

Community Planning and Economic Development Department – Planning Division
Rezoning, Conditional Use Permit, three Variances, Major Site Plan Review,
Preliminary Plat and two Street Vacations
BZZ-1659

Date: April 19, 2004

Applicant: Clare Housing, Inc,

Address of Property: 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast

Contact Person and Phone: Timothy Keane on behalf of Clare Housing, Inc., (952) 896-3203

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: March 24, 2004

End of 60-Day Decision Period: May 23, 2004

End of 120-Day Decision Period: Not applicable

Ward: 1 Neighborhood Organization: St. Anthony East Neighborhood Association

Existing Zoning: R5

Proposed Zoning: OR2

Proposed Use: Supportive housing facility serving 31 people

Concurrent Review:

Rezoning: petition to change the zoning classification for the properties located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast, including a portion of vacated 3rd Avenue Northeast and vacated 10th Street Northeast, from R5 to OR2 in order to allow a supportive housing facility.

Conditional use permit: to allow a supportive housing facility serving 31 people.

Variance: to reduce the front yard setback along 3rd Avenue Northeast from 15 feet to 0 feet to allow the building and mechanical equipment.

Variance: to reduce the front yard setback along Central Avenue Northeast from 15 feet to 0 feet to allow a 15-foot and a 7-foot wide walkway.

Variance: to reduce the rear yard setback from 11 feet to 6 feet to allow for 15 parking spaces and to 0 feet for 2 parking spaces and a drive aisle.

Major site plan review.

Preliminary Plat (PL-147).

Street Vacation 1427.

Street Vacation 1428.

Background: Clare Housing, Inc. is proposing to construct a supportive housing facility serving 31 people on the site located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast. Clare Housing, Inc. provides affordable housing, services and compassionate care to people with HIV/AIDS. On site supportive services include home care medical staff, medication management, assistance with personal care, transportation services and employment and lifestyle assistance. On site services will be operated out of the offices that are located on the basement level of the building. According to the applicant, there are no other supportive housing facilities, community correctional facilities, community residential facilities, inebriate housing facilities, motels or overnight shelters within a quarter-mile of the site; therefore this development meets the spacing requirement as required in the zoning code. Also within the building on the first floor are the Clare Housing, Inc. corporate administrative offices.

As part of a larger redevelopment effort on the block, Central Community Housing Trust (CCHT) is proposing to construct an 8-unit, for-sale townhouse development and Clare Housing, Inc. together with the Minneapolis Public Housing Authority and CCHT are developing a shared open green space area located to the west of the proposed supportive housing facility which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.

The property that Clare Housing, Inc. owns is zoned R5. In order to construct a supportive housing facility serving 31 people with first floor office space the property needs to be rezoned to OR2. In addition, a conditional use permit and major site plan review are required. Three setback variances, two street vacations and a preliminary plat application are also required.

Neighborhood Review: The applicant sent a letter to the St. Anthony East Neighborhood Association on January 9, 2004. Staff has not received a written response from the neighborhood association.

Attachments:

1. Statement regarding supportive housing and quarter-mile map
2. Statement regarding the office use
3. Proposed use and description of the project
4. CUP and variance findings
5. Plat information
6. Vacation 1427 information
7. Vacation 1428 information
8. January 9, 2004 letter to CM Paul Ostrow and the St. Anthony East Neighborhood Association
9. Zoning Map
10. Site, elevation and floor plans
11. Fence details
12. Sign details
13. Photographs of the site and surrounding area

REZONING

Zoning Plate Number: 15

Legal Description: PID #14-029-24-44-0051, WARRANTY DEED DOCUMENT NO. 3825205: That part of Lot 2, Block 4, lying northwesterly of Central Avenue in Wolford, Sidle and Reid's Addition to St. Anthony, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

ID #14-029-24-44-0053, WARRANTY DEED DOCUMENT NO. 5645817, All the parts of Lots Three (3) and Four (4), Block Four (4), Wolford, Sidle and Reid's Addition to the Town Plat of Saint Anthony, lying Northwesterly of Central Avenue.

PID #14-029-24-44-0074, CERTIFICATE OF TITLE NO. 789329, That part of Lot 1, Block 4, Wolford, Sidle & Reid's Addition to the Town Plat of St. Anthony, lying Northwesterly of Central Avenue which lies Northeasterly of the Southwesterly 30.00 feet of said Lot 1.

PID #14-029-24-44-0075, QUIT CLAIM DEED DOCUMENT NO. 5850057, The southwesterly 30 feet of Lot 1, Block 4, Wolford, Sidle and Reid's Addition to Town Plat of St. Anthony, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, excepting therefrom that part thereof lying within the boundaries of Central Avenue.

PID #14-029-24-44-0101, CERTIFICATE OF TITLE NO. 773533, The Northeasterly 30 feet of Tract A, Registered Land Survey No. 1135, as measured along the Northwesterly line of said Tract A except that part thereof lying Southeasterly of a line run parallel with and distant 100 feet Northwesterly of the Northwesterly line of Central Avenue.

That part of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota which lies southwesterly of the Northeasterly 30.00 feet thereof, and which lies northeasterly of a line drawn parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence South 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 5218241).

AND

That part of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, which lies Southeasterly of a line run parallel with and distant 100.00 feet Northwesterly of the Northwesterly line of Central Avenue, and which lies northeasterly of a line drawn parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence

Community Planning and Economic Development Department – Planning Division
BZZ-1659

North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the Point of Beginning of said Line “A”; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and central angle of 29 degrees 03 minutes 33 seconds; thence south 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line “A” described in Quit Claim Deed Document No. 5218241).

That part of 3rd Avenue N.E. which lies westerly of the Northwesterly line of Central Avenue N.E., and which lies easterly of a line drawing parallel with and distant 90.00 feet northeasterly of Line “A” described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid’s Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line “A”; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence south 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and there terminating. (Said Line “A” described in Quit Claim Deed Document No. 5218241)

NOTE: The portion of the above described vacation lying within Proposed Lot 2, Clare Addition, would be described as “lying easterly of a line parallel with and distant 119.50 feet easterly of the westerly line of Outlot B, St. Anthony East, and its southerly extension”.

That part of 10th Street N.E. which lies southeasterly of the northeasterly extension of the Northwesterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and which lies northwesterly of the Northwesterly line of Central Avenue N.E., and which lies northeasterly of a line drawn parallel with and distant 90.00 feet northeasterly of line “A” described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid’s Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line “A”; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence South 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line “A” described in Quit Claim Deed Document No. 5218241).

Findings as Required by the Minneapolis Zoning Code:

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

The portion of land that is proposed to be rezoned is designated as undeveloped land in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Improve the availability of housing options for its residents.
- Promote housing designs to support persons with disabilities.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city’s various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from underutilized land and a portion of two vacated streets to a supportive housing facility. The applicant has indicated that 90 percent of the dwelling units within the building will be affordable; 10 will be rented at less than 30 percent of the average median income, 10 units will be rented at less than 50 percent of the average median income, 8 units will be rented at less than 60 percent of the average median income and 4 units (3 supporting housing units and the caretaker’s unit) will be rented at the market rate. The building will be 4 stories in height and will be oriented towards Central Avenue Northeast. The entrance into the building is located on the north side of the building facing the parking lot. The building is setback approximately 15 feet from the west property line and zero feet from the south property line. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the west of the proposed supportive housing facility which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.

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

The amendment will allow the property owner to construct a supportive housing facility that serves 31 people. City stakeholders have made building affordable housing and housing for people with disabilities a priority for the City of Minneapolis and approving this rezoning supports these priorities.

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

The site is bordered by R5 zoning to the north, I2 zoning to the east, R5 zoning to the south and R1A zoning to the west. CCHT, the property owner to the west, is proposing to rezone the adjacent property to R3. Adjacent uses include a mixture of different housing developments, including varying densities,

commercial uses and industrial uses. Given the mixture of surrounding zoning classifications and uses in the area staff believes that the OR2 zoning district would be compatible in this location.

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

There are reasonable uses of the property permitted under the R5 zoning district. The R5 zoning district is a high-density housing district. Permitted uses in the R5 district include, but are not limited to, the following:

- Multi-family dwellings of 3 and 4 units
- Community Residential facilities, serving 6 or fewer people
- Community gardens
- Places of assembly

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

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. As part of the larger redevelopment effort on the block an 8-unit, for-sale townhouse development will be constructed.

CONDITIONAL USE PERMIT – to allow a supportive housing facility serving 31 people

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 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, morals, comfort or general welfare.

The proposed development would convert an underutilized parcel of land into a supportive housing facility that would serve 31 people living with HIV/AIDS. The area hosts a mixture of uses including residential, commercial and industrial. Staff does not believe that the development would be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

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

Utilizing the site for residential development would provide additional opportunities for housing. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base. Staff does not believe that the development would 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.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for this development is 15 spaces. In the shared surface parking area on the block the applicant is providing 28 parking spaces. The parking area can be accessed off of Central Avenue Northeast and Spring Street Northeast.

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

The portion of land that is proposed to be rezoned is designated as undeveloped land in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Improve the availability of housing options for its residents.
- Promote housing designs to support persons with disabilities.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city's various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from underutilized land and a portion of two vacated streets to a supportive housing facility. The applicant has indicated that 90 percent of the dwelling units within the building will be affordable; 10 will be rented at less than 30 percent of the average median income, 10 units will be rented at less than 50 percent of the average median income, 8 units will be rented at less than 60 percent of the average median income and 4 units (3 supporting housing units and the caretaker's unit) will be rented at the market rate. The building will be 4 stories in height and will be oriented towards Central Avenue Northeast. The entrance into the building is located on the north side of the building facing the parking lot. The building is setback approximately 15 feet from the west property line and zero feet from the south property line. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space

area located to the west of the proposed supportive housing facility which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.

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 rezoning, the conditional use permit, the three variances, the major site plan review, the two street vacations and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the front yard setback along 3rd Avenue Northeast from 15 feet to 0 feet to allow the building and mechanical equipment

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

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

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along 3rd Avenue Northeast from 15 feet to 0 feet to allow the building and mechanical equipment. The applicant has indicated that the parcel of land is shaped like a triangle and in order to accommodate the building, a parking area and outdoor space for the residents the building was located at the south property line. In addition, the applicant has indicated that there is a 20-foot interior green boulevard between the south property line and the sidewalk along 3rd Avenue Northeast. Given this the applicant does not believe that it will look or feel like the building is located at the property line.

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.

Front yard setback: The shape of the lot and the 20-foot interior green boulevard between the south property line and the side walk along 3rd Avenue Northeast are unique circumstances that are not generally applicable to other properties in the OR2 zoning district.

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 setback: The granting of the variance to 0 feet would not significantly affect the essential character of the area given that there is a 20-foot wide green space between the building and the sidewalk along 3rd Avenue South.

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.

Front yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along Central Avenue Northeast from 15 feet to 0 feet to allow a 15-foot and a 7-foot wide walkway

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

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

Walkway width: The applicant is seeking a variance to reduce the front yard setback along Central Avenue Northeast from 15 feet to 0 feet to allow a 15-foot and a 7-foot wide walkway. The applicant has indicated that the 15-foot wide walkway located near the main entrance is supposed to function as an extension of the front patio that is 15 feet in depth. In addition, the applicant has indicated that a walkway wider than 6 feet is needed in order to accommodate both the office use and dwelling the units in the building. No rationale was given for why the walkway located between the parking area and the building needs to be wider than 6 feet.

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.

Walkway width: The location of the front patio and the dual uses within the building are unique circumstances that are not generally applicable to other properties in the OR2 zoning district. No unique circumstances exist on the property that would warrant the granting of the variance to increase the width of the walkway between the parking area and the building.

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.

Walkway width: The granting of the variance to increase the width of the walkway near the main entrance would not significantly affect the essential character of the area given that the walkway is an extension of the front patio area. In addition, there are landscaped areas on both the north and south sides of the walkway that help soften its edges. The granting of the variance to increase the width of the walkway between the parking area and the building would not significantly affect the essential character of the area although there is no reason that it needs to be wider than 6 feet and the zoning code and the comprehensive plan both say to reduce the amount of impervious surfaces on a site whenever possible.

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.

Walkway width: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed width of the walkways be detrimental to welfare or public safety.

VARIANCE - to reduce the rear yard setback from 11 feet to 6 feet to allow for 15 parking spaces and to 0 feet for 2 parking spaces and a drive aisle

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

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

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from 11 feet to 6 feet to allow for 15 parking spaces and to 0 feet for 2 parking spaces and a drive aisle. The applicant has indicated that as part of the redevelopment effort on the block a shared parking area is being constructed. Because the parking area is shared between two individual property owners providing an 11-foot setback from the rear property line would significantly reduce the amount of parking spaces on the site.

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.

Rear yard setback: The fact that the parking area will be shared between two individual property owners is a unique circumstance that is not generally applicable to other properties in the OR2 zoning district.

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.

Rear yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the parking area will be shared between two individual property owners. And although the rear yard setback is being varied there is a landscaped area between the two properties that helps buffer one property from the other.

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.

Rear yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

- **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.**
- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses shall be subject to section 530.110 (b) (1).**
- **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The building is setback approximately 15 feet from the east property line and 0 feet from the south property line. The first floor of the building will be office space and the upper three floors of the building will be dwelling units. There is only one entrance to the building which faces the parking lot on the north side of the building. Staff is recommending that an additional entrance be added to the building that faces either Central Avenue Northeast or 3rd Avenue Northeast. In addition, the zoning code requires that there be a separate entrance for the residential and nonresidential uses within the building. In this situation both users of the building share one entrance and one elevator. Staff is recommending that there be a separate entrance for the residential and nonresidential users within the building.
- Within the area between the property line along Central Avenue Northeast and the building there will be landscaping. Staff is recommending that landscaping be located in the 20-foot wide interior boulevard along 3rd Avenue Northeast to help screen the mechanical equipment from the public sidewalk and the adjacent property owners.
- The exterior materials of the building include two colors of brick, EFIS and glazed block. The percentage of windows required on the north, east and south sides of the building is twenty percent. The elevations indicate that there will be approximately 44 percent windows provided on the north side of the building, approximately 33 percent windows on the east side of the building and approximately 35 percent windows on the south side of the building.
- The parking requirement for this development is 15 spaces. In the shared surface parking area on the block the applicant is providing 28 parking spaces. The parking area can be accessed off of Central Avenue Northeast and Spring Street Northeast.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A 15-foot wide walkway is provided between the main entrance of the building and the public sidewalk along Central Avenue Northeast. In addition, there is a walkway located between the parking area and the building that allows people to walk to the public sidewalk along Central Avenue Northeast. Staff is recommending that this walkway be no wider than 6 feet in width. There is also a walkway that runs between the building and the shared open green space area located to the west of the building.

- The Public Works Department has reviewed and approved the vehicular access and circulation plan.
- The applicant has indicated that snow will be stored on the site.

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 shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- 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.
- 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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The landscaping requirement for this development is 6 trees and 32 shrubs. The applicant is

proposing to have approximately 33 trees and 385 shrubs on the site. As part of the larger redevelopment of the block there will be a shared open green space area located to the west of the building which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.

- The applicant is proposing to have a 4-foot high decorative metal fence with brick pillars located along the south property line. In addition, the applicant is proposing to have a 5-foot high micro-weave vinyl coated chain link fence located along the west side of the parking lot. Staff is recommending that the proposed fence to be located along the west property line be the same type of fence that currently is located along the west property line of the MPHA property. The proposed fence heights meet the requirements of the zoning code.

ADDITIONAL STANDARDS

- **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.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan was not submitted as part of the application. Staff is recommending that a lighting plan be submitted.
- This development should not block views of important elements within the city.
- This development should not cast shadows on surrounding properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that proper lighting be installed above all entrances.
- The site is not historic.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the rezoning, the conditional use permit, the three variances, the major site plan review, the two street vacations and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The portion of land that is proposed to be rezoned is designated as undeveloped land in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city’s various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from underutilized land and a portion of two vacated streets to a supportive housing facility. The building will be 4 stories in height and will be oriented towards Central Avenue Northeast. The entrance into the building is located on the north side of the building facing the parking lot. The building is setback approximately 15 feet from the west property line and zero feet from the south property line. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the west of the proposed supportive housing facility which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.

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

The *Making Central Avenue Great* plan was adopted in 1997. In the plan it says to develop the blocks south of 20th Avenue Northeast with institutional uses and multiple-family housing developments. The plan also encourages a mixture of housing prices, building types and reduced setbacks to enhance the sense of community. The proposed development meets these requirements.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major 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, 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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Alternative compliance is not warranted for this site.

PRELIMINARY PLAT (PL-1147)

Required Findings:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.240 (2) [a], which requires that no lot shall be created that has more than five (5) sides. In order to be in conformance with the land subdivision regulations, a variance of Section 598.240 (2) [a] is required for lot width and for the number of sides permitted for a residential lot. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The property owned by MPHA currently has more than five sides. The granting of the variance would legalize a situation that has existed for more than 35 years with no noticeable negative impacts on surrounding properties.

ZONING CODE

With the approval of the rezoning, the conditional use permit, the three variances, the major site plan review, the two street vacations and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The portion of land that is proposed to be rezoned is designated as undeveloped land in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Improve the availability of housing options for its residents.
- Promote housing designs to support persons with disabilities.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city’s various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from underutilized land and a portion of two vacated streets to a supportive housing facility. The applicant has indicated that 90 percent of the dwelling units within the building will be affordable; 10 will be rented at less than 30 percent of the average median income, 10 units will be rented at less than 50 percent of the average median income, 8 units will be rented at less than 60 percent of the average median income and 4 units (3 supporting housing units and the caretaker’s unit) will be rented at the market rate. The building will be 4 stories in height and will be oriented towards Central Avenue Northeast. The entrance into the building is located on the north side of the building facing the parking lot. The building is setback approximately 15 feet from the west property line and zero feet from the south property line. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the west of the proposed supportive housing facility which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

Utilizing the site for residential development would provide additional opportunities for housing. A development such as this would increase the property’s value, contribute to the building of the city’s infrastructure and contribute to the city’s tax base. Staff does not believe that the development would 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.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table,

severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is flat and does not present the above hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

VACATION (Vac1427) – 10th Street Northeast Vacation

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities that have responded, none have requested an easement.

Findings: Given that the street currently only exists on paper, the Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

VACATION (Vac1428) – 3rd Avenue Northeast Vacation

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities that have responded, Qwest, Minnegasco, Xcel Energy and the City of Minneapolis have requested an easement.

Findings: Given that the street currently only exists on paper, the Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area

proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification for the properties located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast, including a portion of vacated 3rd Avenue Northeast and vacated 10th Street Northeast, from R5 to OR2 in order to allow a supportive housing facility.

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 conditional use permit application to allow a supportive housing facility serving 31 people located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast.

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 findings above and **approve** the variance to reduce the front yard setback along 3rd Avenue Northeast from 15 feet to 0 feet to allow the building and mechanical equipment for the property located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast subject to the following conditions:

1. The applicant shall provide landscaping in the interior boulevard that will help screen the mechanical equipment from the public sidewalk and the adjacent property owners.

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 findings above and **approve** the variance to reduce the front yard setback along Central Avenue Northeast from 15 feet to 0 feet to allow a 15-foot wide walkway and **deny** the variance to reduce the front yard setback along Central Avenue Northeast from 15 feet to 0 feet to allow a 7-foot wide walkway for the property located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast.

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 findings above and **approve** the variance to reduce the rear yard setback from 11 feet to 6 feet to allow for 15 parking spaces and to 0 feet for 2 parking spaces and a drive aisle for the property located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast.

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 site plan review for the properties located at 957 Central Avenue Northeast, 200 10th Street Northeast and 1000, 04, 06 3rd Avenue Northeast subject to the following conditions:

1. There shall be an additional entrance added to the building that faces either Central Avenue Northeast or 3rd Avenue Northeast.
2. There shall be a separate entrance for the residential and nonresidential users within the building as required by section 547.180 of the Minneapolis Zoning Code.
3. The walkway located between the parking area and the building shall be no wider than 6 feet in width.
4. There shall be landscaping located in the 20-foot wide interior boulevard along 3rd Avenue Northeast to help screen the mechanical equipment from the public sidewalk and the adjacent property owners.
5. The proposed fence to be located along the west property line shall be the same type of fence that currently is located along the west property line of the MPHA property.
6. Staff is recommending that a lighting plan be submitted.
7. The Community Planning and Economic Development Department – Planning Division shall approve the final site, landscaping and elevation plans.
8. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
9. All site improvements shall be completed by April 19, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

10. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the partial alley vacation:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for Clare Addition and the variance of the required number of lot sides.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the partial alley vacation:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation application (Vac1427) for that part of 10th Street Northeast that lies west of Central Avenue Northeast, Northeast of (as built) 3rd Avenue Northeast and southeast of (non-vacated and non-built) 3rd Avenue Northeast.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the partial alley vacation:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation application (Vac1428) for that part of 3rd Avenue Northeast that extends northeast from “as-built” 3rd Avenue Northeast, northwesterly from “non-built” 10th Street Northeast (see proposed Vacation 1427), and southwest of Central Avenue Northeast subject to retention of easements by Qwest, Minnegasco, Xcel Energy and the City of Minneapolis as follows:

Qwest: That part of 3rd Avenue Northeast that extends northeast from “as-built” 3rd Avenue Northeast, northwesterly from “non-built” 10th Street Northeast (see proposed Vacation 1427), and southwest of Central Avenue Northeast.

Minnegasco: The southerly 40.00 feet, measured at right angles, of that part of 3rd Avenue Northeast proposed to be vacated.

Xcel Energy: The northerly 10.00 feet of the southerly 16.00 feet of that part of 3rd Avenue Northeast that extends northeast from “as-built” 3rd Avenue Northeast, northwesterly from “non-built” 10th Street Northeast (see proposed Vacation 1427), and southwest of Central Avenue Northeast.

City of Minneapolis: Over, under and across the entire southerly half (30.00 feet) of vacated 3rd Avenue Northeast and over, under and across the entire length and width (60.00 feet) of vacated 3rd Avenue Northeast.