutheran Church congregations, which will share the building. The additions to the church building will be removed and a new entrance to the building will be constructed on the west side. The remainder of the lot will be developed for a four-story, 61-unit mixed used building with ground floor retail.

The applicant is requesting a rezoning from the R2B Two-family District to the C2 Neighborhood Corridor Commercial District. All developments in the C2 District with five units or more are required to obtain a conditional use permit and are subject to site plan review. Also, the applicant is requesting a variance to allow four additional compact parking spaces. Finally, a minor subdivision is required to split the parcel into two parcels; one for the church and one for the new residential development. This is a separate application and is part of the Salem English Lutheran Church staff report.

Public Works has required a Travel Demand Management Plan (TDMP) for the proposed mixed-use building. It is currently under review, but staff has indicated that it is approvable. Public works will require the following for the TDMP to be approved. Brighton Development will commit up to \$11,000 for the installation of signal improvements, specifically a protected/permissive left turn arrow, at the Lyndale Avenue/West 28th Street intersection. Also, the developer will acknowledge that future construction of Lyndale may occur and will support roadway changes, and/or removal of on-street parking along Lyndale Avenue between 28th Street and their northerly site access, deemed necessary to provide left turn lane improvements at the intersection.

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

REZONING (from R2B Two-family Residential to C2 Commercial District)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan designates this part of Lyndale Avenue South as a commercial corridor. The plan states “that commercial corridors have a mix of uses with commercial uses dominating. The commercial element typically includes some automobile service uses....low density residential is uncommon.”

The Minneapolis Plan for Sustainable Growth (not fully adopted yet) also designates this parcel as a commercial corridor. The plan states that commercial corridors support a mix of uses including high-density residential, development of at least two stories, and ground floor commercial uses.

The Lyn-Lake Small Area Plan was adopted by the Minneapolis City Council on June 26, 2009. It does not specifically speak to the issue of small additions to existing uses. The plan recommends extending the Lyn-Lake Activity Center along Lyndale to the south side of West 28th Street. It also states (page 47) that between West 26th and West 28th Streets there is likely to have more intense development because those streets provide quick access across the City.

The C2 Commercial District is an appropriate district for this parcel.

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

The rezoning is in the interest of the applicant; however, the redevelopment of the site and the renovation of the adjacent church building can be considered in the interest of the public.

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 surrounding area is a mix of residential and commercial zoning and uses. There is C2 zoning adjacent to the site to the north and along Lyndale to the south of West 28th Street. The proposed C2 zoning should be compatible with the surrounding area.

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

The existing R2B District allows single and two-family homes and limited public and institutional uses.

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.

This area to the south along the Midtown Greenway has been undergoing a transformation from industrial uses to a mix of residential and commercial uses. they has been redevelopment of many of the commercial parcels in the area as well.

CONDITIONAL USE PERMIT (to allow 61 units)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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.**

Any residential development of five units or more requires a conditional use permit. The addition of 61 units along a commercial corridor should not be out of character with an area that has large residential buildings nearby. The development meets the requirements of the site plan chapter and provides the required parking.

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

The surrounding area is fully developed, but there has been redevelopment occurring or proposed for several parcels in the area. The redevelopment of this corner for retail and residential use should have a positive effect on surrounding properties.

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

Adequate utilities are existing or will be constructed. Public Works and the Fire Department have reviewed the access and circulation and find it acceptable with the comments in the PDR Report and with the approval of the TDMP. Public Works will require a stormwater management plan and an erosion control plan before any building permits may be issued.

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

public streets.

The zoning code requires one parking space per dwelling unit and at 61 units this requires 61 spaces. Five general retail spaces over 1,000 square feet, but under 4,000 square feet require four spaces per tenant space for a total of 20 spaces. This is a total required parking of 81 spaces for the entire mixed-use building and 99 are provided (8 are reserved for the adjacent church). Public Works will require the approval of a TDMP before permits may be issued.

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

The Minneapolis Plan designates this part of Lyndale Avenue as a commercial corridor. The plan states that, “Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.” There are several policies in the housing section of the plan that support housing choice, infill development, and diversity of housing types.

The plan has the following relevant policies and implementation steps from the housing chapter:

4.9 Minneapolis will grow by increasing its supply of housing.

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.

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

Implementation Steps

- Provide regulatory incentives for affordable housing development.
- Foster partnerships with housing developers, financial institutions, faith communities and others to extend the City’s capacity to create affordable housing.
- Support mechanisms such as community land trusts and housing cooperatives to create long term affordable housing.

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

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.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.
- Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty

that characterizes some neighborhoods.

The proposed development is in conformance with the above noted policies of the comprehensive plan.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit, variance, and site plan review.**

The proposed development will conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit, variance, and site plan review.

VARIANCE (to increase the maximum percentage of compact spaces)

Findings Required by the Minneapolis Zoning Code:

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

The zoning code requires at least 75 percent of the required parking be standard spaces. The development requires 89 spaces; 61 for the residential, 20 for the commercial, and eight for the church. The project provides 51 underground spaces and 48 surfaces spaces for a total of 99 spaces. Of that total, 33 are compact, but 75 percent of 89 would require 67 standard spaces and would allow 22 compact spaces. The site has 62 standard spaces and 33 compact spaces, but only 27 are count toward the required parking, so the percentage of compact spaces will be varied from 25 percent to 30 percent, or four additional compact spaces. It can be a hardship to strictly apply zoning regulations to unique circumstance or developments that would favor reducing dependence on automobiles where there are adequate alternatives or less need. This is a reasonable use of the property.

- 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.**

There is a large parking lot and underground garage that will lessen the impact of the addition of a small number of compact spaces. This is a circumstance that is not generally applicable everywhere in the City.

- 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.

The intent of the ordinance is to allow for a reasonable amount of smaller spaces as a part of the parking requirements for specific uses. There will be a significant amount of standard parking spaces in the lot to serve larger vehicles. This variance will not circumvent 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.**

It is not anticipated the variance will add congestion to the streets as there is adequate parking on the site and there are several standard parking spaces in the lot. Granting the variance should not be detrimental to the public welfare or safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

compatible with the front of the building.

- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
 - Entrances 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 530.20 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
 - Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The proposed building is within eight feet for the property line on Lyndale ranging from zero to three feet. It is not within eight feet along West 28th Street It is setback 10 to 12 feet. Staff recommends alternative compliance as the building is placed in this location to comply with the established setback of the church to the east (only for the 40 feet running west from the east property line).

There is landscaping between the building and the public sidewalk.

The principal entrance for the residential part of the building faces West 28th Street and opens onto the sidewalk. The entrances to four of the commercial tenant spaces open onto the Lyndale sidewalk and one opens onto the West 28th Street sidewalk.

The new entrance is clearly defined and emphasized with architectural features. It is a new addition that is largely windows and of a different architectural style than the original church building and additions.

The parking is located behind the building.

The exterior materials of the addition are durable and are made of cast stone, brick, concrete, metal, and glass. Future changes in material may require review before the City Planning Commission. The new addition walls have architectural detail including an articulated façade with large windows and varied materials. There are no blank walls without a change in material for lengths of more than 25 feet. Staff recommends the addition of awnings, subject to Public Works approval, at the commercial spaces to break up the long façade.

Residential uses are required to provide 20 percent windows on the first floor and 10 percent on the floors above. Non-residential uses are required to provide 30 percent windows on the first floor and 10 percent windows on the floors above of the elevations facing a public street, sidewalk, pathway, or on-site parking.

The first floor elevation facing Lyndale Avenue is all commercial and provides 50 percent windows. The residential floors above provide 78 percent windows. The south elevation facing West 28th Street provides 60 percent windows for the commercial tenant and 37 percent for the residential uses on the first floor and 54 percent on the residential floors above. The east elevation provides 40 percent windows for the commercial space facing the parking area and 15 percent for the residential area. The residential floors above provide 78 percent windows. The north elevation at the south end of the building provides 48 percent on the first floor and 50 percent on the floors above, all of which are residential. The north elevation at the north end of the site provided no windows that count toward the window requirement and 55 percent for the residential floors above. Alternative compliance is necessary for the first floor north elevation and the first floor east elevation, which both face the parking area. Staff recommends alternative compliance because all floor have a minimum window requirement and the development exceeds that requirement in every area except these two area. It is impractical to expect all sides of a building to have 20 to 30 percent windows on the first floor.

ACCESS AND CIRCULATION:

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

The entrance to the building opens onto the public sidewalk on West 28th Street. There is a walkway that runs along the entire rear of the building along the commercial spaces as well.

There are no integrated transit shelters on site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable. Vehicular access and circulation has been designed to minimize conflict with residential properties. There is an alley adjacent to the north half of the site, but there will be no vehicular access between the site and the alley.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and drives are pervious surfaces used for landscaping and stormwater management. In addition, the parking area will utilize approximately 5,600 square feet of pervious pavers.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The site plan has 10 percent landscaping (of the area minus the building foot print). The lot area is 38,535 square feet and the footprint of the building is 17,685 square feet. This leaves 20,850 square feet, of which 20 percent (4,170 square feet) is required to be landscaped. The applicant is providing approximately 2,179 square feet of landscaped area on site. The applicant is providing another 750 square feet in front of the building along Lyndale Avenue South in the public right-of-way between the building and the public sidewalk. If this is included the percentage increases to 14 percent. In addition, the parking area will utilize 5,583 square feet of pervious pavers in the parking lot to mitigate the impervious coverage. Staff recommends granting alternative compliance with these items and with the

other suggested changes to the landscape plan in the staff report due to the limited area for additional plantings and the provision of additional landscaping in the right-of-way, provision of pervious pavers, and provision of a significant number of shrubs over the required amount.

The development is required to provide eight trees and 42 shrubs. The landscaping plan shows three on-site trees and approximately 274 shrubs. In addition, the plan shows perennial plantings. Staff recommends partial alternative compliance to reduce the number from eight to five. This would require the planting of two more additional trees in the parking lot, which is necessary to bring the lot into compliance with the requirement that all parking spaces are within 50 feet on an on-site deciduous tree. It will be difficult to provide more on-site trees without losing more on-site parking. In addition, the applicant has planted a large number of shrubs beyond the amount required.

The on-site parking area does not have the required seven-foot wide landscaped areas between the parking and the public sidewalk at the northeast corner of the site at the east end of the north row of parking, at the southeast corner of the building at the south end of the row of parking adjacent to the building, and along the alley. Staff does not recommend alternative compliance and recommends that these areas be increased to seven feet wide.

The required three-foot screening between the parking and the public sidewalk and the alley is provided, except where the trash containers are proposed to be located. They are required to be screened by an enclosure, but that is not shown on the plan. Staff does not recommend alternative compliance and screening shall be provided along the alley.

The parking lot does not meet the requirement that all spaces be within 50 feet of an on-site deciduous tree. Staff does not recommend alternative compliance and recommends that the landscaped areas at the northeast corner of the site and at the south end of the east row of parking be increased to provide additional landscaping and one tree in each area. This would put all but three spaces with three feet of an on-site deciduous tree, but it would also require the loss of two parking spaces.

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are 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.

The surface parking lot will have a stormwater retention system on site and pervious pavers to absorb stormwater. The curbing will prevent access to the adjacent alley and the property to the north.

The building addition will not block views of the city or generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

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: A 61 unit mixed use building is allowed as a conditional use permit in the C2 Neighborhood Corridor Commercial District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The zoning code requires one parking space per dwelling unit and at 61 units this requires 61 spaces. Five general retail spaces over 1,000 square feet, but under 4,000 square feet require four spaces per tenant space for a total of 20 spaces. This is a total required parking of 81 spaces for the entire mixed-use building and 99 are provided (8 are reserved for the adjacent church). Please note that if a restaurant with general entertainment locates in one of these tenant spaces, then there will be a greater parking requirement. Three handicapped accessible spaces are required and only two are provided. The project shall conform to the handicapped accessible parking requirements.

Maximum automobile parking requirement: There is no maximum for dwelling units outside of the downtown. The commercial spaces would have a maximum of one space per 200 square feet of gross floor area.

Bicycle parking requirement: Multiple-family dwellings are required to provide one bike parking space per every two dwelling units for a total of 30 spaces. Not less than 90 percent of these spaces shall meet the standards for long-term bicycle parking, which requires that they are located in enclosed or supervised areas providing protection from theft, vandalism, and weather and are accessible to intended users. There is a secure room on the first floor that will provide 50 bike parking spaces. General retail requires three spaces or one space per 5,000 square feet of gross floor area, whichever is greater. With five retail spaces greater than 1,000 square feet and less the 4,000 square feet the development requires 15 bike parking spaces and only four are shown. The project shall provide 15 bike parking spaces. Not less than fifty percent of these spaces shall meet the standards for short-term bicycle parking, which requires that they are located in a convenient and visible area within 50 feet of a principal entrance and shall permit the of the bicycle frame and one wheel to the rack.

Loading: No loading space is required.

Maximum Floor Area: The maximum FAR in the C2 District is 1.7. The lot in question is 38,535 square feet in area. The mixed-use building will have 69,842 square feet of gross floor area, an FAR of 1.8. The applicant has qualified for a 20 percent density bonus for a mixed commercial-residential building where at least 50 percent of the first floor is devoted to commercial uses. This increases the allowable FAR to 2.04.

Building Height: Building height in the C2 District is limited to 4 stories, or 56 feet, whichever is less. The proposed building is 4 stories, or 48 feet.

Minimum Lot Area: The C2 District requires not less than 700 square feet of lot area per dwelling unit. With a density of 20 percent for a mixed commercial-residential building this can be reduced to 560 square feet per dwelling unit. With 61 proposed dwelling units on a lot of 38,535 square feet, the development will have a density of 632 square feet of lot area per dwelling unit.

Dwelling Units Per Acre: The applicant proposed 69 dwelling units per acre.

Yard Requirements: In general commercial properties do not have required setbacks unless adjacent to residential properties, or if there are residential structures with windows facing a rear or interior property line. Because the residential building has windows it has an 11 foot setback along the rear and interior property lines. It is setback 30 feet at its closes and 55 feet at its greatest from the rear and interior property lines. The front yard setback on West 28th Street is continued from the residential properties to the east at the established line of the nearest residential structure (7 feet for the church) or the district setback (20 feet in the R2B District), whichever is the lesser. The proposed building meets this setback.

Specific Development Standards: No specific development standards are applicable for this project.

Hours of Operation: Not applicable for the residential building. In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The hours for the retail tenant spaces are yet to be determined. The applicant is aware that a conditional use permit is necessary to operate past the allowable hours.

Signs: Signs are subject to Chapters 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No sign plan has been submitted at this time, but the applicant is aware that signs require zoning office approval and permits.

Refuse storage: 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. A trash enclosure that meets the requirements of the code has not been provided. Trash containers shall be screened to the

standards of the zoning code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

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

MINNEAPOLIS PLAN and SMALL AREA PLANS ADOPTED BY COUNCIL:

Please see finding number 1 of the rezoning section of this staff report and finding number 5 of the conditional use permit section of this staff report.

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

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

CPED – Planning Division Report
BZZ – 4476

- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

- Building location.

The proposed building is within eight feet for the property line on Lyndale ranging from zero to three feet. It is not within eight feet along West 28th Street. It is setback 10 to 12 feet. Staff recommends alternative compliance as the building is placed in this location to comply with the established setback of the church to the east (only for the 40 feet running west from the east property line).

- Window percentages.

Alternative compliance is necessary for the first floor north elevation and the first floor east elevation, which both face the parking area. Staff recommends alternative compliance because all floor have a minimum window requirement and the development exceeds that requirement in every area except these two areas. It is impractical to expect all sides of a building to have 20 to 30 percent windows on the first floor.

- 20 percent landscaping.

The site plan has 10 percent landscaping (of the area minus the building foot print). The lot area is 38,535 square feet and the footprint of the building is 17,685 square feet. This leaves 20,850 square feet, of which 20 percent (4,170 square feet) is required to be landscaped. The applicant is providing approximately 2,179 square feet of landscaped area on site. The applicant is providing another 750 square feet in front of the building along Lyndale Avenue South in the public right-of-way between the building and the public sidewalk. If this is included the percentage increases to 14 percent. In addition, the parking area will utilize 5,583 square feet of pervious pavers in the parking lot to mitigate the impervious coverage. Staff recommends granting alternative compliance with these items and with the other suggested changes to the landscape plan in the staff report due to the limited area for additional plantings and the provision of additional landscaping in the right-of-way, provision of pervious pavers, and provision of a significant number of shrubs over the required amount.

- On-site trees.

The development is required to provide eight trees and 42 shrubs. The landscaping plan shows three on-site trees and approximately 274 shrubs. In addition, the plan shows perennial plantings. Staff recommends partial alternative compliance to reduce the number from eight to five. This would require the planting of two more additional trees in the parking lot, which is

necessary to bring the lot into compliance with the requirement that all parking spaces are within 50 feet of an on-site deciduous tree. It will be difficult to provide more on-site trees without losing more on-site parking. In addition, the applicant has planted a large number of shrubs beyond the amount required.

- Seven foot wide landscaped yard.

The on-site parking area does not have the required seven-foot wide landscaped areas between the parking and the public sidewalk at the northeast corner of the site at the east end of the north row of parking, at the southeast corner of the building at the south end of the row of parking adjacent to the building, and along the alley. Staff does not recommend alternative compliance and recommends that these areas be increased to seven feet wide.

- Three foot high, 60 percent opaque screening.

The required three-foot screening between the parking and the public sidewalk and the alley is provided, except where the trash containers are proposed to be located. They are required to be screened by an enclosure, but that is not shown on the plan. Staff does not recommend alternative compliance and screening shall be provided along the alley.

- Parking spaces within 50 feet of an on-site deciduous tree.

The parking lot does not meet the requirement that all spaces be within 50 feet of an on-site deciduous tree. Staff does not recommend alternative compliance and recommends that the landscaped areas at the northeast corner of the site and at the south end of the east row of parking be increased to provide additional landscaping and one tree in each area. This would put all but three spaces with three feet of an on-site deciduous tree, but it would also require the loss of two parking spaces.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning from the R2B Residential to the C2 Commercial District for property located at 610 West 28th Street (as described in the attached legal description).

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit for 61 units for property located at 610 West 28th Street subject to the following condition:

1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the percentage of compact parking spaces variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance to increase the maximum percentage of compact parking spaces for property located at 610 West 28th Street.

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 610 West 28th Street subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by August 10, 2010, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Provision of awnings, subject to Public Works approval if necessary, at the commercial spaces to break up the long building façade.
- 4) Provision of the required seven foot wide landscaped buffers along the alley and between the parking and the public sidewalks as required by Section 530.170 of the zoning code.
- 5) Provision of a tree island at the northwest corner of the site between the parking and the public sidewalk and a tree island at the south end of the east row of parking to comply with Section 530.170(e).
- 6) Provision of the three foot high, 60 percent opaque landscape screening along the alley as required by Section 530.170 of the zoning code.
- 7) Trash containers shall be screened to the standards of the zoning code.
- 8) The project shall provide at least 15 bike parking spaces for the five commercial tenant spaces. Not less than fifty percent of these spaces shall meet the standards for short-term bicycle parking, which requires that they are located in a convenient and visible area within 50 feet of a principal entrance and shall permit the of the bicycle frame and one wheel to the rack.

Attachments:

- 1) Statements from the applicant.
- 2) PDR report.
- 3) Zoning map.
- 4) Site plan, floor plans, and elevations.
- 5) Context and shadow studies.
- 6) Photos and aerials.