

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permits, Variance, and Site Plan Review
BZZ – 2997

Date: July 17, 2006

Applicant: Powderhorn Residents Group

Address of Property: 2400-2406 Bloomington Avenue

Project Name: Village in Phillips Phase II (Franklin Station Condominiums)—West Building

Contact Person and Phone: Doug Wise, (612) 721-7556 x13

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

Date Application Deemed Complete: June 5, 2006

End of 60-Day Decision Period: August 4, 2006

End of 120-Day Decision Period: On June 29, 2006, staff sent the applicant a letter extending the decision period no later than October 3, 2006.

Ward: 9 **Neighborhood Organization:** Midtown Phillips

Existing Zoning: R2B Two-Family Residence District and C1 Neighborhood Commercial District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 21

Legal Description of 2404 and 2406 Bloomington Avenue: Lot 2, Block 1, Gale's First Addition to Minneapolis

Proposed Use: Mixed use building with 12 dwelling units.

Concurrent Review:

Petition to rezone the properties of 2404 and 2406 Bloomington Ave from R2B to C1.

Conditional use permit to allow 12 dwelling units.

Conditional use permit to increase the maximum allowed height of a building from 3 stories to 4 stories and 42 feet to 45 feet.

Variance to reduce the front yard requirement along Bloomington Avenue from 20 feet to 1.5 feet to allow a 4-story building with balconies.

Site plan review for a multiple family dwelling with 12 units.

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Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a new mixed use building with 12 dwelling units at the properties of 2400-2406 Bloomington Avenue South. The site is located on the southwest corner of Bloomington Avenue and 24th Street East. The area is predominantly residential; however, nonresidential uses exist to the south on Bloomington Avenue. This project is part of the second phase of a comprehensive redevelopment of a five-block area known as the Village in Phillips. The site currently consists of vacant lots. In the first phase, the Powderhorn Residents Group (PRG) built four townhouse structures with 28 units. The buildings are located along the south side of East 24th Street at 16th and 17th Avenues South. Buildings 1 and 2 are on the west side of 16th Avenue South and buildings 3 and 4 are on the east side of 16th Avenue South, all on the south side of 24th Street East. The subject site would be located to the west of buildings 1 and 2 across Bloomington Avenue. The building would be 3-stories with a 4-story tower located at the street intersection. A 1,300 square foot commercial tenant space would be located on the first floor on the corner. The dwelling units would be located on the upper floors. Enclosed parking would be provided on the first floor for the residential uses. Four surface parking spaces would be provided for the commercial tenant to the west of the building with access from the alley.

The property of 2400 Bloomington Avenue is zoned C1. The properties of 2404 and 2406 Bloomington Avenue are zoned R2B. No more than 2 dwelling units are allowed in the R2B district and very few nonresidential are allowed. The applicant is petitioning to rezone the properties of 2404 and 2406 Bloomington Avenue from R2B to C1 to allow a mixed use building with 12 dwelling units because the density and type of nonresidential use proposed is not allowed in the existing district. The applicant has indicated that a general retail sales and services use would be established in the nonresidential tenant space, which is a permitted use in the C1 district. In the C1 district, a multiple family dwelling with 5 or more units is a conditional use. Site plan review is required for any new use with 5 or more dwelling units.

The building would have 4 stories and would be 45 feet tall. In the C1 district, the maximum height is limited to 3 stories or 42 feet, whichever is less when all of the required parking for a residential use is provided within the building. A conditional use permit is required to increase the height.

A front yard is only required in the C1 district where an adjacent property is either zoned residential or contains a residential use. The front lot line is adjacent to Bloomington Avenue. The property to the south of the subject site is zoned R2B and contains a residential structure. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the R2B district is 20 feet. The adjacent residence is set back more than 20 feet, therefore a 20 foot front yard is required to be provided on the subject site for the first 40 feet from the adjacent residential property. The building would be set back between 3 and 7 feet from the front lot line. A balcony projects further into the yard and is not a permitted obstruction. The applicant is requesting a variance to reduce the front yard requirement.

Correspondence from the East Phillips Improvement Coalition and the Midtown Phillips Neighborhood Association was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the properties of 2404-2406 Bloomington Avenue from R2B to C1.

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 site is adjacent to Bloomington Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also adjacent to a designated commercial node. The Franklin Avenue LRT station is designated on the land use map as a Transit Station Area (TSA). The boundaries of TSAs are not precisely delineated, but in general they are approximately within a ½ mile radius of transit stations. The proposed development is in this radius. According to the principles and polices outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Step

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps

Promote medium density residential development around Neighborhood Commercial Nodes.

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

Applicable Implementation Steps

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

Provide and maintain moderate and high-density residential areas.

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

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Step

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood...

The *Franklin-Cedar/Riverside Transit Oriented Development Master Plan* was adopted by the City Council on December 28, 2001. The plan states that “land uses within ½ mile of the station should provide opportunities for higher density housing, high employment work places, and other high activity uses which maximize the benefits of the LRT system.”

Staff comment: The C1 district would allow medium density, which is appropriate on a community corridor with proximity to a commercial node and TSA. It would also allow small-scale retail sales and services uses, but not large or auto-oriented commercial uses. The proposed rezoning to C1 is in conformance with these goals of *The Minneapolis Plan* and the Franklin Station plan.

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

Because of the properties proximity to a community corridor and a commercial node, medium density residential and small-scale retail sales and services uses would be more appropriate use of the land than low-density housing allowed in the existing district. 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 immediate area is predominantly residential. Low to medium density residential uses exist to the north, east and west of the site which are located in R2B, R4 and R5 zoning districts. The property of 2400 Bloomington Avenue (the north half of the subject site) is currently zoned C1. There are several nonresidential uses on Bloomington Avenue to the south of the site. The nonresidential uses are zoned C1 or C2. 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 R2B district primarily allows one or two-family dwellings. Because of the properties proximity to a community corridor and a commercial node, medium density residential and small-scale retail sales and services uses would be more appropriate use of the land than low-density housing allowed in the existing districts.

- 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 first phase of the Village in Phillips comprehensive redevelopment was upzoned to R4 in 2003. This area of Phillips is near the Franklin Avenue LRT station, which should spur increased development in the areas nearest the transit station. The adopted plan for the area and *The Minneapolis Plan* anticipate and promote the redevelopment of areas around the LRT stations to promote higher density residential that is compatible with surrounding uses.

CONDITIONAL USE PERMITS: 1) to allow 12 dwelling units, and 2) to increase the maximum height of a principal structure from 3-stories to 4-stories and 42 feet to 45 feet.

Findings as required by the Minneapolis Zoning Code:

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

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

Dwellings: The establishment of 12 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

Height: Construction of a mixed use building of four stories on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

Dwellings: The surrounding area is partially developed. There are two other vacant properties at the intersection of Bloomington Avenue and 24th Street. The development of this corner with a residential use should have a positive effect on surrounding properties.

Dwellings and Height: The tower would be located at the corner of the property at the street intersection. The tower would act as a focal point in the intersection. It should have little effect on surrounding properties.

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

Dwellings and Height: The site is served by existing infrastructure. Vehicle access would be from the alley. 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. The final plan must indicate all drainage patterns, including roof drains.

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

Dwellings and Height: The minimum parking requirement for the proposed development is 16 spaces. The applicant is proposing 16 vehicle parking spaces including two van-accessible parking stalls. The development should have little effect on congestion in the streets.

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

The site is adjacent to Bloomington Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also adjacent to a designated commercial node. The Franklin Avenue LRT station is designated on the land use map as a Transit Station Area (TSA). The boundaries of TSAs are not precisely delineated, but in general they are approximately within a ½ mile radius of transit stations. The proposed development is in this radius.

Dwellings: According to the principles and policies outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Step

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps

Promote medium density residential development around Neighborhood Commercial Nodes.

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

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

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

Applicable Implementation Steps

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

Provide and maintain moderate and high-density residential areas.

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

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

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

Applicable Implementation Steps

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

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

Staff comment: The development would be medium density, which is appropriate on a community corridor with proximity to a commercial node and TSA. It would also allow the city to increase its supply and diversity of housing types. The use would be consistent with the comprehensive plan and the Franklin Station plan.

Height: According to the principles and polices outlined in the plan, the following apply to this proposal:

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Steps

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Applicable Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

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

Applicable Implementation Steps

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

Staff comment: The development would be medium density, which is appropriate on a community corridor with proximity to a commercial node and TSA. To allow the higher density, the building would be 3-stories except for a 4-story tower at the northeast corner of property at the street intersection. A principal entrance for the proposed commercial tenant would be located at the base of the tower and would be oriented toward the street. Although the height would exceed what is allowed by the zoning district, the building design would include many features oriented towards pedestrians. The building should have little effect on light, privacy and views. The height would be consistent with the comprehensive plan and the Franklin Station plan.

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.

Dwellings and Height: The use of the site for a 4-story mixed use building with 12 dwelling units will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permits, variance, and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

(1) Access to light and air of surrounding properties.

The building would be 3-stories except for a 4-story tower at the northeast corner of property at the street intersection. The proposed height of the tower is 45 feet above grade. The rest of the building would be less than the 42 feet allowed in the district. The 4-story portion of the

building is not adjacent to any surrounding properties. It should have little affect on surrounding properties access to air and light.

(2) Shadowing of residential properties or significant public spaces.

The applicants did not submit a shadow study as part of this application. The building would be 3-stories except for a 4-story tower at the northeast corner of property at the street intersection. The 4-story section of the building is not adjacent to any residential properties, therefore the streets would mostly be affected. The tower would be 17 feet deep by 17 feet wide and would be 45 feet above grade. The shadowing affects should not be significant.

(3) The scale and character of surrounding uses.

The height of other residential and commercial buildings in the area is typically one, two or three stories. The adjacent property to the south is a 2-story residence. The part of the building adjacent to this property would only be 3-stories. Although other 4-story buildings are not in the immediate area, the building would not be out of character with other buildings in the area.

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

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE: to reduce the front yard requirement along Bloomington Avenue from 20 feet to 1.5 feet to allow a 4-story building with balconies.

Findings as required by the Minneapolis Zoning Code:

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

A front yard is only required in the C1 district where an adjacent property is either zoned residential or contains a residential use. The front lot line is adjacent to Bloomington Avenue. The property to the south of the subject site is zoned R2B and contains a residential structure. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the R2B district is 20 feet. The adjacent residence is set back more than 20 feet, therefore a 20 foot front yard is required to be provided on the subject site for the first 40 feet from the adjacent residential property. The building would be set back between 3 and 7 feet from the front lot line. A balcony projects further into the yard and is not a permitted obstruction. Most of the building projecting into the yard would be set back 7 feet. Six feet of a bump out in the building and balconies above would project closer to the lot line. If the building were set back to meet this requirement, it is likely that the parking proposed could not be

provided. This parking is necessary to meet the minimum requirements of the zoning code. The proposed set back would be reasonable.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Bloomington Avenue is designated as a community corridor. Along Bloomington Avenue, most of the properties on the block are zoned commercial. Three properties south of the subject site are zoned residential. Another commercial property on the block is built up to the street. Other structures on the east side of Bloomington are also built up to the front lot line. These circumstances have not been created by the applicant.

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

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The adjacent residence is set back 24 feet from the front lot line. It is located 19.5 feet from the side lot line adjacent to the subject site. The proposed building would be 11 feet from the side lot line. Although the proposed building would be up to 1.5 feet from the front lot line, the wide side yards that would exist between the buildings would provide adequate separation of uses. Further, another commercial property on the block is built up to the street. Other structures on the east side of Bloomington are also built up to the front lot line. The granting of the variance should have little effect on the surrounding properties.

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

The CPED Department does not expect that granting the variance would affect congestion or public 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 the Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

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

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

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

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

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

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

Conformance with above requirements:

The building would reinforce the street wall on Bloomington Avenue and 24th Street. Windows would be provided at ground level to provide natural surveillance and visibility. A pedestrian walkway would connect the public sidewalk to the main building entrances.

The building would be set back between 3 and 7 feet along Bloomington Avenue. In the C1 district, a front yard is required when an adjacent property is either zoned residential or contains a residential use. A 20 foot yard for first 40 feet from the residential property to the south is required along Bloomington Avenue. The applicant is requesting a variance to locate the building as proposed. Along 24th Street, the building would be set back 5 feet where the commercial tenant is located on the ground floor. The westerly portion of the building would be setback 45 feet from 24th Street. The portion of the building that is set back from the street would provide enclosed parking for the residential uses. If all building walls are within 8 feet of the lot line, it is likely that the commercial tenant space could not be located on the corner or that all of the residential parking would not be enclosed. A patio and landscaping would be located between the west portion of the building and 24th Street. For these reasons, staff is recommending that alternative compliance be granted to allow the west portion of the building to be set back as proposed.

The area between the building and the lot lines adjacent to the streets would be landscaped. The applicant is also providing a 3 foot wide easement along Bloomington Avenue to allow an 8 foot wide public sidewalk. A patio is also provided between the building and 24th Street.

The main entrance for the commercial tenant would be located at the corner of 24th Street and Bloomington Avenue. The main entrance for the residences would face Bloomington Avenue.

Parking for the residences would be enclosed. Surface parking for the commercial tenant would be located behind the building.

The building design includes recesses and projections and windows on all levels to divide the building into smaller identifiable sections.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length.

The primary exterior materials would include brick, aluminum, and wood or fiber cement panel siding, and glass. All sides of the building would be compatible. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

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

An entrance for the commercial tenant would be located at the corner of Bloomington Avenue and 24th Street. It would be recessed and surrounded by windows. A common entrance for the residences would face Bloomington Avenue. It would be recessed, surrounded by windows, and sheltered by an awning.

The walls facing Bloomington Avenue, 24th Street, and the parking lot are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed the minimum residential and nonresidential requirements, except the first floor facing the parking lot (west elevation) and the first floor of the 24th Street (north) elevation. Windows equaling 20 percent of the wall must be provided in these locations. Both of these walls are adjacent to the parking garage. The applicant is proposing 4.7 percent window area on the 24th Street elevation on the first floor. This elevation would be setback 45 feet from the corner side lot line. The windows provided on the upper levels exceed 20 percent on each floor. The amount of windows required on the walls of the east portion of the building facing 24th street greatly exceed the minimum requirements as well. Because the first floor wall is recessed and an abundant amount of windows are provided on the other walls facing 24th Street, staff is recommending that alternative compliance be granted to allow 4.7 percent of window area on the west side of the north elevation. On the west elevation where the wall faces the parking lot, the applicant has proposed no windows on the first floor. On the upper floors where 10 percent of windows are required, the applicant is proposing more than 18 percent. Because the amount of windows on the upper levels would exceed the minimum requirements, staff is recommending that 10 percent windows be provided on the first floor and that alternative compliance be granted for the other 10 percent.

All windows would be vertical in proportion and distributed in an even manner.

A flat roof is proposed. Most of the nonresidential buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

The main building entrances would be connected to the public sidewalks and parking lot with walkways that exceed four feet in width.

A transit shelter is proposed on Bloomington Avenue. An awning that projects from the building into the right of way would serve as the shelter. It would be open to the street.

The parking garage and lot would have access from the alley. Alley access for commercial uses under 4,000 square feet in area is allowed by the zoning code. The proposed commercial tenant space would be approximately 1,300 square feet. There are 4 spaces in the parking lot. Because of the small number of spaces for the nonresidential use, the alley access should have little effect on the surrounding residential properties. The proposed parking should have minimal impact on pedestrians.

A small percentage of the lot area is devoted to surface parking. The surface parking area is proposed to meet the minimum parking requirement for the nonresidential tenant space. The amount of impervious surface proposed is not excessive.

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:

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The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 14,905 square feet. The building footprint would be approximately 6,914 square feet. The lot area minus the building footprints therefore consists of approximately 7,991 square feet. At least 20 percent of the net site area (1,598 square feet) must be landscaped. Approximately 3,972 square feet of the site would be landscaped. That is equal to 47.5 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 16 respectfully. The applicant would provide 6 trees and 52 shrubs on-site. The remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants.

The surface parking area is located to the rear of the site between 24th Street and a residence and across the alley from a residential district. Landscaped yards and screening are required between these areas.

- A 45 foot yard would be provided between 24th Street and the parking area. One tree is required in the yard and one tree is proposed. Screening that is 3 feet in height and at least 60 percent opaque is also required. No screening is proposed. A 3 foot high wrought iron fence is proposed along the right of way. Because the parking is recessed 45 feet from the street and a wrought iron fence is proposed, staff believes alternative compliance is warranted and should be granted for the screening requirement.
- An 11 foot landscaped yard with screening that meets the minimum requirements would be provided between the parking area and the adjacent residential property to the south.
- A 7 foot landscaped yard is required between the alley and the parking area. A 4 foot wide yard is proposed south of the driveway and a 6 foot yard is proposed north of the driveway adjacent to the alley. The parking space on the north side could be shifted one foot to the east to meet the requirement. The walkway would have to be reduced to a width of 5 feet or the trash enclosure would have to be reduced to a depth of 8 feet as well. Staff is recommending that a 7 foot wide yard be provided and that alternative compliance not be granted for the parking area adjacent to the alley and north of the driveway. The parking spaces on the south side of the lot could also be shifted 3 feet to the east; however, the maneuvering area for the easternmost space would be greatly restricted. Excess parking is not proposed; therefore a space cannot be removed. Staff believes alternative compliance is warranted and should be granted to allow a 4 foot wide yard adjacent to the alley on the south side of the driveway.

Screening that is 6 feet in height and 95 percent opaque is also required between the parking area and the alley. Screening that meets this requirement is not proposed. A low hedge row is proposed on the south side and no screening is proposed on the north side. Staff believes a low hedge would screen the parking area sufficiently because only 4 surface parking spaces are proposed and visibility would be restricted for vehicles entering and exiting the public alley if taller screening is installed. Staff recommends that a hedge be provided on the north side as well.

Although not required for parking lots with less than 10 spaces, all parking spaces would be within 50 feet of an on-site deciduous tree.

ADDITIONAL STANDARDS:

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

Conformance with above requirements:

The parking area would be defined by 6 inch by 6 inch concrete curbing except for two 3 foot wide sections where the curbing is discontinued to allow on-site filtration of stormwater.

Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than

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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.

The surface parking area would be sufficiently screened to prevent headlight glare onto adjacent residential properties.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site includes crime prevention design elements. The building would be oriented to the street with windows on the ground level. A 3-foot high fence would separate private from public areas. To prevent glare from negatively affecting the pedestrians on the adjacent sidewalk, staff is recommending that the applicant shield ceiling lights in the parking garage.

No structures exist on the site.

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

ZONING CODE: The site is currently zoned R2B and C1. The applicant is proposing to rezone the properties of 2404 and 2406 Bloomington Avenue to allow a mixed use building with 12 dwelling units and one commercial tenant space. The applicant has indicated that a general retail sales and services use would occupy the commercial tenant space. General retail sales and services uses are permitted in the C1 district. A multifamily dwelling with 5 or more units in the C1 district is a conditional use.

Parking and Loading: The minimum parking requirement for the multifamily dwelling is 12 spaces (one per unit). Twelve enclosed spaces would be provided on-site for the residences. The minimum parking requirement for a general retail sales and services use is one space per 300 square feet of gross floor area over 4,000 square feet or 4 spaces, whichever is greater. The proposed tenant space would be 1,300 square feet, therefore the minimum parking requirement would be 4 spaces. Four spaces surface parking spaces are proposed. Adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required to meet the minimum loading requirement for both uses

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of the development. The site is adjacent to an alley and loading could also occur in the parking area to meet this requirement.

Maximum Floor Area: The lot area is 14,905 square feet. The maximum FAR allowed in the C1 District is 1.7. The building would have a total of 16,146 square feet, which is an FAR of 1.1.

Minimum Lot Area: The minimum lot area requirement in the C1 district is 900 square feet per dwelling unit, or 10,800 square feet for 12 units. The proposed lot size is 14,905 square feet, which complies with the minimum requirement.

Building Height: The building would have 4 stories and would be 45 feet tall. In the C1 district, the maximum height is limited to 3 stories or 42 feet, whichever is less when all of the required parking for a residential use is provided within the building. A conditional use permit is required to increase the height.

Yard Requirements: The front lot line is adjacent to Bloomington Avenue. A front yard is only required in the C1 district where an adjacent property is either zoned residential or contains a residential use. The property to the south of the subject site is zoned R2B and contains a residential structure. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the R2B district is 20 feet. The adjacent residence is set back more than 20 feet, therefore a 20 foot front yard is required to be provided on the subject site for the first 40 feet from the adjacent residential property. The building would be set back between 3 and 7 feet from the front lot line. A balcony projects further into the yard and is not a permitted obstruction. The applicant is requesting a variance to reduce the front yard requirement. Staff is recommending approval.

An interior side yard is required along the south lot line. 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 four-story building is proposed, therefore the minimum requirement is 11 feet. The building and parking area would be set back 11 feet to meet the requirement.

Specific Development Standards: Not applicable.

Hours of Operation: The hours of operation for the commercial tenant must comply with the district requirements. In the C1 District, nonresidential uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m.

Refuse screening: Refuse storage containers are required to be effectively screened from the street and residential properties by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse would be stored in a trash enclosure on the west of the proposed building. The applicant has indicated that the enclosure would be constructed of cedar.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Signs: The applicant has indicated that no new signage is proposed at this time. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: In addition to the principles and policies discussed in the rezoning and conditional use permit sections of this staff report, the following apply:

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Applicable Implementation Steps

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

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Require screening and buffering for new developments next to residential areas,

Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

Staff comment: The commercial tenant space would be located and accessed from the northeast corner of the property adjacent to the street intersection. It would not be adjacent to any residences. The parking lot, which would serve the commercial use, would be located to the rear of the building in the interior of the site. A landscape buffer would be located between the parking area and the adjacent residence. The proposed development would be consistent with the comprehensive plan and the Franklin Station plan.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

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

- Building placement within 8 feet of the lot line adjacent to a street
Along 24th Street, the building would be set back 5 feet where the commercial tenant is located on the ground floor. The westerly portion of the building would be setback 45 feet from 24th Street. The portion of the building that is set back from the street would provide enclosed parking for the residential uses. If all building walls are within 8 feet of the lot line, it is likely that the commercial tenant space could not be located on the corner or that all of the residential parking would not be enclosed. A patio and landscaping would be located between the west portion of the building and 24th Street. For these reasons, staff is recommending that alternative compliance be granted to allow the west portion of the building to be set back as proposed.
- Twenty percent window requirement
The walls facing Bloomington Avenue, 24th Street, and the parking lot are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed the minimum residential and nonresidential requirements, except the first floor facing

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the parking lot (west elevation) and the first floor of the 24th Street (north) elevation. Windows equaling 20 percent of the wall must be provided in these locations. Both of these walls are adjacent to the parking garage. The applicant is proposing 4.7 percent window area on the 24th Street elevation on the first floor. This elevation would be setback 45 feet from the corner side lot line. The windows provided on the upper levels exceed 20 percent on each floor. The amount of windows required on the walls of the east portion of the building facing 24th street greatly exceed the minimum requirements as well. Because the first floor wall is recessed and an abundant amount of windows are provided on the other walls facing 24th Street, staff is recommending that alternative compliance be granted to allow 4.7 percent of window area on the west side of the north elevation. On the west elevation where the wall faces the parking lot, the applicant has proposed no windows on the first floor. On the upper floors where 10 percent of windows are required, the applicant is proposing more than 18 percent. Because the amount of windows on the upper levels would exceed the minimum requirements, staff is recommending that 10 percent windows be provided on the first floor and that alternative compliance be granted for the other 10 percent.

- Landscaping and screening of the parking area

Screening that is 3 feet in height and at least 60 percent opaque is required between the parking area and 24th Street. No screening is proposed. A 3 foot high wrought iron fence is proposed along the right of way. Because the parking is recessed 45 feet from the street and a wrought iron fence is proposed, staff believes alternative compliance is warranted and should be granted for the screening requirement.

A 7 foot landscaped yard is required between the alley and the parking area. A 4 foot wide yard is proposed south of the driveway and a 6 foot yard is proposed north of the driveway adjacent to the alley. The parking space on the north side could be shifted one foot to the east to meet the requirement. The walkway would have to be reduced to a width of 5 feet or the trash enclosure would have to be reduced to a depth of 8 feet as well. Staff is recommending that a 7 foot wide yard be provided and that alternative compliance not be granted for the parking area adjacent to the alley and north of the driveway. The parking spaces on the south side of the lot could also be shifted 3 feet to the east; however, the maneuvering area for the easternmost space would be greatly restricted. Excess parking is not proposed; therefore a space cannot be removed. Staff believes alternative compliance is warranted and should be granted to allow a 4 foot wide yard adjacent to the alley on the south side of the driveway.

Screening that is 6 feet in height and 95 percent opaque is also required between the parking area and the alley. Screening that meets this requirement is not proposed. A low hedge row is proposed on the south side and no screening is proposed on the north side. Staff believes a low hedge would screen the parking area sufficiently because only 4 surface parking spaces are proposed and visibility would be restricted for vehicles entering and exiting the public alley if taller screening is installed. Staff recommends that a hedge be provided on the north side as well.

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 2404-2406 Bloomington Ave from the R2B district to the C1 district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 12 dwelling units for the properties located at 2400-2406 Bloomington Ave.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum allowed height of a building from 3 stories to 4 stories and 42 feet to 45 feet for the properties located at 2400-2406 Bloomington Ave.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard requirement along Bloomington Avenue from 20 feet to 1.5 feet to allow a 4-story building and balconies for the properties located at 2400-2406 Bloomington Ave.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a mixed use building with 12 dwelling units for the properties located at 2400-2406 Bloomington Ave, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by August 18, 2007, or the permit may be revoked for non-compliance.

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3. Ceiling lights in the parking garage shall be shielded to prevent glare on the adjacent sidewalk.
4. On the first floor wall facing the parking lot, at least 10 percent of the wall shall be windows.
5. A 7 foot wide landscaped yard with screening that is 3 feet in height and at least 60 percent opaque shall be provided between the north side of the driveway between the parking area and the alley.
6. All mechanical equipment shall be screened as required by Section 535.70 of the zoning code.

Attachments:

1. PDR comments
2. Zoning data sheet
3. Statement of use
4. Findings
5. Correspondence
6. Map of comprehensive development area
7. Zoning map
8. Plans
9. Photos