



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

Date: January 19, 2006

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

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the City Planning Commission by Rebekah Padilla regarding the action related to the proposed 34-unit multi-family residential development located at 2910 Irving Avenue South and 1609-1611 Lagoon Avenue.

Recommendation: At the City Planning Commission hearing of November 28, 2005, the Commission approved a conditional use permit for a 34-unit condominium building, approved a conditional use permit to increase the maximum permitted height in the Shoreland Overlay District from 2½ stories or 35 feet to 5 stories and 64 feet (instead of the requested 6 stories and 74 feet), denied a variance to increase the maximum permitted lot coverage, approved variances of the required front, corner side, and rear yards, approved a variance to reduce the minimum drive aisle width in the lower level garage, denied a variance to reduce the minimum drive aisle width for two at-grade parking spaces along the public alley, and approved a site plan review application. Approval of the site plan review application included the following conditions:

1. CPED Planning staff review and approval of the final site, landscaping plans, and building elevations.
2. All site improvements shall be completed by November 28, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The upper two stories shall include setbacks (as if the 4th floor from the original site plan were not there)

See the attached actions for further detail.

Previous Directives: N/A

Prepared or Submitted by: Jason Wittenberg, Planning Supervisor, 612-673-2297

Approved by (names, title, signature): Jason Wittenberg, Planning Supervisor _____

Permanent Review Committee (PRC) Approval _____ Not Applicable X

Policy Review Group (PRG) Approval _____ Date of Approval _____ Not Applicable X

Presenters in Committee: Jason Wittenberg, Planning Supervisor

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 10

Neighborhood Notification: The East Isles Residents' Association has voted to support all applications required for the proposed development.

City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: N/A

End of 60/120-day decision period: On December 16, 2005, staff sent a letter to the applicant extending the decision period to no later than March 7, 2006.

Other: N/A

Background/Supporting Information Attached: Rebekah Padilla of Miller Hanson Partners, on behalf of the original applicant proposing the development, has filed an appeal of the City Planning Commission's decision of November 28, 2005, related to the proposed development located at 2910 Irving Avenue South and 1609-1611 Lagoon Avenue. Specifically, the applicant has appealed the following:

- The approval of the conditional use permit to increase the maximum permitted height. The Commission approved 5 stories and 64 feet rather than the requested 6 stories and 74 feet.
- The denial of the variance to increase the maximum permitted building coverage from 70% to 72%.
- The denial of the variance to reduce the minimum required drive aisle for two-at grade parking spaces located along the alley from 22 feet to 13 feet.
- The condition of approval on the site plan review indicating that, "The upper two stories shall include setbacks (as if the 4th floor from the original site plan were not there)

Staff expects that the applicant/appellant will submit revised plans prior to the public hearing of the Zoning & Planning Committee.

Department of Community Planning and Economic Development—Planning Division

Conditional Use Permits for the Use and for Height in the Shoreland Overlay District; Variances for Maximum Lot Coverage, Drive Aisle Width, and for Yards (Front, Corner Side, and Rear); and Site Plan Review; BZZ-2718

Hearing Date: 11/28/05

Date Application Deemed Complete: 11/7/05

End of 60-Day Decision Period: 1/6/06

End of Second 60-Day Period: Not applicable to this application.

Applicant: Hornig Companies Inc., 1000 W. 22 St., Mpls., MN 55405, 612-874-4400

Address of Property: 1609 Lagoon (site includes 1609-11 Lagoon Ave. and 2910 Irving Ave. S.)

Contact Person and Phone: Bekah Padilla, Miller Hanson Partners, 1201 Hawthorne Ave. Minneapolis, MN 55403, 612-332-5420, fax: 612-333-5425, bpadilla@millerhanson.com.

Staff Contact Person and Phone: J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Ward: 10 **Neighborhood Organization:** East Isles Residents Association

Existing Zoning:

- R6, Multiple-Family District
- Shoreland Overlay District

Zoning Plate Number: 24

Proposed Use: Application by Hornig Companies Inc. to construct a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.

Prior approvals: None

Concurrent Review: Conditional use permit for the multifamily residential use; a conditional use permit to increase the allowable height in the Shoreland Overlay District from 2 ½ stories or 35 feet, whichever is less, to 6 stories and 74 feet; site plan review; a variance to allow an increase in the maximum lot coverage; setback variances for the front yard, the corner side yard, and the rear yard; and a variance to reduce the drive aisle width.

Applicable zoning code provisions:

- **Conditional use permits:**
 - Required as a multi-family residence per Chapter 527.
 - To increase the height in the Shoreland Overlay District from 2 ½ stories or 35 ft., whichever is lower, to 6 stories and 74 ft.
- **Variances:**
 - To allow an increase in the maximum lot coverage from 70% to 72% per 535.420 (15)
 - For setback variances as follows per 535.420 (1):
 - Front yard on Lagoon Ave. from 15 ft. to 5 ft.
 - Corner side yard on Irving Ave. S. from 18 ft. to 6 ft.
 - Rear yard on south side adjacent the alley from 15 ft. to 5 ft.
 - For drive aisle width variances per 535.420 (14):
 - For the lower level of the parking garage from 22 ft. to 21 ft.
 - For two at-grade stalls located on the alley from 22 ft. to 13 feet¹
- **Site plan review:** Per Chapter 530 of the Zoning Code.

BACKGROUND

The following summary is based upon the applicant's submission (for the complete submission, refer to Attachment 5): The proposed building will be 74 ft. at its highest, and the corners step down to a height of 58 ft. feet and 5 stories and then further down to 47 ft. and 4 stories. The building has a four-story brick base with stone accents, then steps back at the fifth and sixth floors and changes materials to glass and metal. Two levels of enclosed parking are proposed, comprising 45 parking spaces and providing 1.3 parking stalls per unit. No surface parking is proposed. Actively used spaces at the first floor level are located along Lagoon and Irving Avenues, relating to the street and separating the enclosed parking from the street fronts. The first floor includes the primary building entrances, the stoops for the two walk-up units, and the lounge and exercise rooms.

Currently, the site is occupied by three low-density residential structures (Attachment 7 includes photos of the structures).

Neighborhood response: The applicant presented the project to the neighborhood group once and is expected to do again prior to the Planning Commission hearing. It should be noted that, after working very cooperatively with Planning staff and with the neighborhood organization, the applicant modified the original design of the project and eliminated two additional variances (impervious surface and a yard variance on the west side). The East Isles Residents' Association (EIRA) approved of the project. Attachment 11 includes a letter form the group which states the group's strong support for the project and that it "will blend into the neighborhood. EIRA understands that the high water table in the area has prevented design of a building with more underground parking, although the project will have more parking than required. In addition, the EIRA is pleased with

¹ Section 541.290. Maneuvering area. All maneuvers associated with parking shall occur in the off-street parking area, except where accessory to single or two-family dwellings, or cluster developments or multiple-family dwellings of three (3) or four (4) units.

the design of the green roof, reducing the building the coverage down to 73%, and the pedestrian friendly features on the first floor.” Attachment 11 also includes a letter of support from a nearby apartment owner. Also, a letter writer questioned the shadow effects of the project (addressed later in this report).

CONDITIONAL USE PERMIT FOR THE USE

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 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 area includes a mix of medium-to-high-density residential uses and mixed commercial and residential uses on Lake Street located a half block to the south (Attachment 7 includes photos of the surrounding uses). The project will provide high-density housing at a location appropriately zoned (R6) for high-density residential (based on 34 units on the 16,488 sq. ft. lot (0.38 acres) = 90 units per acre). This level of density will be compatible with the surrounding uses. The traffic to be generated by the proposed 34 unit-project will not add substantially to ambient levels.

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.

As stated above, the proposed residential use will be compatible with the surrounding uses.

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

Pedestrian access is via the primary entrances on Lagoon and Irving. Vehicular access to the site is via the mid-block alley located on the south side of the site. A garage door on the south accesses the 9 stalls on the first floor, and a down ramp on the west side accesses 34 stalls below grade. In order to “maintain an efficient site plan,” the applicant is seeking a variance to permit the drive aisles in the below-grade garage to allow 21-ft. aisles instead of the required 22 ft. Trash will be stored on the first floor and wheeled to the alley for pick up. The Preliminary Development Review committee reviewed the project as regards utilities, drainage, and access, and the applicant has committed to respond to all comments (Attachments 9 and 10). The project will include adequate utility service, access, and driveways consistent with all pertinent regulations.

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

There is excellent transit service in the area. Traffic is very light on Irving and James, the streets which provide the alley access. While Lake St. to the south and Irving on the north side are very busy streets, the project will not substantially add traffic to these streets.

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

a. **The City's Goals (selected goals):**

Goal 1: Increase the City's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

Goal 4: Create strong, vital commercial corridors city-wide through mixed-use development, including a variety of businesses and creative housing.

b. **The *Minneapolis Plan* (adopted by the City Council in 2000):**

Policy 4.3: Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Implementation Steps (selected):

- Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Policy 4.9: Minneapolis will grow by increasing its supply of housing.

Implementation Steps (selected):

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

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

Implementation Steps (selected):

- 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 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.

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density.

Implementation Steps (selected):

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

Policy 9.22: Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Implementation Steps (selected):

- Use both infill development and new development opportunities to increase housing in the city.
- Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

c. Petition's Consistency with City Plans and Policies: The following describes how the petition relates to the above goals and policies:

- The project is a high-density-residential development consistent with the high-density residential allowed in the R6, Multi-Family District. This is also consistent with the City's Goal 1.
- The Plan designates Lake Street (located half a block to the south) and the segment of Lagoon Ave. between Dupont and Humboldt (one block to the east) as Commercial Corridors. Policy 4.3 and 9.5 encourage medium-to-high-density residential in Commercial Corridors. The areas adjacent to Commercial Corridors, as is the case here, are appropriate sites for medium-to-high-density residential uses.
- The City's Goal 4 encourages "creative housing" on Commercial Corridors.
- Policies 4.9 and 4.11 are also supportive of the project.

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

The sections of this report that deal with the other required permit applications address how the project conforms to the other applicable regulations governing this district.

CONDITIONAL USE PERMIT TO INCREASE THE HEIGHT

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 above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

The applicant's statement follows: "Not only will increasing the height of the proposed condominium building not be detrimental to, or endanger, the public health, safety, morals or general welfare, but the increased height will be more in keeping with the immediate neighborhood and an asset to the community. Approval of the conditional use will allow the developer to offer safe, high quality, comfortable housing to the market – a significant upgrade from what exists on this site currently."

Attachment 6 compares the proposed 74-ft. height of the building to three other residential buildings nearby and located within the Shoreland Overlay District:

- Calhoun Terrace (2 blocks to the west): 80 ft.
- The Isles (2 blocks to the west): 90 ft.
- The Edgewater (under construction 2 ½ blocks to the southwest): 83 ft.

Other buildings in the immediate area are generally 2 to 4 stories tall. Attachment 8 includes a shadow study of the project. In addition to the standard shadow graphics, the applicant analyzed the specific times the project will shadow three adjacent residential properties:

- 2895 James (multi-family residential to the immediate northwest across Lagoon): From Sept. 26 to March 13 (less than 6 months), the project will shadow this property from 1 to 3 hours in the morning (generally 7 to 10 a.m.).
- 1610 Lagoon (single family residential directly across Lagoon): From Oct. 4 to March 4 (6 months), the project will shadow this property from 1.5 to 5 hours in the morning (generally 8 a.m. to 12:30 p.m.).
- 2892 Irving Ave. S. (single family residential directly across Lagoon): From Oct. 12 to Feb. 28 (less than 5 months), the project will shadow this property from 2 to 5 hours in the morning and afternoon (generally 10:30 a.m. to 3:30 p.m.).

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 applicant's statement follows: "Increasing the height of the building will not be injurious to the use and enjoyment of surrounding properties, nor will it impede the normal development of the surrounding area. On the contrary, this handsome building will be an asset to the neighborhood, bettering the area and encouraging further enhancement of the neighborhood."

"This building will be 74' at its highest, and the corners step down to a height of 58' feet and 5 stories and then further down to 47' and 4 stories, adding drama to the building and reducing its apparent mass. The stepped corners add character to the building, and make it a smaller building than would be a 6-story box. The proposed height relates to the scale and character of the surrounding neighborhood. Please see the attached graphic showing the proposed building in context with some of its comparable Uptown neighbors, each of which is also within the Shoreland Overlay District."

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

The applicant's statement follows: "Increasing the height of the building from 2-1/2 stories to 6 will have no detrimental impact on utilities, access roads or drainage." Staff concur with this statement. As stated above, the Preliminary Development Review committee reviewed the project as regards utilities, drainage, and access, and the applicant has committed to respond to all comments (Attachments 9 and 10). The project will include adequate utility service, access, and driveways consistent with all pertinent regulations.

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

The applicant's statement follows: "Increasing the height of the building will have negligible impact on traffic congestion in the public streets because all of the parking requirements for the building will be met within the enclosed parking facilities." Staff concur with this statement.

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

Refer to the response to Finding 5 in the prior section of this report.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

1. Access to light and air of surrounding properties.

The applicant's statement follows: "The proposed building minimally affects the neighbors' access to light and air. To further reduce impact, we have maintained a 19' setback between the proposed building and its most immediate neighbor, 1619 Lagoon Avenue."

The response to Finding 1 in the above section presents the extent of the shadowing on adjacent properties. When the sun is shining between October and March, the project will cast a shadow on the three residences located on the north side of Lagoon for 1 to five hours per day, generally between 7 a.m. and 3 p.m. The most extreme case is 2892 Irving Ave. S. (a single family residential directly across Lagoon). Between Oct. 12 to Feb. 28 (less than 5 months), the project will shadow this property from 2 to 5 hours in the morning and afternoon (generally 10:30 a.m. to 3:30 p.m.).

2. Shadowing of residential properties or significant public spaces.

The applicant's statement follows: "The building will not cast significant shadows on its residential neighbors. Please see the attached shadow study." Refer to the response to Finding 1 above.

3. The scale and character of surrounding uses.

The applicant's statement follows: "The proposed Lagoon-Irving Condominiums relates in scale and character to the neighborhood. The proposed building has a four-story brick base, then steps back at the fifth and sixth floors and changes materials to an airy, lightness of glass and metal. The detailing and placement of windows is in character with the brick buildings surrounding the site. Attached, please find two sheets of architectural details found within the nearby neighborhood, all of which have been incorporated into this proposal." Staff concur with the applicant's statement.

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

The applicant's statement follows: "There are no landmark buildings or significant open spaces that would be affected by this building. The top story of this building will be just visible from the nearest water body, Lake Calhoun." Staff concur with the applicant's statement.

Additional Standards per Section 551.490

In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The project will have to obtain an erosion control permit from Public Works. Currently, 72% of the site is impervious surfaces. The project will include 14,008 sq. ft. of impervious surfaces, which equals 85% of the site. The project's 2,200 sq. ft. green roof equals an additional 13% of semi-pervious surface to the site. With the exception of the service drive, the entire site is landscaped (2,480 sq. ft.). This equals 54% of the net site. The project will include 3 canopy trees, and 147 shrubs.

2. Limiting the visibility of structures and other development from protected waters.

The site is the equivalent of 3-to-4 blocks from Lake Calhoun. Three buildings of comparable height are between the site and the lake (one under construction). The area is fully built up with mature trees such that a pedestrian will not likely be able to see the project from the eastern paths around the lake.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

Not applicable.

VARIANCES

Findings as Required By the Minneapolis Zoning Code for the Maximum Lot Coverage Variance

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The proposed variance is to permit an increase in the maximum lot coverage from 70% to 72% per 535.420 (15). The applicant's statement follows: "We are applying for a Building Coverage Variance of 3%. We feel this variance should be granted because of the significant improvement the minor amount of additional coverage affords this project, because we have maintained building setbacks in keeping with the character of the neighborhood, and because we comply fully with the impervious surface requirement. The additional 3% of coverage allows us to maintain active uses at the street level along Irving as well as Lagoon, improving the street in a manner consistent with the Comprehensive Plan, while also allowing us to meet the parking requirements of the building by including 11 stalls of enclosed parking on the ground level of the building. The parking requirements for the building cannot be entirely satisfied below grade due to the existence of the

water table at 14' below grade, limiting the project to one level of parking below grade.

"We have been working closely with the neighborhood group, The East Isles Resident Association, as we've developed this proposal. Their comments have been heard and some have been incorporated into our proposal.

"The roof of this proposal includes 2,200 s.f. of green roof, which lessens the impact of the building footprint area by positively contributing to the neighborhood with regard to storm water quality, heat island effect and air quality.

"In order to be viable, this project must include a minimum area equivalent to 34 dwelling units, and (different from the Zoning Code) the project's Marketing Pro forma requires a 1.3 ratio of parking stalls to dwelling units. The water table lies at a depth of 14' below the site. This geological condition imposes a hardship on the project in that it is infeasible to satisfy the project's parking requirement below grade. Thus, the configuration and size of the building's ground floor footprint has been determined by the space requirements for the required ground level enclosed parking and those for the street-level active uses within the building along Irving and Lagoon Avenues."

Even considering the high water table that prevents the construction of a second below-grade parking level, Planning staff believe that the site is sufficiently large to accommodate this project within the 70% lot coverage maximum. Methods to accomplish this include resizing the units, redesigning the structure, or reducing the parking (there are 11 more stalls than required by the Code; 1.3 stalls per unit).

- 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 applicant's statement follows: "The water table below the site makes it infeasible to put all of the parking below-grade, so the need to locate some grade level, enclosed parking is due to a geological condition of the site. Also driving the desire for a variance is the want to provide active uses on the ground floor level along the two street frontages, enhancing the pedestrian character of the area. To physically accommodate the space requirements for the parking and active uses in the ground floor plan, we feel it is necessary to ask for a coverage variance."

Refer to the staff response to the prior finding.

- 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 applicant's statement follows: "Granting this variance will enable this project to be more so in keeping with the spirit and intent of the ordinance than if it is not granted. That is because the small amount of additional coverage that we are asking for allows us to fit in the active uses (two dwelling units, lounge and exercise room) along Irving as well as Lagoon, improving the project's relationship to the street and serving as a buffer between the required first level parking garage and the pedestrian street front."

As stated above, Planning staff believe that the site is sufficiently large to accommodate this project within the 70% lot coverage maximum. Since the variance is relatively minor, the potential adverse impact to the essential character of the area or to the use or enjoyment of other property in the vicinity is also likely to be minor.

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 applicant's statement follows: "The proposed variance will not increase the congestion of the public streets, increase the danger of fire, or be detrimental to the public welfare or public safety in any way." Staff concur with this statement.

Findings as Required By the Minneapolis Zoning Code for the Yard Variances

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The proposed variances are as follows per 535.420 (1):

- Front yard on Lagoon Ave. from 15 ft. to 5 ft.
- Corner side yard on Irving Ave. S. from 18 ft. to 6 ft.
- Rear yard on south side adjacent the alley from 15 ft. to 5 ft.

The applicant's statement follows: "The proposed setbacks along Irving and Lagoon are in keeping with the established character of the neighborhood. The proposed alley setback is sufficient to maintain the sightlines of drivers as they maneuver to enter and exit the enclosed parking garages." Staff concur with this statement.

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 applicant's statement follows: "The site's unique circumstance is that the water table is 14' below grade. The existence of the water table forced the need for enclosed parking stalls to be included within the first floor plan, in addition to the active uses that are most appropriately located along Lagoon and Irving." Staff concur with this statement.

- 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 applicant's statement follows: "Granting the setback variance will be in keeping with the zoning ordinance and is in keeping with the character of the neighborhood." Staff concur with this statement because the vast majority of multifamily buildings in the area are constructed closer to the lot lines than the current zoning code allows.

- 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 applicant's statement follows: "The proposed variance will not increase the congestion of the public streets, increase the danger of fire, or be detrimental to the public welfare or public safety in any way." Staff concur with this statement.

Findings as Required By the Minneapolis Zoning Code for the Drive Aisle Variances

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The proposed variances are as follows per 535.420 (14):

- To reduce the drive aisle width in the lower level of the parking garage from 22 ft. to 21 ft.
- To reduce the drive aisle width for two at-grade stalls located on the alley from 22 ft. to 13 feet

The applicant's statement follows: "Reducing the drive aisle width affords us a more space-efficient garage plan, better accommodating the first floor active uses that we have located along the street faces of the building." Staff concur with this statement as regards the drive aisle width in the lower level of the parking garage. Staff believe the project can be redesigned to avoid the need for vehicular maneuvering in the alley. There will be only 5 ft. from the garage door to the property line and inadequate sight lines for safe maneuvers between the garage and the alley.

- 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 applicant's statement follows: "The site's unique circumstance is that the water table is 14' below grade. The existence of the high water table forced the need for enclosed parking stalls to be included within the first floor plan, the drive aisle variance allows us to maintain a very space-efficient plan." Staff concur with this statement as regards the drive aisle width in the lower level of the parking garage. However, as stated above, staff believe the project can be redesigned to avoid the need for vehicular maneuvering in the alley.

- 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 applicant's statement follows: "Granting the drive aisle variance will be in keeping with the zoning ordinance, we will still have a functional garage, and it will not alter the essential character of the locality." Staff concur with this statement as regards the drive aisle width in the lower level of the parking garage. However, as stated above, staff believe the project can be redesigned to avoid the need for unsafe vehicular maneuvering in the alley.

- 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 applicant's statement follows: "The proposed variance will not increase the congestion of the public streets, increase the danger of fire, or be detrimental to the public welfare or public safety." Staff concur with this statement as regards the drive aisle width in the lower level of the parking garage. However, as stated above, staff believe the project can be redesigned to avoid the need for unsafe vehicular maneuvering in the alley.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

Minimum window area shall be measured as indicated in section 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:

- **If the subject yard variances are approved, the building will be located not more than 8 feet from Lagoon and Irving Avenues (5 and 6 ft. respectively) and will reinforce the street wall on both streets.**
- **The area between the building and the property line will be fully landscaped.**

- The principal entrance is on the front of the building facing Lagoon—the front lot line—and there is a secondary entrance facing Irving.
- All parking is in at-grade and below-grade garages and access to the parking is via the alley.
- The percentage of glass is as follows:

	Elevations			
	North	East	West	South
Fronts on	Lagoon Ave. (main entrance)	Irving Ave.	Adjacent apartment	Alley
First Floor Code*	20%	20%	None	None
First Floor Plan	61%	55%	8%	None
Other Floor Code*	10%	10%	none	None
2 nd , 3 rd , 4th Floor Plans	23%	23%	23%	23%
5 th Floor Plan	40%	40%	40%	40%
6 th Floor Plan (penthouse)	49%	49%	49%	49%
* Code applies to walls that face a public street, public sidewalk, public pathway, or on-site parking lot (does not apply to alleys).				

- Building materials include brick and metal accent panels and glass.
- There will be no blank walls in excess of 25 feet in width.
- The windows will be of clear glass; they are evenly distributed, and will have a vertical orientation.
- Architectural details and a projected foyer make the building entrance more prominent.

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:

- The applicant will replace all of the sidewalks adjoining the site per Public Works' specifications.
- Vehicular access is via the alley which connects Irving and James Avenues.
- All areas not used for buildings, access or patios are fully landscaped. The Zoning Code limits impervious surface coverage to 85% in the R4 to R6 Districts. Currently, 72% of the site is impervious surfaces. The project will include 14,008 sq. ft. of impervious surfaces, which equals 85% of the site. The project's 2,200 sq. ft. green roof equals an additional 13% of semi-pervious surface to the site.
- The project will have no substantive effect on traffic, parking, and access.

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:

- The lot area less the building footprint (16,488-11,927) yields a net site of 4,561 sq. ft. The Code requires a minimum of 912 sq. ft. of landscaping, 1 tree and 5 shrubs. With the exception of the service drive, the entire site is landscaped (2,480 sq. ft.). This equals 54% of the net site. The project will include 3 canopy trees, and 147 shrubs. The project's 2,200 sq. ft. green roof equals an additional 13% of semi-pervious surface to the site.

ADDITIONAL STANDARDS:

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

Conformance:

- Lighting will be consistent with the Code through the use of full cut-off fixtures and proper placement.
- The project will not block views of important elements of the City nor create any substantive shadows on adjacent buildings and open spaces (refer to the shadow analysis in the response to Finding 1 for the conditional use permit to increase height).
- At 6 floors, the building will have no significant impact on the generation of pedestrian-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site. There are arcades on the Lagoon and Irving sides of the building which provide architectural transition zones from the public space of the sidewalk to the semi-private space of the arcade, and then to the private space of the units themselves.
- Lighting will include full cut-off fixtures that will minimize glare while providing an overall acceptable level of lighting.
- There are no historic resources that would be affected by this project.

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

Zoning Code: The proposed use is conditional in the R6 District.

Off-Street Parking and Loading: Chapter 541 requires not less than one parking space per dwelling unit in the R6 District. The project meets the minimum parking requirements (with 11 additional stalls) and meets the loading requirements. Loading will be accomplished via the elevator that accesses all levels of the building from the garages.

Maximum Floor Area: The maximum floor area ratio (FAR) in the R6 District is 3.0. The project qualifies for the 20% density bonus per section 546.130 which increases the allowable FAR to 3.6. The site is 16,488 sq. ft. and the project has a gross floor area of 58,000 sq. ft., which equals an FAR of 3.5.

Building Height: Building height in the R6 District is limited to 6 stories or 84 feet, whichever is less. The project is located within the Shoreland Overlay District which limits height to 2 ½ stories or 35 ft. whichever is less, subject to a conditional use permit to increase the height. The project will be 6 stories and 74 ft. high, subject to the approval of the accompanying conditional use permit.

Minimum Lot Area: The minimum lot area in the R6 District is 400 sq. ft. per unit. The project qualifies for the 20% density bonus per section 546.130 which decreases the minimum lot area to 320 sq. ft. The lot area per unit for the project is 485 sq. ft.

Yard Requirements: The R6 District includes the following yard requirements and variance applications:

- Variance for front yard on Lagoon Ave. from 15 ft. to 5 ft.
- Variance for corner side yard on Irving Ave. S. from 18 ft. to 6 ft.
- Variance for rear yard on south side adjacent the alley from 15 ft. to 5 ft.
- Side yard on west side is 18 ft.; the building is set back 30 ft.

Impervious surface coverage: The Zoning Code limits impervious surface coverage to 85% in the R4 to R6 Districts. Currently, 72% of the site has impervious surfaces. The project will include 14,008 sq. ft. of impervious surfaces, which equals 85% of the site. The project's 2,200 sq. ft. green roof equals an additional 13% of pervious surfaces to the site.

Maximum lot coverage: The Zoning Code limits lot coverage to 70% in the R4 to R6 Districts. The footprint of the building equals 11,927 sq. ft. which equals 72.3% of the site. This 2% exceedance is the subject of a variance.

Specific Development Standards: None.

Hours of Operation: N/A

Signs: The Code allows two 16 sq. ft. signs to be located at the top of the wall. Attachment 4c shows the proposed sign. It will be located at the top of the wall and will not exceed the 16 sq. ft. limit.

Refuse storage: All storage of refuse and recyclable materials will be enclosed in the building and serviced by a truck that will come on to the site.

Minneapolis Plan: Refer to the Conditional Use Permit section 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.

Conformance:

The application meets all other applicable provisions of the Zoning Code (subject to the approval of the subject variances and conditional use permits).

RECOMMENDATIONS

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the conditional use permit application for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the conditional use permit for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the conditional use permit to increase the height in the Shoreland Overlay District from 2 ½ stories or 35 ft., to 6 stories and 74 ft. for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the conditional use permit to increase the height in the Shoreland Overlay District from 2 ½ stories or 35 ft., to 6 stories and 74 ft. for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the maximum lot coverage variance application for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **deny** the maximum lot coverage variance application for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the following setback variances for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

- **Front yard on Lagoon Ave. from 15 ft. to 5 ft.**
- **Corner side yard on Irving Ave. S. from 18 ft. to 6 ft.**
- **Rear yard on south side adjacent the alley from 15 ft. to 5 ft.**

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the following

setback variances for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

- Front yard on Lagoon Ave. from 15 ft. to 5 ft.
- Corner side yard on Irving Ave. S. from 18 ft. to 6 ft.
- Rear yard on south side adjacent the alley from 15 ft. to 5 ft.

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the following drive aisle variances for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

- Variance to allow a reduction in width for the drive aisle in the lower level of the parking garage from 22 ft. to 21 ft.
- Variance to allow a reduction in drive aisle width for two at-grade stalls located on the alley from 22 ft. to 13 feet

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the variance to allow a reduction in the drive aisle width for the lower level of the parking garage from 22 ft. to 21 ft., and **deny** the variance to allow a reduction in drive aisle width for two at-grade stalls located on the alley from 22 ft. to 13 feet.

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the site plan review application for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S.:

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the site plan review application for a 34-unit condominium residence called the Lagoon-Irving Condominiums to be built at 2910 Irving Ave. S. and 1609-11 Lagoon Ave. S., subject to the following:

1. CPED Planning staff review and approval of the final site, landscaping plans, and building elevations.
2. All site improvements shall be completed by November 28, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Zoning and lot lines in the vicinity
2. Primary and Overlay districts
3. Aerial photos
4. Project drawings and renderings:
 - a Site plan, floor plans, landscaping plan, elevations, demolition plan
 - b Renderings
 - c Signage plan
 - d Green roof data sheet
5. Information from the applicant
6. Comparison of height with nearby buildings
7. Photos of the site, surrounding buildings, and nearby building details
8. Shadow study
9. Preliminary Development Review report
10. Applicant's response to the PDR report
11. Comment letters

