

**Department of Community Planning and Economic Development – Planning  
Division**

Rezoning, Conditional Use Permit, Variances and Site Plan Review  
BZZ-4045

**Date:** June 16, 2008

**Applicant:** CommonBond Communities, Attn: Elizabeth Flannery, 328 Kellogg  
Boulevard West, Saint Paul, MN 55102, (651) 290-6247

**Address of Property:** 401 8<sup>th</sup> Avenue SE

**Project Name:** Andrew Riverside Senior Housing

**Contact Person and Phone:** UrbanWorks Architecture, Attn: Tod Elkins, 901 N. 3<sup>rd</sup>  
Street, Suite 145, Minneapolis, MN 55401, (612)455-3100

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** May 16, 2008

**End of 60-Day Decision Period:** July 14, 2008

**End of 120-Day Decision Period:** On June 2, 2008, Staff sent a letter to the applicant  
extending the decision period to no later than September 12, 2008.

**Ward:** 3      **Neighborhood Organization:** Marcy-Holmes Neighborhood Association

**Existing Zoning:** R2B (Two-family) District

**Proposed Zoning:** R5 (Multiple-family) District

**Zoning Plate Number:** 15

**Lot area:** 22,042 square feet or .51 acres

**Legal Description:** Lots 9 and 10, Block 4, Saint Anthony Falls, Hennepin County,  
Minnesota.

**Proposed Use:** Construction of a 4-story, 39-unit senior housing facility with a 5,400  
square foot religious institution place of assembly.

**Concurrent Review:**

- Petition to rezone the subject parcel from the R2B (Two-family) district to the R5 (Multiple-family) district.
- Conditional Use Permit to allow 39 residential dwelling units.

- Variance of the minimum lot area per dwelling unit from approximately 689 square feet to 565 square feet or a variance of approximately 18%.
- Variance of the front yard setback requirement adjacent to the east property line along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet.
- Variance of the corner side yard setback requirement adjacent to the south property line along 4<sup>th</sup> Street SE from 14 feet to 0 feet.
- Variance of the interior side yard setback requirement adjacent to the north property line from 11 feet to 5 feet.
- Variance of the rear yard setback requirement adjacent to the west property line from 11 feet to 3 feet.
- Variance of the off-street parking requirement.
- Site Plan review for a 4-story, mixed-use building with 39 senior housing rental residential units and approximately 5,400 square feet of ground level space allocated for a religious institution place of assembly.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525: Article VII Conditional Use Permits, Article IX, Variances and Chapter 530 Site Plan Review.

**Background:** The applicant proposes to construct a new 4-story, 39-unit senior housing facility with 5,400 square feet of ground level space allocated for a religious institution place of assembly on the property located at 401 8<sup>th</sup> Avenue SE. The property is zoned R2B and a rezoning is necessary in order to develop the property as proposed. The applicant is proposing to rezone the subject site to the R5 district. Apartments with 5 units or more are conditional uses in the R5 district; the ground level space proposed to be dedicated to a religious institution place of assembly is a permitted use. Several variances are required for the proposed development which include; (1) variance of the minimum lot area per dwelling unit from approximately 689 square feet to 565 square feet or a variance of approximately 18%; (2) variance of the front yard setback requirement adjacent to the east property line along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet; (3) variance of the corner side yard setback requirement adjacent to the south property line along 4<sup>th</sup> Street SE from 14 feet to 0 feet; (4) variance of the interior side yard setback requirement adjacent to the north property line from 11 feet to 5 feet; (5) variance of the rear yard setback requirement adjacent to the west property line from 11 feet to 3 feet; (6) variance of the off-street parking requirement for both the residential and institutional components of the project. Site plan review is also required for the proposed development.

The subject parcel is located within the Fifth Street Southeast Historic District. The proposed development recently received approval from the Heritage Preservation Commission (HPC) in May of 2008. Staff has verified that the submitted plans match those that were approved by the HPC. It is noteworthy to mention that the HPC previously denied two Certificates of Appropriateness for developments on the subject site. The proposed 4-story, 45 foot tall structure has a 5,400 square foot ground level space allocated for the Andrew Riverside Presbyterian Church. The remainder of the first

floor is programmed for the senior housing component of the development which would include the principal entry/lobby for the residential component, dining room, exercise room, as well as 4 rental units, etc. The upper 3 floors would exclusively consist of senior apartments.

Staff has received correspondence from the Marcy-Holmes Neighborhood Association which has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

## **REZONING**

### **Findings as Required by the Minneapolis Zoning Code:**

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

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including single-family and multi-family development as well as within an area with services and commercial uses. The subject site is also located one block off of University Avenue SE which is a designated Community Corridor as well as a block from Interstate 35W. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

#### 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.

#### 4.11 *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.
- 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.

#### 9.5 *Minneapolis will support the development of residential dwellings of appropriate form and density.*

Implementation Steps:

- 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.

9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

9.23 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

The proposal to rezone the parcel from the R2B district to the R5 district in order to construct a multi-family, mixed-use structure with 39 dwelling units is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

There is an additional plan that must be considered when evaluating the proposal which is the *Marcy-Holmes Neighborhood Master Plan* which was adopted by the City Council on December 29, 2003. An addendum to the master plan called the *Marcy-Holmes Master Plan Supplement* was adopted by the City Council on January 26, 2007. Within this document the subject site is specifically called out as a potential redevelopment site. The document outlines that the preferred use of the site is as single-family residential; however, mixed use is also outlined as being appropriate for the subject site. In the past, the Marcy-Holmes Land Use Committee has approved similar proposals incorporating housing over a church use. The plan also encourages that any new structure be built up to the corner of 4<sup>th</sup> Street SE and 8<sup>th</sup> Avenue SE which the applicant is proposing. Further, the plan document suggests that a 3-4 story, mixed-use building is appropriate on the subject site. The proposed development is in conformance with the applicable adopted plan and supplement.

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

A rezoning to the R5 district would be considered in the interest of both the property owner, as it would allow a higher intensity residential zoning classification, and in the public interest insofar as it would allow a level of density and uses that support the other commercial and cultural uses in the area.

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

The site is currently zoned R2B. The site is located a block off of University Avenue SE which is a designated Community Corridor as well as a block from Interstate 35W. The subject site is located within a vicinity that has a mixture of uses and zoning classifications. The properties to the north and west are zoned R2B, the properties to the east are zoned C1, and the properties to the south are zoned R5. Adjacent uses include a mixture of commercial and residential uses. Given the surrounding zoning classifications and uses in the area Staff believes that the R5 zoning district would be compatible in this location.

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

There are reasonable, however, limited uses of the property permitted under the R2B zoning district, however, the uses would likely result in the under utilization of the subject site due to the area in which the parcel is located. The R2B zoning district is a Two-family district. Permitted uses in the R2B district include, but are not limited to, the following:

- Single-family dwellings
- Two-family dwellings
- Community residential facilities serving six or fewer persons
- Community gardens
- Public parks
- Places of assembly

Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

**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.**

Under the 1963 Zoning Code, the subject property and the surrounding area were zoned similarly to what they are zoned today, with the exception being the commercially zoned properties located to the east of the site which were zoned B2S-2 (Neighborhood Service District). The property formerly was occupied by the Andrew Riverside Presbyterian Church but has since been demolished and is now vacant. There has been somewhat of a change in the in the character and trend of development within the general area. Due to the proximity to R5 zoning as well as the mix of uses within the general area as well as

the immediate vicinity, Staff believes that the rezoning request is reasonable and appropriate and is consistent with adopted policy.

**CONDITIONAL USE PERMIT** –to allow 39 residential dwelling units

**Findings as required by the Minneapolis Zoning Code:**

The Minneapolis Department of Community Planning and 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.**

Construction of a 39-unit residential development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units would strengthen the existing commercial base within the neighborhood. The proposal would be slightly over the allowable density for the site as a total of 32 units are permitted with the application of two density bonuses for underground parking as well as for affordable housing. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The site is vacant. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for 39 units of senior apartments would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would be accessed off of 8<sup>th</sup> Avenue SE via one curb cut to the underground parking garage. There is also surface parking provided for the proposed religious institution place of assembly component of the proposed development. The existing surface parking lot is also accessed off of 8<sup>th</sup> Avenue SE. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies

during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Chapter 541 of the zoning code requires one off-street parking space per dwelling unit, therefore a total of 39 parking spaces would be required for the residential component of the proposed development. The proposed 5,878 square foot ground level religious institution place of assembly component of the proposed development requires parking based on 30% of the capacity of persons in the main auditorium and any rooms that can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The applicant has stated that of the 5,878 square feet, only 2,000 square feet shall be utilized for the congregation which would require 40 parking spaces. The applicant proposes to provide a total of 33 parking spaces for the proposed residential component of the development in an underground parking garage. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, the variance request for the residential component is from 38 parking spaces to 33 parking spaces. For the religious institution place of assembly component of the project, a variance is being requested from 40 parking spaces to 14 parking spaces. A surface parking lot located across 8<sup>th</sup> Avenue SE is owned by the church and will be utilized for the required parking. The existing parking lot would be subject to the design and maintenance provisions of Chapter 530 of the Zoning Code. It is likely that based on the existing configuration of the parking lot that one parking space will be lost due to the perimeter landscaping requirement. Therefore the variance request would be from 40 parking spaces to 13 parking spaces for the religious institution place of assembly component of the development.

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

See the above listed response to finding #1 in the rezoning application.

**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 rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including the rezoning, conditional use permit, variances and site plan review, the proposal would comply with all provisions of the R5 District.

**VARIANCES** – (1) Variance of the minimum lot area per dwelling unit from approximately 689 square feet to 565 square feet; (2) Variance of the front yard setback requirement adjacent to the east property line along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet; (3) Variance of the corner side yard setback requirement adjacent to the south property line along 4<sup>th</sup> Street SE from 14 feet to 0 feet; (4) Variance of the interior side yard setback requirement adjacent to the north property line from 11 feet to 5 feet; (5) Variance of the rear yard setback requirement adjacent to the west property line from 11 feet to 3 feet; (6) Variance of the off-street parking requirement.

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

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

**Variance of the minimum lot area per dwelling unit:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The base minimum lot area in the R5 district is 900 square feet per dwelling unit and with the two 20% bonuses for enclosed parking and affordable housing, the development is allowed a reduction in minimum lot area per dwelling unit to approximately 689 square feet. In order to allow 7 additional dwelling units which would be necessary to approve the development as proposed at a total of 39 units, a further reduction to approximately 565 square feet per dwelling unit would be required. The project as proposed is mixed-use as there are both residential and institutional components of the project; however, due to the fact that the site is located within a residential zoning district no bonus for mixed-use is available. Planning Staff would argue that the proposed density is appropriate on the subject site.

**Front yard setback requirement along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The R5 district requires a 15 foot front yard setback adjacent to 8<sup>th</sup> Avenue SE. Within the general vicinity many of the existing structures are located up to the property lines. Requiring that the building adhere to the 15 foot front yard setback would result in undue hardship as it would result in a major reconfiguration of the development on the subject site as well as result in a development that does not fit in with the character of adjacent uses.

**Corner side yard setback requirement along 4<sup>th</sup> Street SE from 14 feet to 0 feet:**

Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The R5 district requires a 14 foot corner side yard setback adjacent to 4<sup>th</sup> Street SE. Within the general vicinity many of the existing structures are located up to the property lines. Requiring that the building adhere to the 14 foot corner side yard setback would result in undue hardship as it would result in a major reconfiguration of the development on the subject site as well as result in a development that does not fit in with the character of adjacent uses.

**Interior side yard setback requirement from 11 feet to 5 feet:**

Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. Allowing a reduction in the setback requirement is a reasonable use of the subject site provided additional plantings and landscaping are installed to help buffer the proposed development from the residential dwelling to the north of the site.

**Rear yard setback requirement 11 feet to 3 feet:**

Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. Allowing a reduction in the setback requirement is a reasonable use of the subject site provided additional plantings and landscaping are installed along the west property line.

**Variance of the off-street parking requirement:**

Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. The applicant has had involvement with other senior housing facilities and has demonstrated that the parking that is being provided for the residential component is adequate. According to the applicant, typically considering their past developments, no greater than 50% of the residents had their own vehicle on the premises. Regarding the institutional parking requirement, it would cause undue hardship if the applicant had to provide 40 on-site parking spaces on the premises. As previously mentioned, a total of 13 parking spaces are provided in a surface parking lot across 8<sup>th</sup> Avenue SE. Additionally, there is parking on Sundays only along 4<sup>th</sup> Street SE for overflow parking.

**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.**

**Variance of the minimum lot area per dwelling unit:**

The circumstances could be considered unique as the applicant is attempting to provide affordable housing within the development for independent seniors. Based on the location of the development site as well as the character of the existing development within the neighborhood, the variance is a reasonable request.

**Front yard setback requirement along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet:** The circumstances could be considered unique as the applicant is subject to both a front yard setback requirement as well as a corner side yard setback requirement due to the fact that the parcel has frontage on two public streets. These circumstances have not been created by any persons presently having an interest in the property.

**Corner side yard setback requirement along 4<sup>th</sup> Street SE from 14 feet to 0 feet:** The circumstances could be considered unique as the applicant is subject to both a front yard setback requirement as well as a corner side yard setback requirement due to the fact that the parcel has frontage on two public streets. These circumstances have not been created by any persons presently having an interest in the property.

**Interior side yard setback requirement from 11 feet to 5 feet:** The circumstances could be considered unique as the applicant is attempting to provide a uniquely designed structure that allows for a tuck-under driveway to the underground parking garage. Allowing a small portion of the structure to encroach into the required yard is a reasonable use of the subject site provided additional landscaping is provided adjacent to the north property line for buffering purposes.

**Rear yard setback requirement 11 feet to 3 feet:** The circumstances could be considered unique as the encroachment into the required yard is only for a portion of the structure. Much of the required rear yard is either landscaped or a driveway which accesses the underground parking garage. Allowing a small portion of the structure to encroach into the required yard is a reasonable use of the subject site provided additional landscaping is provided adjacent to the west property line for buffering purposes.

**Variance of the off-street parking requirement:** The circumstances could be considered unique as the applicant has demonstrated that the parking that is being provided in an underground parking garage specifically for the residential component is adequate for the proposed development. According to the applicant, typically half of the residents of independent senior housing facilities do not have cars on the premises. Further, in regard to the religious institution place of assembly parking which is proposed to be located across 8<sup>th</sup> Avenue SE, unless the applicant were to provide another level of underground parking, there is no location on the premises for the parking. The parking located across 8<sup>th</sup> Avenue SE has been utilized in the past by the church for parking and parking is permitted along 4<sup>th</sup> Street SE for overflow parking on Sundays only.

**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.**

**Variance of the minimum lot area per dwelling unit:** The granting of the minimum lot area variance to allow an additional 7 units on the subject site would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the

vicinity. There are various types of residential development within the immediate area including medium and high density multi-family developments. Based on the proximity of the subject site to University Avenue SE and Interstate 35W as well as the character of the area, Planning Staff would argue that the proposed development fits well into the neighborhood.

**Front yard setback requirement along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet:** The granting of the front yard setback variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There are numerous structures within the immediate vicinity that are located up to the property lines. The proposed setback will reinforce the street wall and help to maintain the established character of the neighborhood.

**Corner side yard setback requirement along 4<sup>th</sup> Street SE from 14 feet to 0 feet:** The granting of the corner side yard setback variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There are numerous structures within the immediate vicinity that are located up to the property lines. The proposed setback will reinforce the street wall and help to maintain the established character of the neighborhood.

**Interior side yard setback requirement from 11 feet to 5 feet:** The granting of the interior side yard setback variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Planning Staff will recommend that more of a landscaped buffer be provided in order to the proposed development from the residential dwelling to the north of the site.

**Rear yard setback requirement 11 feet to 3 feet:** The granting of the rear yard setback variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity.

**Variance of the off-street parking requirement:** The granting of the parking variance for both the residential and institutional components would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity.

**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.**

**Variance of the minimum lot area per dwelling unit: :** Staff believes that the granting of the variance of the minimum lot area per dwelling unit would likely have no impact on

the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Front yard setback requirement along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet:** Staff believes that the granting of the variance of the front yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Corner side yard setback requirement along 4<sup>th</sup> Street SE from 14 feet to 0 feet:** Staff believes that the granting of the variance of the corner side yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Interior side yard setback requirement from 11 feet to 5 feet:** Staff believes that the granting of the variance of the interior side yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Rear yard setback requirement 11 feet to 3 feet:** Staff believes that the granting of the variance of the rear yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

**Variance of the off-street parking requirement:** Staff believes that the granting of the off-street parking variance would likely have little impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety. The applicant has demonstrated in their application materials that the parking be provided for the both components of the project is expected to be adequate.

## **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 531.20 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 development is subject to required yards along all sides of the property. A total of 39 residential units are proposed for the site along with a 5,400 square foot ground level space allocated for a religious institution place of assembly. The building would be oriented towards both the designated front yard adjacent to 8<sup>th</sup> Avenue SE and towards the corner side yard adjacent to 4<sup>th</sup> Street SE. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the both street frontages. The area between the building and the public streets would have new tree and shrub plantings along both street frontages.

The elevation of the building along 8<sup>th</sup> Avenue SE incorporates windows that meet the 20% window requirement as approximately 29% are provided along 8<sup>th</sup> Avenue SE. The elevation of the building along 4<sup>th</sup> Street SE meets the 30% window requirement as applicable (the religious institution place of assembly is subject to the 30% requirement) as approximately 30% are provided. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses along both street frontages with residential uses and the principal residential lobby facing 8<sup>th</sup> Avenue SE and the religious institution place of assembly facing 4<sup>th</sup> Street SE. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The windows are also distributed in a more or less even manner along both elevations and are also vertical in proportion.

There is a blank, uninterrupted wall greater than 25 feet in width along the west building elevation that does not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance is necessary. Planning Staff believes that it is practical to require compliance with this code provision and will recommend that the Planning Commission require it as well.

The exterior materials would be compatible on all sides of the proposed building as different types of stone masonry and fiber cement board siding as well as various metal elements including metal canopies would be utilized. The proposed building

form and pitched roof would be considered compatible with other buildings in the area as approved by the City's Heritage Preservation Commission (HPC). Planning Staff is somewhat concerned with the proposed pitch and massing of the roof line on the proposed structure. A flat roof would be more compatible with the character of most multiple-family and commercial buildings in the immediate vicinity.

An underground parking ramp is proposed as part of the development which provides parking for the residential component of the project. The parking ramp is accessed off of 8<sup>th</sup> Avenue SE. The parking provided for the religious institution place of assembly would be located in an existing surface parking lot located across 8<sup>th</sup> Avenue SE.

**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 principal entry to the lobby of the residential portion of the structure would be located off of 8<sup>th</sup> Avenue SE and the principal entry to the religious institution place of assembly would be located off of 4<sup>th</sup> Street SE. The development is located directly adjacent to the public sidewalk.

There are no transit shelters within the development, however the site is located along a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There is no public alley adjacent to the site.

The site has somewhat been designed to minimize the use of impervious surfaces through landscaping. Approximately 69% of the site is impervious and approximately 74% of the site not occupied by buildings will be landscaped. There is a large driveway that runs along the north and west property lines which accesses the underground parking garage. With the exception of the driveway, the rest of the site not occupied by the building footprint, is heavily landscaped.

## **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.**

According to the applicant, once the project is complete, approximately 6,942 square feet or 74% of the site not occupied by buildings will be landscaped, which would exceed the 20% landscaping requirement. The site is approximately 22,042 square feet in size with buildings occupying a footprint of 12,749 square feet. Based on the site information, approximately 1,859 square feet of landscaping would be required. The zoning code requires that there be at least 4 trees and 19 shrubs planted on the site. The applicant is proposing to have 2 canopy trees on the premises (as well as 3 coniferous and 15 ornamental trees and 8 canopy trees located in the public right-of-way) and 125 shrubs on the site. The proposal is exceeding the minimum landscape quantity requirements for shrubs but is not meeting the canopy tree requirement. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it is practical to provide the minimum quantity of canopy trees on 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.
- 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.

All parking for the residential component of the development is being provided in an underground parking garage which is accessed off of 8<sup>th</sup> Avenue SE. The parking for the religious institution place of assembly component of the project would be provided in an existing surface parking lot located across 8<sup>th</sup> Avenue SE to the east. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is encouraged to explore on-site retention and filtration.

The City's CPTED officer had no comments on the proposed development as the plan met the City of Minneapolis requirements for police safety. Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

Staff would not expect the proposal to result in the blocking of views. The proposed structure would be expected to have negligible shadowing impacts on adjacent properties and public spaces. The proposed structure would be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

**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 of the site for 39 dwelling units is conditional in the R5 District and the proposed use as a religious institution place of assembly is a permitted use.

With the approval of the rezoning, conditional use permit, variances and site plan review, this development would meet the requirements of the R5 zoning district.

**Parking and Loading:** Chapter 541 of the zoning code requires one off-street parking space per dwelling unit, therefore a total of 39 parking spaces would be required for the residential component of the proposed development. The proposed 5,878 square foot ground level religious institution place of assembly component of the proposed development requires parking based on 30% of the capacity of persons in the main auditorium and any rooms that can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The applicant has stated that of the 5,878 square feet, only 2,000 square feet shall be utilized for the congregation which would require 40 parking spaces. The applicant proposes to provide a total of 33 parking spaces for the proposed residential component of the development in an underground parking garage. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, the variance request for the residential component is from 38 parking spaces to 33 parking spaces. For the religious institution place of assembly component of the project, a variance is being requested from 40 parking spaces to 14 parking spaces. A surface parking lot located across 8<sup>th</sup> Avenue SE is owned by the church and will be utilized for the required parking. The existing parking lot would be subject to the design and maintenance provisions of Chapter 530 of the Zoning Code. It is likely that based on the existing configuration of the parking lot that one parking space will be lost due to the perimeter landscaping requirement. Therefore the variance request would be from 40 parking spaces to 13 parking spaces for the religious institution place of assembly component of the development.

**Dumpster screening:** Section 535.80. 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 room is included within the proposed structure.

**Signs:** No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum F.A.R. for all structures in the R5 District is the gross floor area of the building which is 50,584 square feet divided by the area of the lot which is 22,042 square feet. The outcome is 2.29 which is greater than the maximum of 2.0 that is permitted in the R5 District. However, the proposed development is eligible for two 20% density bonuses for underground/enclosed parking and affordable housing which would allow the applicant a maximum F.A.R. of 2.8. Therefore the proposed development is in compliance with the maximum F.A.R.

**Minimum Lot Area:** The project would meet the minimum lot width requirements of the R5 District as the development is situated on a lot greater than 40 feet in width. However, a variance is being requested for the minimum lot area requirement per dwelling unit. Multiple-family developments in the R5 District require 900 square feet per dwelling unit. A 39-unit development with two 20% bonuses for underground/enclosed parking and affordable housing would require a lot having an area of no less than 26,871 square feet. The subject parcel is 22,042 square feet in size. A variance is being requested to minimize the minimum lot area per dwelling unit from approximately 689 square feet per dwelling unit to 565 square feet per dwelling unit or a variance of approximately 18%.

**Dwelling Units per Acre:** With 39 dwelling units on a site having 22,042 square feet of lot area, the proposal would include approximately 19 dwelling units per acre.

**Height:** Maximum building height for principal structures located in the R5 District is 4 stories or 56 feet, whichever is less. The proposal would conform with this requirement as the structure is proposed to be 4 stories or 56 feet tall.

**Yard Requirements:** The required yards are as follows:

*Front - adjacent to 8<sup>th</sup> Avenue SE:* 15 feet

*Rear/Interior side yards (5+2x):* 11 feet

*Corner side yard - adjacent to 4<sup>th</sup> Street SE: (8+2x):* 14 feet

**Building coverage:** The maximum building coverage in the R5 District is 70 percent. Buildings would cover approximately 57 percent of the site.

**Impervious surface area:** The maximum impervious surface coverage in the R5 District is 85 percent. Impervious surfaces would cover approximately 69 percent of the site.

## **MINNEAPOLIS PLAN**

See the above listed response to finding #1 in the rezoning application.

## **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

See the above listed response to finding #1 in the rezoning application.

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

Alternative compliance is requested by the applicant to meet the following standards:

*Blank, uninterrupted walls greater than 25 feet in width:* There is a blank, uninterrupted wall greater than 25 feet in width along the west building elevation that does not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance is necessary. Planning Staff believes that it is practical to require compliance with this code provision and will recommend that the Planning Commission require it as well.

*Landscape quantities:* The zoning code requires that there be at least 4 trees and 19 shrubs planted on the site. The applicant is proposing to have 2 canopy trees on the premises (as well as 3 coniferous and 15 ornamental trees and 8 canopy trees located in the public right-of-way) and 125 shrubs on the site. The proposal is exceeding the minimum landscape quantity requirements for shrubs but is not meeting the canopy tree requirement. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it is practical to provide the minimum quantity of canopy trees on the site.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 401 8<sup>th</sup> Avenue SE from the R2B district to the R5 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 39 dwelling units on the property located at 401 8<sup>th</sup> Avenue SE 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.
2. A deed restriction or restrictive covenant shall be recorded with Hennepin County, prior to permit issuance, ensuring the long-term affordability, for not less than fifteen (15) years, of twenty (20) percent of the dwelling units as required to comply with the affordable housing density bonus authorized by section 546.130(b) of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the minimum lot area per dwelling unit from approximately 689 square feet to 565 square feet or a variance of approximately 18% for the property located at 401 8<sup>th</sup> Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the front yard setback requirement adjacent to

the east property line along 8<sup>th</sup> Avenue SE from 15 feet to 0 feet for the property located at 401 8<sup>th</sup> Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the corner side yard setback requirement adjacent to the south property line along 4<sup>th</sup> Street SE from 14 feet to 0 feet for the property located at 401 8<sup>th</sup> Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the interior side yard setback requirement adjacent to the north property line from 11 feet to 5 feet for the property located at 401 8<sup>th</sup> Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the rear yard setback requirement adjacent to the west property line from 11 feet to 3 feet for the property located at 401 8<sup>th</sup> Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the off-street parking requirement for the residential component of the development to 33 parking spaces and for the religious institution place of assembly component to 13 parking spaces for property located at 401 8<sup>th</sup> Avenue SE subject to the following conditions:

1. A bike rack with parking for a minimum of four (4) bicycle parking spaces shall be provided.
2. The parking lot located across 8<sup>th</sup> Avenue SE that provides the required parking for the religious institution place of assembly shall be subject to the design and maintenance provisions as outlined in Chapter 530 of the Zoning Code.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a 39-unit, residential development on the property located at 401 8<sup>th</sup> Avenue SE subject to the following conditions:

1. All site improvements shall be completed by July 25, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Incorporation of windows, entries, recesses, projections or other architectural elements along the west ground floor elevation of the proposed building to break up the blank uninterrupted walls that exceeds 25 feet in width per Section 530.120 of the zoning code.
4. Additional landscaping shall be provided adjacent to the north and west property lines where the structure encroaches into the required yard for buffering purposes.
5. Compliance with the minimum landscape quantity requirement for canopy trees on the premises.

**Attachments:**

1. Rezoning Matrix
2. PDR Report
3. Statement of use / description of the project
4. Findings – CUP
5. Correspondence
6. Zoning map
7. Plans – Site, landscape, elevations, floor plans, shadow survey, etc.
8. Photos
9. Oblique aerial