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

Date: August 6, 2009
To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee
Referral to: Zoning & Planning Committee

Subject: Appeal of the decision of the City Planning Commission approving a conditional use permit to allow 65 dwelling units, a conditional use permit to increase the height of a building located in the R6 and SH (Shoreland) Overlay Districts from the permitted 2.5 stories/35 feet to 5 stories/56 feet, a variance to reduce the required minimum lot area per dwelling unit, a variance to reduce the front yard setback along the south and west property lines, a variance to decrease the north and east side yard setbacks and site plan review for a new 65-unit residential building at the properties of 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South in the R6 Multiple-Family District and SH Shoreland Overlay District.

Recommendation: The following action was taken by the Planning Commission on July 13, 2009 (BZZ-4442):

9. Lake and Knox Apartments (BZZ-4442, Ward: 10), 1716, 1720, 1724 Lake St W, 2915 Knox Ave S.

A. Rezoning: Application by CPM Development for a rezoning to apply the Transitional Parking (TP) Overlay District at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: The City Planning Commission recommended the City Council adopt the findings and **approve** the petition to rezone the properties of 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S to add the TP Transitional Parking Overlay District.

B. Conditional Use Permit: Application by CPM Development for a conditional use permit to allow 65 dwelling units in the R6 district at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow 65 dwelling units in the R6 District for the property

located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S, 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.

C. Conditional Use Permit: Application by CPM Development for a conditional use permit to increase the height in the Shoreland Overlay district from 2.5 stories or 35 feet to 5 stories, 56 feet at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: Notwithstanding staff recommendation to approve a conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 4 stories/45.5 feet, the City Planning Commission in lieu thereof **approved** the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 5 stories/56 feet for the property located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S, 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.

D. Variance: Application by CPM Development for a variance to reduce the front yard setbacks at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the front yard setback along Knox Ave S from 23 feet to 5 feet and reduce the front yard setback along Lake St W from the required 30 feet to 4 feet, for the property located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S.

E. Variance: Application by CPM Development for a variance to reduce the east interior side yard setbacks at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: The City Planning Commission adopted the findings and **denied** the variance application to reduce the **east** interior side yard setbacks from 13 feet to 3 feet, and in lieu thereof adopted the findings and **approved** a variance to reduce the **east** interior side yard setback from 13 feet to 6 feet for property located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S.

F. Variance: Application by CPM Development for a variance to reduce the north interior side yard setbacks at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: The City Planning Commission adopted the findings and **approved** a variance to reduce the **north** interior side yard setback from 13 feet to 1 foot for property located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S, subject to the following condition:

1. The building wall shall maintain a setback of at least four feet along the north property line.

G. Variance: Application by CPM Development for a variance to decrease the minimum lot area per dwelling unit at the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to decrease the minimum lot area per dwelling unit from 400 square feet (341 square feet with a bonus) to 289 square feet, for property located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S, based on the following finding:

1. The variance will allow a mix of dwelling units with fewer bedrooms, including studios, one bedroom apartments, and a small number of two-bedroom apartments.

H. Site Plan Review: Application by CPM Development for a site plan review for the properties of 1716, 1720, 1724 Lake St W and 2915 Knox Ave S.

Action: The City Planning Commission adopted the findings and **approved** the site plan review for a new 65-unit residential building for property located at 1716, 1720 and 1724 Lake St W and 2915 Knox Ave S, subject to the following conditions:

1. CPED planning staff review and approval of the final site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
2. All site improvements shall be completed by July 13, 2010 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
3. A minimum of one trash receptacle and one recycling receptacle shall be required within the plaza.
4. The plaza shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.
5. All lighting shall be required to comply with Chapters 535 and 541 of the Zoning Code.

Ward: 10

Prepared by: Kimberly Holien, City Planner (612-673-2402) Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Kimberly Holien, City Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The East Isles Residents Association (EIRA) and the East Calhoun Community Organization (ECCO) were notified of the applications.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On July 27, 2009, staff sent a letter to the applicant extending the 60 day decision period to no later than October 16, 2009.

Supporting Information

Nancy Ward et al, filed an appeal of the decision of the City Planning Commission approving a series of applications for a 65-unit residential building. Those applications include a conditional use permit to allow 65 dwelling units, a conditional use permit to increase the height of a building located in the R6 and SH (Shoreland) Overlay Districts from the permitted 2.5 stories/35 feet to 5 stories/56 feet, a variance to reduce the required minimum lot area per dwelling unit, a variance to reduce the front yard setback along the south and west property lines, a variance to reduce the north and east side yard setbacks and site plan review for a new 65-unit residential building at the properties of 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South in the R6 Multiple-Family District and SH Shoreland Overlay District. At its meeting on July 13, 2009, the City Planning Commission voted to approve all of the aforementioned applications to allow a new 62,696 square foot residential building with 65 dwelling units. The Planning Commission voted 5-1 to approve the conditional use permit for 65 units, a variance to reduce the minimum lot area per dwelling unit, a variance to reduce the required front yard setback and site plan review. The Commission voted 4-2 to approve the conditional use permit for increased height and 6-0 to approve the variance to reduce the required side yard setbacks. The appeal (attached) was filed on July 23, 2009. The City Planning Commission minutes and Planning Division staff report are attached.

The appellant is not in agreement with the findings made by the City Planning Commission for any of the above applications. In terms of the conditional use permit to allow 65 dwelling units, the appeal documents state that the proposed building will be injurious to the enjoyment of other property in the vicinity and will impede the normal and orderly development of the surrounding area. The appellant also states that the proposed number of units would result in a building that out of character with adjacent buildings and would result in significant shadowing of nearby properties. The appellant cites the Uptown Small Area Plan and Shoreland Overlay District to support these statements.

The appellant also disputes the findings made by the City Planning Commission for the conditional use permit for increased height. The appellant asserts that the increased height to 5 stories, 56 feet will be detrimental to the public welfare and impede the normal and orderly development of surrounding properties. The appeal documents also state that the proposed height is not compatible with the scale and character of the surrounding area and will lessen views of adjacent parkland. The appellant states that no building over 35 feet in height should be permitted. The appellant cites the Uptown Small Area Plan and the Shoreland Overlay District again to support these statements.

In terms of the yard variances, the appellant has also appealed the variance to reduce the front yard setback along Knox Ave S from 23 feet to 5 feet and to reduce the front yard setback along Lake St W from the required 30 feet to 4 feet. The

appeal also includes the approval of a variance to the east side yard setback to be reduced from 13 feet to 6 feet and the variance to reduce the north interior side yard setback from 13 feet to 1 foot. The appeal documents state that the Planning Commission findings fail to address whether or not the property can be put to reasonable use under the conditions allowed and strict adherence to the regulations of the zoning ordinance. The documents also state that the Commission erred in making no findings related to the potential impact on the public welfare. The appellant asserts that the side yard setback variances would be detrimental to the public welfare and set a precedent for similar variances in the future.

In terms of the application for the minimum lot area variance, the appellant is appealing the decision of the City Planning Commission to approve this application, citing language in the staff report regarding reasonable use of the property and undue hardship. The appellant asserts that the granting of this variance would be detrimental to the public welfare and establish a precedent for large buildings.

The final application appealed is that for site plan review. Regarding this application, the appellant has stated that the building is not designed in a manner that minimizes shadowing on public spaces and adjacent properties, as required in Chapter 530, Site Plan Review.

The appellants' complete statement of the actions and reasons for the appeal are attached.

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permits, Variances, Site Plan Review
BZZ-4442

Date: July 13, 2009

Applicant: CPM Development

Address of Property: 1716, 1720 and 1724 Lake Street West, 2915 Knox Avenue South

Project Name: Lake and Knox Apartments

Contact Person and Phone: Gretchen Camp, BKV (612) 373-9122

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: June 18, 2009

End of 60 Day Decision Period: August 17, 2009

Ward: 10 **Neighborhood Organization:** East Isles (EIRA)

Existing Zoning: R6 Multiple-family District, SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Legal Description: That part of Lots 8, 9, 10 and 11, HILL AND LATHAM'S ADDITION TO MINNEAPOLIS.

Proposed Use: 65 dwelling units

Concurrent Review:

Rezoning: To apply the TP Transitional Parking Overlay District
Conditional Use Permit: To allow 65 dwelling units
Conditional Use Permit: To increase the height in the Shoreland Overlay District from 2.5 stories/35 feet to 5 stories, 56 feet.
Variance: To decrease the required minimum lot area per dwelling unit.
Variance: To reduce all yard setbacks.
Site Plan Review: For a new 62,696 square foot building.

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

Background: The applicant, CPM Development, has submitted a series of applications for a new 62,696 square foot residential building at the properties of 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South. The site is currently occupied by three residential structures and one residential structure that has been converted to a commercial use. The applicant is proposing to demolish these structures as part of the project and construct a new multiple-family residential building with 65 dwelling units. The proposed building is planned to directly abut a new mixed use building to the west, which is proposed as a separate project. These two projects will share two levels of primarily below-grade parking accessed off Knox Avenue South. Access to the parking structure is proposed through the property at 2915 Knox Avenue South.

The site is bordered by residential uses to the north and east, a proposed mixed use commercial building to the west and the Edgewater condominiums, a multiple family residential building and a retail use across Lake Street to the south. The mixed use building to the west is proposed by the same property owner, but is part of a separate application. The two projects will include shared party walls and shared parking below-grade. An application for rezoning to apply the TP Overlay District on all four subject properties has been submitted accordingly.

The property is located in the R6 zoning district and is located within 1,000 feet of the high-water mark of Lake Calhoun. Therefore, the project is also subject to the requirements of the SH Shoreland Overlay District. The Shoreland Overlay districts limit height to 2.5 stories or 35 feet, whichever is less. The applicant is requesting a conditional use permit to increase the height of the structure to 5 stories, 56 feet. A conditional use permit is required in the R6 district to allow 65 dwelling units.

The R6 district requires 400 square feet of lot area per dwelling unit. The applicant is proposing 65 units on an 18,792 square foot site, resulting in 289 square feet of lot area per dwelling unit. The site qualifies for a 20 percent bonus by providing underground structured parking. This bonus decreases the required lot area per dwelling unit to 341 square feet, allowing 55 units. The applicant is requesting a variance to reduce the minimum lot area per dwelling unit to 289 square feet.

The site has front lot lines adjacent to Lake Street W and Knox Avenue S. The minimum front yard setback in the R6 District is 15 feet. Along Lake Street, the property to the east currently contains a residential structure. Along Knox Avenue S, the property to the north across the alley also contains a residential structure. The Zoning Code states that the front yard shall be increased where the established front yard of the closest principal building originally designated for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. The established front yard setback of the building to the east is 30 feet. The established front yard setback of the building to the north, on Knox Avenue S, is 23 feet. The building is proposed to be set back 5 feet from the front lot line along Knox Avenue S, due to a residential balcony. The building wall will be setback 10 feet. The front yard setback along Lake Street is proposed at 4 feet for ground level patios and 10.5 feet for the building wall.

The minimum interior side yard requirement is equal to 5+2x, where x is equal to the number of stories above the first floor. A 5-story building is proposed; therefore the minimum requirement is 13 feet. The side yard setback to the east is proposed at 3 feet. The building wall itself will be setback 10 feet from the side lot line. Balconies on the 2-4th floors along this wall will be setback 5 feet from the side lot line. For the side lot line to the north a setback of 1 foot is proposed, again due to proposed ground level

patios. The building wall will be setback 4 feet from this lot line, adjacent to the alley. The 2-4th floor balconies will be setback approximately 3 feet from this lot line. The applicant is proposing a design that utilizes a shared party wall between the subject 65-unit residential building and the proposed mixed-use building to the west. The side yard setbacks to the south and west are proposed at 0 feet accordingly.

The applicant is proposing a plaza that is greater than 2,000 square feet in area, requiring administrative review. This plaza is located on the south side of the building, between the building entrance and Lake Street.

The East Isles Residents Association (EIRA) met on June 2, 2009 and reconsidered a vote taken at its May 5, 2009 meeting, which opposed the residential on the neighboring property project. The board voted again on June 2, 2009 to oppose the residential project. The East Calhoun Community Organization (ECCO) reviewed the development at its June 4, 2009 meeting and passed a resolution opposing the project.

REZONING: Petition to rezone the property of 1716, 1720 and 1724 Lake Street W and 2915 Knox Avenue S to add the TP Transitional Parking Overlay District to the R6 Multiple-Family District.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The properties of 1716, 1720 and 1724 Lake Street W are on a designated commercial corridor according to *The Minneapolis Plan for Sustainable Growth*. In *The Minneapolis Plan for Sustainable Growth* all four properties, including 2915 Knox Avenue S, are designated as urban neighborhood on the future land use map. The rezoning request has been submitted to allow for parking on residential properties that serves the commercial uses located at the property of 1728 Lake Street W. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.10. Minneapolis will support development in Commercial Corridors where it enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

1.10.5 Encourage the development of high-density housing on Commercial Corridors.

Staff comment: The rezoning is requested to provide parking for a new mixed-use building at the corner of Lake Street W and Knox Avenue S. The parking provided to accommodate these uses will be located primarily below-grade, preserving the pedestrian character of the corridor. The applicant has indicated that the rezoning is necessary to provide parking for customers of the proposed commercial uses on the adjacent lot. With the addition of the TP overlay district, the underlying zoning district, R6, and the provisions, such as yard requirements, would still apply. The proposed rezoning is consistent with the above policies and goals of *The Minneapolis Plan for Sustainable Growth*.

In reference to parking recommendations, the *Uptown Small Area Plan* states the following:

- Encourage shared parking practices between complementary uses such as entertainment and offices

- Encourage parking garages to the interior of the block, minimally visible from the street. If the façade of a garage is visible from the street, it should be architecturally treated as a "parking building."

Staff comment: The requested rezoning is also consistent with these policies of the *Uptown Small Area Plan*.

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

The parking structure would serve businesses that are located along a commercial corridor, at the corner of Lake Street and Knox Avenue. The rezoning would permit required parking for the proposed commercial uses on the adjacent parcel that is primarily below grade. The applicant has indicated that having off-street parking available is needed for these businesses. The amendment is in the public interest and not solely in the interest of the property owner.

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

The subject site is located within the R6 District. The existing uses on the site will be demolished to allow for the construction of the 65-unit residential building. Surrounding uses are primarily a mix a residential densities. The property to the north and east is zoned R6. The property to the south is and west is zoned C1 and R6. The existing structure to the west is proposed to be demolished to allow for the construction of a mixed use building with a retail or coffee shop use on the first floor, office uses on the second and third floors and two residential units on the fourth floor. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

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

The R6 district allows high density residential uses. Only a few nonresidential uses, a preschool, a child care center and a developmental achievement center, could be allowed on this site because of its size. Although reasonable use of the property is allowed in the R6 district, the R6 zoning does not allow parking for commercial uses. The rezoning is requested to provide parking for the proposed commercial uses on the property to the west.

5. **Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The property at 1728 Lake Street W was rezoned from R6 to C1 in 2003. In 2004, the 82-foot Edgewater condominium building was constructed across the street at 1805 West Lake Street and 3008 Knox Avenue South where a 4-story residential building previously stood. Since the property was placed in the present zoning classification, the City has adopted the *Uptown Small Area Plan* and the *Minneapolis Plan for Sustainable Growth*, both of which have policies to support the Transitional Parking Overlay in this location.

CONDITIONAL USE PERMIT (for a 65-unit apartment building)

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that 65 dwelling units will be detrimental to or endanger the public health, safety, comfort or general welfare, provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

The Planning Division does not believe that 65 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The site is located on a commercial corridor, which encourages the development of high density housing. A multiple-family development is not out of character with the surrounding area as there are several located within one block of the site.

However, the proposed number of units does result in a density that exceeds the recommended density for the site in the Comprehensive Plan. The Comprehensive Plan calls for 8-20 dwelling units per acre for urban neighborhoods, which is the primary designation for the site on the future land use map. The site is also on a commercial corridor which encourages greater density. The maximum recommended residential density in the Comprehensive Plan is for "very high density residential", at a density of 120 du/acre. The 65 units proposed would result in 151 dwelling units per acre. Staff is not recommending approval of a variance to reduce the required minimum lot are per dwelling unit, and expects that as a result, the number of dwelling units will be decreased.

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

The site is served by existing infrastructure. Vehicles would enter and exit the site from Knox Avenue S. The loading space and trash enclosure can be accessed from the public alley on the north side of the site. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The minimum vehicle parking requirement for the residential uses, is one space per dwelling unit, or 65 spaces. The applicant is requesting reductions in the minimum vehicle parking requirement by providing a shared vehicle and transit incentives. The zoning code allows a 10 percent reduction in the vehicle parking requirement where one or more passenger automobiles are provided on-site for common use by residents, provided there are no more than 100 dwelling units per shared automobile. The zoning code also allows a 10 percent reduction for multiple-family dwellings if the proposed use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. With these reductions, the minimum vehicle parking requirement is 53 stalls. The parking requirement is satisfied by providing structured parking primarily below-grade.

A Travel Demand Management Plan has been completed as part of the project. The Traffic Impact Analysis of the TDMP has concluded that the proposed building will have minimal impact on the surrounding public streets.

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

The properties of 1716, 1720 and 1724 Lake Street W are on a designated commercial corridor according to *The Minneapolis Plan for Sustainable Growth*. In *The Minneapolis Plan for Sustainable Growth* all four properties are designated as urban neighborhood on the future land use map. According to the principles and polices outlined in the plan, the following apply to this proposal:

> **Policy 1.10. Minneapolis will support development in Commercial Corridors where it enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

1.10.5 Encourage the development of high-density housing on Commercial Corridors.

The proposed project is consistent with the above policies of the Comprehensive Plan. However, the proposed number of units does result in a density that exceeds the recommended density for the site in the Comprehensive Plan. The site is designated as urban neighborhood, with a recommended density of 8-20 dwelling units per acre in this area. The 65 units proposed would result in 151 dwelling units per acre. Staff is not recommending approval of a variance to reduce the required minimum lot are per dwelling unit, and expects that as a result, the number of dwelling units will be decreased.

Additionally, the project is located within the boundaries of the *Uptown Small Area Plan*. Specifically, the site is located within the West Lake Street Live/Work Area and is designated for mixed-use and high-density housing. The following policies and elements of the *Uptown Small Area Plan* are applicable to this site:

- The scale and pattern of development at the Lake edge should respect local scale and pattern; more intense uses are appropriate between Lake Street and Lagoon Avenue.

Staff comment: The site is located between Lake Street and Lagoon Avenue. Thus, a 65-unit residential building may be appropriate in this location.

- **Shaping Growth Near the Lakes.** Growth near the lakes has been a community concern. This plan encourages future development to be in keeping with the existing scale and respect the intent of the Shoreland Overlay District (a zoning overlay district that adds additional requirements for development within 1000 feet of water bodies throughout the state). On occasion, variances and conditional use permits within the Shoreland Overlay District may be appropriate, but this Plan attempts to avoid conflicting guidance, and suggests that more intense growth is more appropriate in the Activity Center and Urban Village (South Sub-Area).

Staff Comment: The scale of other buildings in the area varies. As previously stated, the 28-unit Edgewater condominium building is located south of the site, across Lake Street. Other large, multiple-family structures in the area are located one block to the north, including the Calhoun Terrace Apartments at 2893 Knox Avenue S and the Isles Condominiums at 2885 Knox Avenue S. Other uses include 2.5 and 3-story residences and 3 to 4 story apartment buildings.

- Buildings on the north side of Lake St., should be set back and activate the street with forecourts, patios and galleries.

Staff comment. The first floor of the building will be set back up to 30 feet along the Lake Street frontage to allow for a public plaza between the building entrance and the public street. The plaza area will activate the street.

- Buildings on West Lake Street should be intentionally eclectic and diverse. Like other buildings around the Lakes, the new buildings on West Lake Street are encouraged to have balconies, roof terraces, large bay windows, and tower rooms in order to capture views of the lake and the promenade. Buildings should range in style and expression.

Staff comment: The building contains balconies on the 2nd-4th floors and a terrace on the fifth floor. The building has large windows on all floors to maximize views of the lake and any future promenade.

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

With the approval of the conditional use permits, variances and site plan review, this development will be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT (to increase the height of the building located in the SH Shoreland Overlay Districts from 2.5 stories/35 feet to 5 stories/56 feet)

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division believes that increasing the height of the building from two-and-a-half stories/35 feet to five stories/56 feet could be detrimental to or endanger the public health, safety, comfort or general welfare. A five-story building would produce increased shadows on surrounding residential properties and significant public spaces and may be out of scale with the directly adjacent buildings on the block.

However, the Planning Division does not believe that increasing the height of the building from two-and-a-half stories/35 feet to four stories/45.5 feet would be detrimental to or endanger the public health, safety, comfort or general welfare. This height would be consistent with that proposed for the mixed-use building at 1728 Lake Street W, at the corner of Lake Street and Knox Avenue S. The context studies prepared by the applicant illustrate several buildings in the immediate area that are at least four stories in height. The proposed building is not expected to be detrimental to public health, safety,

comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

The Planning Division believes that increasing the height of the building to five stories/56 feet could be injurious to the use and enjoyment of surrounding property and impede the normal development of the surrounding area. The buildings found throughout the neighborhood range in height, but are predominantly 2.5 to 4 stories with a few buildings scattered throughout the neighborhood that exceed this. Constructing a five-story building on this site would be out of character with the adjacent buildings.

The provided shadow studies illustrate an increase in shading of neighboring properties. The proposed building will be four stories, 45 feet at the corner, stepping up to five stories after a six foot setback. The building is five-stories at the north and west property lines, where it is adjacent to residential uses. The additional height at these property lines may have a negative impact on neighboring properties, especially considering the fact there is a minimal setback along these property lines.

Staff believes that is may be more appropriate to limit the height of the building to four stories/45.5 feet, consistent with the mixed-use building proposed at 1728 Lake Street W. A height of four stories is not expected to be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The reduced height will marginally decrease shadowing on neighboring properties and diminish the impact on surrounding uses.

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

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

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

Increasing the height of the building will have no impact on traffic congestion in the public streets. The impact on traffic congestion has been evaluated in the TDMP.

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

The *Minneapolis Plan for Sustainable Growth* identities Lake Street as a commercial corridor in this location. The plan also designates the site as urban neighborhood on the future land use plan. The urban neighborhood designation is for predominantly residential areas with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. This may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. This designation is not generally

intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density. It should be first noted that the replacing the existing buildings does not result in a need for five stories in order to achieve a similar density. Four stories would be more consistent with the intent of this land use designation in the comprehensive plan.

The following specific policies of the Comprehensive Plan apply to the project:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

1.10.5 Encourage the development of high-density residential housing along Commercial Corridors.

A height of four stories would be consistent with the above policies of the comprehensive plan.

The project also falls within the boundaries of the *Uptown Small Area Plan*. Specifically, the site is located within the West Lake Street Live/Work area. The plan calls for heights of 2-5 stories in this area. The following additional policies of the Uptown Small Area plan that specifically relate to height apply:

- The scale and pattern of development at the Lake edge should respect local scale and pattern; more intense uses are appropriate between Lake Street and Lagoon Avenue.

Staff comment: The site is located between Lake Street and Lagoon Avenue. Thus, increased height may be appropriate in this location.

- In some cases, matching the scale of existing buildings will result in buildings taller than the 35 feet limit mandated by the Shoreland Overlay District (which extends 1000 feet from the Lakes to approximately Irving Avenue). To respect the intent of that ordinance, building heights should gradually step down from Irving Avenue (matching the height of the Sons of Norway Building, approximately 55 feet) towards the Lake (35 feet).

Staff comment: As previously stated, there are several buildings within one block of the subject site that exceed 35 feet in height. However, the site is located closer to Lake Calhoun than the Sons of Norway Building. Therefore, a height of 56 feet would not be consistent with the plan. The maximum recommended height of 55 feet is east of the site, closer to the Activity Center boundary. In that regard, a height of 4 stories of 45.5 feet would be more appropriate in this location.

- Locate tallest buildings along corridors.

Staff comment: The site is located along Lake Street, which is a commercial corridor. A Conditional Use Permit to allow height greater than 35 feet may be appropriate in this area.

- Step back upper floors of buildings to limit shadowing of streets and the Midtown Greenway.

Staff comment: The fifth floor of the building steps back six feet from the fourth floor, before rising to a height of 56 feet. Stepping back the building in this sense is consistent with the plan. However, the proposed height of 56 feet is not consistent with other policies of the plan.

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

With the approval of the requested conditional use permit, variances and site plan review, the proposed project will comply with all applicable district regulations.

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.

Increasing the height of the proposed building should have minimal impact on the access to light and air for the properties to the south and west. The property to the south, across Lake Street, should not be impacted, as it is separated from the proposed building by a public street. The property to the west shares a party wall with the structure and is proposed at a height of 4 stories. However, the proposed height of five-stories and the reduced setbacks may limit the access to light and air for the properties to the north and east. The properties to the north and east may experience the greatest impact in terms of access to light. Particularly, the property to the north may be significantly impacted in terms of access to light during the winter months. Staff is recommending that the building height not exceed four stories/45.5 feet to mitigate the impact on these neighboring properties

2. Shadowing of residential properties or significant public spaces.

The shadow study that was submitted as part of this application shows the shadowing effects of the proposed five-story building at various times of the day during the four different seasons throughout the year. The shadow studies also take the proposed mixed-use building into account. The proposed building will produce some shadows on surrounding residential properties, particularly during the winter months.

3. The scale and character of surrounding uses.

The height of buildings found throughout the neighborhood range from two-and-a-half stories to six stories. The building directly west of the site is proposed to be removed to allow for the construction of

a four-story, mixed use building. The building southwest of the site is 6-stories, 82 feet in height. One block to the north is a six-story building and an 8-story building. The architectural style of the buildings in the neighborhood varies.

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

The existing conditions on Lake Street provide a limited view of Lake Calhoun through the subject site. Existing trees and buildings currently block views of Lake Calhoun in this specific area. Constructing a building that is four or five stories in height would therefore not have a significant impact on views of Lake Calhoun and the open space around it from the properties to the east, given the existing conditions.

The Planning Commission shall also consider the following Shoreland Overlay District factors:

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

The applicant will obtain approval for all necessary erosion control and stormwater plans prior to construction to mitigate any impact on the public water.

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

The applicant has provided context photos illustrating the view of the building from across the lake. The structure will be visible from Lake Calhoun, as are the existing buildings on the site. The proposed height of the building will increase its visibility from the lake over the existing buildings.

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

While the site is within the Shoreland Overlay District, it does not have direct frontage on Lake Calhoun. As such, the project will not impact watercraft usage on the lake.

<u>VARIANCE (to reduce all yard setbacks)</u>

Findings Required by the Minneapolis Zoning Code:

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

Front Yards: The site has front lot lines adjacent to Lake Street W and Knox Avenue S. The minimum front yard setback in the R6 District is 15 feet. Along Lake Street, the property to the east currently contains a residential structure. Along Knox Avenue S, the property to the north across the alley also contains a residential structure. The Zoning Code states that the front yard shall be increased where the established front yard of the closest principal building originally designated for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. The established front yard setback of the building to the east is 30 feet. The established front yard setback of the building to the north, on Knox Avenue S, is 23 feet. The building is proposed

to be set back 5 feet from the front lot line along Knox Avenue S, due to a residential balcony. The building wall will be setback 10 feet. The front yard setback along Lake Street is proposed at 4 feet for ground level patios and 10.5 feet for the building wall.

The proposed building placement will allow for increased street activity, consistent with the *Uptown Small Area Plan*. The proposed building placement along the front yards is intended to maximize the interaction with the public streets and sidewalks. The Uptown Small Area Plan calls for buildings on the north side of Lake Street to be setback in a manner that activates the street with forecourts, patios and galleries.

Side Yards: The minimum interior side yard requirement is equal to 5+2x, where x is equal to the number of stories above the first floor. A 5-story building is proposed; therefore the minimum requirement is 13 feet. The side yard setback to the east is proposed at 3 feet, due to ground level patios. The building wall itself will be setback 10 feet from the side lot line. Balconies on the 2-4th floors along this wall will be setback 5 feet from the side lot line. For the side lot line to the north a setback of 1 foot is proposed, again due to proposed ground level patios. The building wall will be setback 4 feet from this lot line, adjacent to the alley. The 2-4th floor balconies will be setback approximately 3 feet from this lot line. The applicant is proposing a design with that utilizes a shared party wall between the subject 65-unit residential building and the proposed mixed-use building to the west. The side yard setbacks to the south and west are proposed at 0 feet accordingly.

The applicant is requesting side yard setback variances in part to allow for balconies and patios to encroach into the required yard. The *Uptown Small Area Plan* also calls for buildings on Lake Street to have balconies. The balconies on the upper floors of the building protrude further into the required yard than the remainder of the structure. Thus, the decreased setbacks may be appropriate to allow reasonable use of the property while keeping with the intent of the small area plan.

However, the decreased side yard setback along the west property line results in balconies and patios that are approximately 3 feet from the property line. Use of these outdoor elements that close to the property line may have an impact on the neighboring property to the west. To mitigate this situation, staff recommends that building and all balconies and patios maintain a setback of at least 6 feet from the property line.

The side yard setbacks adjacent to the mixed-use building are proposed to be reduced to zero to allow for a shared party wall with the new residential project. The shared party wall is proposed to maintain the urban characteristics of the area. The reduced side yard setbacks to allow a shared party wall will allow the structure to be constructed in a traditional urban form, similar to other buildings on Lake Street to the east.

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 required front yard setbacks have been increased over the district requirement due to the established setbacks of existing buildings to the north and west. The property is in a highly visible location at an

intersection along a commercial corridor. These circumstances are unique and have not been created by the property owner.

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.

Front Yard: The existing residential structure to the north is setback 8 feet from Knox Avenue South. The proposed first floor setback along this frontage will increase over that of the existing neighboring structure. The upper floor balconies will protrude further into the required yard, but will have less of an impact due to their elevation. The reduced setback along Lake Street will allow for ground level patios to engage with the public street and sidewalk.

The setback variances are in keeping with the intent of the ordinance in terms of the R6 District. The requested variances will not be injurious to the use of enjoyment of other property in the vicinity.

Side Yard: Reducing the side yard setbacks along the north property line will not be injurious to the neighboring properties, as these properties are separated by a public alley, provided the building wall maintains a setback of at least four feet. Reducing the west and north interior side yard setbacks to zero will result in a shared party wall with the proposed residential project. This type of urban design is consistent with the character of the Uptown area.

However, staff is concerned that reducing the side yard setback along the east property line may negatively impact the neighboring property. To mitigate this situation, staff recommends that the building and all balconies and patios maintain a setback of at least 6 feet from the property line.

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

The proposed variances should not increase the danger of fire or endanger public safety. The variances are not expected to increase the congestion of the public streets, per the TDMP prepared for the project. All vehicle traffic to the site will enter the underground parking structure via a driveway extending east from Knox Avenue S.

VARIANCE (to reduce the minimum lot area per dwelling unit from 400 square feet to 298 square feet.)

Findings Required by the Minneapolis Zoning Code:

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

The R6 district requires 400 square feet of lot area per dwelling unit. The applicant is proposing 65 units on an 18,792 square foot site, resulting in 289 square feet of lot area per dwelling unit. The site

qualifies for a 20 percent bonus by providing underground structured parking. This bonus decreases the required lot area per dwelling unit to 341 square feet. The applicant is requesting a variance to reduce the minimum lot area per dwelling unit from 341 square feet to 289 square feet, a reduction of 15.5 percent.

The applicant has stated that a hardship lies in the fact that the project is providing several studio and one bedroom units. The project includes 12 studio apartments, 43 one bedroom apartments and 10 two bedroom apartments. These units range from 600 square feet to 1,000 square feet. Even with the small unit sizes, staff believes that the required lot are per dwelling unit, with the bonus, allows reasonable use of the property. The required minimum lot area and density bonus would allow 55 dwelling units. Requiring a building that falls within these parameters does not cause undue hardship.

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 circumstances upon which the minimum lot area variance is requested are not unique to the parcel of property and have been created by the applicant. The applicant is proposing to demolish four existing structures to develop a new building on the property. There are no circumstances on the parcel of land that would prevent designing a building in compliance with the ordinance.

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 minimum lot area requirement was put in place to keep properties from being used more intensely than what is considered appropriate. The requested variance is not in keeping with the spirit and intent of the ordinance, the Comprehensive Plan or the *Uptown Small Area Plan*.

There are 65 residential units proposed on the .43 acre site. The result is 151 dwelling units per acre. The *Minneapolis Plan for Sustainable Growth* designates the site as urban neighborhood, which calls for predominantly low density development of 8-20 du/acre. The proposed density greatly exceeds the recommended density of the Comprehensive Plan. The Comprehensive Plan also explicitly states that areas designated as urban neighborhood are not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density. According to City records, the three properties on Lake Street each have three dwelling units and the property at 2915 Knox Avenue S is registered as having two dwelling units. Constructing a 65-unit building to replace 11 existing units would not be consistent with the urban neighborhood language in the Comprehensive Plan.

In addressing high-density housing in R6 districts, the *Uptown Small Area Plan* calls for densities ranging from 50 to 120 units/acre. The density proposed with 65 units also greatly exceeds the recommended density of the small area plan.

4. The proposed variance may 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 requested variance is not expected to have a significant impact on congestion of the public streets, per the Travel Demand Management Plan (TDMP) submitted for the site. Granting of the variance is not expected to be detrimental to the public welfare or safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

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

a. Windows shall be vertical in proportion.

b. Windows shall be distributed in a more or less even manner.

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

  a. Windows shall be vertical in proportion.

  b. Windows shall be distributed in a more or less even manner.

  c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.

  d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

  e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

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

  Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

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

Conformance with above requirements:

The building is designed with somewhat of an L-shape, wrapping around the proposed mixed use building at corner of Lake Street W and Knox Avenue S. The building is proposed to be 62,696 square feet in area, or 91,056 square feet in area with the parking structure included. The primary entrance to the building is located on the Lake Street elevation, separated from the public street by a large plaza space 32 feet in depth. This entrance is emphasized with significant glass coverage and steps leading to the door. The entrance is delineated from private patios on either side of the door by accent walls 4 feet in height. Secondary entrances are on the west side of the building, adjacent to Knox Avenue S, where the access to the underground parking structure is located, and on the north elevation, adjacent to the overhead door for the loading area. Each unit also has separate doors leading to a private patio, balcony or terrace.

The building is proposed to be set back 5 feet from the front lot line along Knox Avenue S, due to a residential balcony. The building wall will be setback 10 feet. The front yard setback along Lake Street is proposed at 4 feet for ground level patios and 10.5 feet for the building wall. The side yard setback to the east is proposed at 3 feet, due to proposed ground level patios. The building wall itself will be setback a minimum of 10 feet from the side lot line. Balconies on the 2-4th floors along this wall will be

setback 5 feet from the side lot line. For the side lot line to the north, a setback of 1 foot is proposed, again due to ground level patios. The building wall will be set back a minimum of 4 feet from this lot line, adjacent to the alley. The 2-4th floor balconies will be set back approximately 3 feet from this lot line. Shared party walls with the mixed-use building are proposed for a portion of the north and west elevations. An application to vary all required setbacks has been submitted.

The primary exterior materials include metal siding, glass and fiber cement siding. These are all durable materials. A cast stone terrace wall will be located along the public alley on the north side of the property and along the south elevation, facing Lake Street. The building is articulated with multiple recesses and projections, including balconies and a fifth floor terrace. The south and west elevations have cantilevers that extend 1.5 feet beyond the first floor for the upper floors. The design of the building is consistent with the *Uptown Small Area Plan*, which calls for buildings to have balconies, roof terraces and large bay windows. The Plan also encourages buildings to range in style and expression.

The applicant is requesting alternative compliance for the requirement prohibiting blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements in excess of 25 feet. Specifically, alternative compliance is requested for north elevation. This elevation will be facing an alley and a residential property. There is a blank wall 27 feet in length on the 5th floor of this elevation. The blank wall is located between two terraces. In the event that a 5-story project is approved, staff recommends granting alternative compliance for this situation. The blank wall is mitigated by the location of the terraces and the limited length of the blank section.

The applicant is exceeding with the window requirements of the site plan chapter; 20 percent on the first floor and 10 percent on the upper floors facing a public street, public sidewalk or public pathway, on the south and west elevations, with the exception of the first floor on the west elevation. For the south elevation, facing Lake Street, 37 percent window coverage is proposed for the first floor. This does not include the glass within the entry door. The second and third floors of the south elevation are proposed to contain 48.9 percent glass coverage each. The fourth floor would contain 47 percent windows and the fifth floor would contain 33.3 percent. These windows are all vertical in proportion and distributed in a more or less even manner.

The west elevation, facing Knox Avenue South contains 8.6 percent windows on the first floor, as measured between 2 feet and 10 feet on the building wall. The second and fourth floors are proposed to contain 42 percent windows each. The third floor would contain 45 percent window and the fifth floor would have 43 percent. The third floor has one additional window compared to the second and fourth floors, on the south end. All windows are vertical in proportion and distributed in a more or less even manner.

Although minimum window requirements do not apply to the north and east elevations, significant glass coverage is proposed on these building walls as well. The north elevation, which faces the alley, contains 29 percent windows on the first floor, 34.7 percent on the second, third and fourth floors and 24 percent on the fifth floor. On the east elevation, which faces the neighboring property, the elevations show 31.8 percent windows on the first floor, 42 percent on the second and fourth floors, 44 percent on the third floor and 33 percent on the fifth floor.

Alternative compliance is requested to allow less than 20 percent windows on the first floor of the west

elevation, adjacent to Knox Avenue S. The grade of the building in this location slopes down significantly to provide access to the underground parking garage. Staff recommends granting alternative compliance in this location. The west building wall of the residential building is actually broken up by the west building wall of the commercial building. The commercial building wall is 33 feet on this façade and contains nearly 100 percent windows on the first floor. The presence of windows on the first floor of the commercial building will mitigate any effect of reduced glass coverage on the residential building, while providing for observation of the adjacent public spaces.

The structure has a flat roof similar to other structures in the area.

The underground parking garage is sloped in a manner that allows for nearly all of the first floor to be occupied by active uses. The parking garage is most evident on the west elevation, adjacent to Knox Avenue, where the overhead doors are located. The parking structure is also evident along the north elevation, where a cast stone garden wall is proposed to run along the outer edge of the structure, above ground.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

The primary entrance to the building opens onto the plaza proposed between the building and Lake Street W. This plaza connects to the public sidewalk along Lake Street and the sidewalk in front of the proposed mixed use building at the corner of Lake Street Wand Knox Avenue S. The primary entry to the plaza is nearly 23 feet wide and steps down from the public right-of-way. The existing public sidewalk along Lake Street is five feet in width. Private patios on the south side of the building are separated from the public right-of-way with masonry walls two feet in height. Three bench seats are proposed to be built into this wall. A landscaped area nearly three feet in width is proposed between the masonry wall and the sidewalk.

Vehicle access to the site is provided via a driveway 10 feet long and 22 feet wide extending east from Knox Avenue S. Two overhead doors are located along this frontage. Parking for the use will be provided in an underground parking garage. No surface parking is proposed as part of the project.

There are no transit shelters adjacent to the site.

The site has been designed, in part, to minimize impervious surfaces, Nearly all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping. However, a further reduction in impervious surface may be achieved by reducing the size of the patios along the east property line. There are three ground level patios proposed on the east side of the building, each 63 square feet in area.

Reducing the size of the patios would decrease the overall percentage of impervious surface, which is currently at 85 percent, the maximum allowed in the district. A reduction in patio sizes would also allow for increased setbacks from the east property line.

LANDSCAPING AND SCREENING:

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

Conformance with above requirements:

The lot area is 18,792 square feet and the footprint of the building is approximately 12,820 square feet. Therefore, the net lot area is 5,972 square feet, of which 20 percent (1,194 square feet) is required to be landscaped. The site requires 2 canopy trees and 12 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a total landscaped area of 2,825 square feet (47 percent of the unoccupied area) with 11 deciduous canopy trees and 98 shrubs on the site. Five of the proposed overstory trees are located within the right-of-way along Lake Street W. The majority of the landscaping is located along the south and east lot lines and within the plaza area. An additional 20 ornamental trees are proposed, as well as numerous perennials and ornamental grasses. The minimum landscape requirement for the site has been met. Walkways, stairs and bike parking that are needed for efficient circulation and access are proposed in the areas that would not be landscaped, as is the plaza space.

The applicant is proposing a plaza that exceeds 2,000 square feet in area, requiring administrative review. The plaza requires a minimum of one tree for each 1,000 square feet of plaza area. However, because it is proposed as part of a project that has a general landscaping requirement, the trees located in the plaza contribute toward compliance with the general landscaping requirement. There are ten birch trees proposed within the plaza area that count toward the minimum tree requirement. A number of shrubs and perennials are also proposed within the plaza area.

The site has no surface parking stalls; therefore no additional screening or landscaped yards are required. A cedar fence six feet in height is proposed along the east property line, between the proposed building and the residential use to the east.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

There is no surface parking proposed for the site. No on-site stormwater retention is proposed. Due to the size and existing layout of the site, on-site retention may not be practical.

The building does not significantly shadow public spaces. However, it will shadow the adjacent residential properties to the north and east, as addressed in the findings for the conditional use permit for increased height. Staff is recommending a reduction in height from five stories to four stories to mitigate this issue. The building is not expected to significantly generate wind currents at ground level. The building will block views of Lake Calhoun from properties to the east. However, that view is currently blocked by existing structures and trees and the proposed building is not expected to have a significant impact in that regard.

The plan meets the CPTED guidelines. The site is well lit and designed with opportunities for people to observe adjacent spaces and public sidewalks. Landscaping, sidewalks and building features are designed to clearly direct pedestrian movements.

The existing building on the site is not historic, and the property does not lie within a historic district.

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

ZONING CODE: The proposed use is permitted in the R6 Multiple Family District.

Off-Street Parking and Loading:
Minimum vehicle parking requirement:
The applicant is proposing a 65-unit residential building. The minimum vehicle parking requirement for the residential uses, is one space per dwelling unit, or 65 spaces. The applicant is requesting reductions in the minimum vehicle parking requirement by providing a shared vehicle and transit incentives.

The zoning code allows a 10 percent reduction in the vehicle parking requirement where one or more passenger automobiles are provided on-site for common use by residents, provided there are no more than 100 dwelling units per shared automobile. The zoning code also allows a 10 percent reduction for multiple-family dwellings if the proposed use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. Two bus stops are located on the same block as the site, one on the south side of Lake Street at Knox Avenue S and the other on the north side of Lagoon Avenue at Knox Avenue S. Both of these stops are within 300 feet of the site. Two routes make stops at these locations with midday service and one additional route provides service on weekdays only. With the requested reductions, the minimum vehicle parking requirement for the site is as follows:

Use	Requirement	Value	Spaces required
Dwelling units	1 space per unit	65 units	65 spaces
Shared vehicle reduction	10% reduction	6.5 spaces	-6 spaces
Transit incentive reduction	10% reduction	6.5 spaces	-6 spaces
Net Total			**53 spaces**
Additional parking required for adjacent mixed use building			11 spaces
Total			**64 spaces**

The minimum vehicle parking requirement is satisfied with an underground parking structure extending from the subject site through the adjacent commercial lot at the corner of Lake Street and Knox Avenue S. This parking structure is accessed via a driveway extending east into the site from Knox Avenue S. The applicant has submitted an application to apply the TP overlay district to accommodate parking for the commercial uses. A total of 11 vehicle parking stalls are required for the adjacent commercial and residential uses. The vehicle parking requirement for both buildings is satisfied accordingly. Additional parking will be available for guests.

Maximum vehicle parking requirement:
There is no maximum vehicle parking requirement for residential uses in this area.

Minimum bicycle parking requirement:
Minimum bicycle parking requirements are also applicable for the use. The minimum bicycle parking requirement for multiple family dwellings with five units or more is one space for every two dwelling units. The building is proposed to have 65 units, equating to a minimum bicycle parking requirement of 33 spaces. A minimum of 90 percent of these spaces are required to be long term. The site plan

illustrates one bike rack within the plaza area. Additionally, 65 long-term bicycle parking spaces are located within the parking structure. One of these spaces is required long-term parking for the adjacent office use within the commercial building. The 64 remaining bicycle parking spaces satisfy the minimum requirement for the residential uses.

One 12'x 25' loading space is provided on the interior of the building, accessed from the alley. The loading space contains an overhead door facing the alley.

Maximum Floor Area: The maximum FAR allowed in the R6 District is 3.0. The development qualifies for a density bonus to increase the FAR by 20 percent by providing all required parking in the building. This increases the allowed FAR to 3.6. The proposed development would have a total of 62,696 square feet on a lot that is 18,792 square feet in area (excluding parking), resulting in an FAR of 3.34. The proposed FAR is within the parameters allowed.

Building Height: The R6 District permits buildings up to six stories/84 feet in height. However, the site is also located in the Shoreland Overlay district, which restricts buildings to a height to 2.5 stories or 35 feet, whichever is less. The applicant is requesting a conditional use permit to increase the height of the building to 5 stories, 56 feet.

Minimum Lot Area: The R6 district requires 400 square feet of lot area per dwelling unit. The applicant is proposing 65 units on an 18,792 square foot site, resulting in 289 square feet of lot area per dwelling unit. The site qualifies for a 20 percent bonus by providing underground structured parking. This bonus decreases the required lot area per dwelling unit to 341 square feet. The applicant is requesting a variance to further reduce the minimum lot area per dwelling unit from 400 square feet, 341 square feet with bonuses, to 289 square feet.

Dwelling Units per Acre: There are 65 residential units proposed on the .43 acre site. The result is 151 dwelling units per acre. The *Minneapolis Plan for Sustainable Growth* designates the site as urban neighborhood, which calls for predominantly low density development of 8-20 du/acre. The site is also located on a commercial corridor, which provides for higher density residential development. However, even the "very high density residential" land use designation in the Comprehensive Plan only calls for up to 120 du/acre. The proposed density greatly exceeds the recommended density of the comprehensive plan. In addressing high-density housing in R6 districts, the *Uptown Small Area Plan* calls for densities ranging from 50 to 120 units/acre. The proposed density also exceeds the recommended density of the small area plan.

Yard Requirements: The required setbacks are 15 feet for the front yard and 13 feet for the side yard. The applicant has applied for variances to all setbacks, as addressed in this report.

Specific Development Standards: No specific development standards apply for the proposed multiple-family residential use.

Hours of Open to the Public: The proposed building is entirely residential and is not open to the public. Therefore, hours of operation do not apply.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the

requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. A generic freestanding sign is illustrated at the entrance to the building on the Lake Street frontage. A second sign is illustrated within the plaza area. These signs will be required to meet the requirement of Chapters 531 and 543 of the Zoning Code.

Refuse storage: Section 535.80. Refuse storage containers are required to 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. The refuse container is proposed inside the building, on the north end, with access via an overhead door off the alley.

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

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

(1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).

(2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.

(4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.

(5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

PLAZA:

A 2,250 square foot plaza is located on the south side of the building, between the building and Lake Street W. The City recently passed an ordinance requiring design standards for all plazas over 2,000 square feet in area.

The plaza is designed with the primary access on the south side adjacent to Lake Street W, with an additional access point on the east side of the plaza, adjacent to the residential units. The lobby of the residential building opens up directly onto the plaza space. The plaza extends to the public sidewalk adjacent to Lake Street to maximize interaction with the public right-of-way. The plaza is unobstructed to the sky with the exception of three green trellises. The plaza faces south, maximizing access to sunlight year-round.

A minimum of one linear foot of seating is required for each 50 square feet of plaza area, or 45 linear feet in this case. The site plan illustrates 12 moveable tables with chairs containing backs, each with 6 linear feet of seating, for a total of 72 linear feet. Two sections of concrete steps that can be utilized as fixed seating are provided, resulting in 38 additional linear feet. A landscaped area equivalent to 11.4 percent of the total plaza area is provided within the plaza, including 10 birch trees, four shrubs, numerous perennials and ornamental grasses.

In terms of additional amenities, the applicant is providing moveable seating and a living wall. The living wall is provided on the east wall of the adjacent mixed use building, fronting on the plaza. The wall fronting on the plaza is 1,350 square feet in area and the living wall is 675 square feet in area, equivalent to 50 percent of the exposed wall area. A sign is also shown in the plaza area. A minimum of one trash receptacle and one recycling receptacle shall be required.

MINNEAPOLIS PLAN:

In the *Minneapolis Plan for Sustainable Growth*, the future land use of the subject site is designated as urban neighborhood. This land use designation refers to areas that are predominantly residential with a range of densities. This may include other small-scale uses, including neighborhood serving commercial, and institutional and semipublic uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. The recommended density for these areas varies, but is predominantly low-density at 8-20 du/acre.

The site is designated as urban neighborhood on the future land use map and is also located along a commercial corridor. The comprehensive plan calls for fairly low density in urban neighborhood areas, and the maximum recommended residential density in the “very high density residential” category is 120 du/acre. The proposed density greatly exceeds the recommended density in the comprehensive plan. Furthermore, the proposed density exceeds that of even the “very high density residential” designation in the comprehensive plan. The applicant has stated that this density is due to the fact that a number of small studio and one-bedroom units are proposed for the building. Even taking into account the small unit sizes, the proposed density is not consistent with the intent of the comprehensive plan. Given that the site is located along a commercial corridor, a density greater than 8-20 du/acre may be appropriate for the site, provided the project does not exceed the density recommended for “very high density” residential areas, which is 120 du/acre.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is located within the boundaries of the Uptown Small Plan. According to plan, the site is located in the West Lake Live/Work area. This plan says the following about this area:

This area is an eclectic mix of higher-density housing and residential converted to retail/service uses. Significant features include the lake edge, the Mall, and the heavily traveled one-way Lake Street segment. The area is characterized as live/work partially due to the residential scale of smaller independently-owned shops and offices. A portion of this area includes the Shoreland Overlay District.

Recommended Uses: *Primarily residential/live/ work*
Preferred Heights: *2-5 stories.*

The following policies and elements of the *Uptown Small Area Plan* are applicable to this site:

- The scale and pattern of development at the Lake edge should respect local scale and pattern; more intense uses are appropriate between Lake Street and Lagoon Avenue.

Staff comment: The site is located between Lake Street and Lagoon Avenue. Thus, increased height may be appropriate in this location. However, increasing the height to 56 feet combined with the request to reduce the minimum lot area per dwelling unit may result in overbuilding the site.

- Locate tallest buildings along corridors.

Staff comment: The site is located along Lake Street, which is a commercial corridor.

- Step back upper floors of buildings to limit shadowing of streets and the Midtown Greenway.

Staff comment: The fifth floor of the building steps back five feet from the fourth floor, before rising to a height of 56 feet.

- **Shaping Growth Near the Lakes.** Growth near the lakes has been a community concern. This plan encourages future development to be in keeping with the existing scale and respect the intent of the Shoreland Overlay District (a zoning overlay district that adds additional requirements for development within 1000 feet of water bodies throughout the state). On occasion, variances and conditional use permits within the Shoreland Overlay District may be appropriate, but this Plan attempts to avoid conflicting guidance, and suggests that more intense growth is more appropriate in the Activity Center and Urban Village (South Sub-Area).

Staff Comment: The small area plan is sensitive to the specific height limitations in the Shoreland Overlay District. The applicant is proposing a five-story building, the maximum height recommended by the plan.

- New development should resemble the current scale of buildings in the area. Over time single family homes between Lake St. and the Mall/Greenway will likely be redeveloped as small apartments or live/work buildings. In some cases, matching the scale of existing buildings will result in buildings taller than the 35 feet limit mandated by the Shoreland Overlay District (which extends 1000 feet from the Lakes to approximately Irving Avenue). To respect the intent of that ordinance, building heights should gradually step down from Irving Avenue (matching the height of the Sons of Norway Building, approximately 55 feet) towards the Lake (35 feet).

Staff Comment: The proposed building would replace four small residential buildings that have been converted from single family homes. As previously stated, there are several buildings within one block of the subject site that exceed 35 feet in height. However, the site is located closer to Lake Calhoun than the Sons of Norway Building. Therefore, a height of 56 feet would not be consistent with the plan. The maximum recommended height of 55 feet is east of the site, closer to the Activity Center boundary. Staff is recommending that a conditional use permit to allow 4 stories/45.5 feet height, in lieu of five stories/56 feet be approved, as the reduced height is most consistent with the current scale of buildings in the area and the intent of the small area plan.

- Buildings on the north side of Lake St., should be set back and activate the street with forecourts, patios and galleries.

Staff comment. The primary entrance to the building it set back 32 feet from the property line to provide for a plaza. This plaza is intended to be accessible to the public in an effort to activate the street.

- Buildings on West Lake Street should be intentionally eclectic and diverse. Like other buildings around the Lakes, the new buildings on West Lake Street are encouraged to have balconies, roof terraces, large bay windows, and tower rooms in order to capture views of the lake and the promenade. Buildings should range in style and expression.

Staff comment: The building contains balconies on the second, third and fourth floors and a terrace on the fifth floor. The building has large windows on all floors to maximize views of the lake and any future promenade.

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 to allow less than 20 percent windows on the first floor of the west elevation, adjacent to Knox Avenue S. The grade of the building in this location slopes down significantly to provide access to the underground parking garage. Staff recommends granting

alternative compliance in this location. The west building wall of the residential building is actually broken up by the west building wall of the commercial building. The commercial building wall is 33 feet on this façade and contains nearly 100 percent windows on the first floor. The presence of windows on the first floor of the commercial building will mitigate any effect of reduced glass coverage on the residential building, while providing for observation of the adjacent public spaces.

Staff also recommends granting alternative compliance for the north elevation to have a façade with blank walls greater than 25 feet in length, in the event that a five-story building is approved. The area of blank wall is on the fifth floor, between two terraces, and is 27 feet in length. The area of blank wall is relatively small and it mitigated by the effect of the two terraces on either side.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the properties of 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South to add the TP Transitional Parking Overlay 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 findings above and **approve** the conditional use permit to allow 65 dwelling units in the R6 District for the property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South, subject to the following condition:

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

Recommendation of the 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 findings above and **deny** the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 5 stories/56 feet for the property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South and in lieu thereof the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 4 stories/45.5 feet for the property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South, subject to the following condition:

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

Recommendation of the 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 findings above and **approve** the variance application to reduce the front yard setback along Knox Avenue South from 23 feet to 5 feet and reduce the front yard setback along Lake Street W from the required 30 feet to 4 feet, for the property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance application to reduce the **east** interior side yard setbacks from 13 feet to 3 feet, and in lieu thereof Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a variance to reduce the east interior side yard setback from 13 feet to 6 feet for property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South.

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

The Department of Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a variance to reduce the **north** interior side yard setback from 13 feet to 1 foot for property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South, subject to the following condition:

1. The building wall shall maintain a setback of at least four feet along the north property line.

Recommendation of the Community Planning and Economic Development Department - Planning Division for a variance to increase the maximum floor area ratio:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to decrease the minimum lot area per dwelling unit from 400 square feet (341 square feet with a bonus) to 289 square feet, for property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a new 65-unit residential building for property located at 1716, 1720 and 1724 Lake Street West and 2915 Knox Avenue South, subject to the following conditions:

1) CPED planning staff review and approval of the final site plan, lighting plan, landscaping plan, and elevations before permits may be issued.

2) All site improvements shall be completed by July 13, 2010 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

3) A minimum of one trash receptacle and one recycling receptacle shall be required within the plaza.

4) The plaza shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.

5) All lighting shall be required to comply with Chapters 535 and 541 of the Zoning Code.

Attachments:

1. PDR Report.
2. Statement and findings from applicant.
3. Zoning map.
4. Letter from EIRA dated June 2, 2009
5. Correspondence.
6. Site plans.
7. Proposed floor plans.
8. Context studies and shadow studies.
9. Elevations.