



Request for City Council Committee Action from the Department of Community Planning and Economic Development - Planning Division

Date: October 12, 2006

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

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the City Planning Commission filed by Randy Noecker

Recommendation: At the September 18, 2006, City Planning Commission meeting nine of the Planning Commission members were present. All nine of the Planning Commissioners voted to deny the rezoning, conditional use permit, setback variance and site plan review for the 42-unit Lucca Park condominium development located at 806 and 822 West 62nd Street.

Previous Directives: Not applicable

Prepared by: Hilary Dvorak, Senior Planner

Approved by: Jason Wittenberg, Supervisor, Planning – Development Services

Presenters in Committee: Hilary Dvorak, Senior Planner

Reviews

• Permanent Review Committee (PRC):	Approval ____ Date _____
• Policy Review Group (PRG):	Approval ____ Date _____

Community Impact

- Neighborhood Notification – Notice of the Planning Commission hearing was mailed on September 1, 2006, and notice of the appeal was mailed on October 2, 2006
- City Goals - See staff report
- Comprehensive Plan – See staff report
- Zoning Code - See staff report
- End of 60/120-day decision period – A 60-day extension letter was mailed on September 8, 2006, extending the 120-day decision period to December 19, 2006
- Other - Not Applicable

Supporting Information

Randy Noecker has filed an appeal of the decision of the City Planning Commission in regard to the Lucca Park condominium development. The appeal is associated with the decision of the City Planning Commission to deny the following applications:

- Rezoning of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning district.
- Conditional use permit for 42 dwelling units.
- Variance to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed.
- Site plan review.

The appeal is associated with the application originally filed by Robert Randy Noecker for the property located at 806 and 822 West 62nd Street.

The original staff report and the minutes from the September 18, 2006, City Planning Commission meeting are attached.

The appellant has stated that the decision is being appealed for three reasons:

- The existing church generates more traffic than what will be created by the new development.
- The development would create a buffer between the recently constructed Peter's Billiards building and the residents to the west.
- The development would create a buffer between the proposed 30-foot high sound wall along Highway 62 and the residents to the north.
- The development would help buffer sound generated by the increased capacity of Highway 62.

The appellant's complete statement and reasons for the appeal are attached.

**Action by the City of Minneapolis:
Actions and minutes of the Minneapolis City Planning Commission, September 18, 2006**

18. Lucca Park (BZZ-3177, Ward 11), 806 and 822 W 62nd St (Hilary Dvorak).

A. Rezoning: Application by Randy Noecker for a rezoning of the properties located at 806 and 822 W 62nd St from the R1 zoning district to the R4 zoning district.

Action: The City Planning Commission recommended that the City Council adopt the findings and deny the rezoning of the properties located at 806 and 822 W 62nd St from the R1 zoning district to the R5 zoning district.

B. Conditional Use Permit: Application by Randy Noecker for a conditional use permit for 42 dwelling units for the properties located at 806 and 822 W 62nd St.

Action: The City Planning Commission adopted the findings and denied the conditional use permit application for 42 dwelling units located at 806 and 822 W 62nd St.

C. Variance: Application by Randy Noecker for a variance to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed at 806 and 822 W 62nd St.

Action: The City Planning Commission adopted the above findings and denied the variance application to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed located at 806 and 822 W 62nd St.

D. Site Plan Review: Application by Randy Noecker for a site plan review for the properties located at 806 and 822 W 62nd St.

Action: The City Planning Commission adopted the findings and denied the site plan review for the properties located at 806 and 822 W 62nd St.

Staff Dvorak presented the staff report.

President Motzenbecker opened the public hearing.

Randy Noecker (8315 Pleasant View Dr): One of things we were trying to do on this project was to blend the building with what was happening on Lyndale. The Peter's Billiard's building is about 63 feet high and we proposed an R5 there simply because the market is looking for a smaller unit. We had the capability under an R5 to go to four stories but we opted to maintain a three level which put us at 34 or 36 feet high. On a site line from the west single family home that building... you might be able to see the top of the Peter's Billiards building after this one is built. We were trying to create a situation in which it did not impose on the existing neighborhood that is there now. Our desire was that, being at the end of the street run, that we end up against the new 18 foot wall being built six feet off the curb for 62 along with 12 feet of an additional sound wall and retaining wall so that puts that at about 30 feet high which is probably at about the top of the gutters on that building if it was to be built. I do have a desire to have the seller comment on a few of these issues because they live in the neighborhood and can address some of the issues more appropriately than I can. The church meets nightly, as far as the traffic count goes, they also meet Sunday and I don't think there would be any additional traffic in there whatsoever to my knowledge. If I can, I'd like to have the seller come and speak to this.

President Motzenbecker: They can speak with the public testimony. Can I get a sense of how many are here to speak about this item? Everyone here, ok. We do have a lot of your letters. Are most of you here opposed to this project? I would like to hear from you sir, first and then whoever would like to come up, we're going to keep it to two minutes and only new information. I get a sense that there is a lot of opposition. We do have a lot of your letters so we don't want to hear those verbatim again, but bring us some information and then we can make our deliberations. Thanks.

Jerry Holman (6122 Colfax Lane) [not on sign-in sheet]: I've lived in the neighborhood since 1978 and I am a member of the church presently located on the site that's seeking to sell the property. The reason we're looking to sell the church site is because we're growing out of it. The present church site will contain 376 persons is what it's registered for. We meet their every day in the evening and we also meet there on Saturday's and Sunday's. One of the things that I would like to emphasize, as the church members we live in the neighborhood. I think we did kind of an unusual thing, perhaps when we looked into moving away from the neighborhood, we had to look at the economic feasibility of what we could do. We had to look at what we left behind for our neighbors and we felt that was important. We, personally, divided up into teams of two and we went out and visited over 50 percent of the homes in this neighborhood. We sat down and spoke with the neighbors. This was before we ever had any plan, before we had the property listed for sale or anything of this nature. We sat down and told people what are plans our and said that we need to move to a more suburban area where we can spread out and grow. We asked what they'd like to see in the area. Basically we heard four things and we heard it over and over and over again. We heard that they don't want commercial, no retail, no high-rise and ownership would be preferred. Those are the four things that our survey said over and over and over again. With that in hand we attended our first Windom Community meeting back in July 2005 and we sought to have a working relationship with them through this process. In December of 2005 we listed the property for sale and came to an agreement with Mr. Noecker of Noecker and Associates. One of the things that I'd like to point out is that I think we've tried to go that extra mile that's not normal. We've had two major redevelopments in the neighborhood and we're pending a third. The first was the Walker home with 50 [tape ended] ...condominium for older folks. Second was Peter's Billiards, which was a very major reconstruction which involved a rezoning. It brought their building, which is 63 feet high, westward toward our property and it was allowed a zero setback on the west so it is effectively sitting right on Aldrich Avenue. It's a very large building.

President Motzenbecker: Mr. Holman, can you please summarize your ideas for us?

Jerry Holman: Ok. As to traffic, Randy mentioned it, I want to say that on a normal evening there is about 70 of us in attendance. On weekends it can grow to 200 and on occasions we fill the site which is 376. I do want to point out that, as to traffic, a 43 unit condominium, based on church alone, could not even come close to off-set the traffic there. In addition to that, we have a lot of people in the neighborhood with the ramp being closed, as it's going to be, it will stop that, but we get people in the neighborhood trying to get on westbound 62 because they think it's an entrance and it's not. With the church leaving and that opportunity being closed off, there's going to be a decrease in traffic not an increase. Height of structure we've talked about, buffer zone we've talked about...

President Motzenbecker: I asked you to summarize, sir, your two minutes are up. If you have one last point we'll hear that.

Jerry Holman: Ok. I just want to ask the Planning Commission to hear that we've got an R1 property, zoned as a church and we've made an extreme effort to try to get something into the neighborhood that made sense with the changes that are in the neighborhood. If anyone thinks that 62 is not a major corridor, I have a little trouble with that. I think the idea of a buffer, which is what we were seeking to do, that would be economically feasible for the church, for the developer and provide something attractive to the neighborhood and for the city of Minneapolis long-term. Thank you.

President Motzenbecker: Anyone else who wishes to speak, please come forward. Remember you have two minutes for your statements.

John Cairns (1766 James Ave S) [not on sign-in sheet]: The community corridor here is not Lyndale, it's 62. If you think of this project in the planning concepts by starting with 62 as this corridor, I think you'd go a different way on it. This 30 foot wall that's going to be in front of these properties makes it... you'll see that the whole of that first street faces the 30 foot wall which isn't there right now. There's going to be higher density ownership housing to some degree, the question is if this is the right degree. I want you to understand, in our view, we are adding, given certain circumstances, think about it one other way. If 62 came first, what would you be doing with the housing? You'd be doing what we're suggesting. Sixty-two is in a position which was never contemplated when it was developed 50 years ago. This is an addition to the community, it buffers it and it's going to be a much better arrangement than I think you have now.

From a historical perspective, we looked at this issue when I was on the City Council in the 1970's, sat where you guys are sitting right now, the issue of what you do along high density corridor. If you think outside the box a little bit, I think you get to a different place and I hope you at least consider that. Thanks.

Grace Watkins-Wright (813 W 61st St): Myself and two other neighbors went around and canvassed the area and took a survey. You have the results of that survey that were faxed to you and you can see from the survey results that overwhelming those that we spoke with were strongly opposed. We did focus on people that lived in the neighborhood, people that were there mainly 10 years or better. We did not speak with people that were selling their homes. We didn't get to speak to everyone whose home that we went and knocked on their door, but this represents 39 voices of people that could not be here today and wanted their voices heard. In speaking with these people, overwhelmingly they were concerned about the increase in traffic, the quality of their living and the safety of children that live in the neighborhood. They were also concerned that 42 units may not be able to be sold in the area which would be a concern for urban blight. Their other fear was that they would have to be turned into rental units which was something that people were not in favor of adding to that corridor. Having 62 not accessible as a thoroughfare, having all the traffic going one way in and one way out felt as though it was just going to be overwhelming for the area.

Pat Paulson (130 43rd St W): I'm a realtor and I am speaking on behalf of some of the residents in opposition to the project. I have been in the real estate business for 20 years selling homes in south Minneapolis. My opposition is basically that this is the wrong place at the wrong time for this kind of development. I'm not sure if you got my fax this afternoon, it was late, but basically the real estate now is a buyer's market, it's fairly saturated. In the city of Minneapolis, there is approximately 3500 homes for sale. This is an all-time record of supply. That represents over seven and half months of inventory on the market meaning it will take seven and a half months to sell these homes if nothing new comes on the market. Another way to look at it, there's seven and a half houses for sale for every one buyer this month. It gets worse with condos and townhouses where there are 1286 for sale, representing 9.74 months of inventory on the market. Proponents of the development might say that most of the glut with condos are in downtown and uptown and this is southwest Minneapolis and they sell better there. They would be wrong. In southwest Minneapolis, there is actually 10.75 months of inventory on the market with condos. With newly developed condos built in 2005 or 2006 there is 13.75 months of inventory on the market so there's just about 14 condos for every buyer out there.

President Motzenbecker: Can we summarize up the point, please?

Pat Paulson: Basically, when buyers have a lot pick and choose from... and buyers want quality. In real estate, quality includes location. That's one of the most important things. If you've got 13 properties to choose from, why are you going to buy something that's right on a freeway, that's about to be reconstructed... meaning years of noise dust and vibrations and the plans aren't even finalized so there's a question mark there. Essentially, why are people going to buy this? An obvious concern is, in addition to traffic, in a neighborhood that's secluded...

President Motzenbecker: Sir, can you please summarize?

Pat Paulson: Basically, the concern is they'll end up rental or they'll have to reduce the price substantially to sell them. Thank you.

Alex Blair (6168 Colfax Lane) [not on sign-in sheet]: I've lived in my property for 30 years. I live just to the north of this property. I am in favor of this project. I think it's a reasonable thing. We're in a time of progress, let's move on. Thank you.

Donna Burr (6106 Colfax Lane): I believe you have a copy of this letter. I have 14 more that got dropped off to my house last night and I'll give them to the clerk. The church did survey us, that was great. When they talked to me, they were talking about their church and the parking lot next to it and 12 high-end condos. This is very different with three residential lots and 42 units. The parking issue, they have a lot of the people in the church and there is also a lot of those people that live in the neighborhood who walk to church. I believe their parking lot has approximately 40 spaces in it and they are moving to 60-something underground spots so that's 20 additional cars with residence. They are also target a young,

active person to move into those one bedroom units. There's no guest parking accommodations on the street. I believe they're intending for those people to park underneath, but I don't know how that works as there weren't any guest parking things in the specs. Thank you.

George Wright (813 W 61st St): I see in the report, this is referred to as a buffer between the density along Lyndale and the residential. In reality, when 62nd Street is closed, it will not be a buffer, it will be a high density development at the end of a neighborhood because we'll have to travel through. Regarding the traffic, I am the one that put together the information out of the Metropolitan Council and Bureau of Labor statistics that show, fundamentally, we could expect an increase from 900 trips a day to 2700 along that which is a significant difference. Regarding the church traffic, I haven't done any great study. I did drive by there the other night because this had come up in the Windom neighborhood meeting and I saw 22 cars parked there. If, in fact, according to the Bureau of Labor statistics, 41 housing units, on average in the Minneapolis/St. Paul area, would be 106 cars so even if they have 60 units we're talking a great many more cars parking on the street than I have seen there at any one time. My thinking, when I hear about a 30 foot wall outside of that place, I have to ask if you'd want to buy a condo that looked out on a wall. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved the rezoning (Norkus-Crampton seconded).

President Motzenbecker: Any discussion?

Commissioner LaShomb: I don't see this as a simple slam-dunk. I think the compelling question here is, you've got an R5 but it looks like across the street on Aldrich... I think the fundamental question someone raised is, is 62nd Street West a community corridor and I don't think the city of Minneapolis has designated it as a community corridor. It may be, in fact, but I think from a public policy standpoint, Lyndale is the community corridor. The reason I don't think it's such a simple slam-dunk is because you do have an R5 that's reasonably close to it. I think you could tip this one either way. I'm a little nervous when I hear people say that people won't buy these condominiums because there's a freeway there. I grew up in the Roseville/New Brighton area and they were building sound walls and everything else and people were paying tons of money to buy houses that had a sound wall in their back yard. This whole issue of whether people will buy or not buy isn't an issue of appropriateness for the Planning Commission to worry about. If the developer wants to go out on a string and find out, that's his concern. I guess it is some concern to the neighbors. I think the compelling issue here, basically, is that if 62nd Street were a community corridor, this would be a no-brainer. The basic problem is that it's not, Lyndale is the community corridor and the R5 is appropriately on Lyndale so I am going to support denying this, but I don't think we should write it off as a simple slam-dunker that basically says we shouldn't do this simply because people aren't going to buy it because there's a sound wall or... I don't even think the traffic issue is a real issue here. I think that's not going to happen either. To me, the fundamental issue is that it's not a community corridor. I wish it were and if it were I'd vote for it.

Commissioner Nordyke: Quick question for staff, with regard to the single family home, the 822, that's occupied? It's not boarded up? Yeah, I agree, I don't think it is a slam-dunk. The idea of this being a buffer, I think the staff has a really good point about that. Having said that, I'm finding it hard to overcome to the rationale that the staff has given in their report in particular given the community's concerns about it. I think maybe people will wish that they had gone ahead with this but I'm going to support the staff's recommendation.

President Motzenbecker: Ok. All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker moved the conditional use permit (Norkus-Crampton seconded).

President Motzenbecker: Discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker moved the variance (Norkus-Crampton seconded).

President Motzenbecker: Discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker moved the site plan review (Schiff seconded).

President Motzenbecker: Discussion? All those in favor? Opposed?

The motion carried 8-0.

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

Rezoning, Conditional Use Permit, Variance and Site Plan Review

BZZ-3177

Date: September 18, 2006

Applicant: Randy Noecker

Address of Property: 806 and 822 West 62nd Street

Project Name: Lucca Park

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Contact Person and Phone: Randy Noecker, (763) 786-6387

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

Date Application Deemed Complete: August 21, 2006

End of 60-Day Decision Period: October 20, 2006

End of 120-Day Decision Period: A 60-day extension letter was mailed on September 8, 2006, extending the 120-day decision period to December 19, 2006

Ward: 11 Neighborhood Organization: **Windom Community Council**

Existing Zoning: R1, Single-family District

Proposed Zoning: R5, Multiple-family District

Zoning Plate Number: 36

Formatted: Font: (Default) Arial

Legal Description: Lots 18, 19, 20, 21 and 22, Block 2, Eckberg First Addition.

Formatted: Font: (Default) Arial

Proposed Use: 42-unit condominium building

Concurrent Review:

Rezoning: of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning district

Conditional use permit: for 42 dwelling units

Variance: to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed

Site plan review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IV, Variances, specifically Section 525.520(1) "to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations" and Chapter 530, Site Plan Review

Background: The site located at 806 West 62nd Street is occupied by Minneapolis Meeting Rooms, Inc. and the site located at 822 West 62nd Street is occupied by a single-family dwelling. The applicant has entered into a purchase agreement with both of the property owners. The applicant intends to demolish both of the existing structures and in their place construct a new three-story, 42-unit condominium building with one level of enclosed parking. Also within the building would be a community room, a fitness center and a storage room that would be broken into smaller spaces for the individual owners. Within the building there would be a mix of one and two-bedroom units and each dwelling unit would have their own outdoor patio or balcony.

The site is currently zoned R1, Single-family District. In order to achieve the desired density the applicant is proposing to rezone the site to R5, Multiple-family District. The applicant has also applied for a conditional use permit to permit up to 42 dwelling units, a front yard setback variance and site plan review.

The Windom Community Council reviewed the project at a meeting held on August 10, 2006. There were 43 residents in attendance. The neighborhood has indicated that in general the project meets the guidelines of the recently adopted South Lyndale Corridor Master Plan in terms of design guidelines for multiple-family housing and the development would also serve as a buffer to the commercial uses on Lyndale Avenue South. However, the neighborhood has indicated that the proposed rezoning to the R5 zoning district would not fit with the guidelines of the master plan as the master plan does not propose to rezone this site. Please see the attached letter from the neighborhood for their complete comments.

REZONING - of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning district

Findings as Required by the Minneapolis Zoning Code:

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

This site is located on the northwest corner of West 62nd Street and Aldrich Avenue South. The site is located one block west of Lyndale Avenue South and directly north of Highway 62. Lyndale Avenue South is a designated Community Corridor. Between Lyndale Avenue South and the site is Peter's Billiards and a 50-unit senior apartment building. To the north and west of the site is a pocket of single-family dwellings. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors 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 (Policy 4.2).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Minneapolis will grow by increasing its supply of housing (Policy 4.9).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Provide and maintain areas that are predominately developed with single and two family structures (Implementation Step for Policy 4.11).

The Planning Division believes that rezoning the site from the R1 zoning district to the R5 zoning district would not be in conformance with the above policies of *The Minneapolis Plan*. The R5 zoning district allows for higher density housing which would not be appropriate in this location given that the site is not located on a designated Community Corridor. Although a higher-density residential development would serve as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 a higher-density residential development would be out of character with the single-family dwellings to the north and west.

The site is also located within the boundaries of the South Lyndale Corridor Master Plan which was adopted by the Minneapolis City Council in January of 2006. Please note that the Master Plan has not yet been adopted by the Met Council. The adopted Master Plan did not make any changes to the existing land use designation of the site and did not suggest that the site be rezoned as part of a future rezoning study. Therefore, the Planning Division believes that rezoning the site to the R5 zoning district would not be in conformance with the policies of the Master Plan.

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

The amendment would allow the property owner to construct a multiple-family residential development on the site. Through the adoption of the City's comprehensive plan and the South Lyndale Corridor Master Plan, City stakeholders have identified this site for low-density development. Approving this rezoning would be in the sole interest of the applicant.

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 R1 zoning to the west and north, R5 and C2 zoning to the east and Highway 62 to the south. Adjacent uses include single-family dwellings, a multiple-family development and a commercial establishment. Although the R5 zoning may be compatible with the zoning classifications and the uses to the west, the site is not located along a designated Community or Commercial corridor where the City's comprehensive plan calls for medium- and high-density housing.

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 R1, Single-family District. Permitted uses in the R1 zoning district include, but are not limited to, the following:

- Single-family dwellings
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place 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.

In July of 2004, the former nursing home to the east was converted to a 50-unit senior apartment building. This site was zoned R5, Multiple-family District and did not require a rezoning. Then, in February of 2005, Peter's Billiards purchased land to the west of their existing site on Lyndale Avenue South for an expansion project. As part of the redevelopment project the acquired parcel of land was rezoned to the C2, Neighborhood Corridor Commercial District.

CONDITIONAL USE PERMIT - for 42 dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that a multiple-family development would be detrimental to or endanger the public health, safety, comfort or general welfare. A multiple-family development would provide for a housing type not typical of the area and in this case would provide as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 and the single-family dwellings to the north and west.

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

The Planning Division believes that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would disrupt the existing pattern of development that has occurred on the west side of Aldrich Avenue South which is single-family dwellings.

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. As for vehicular access, the applicant proposes to have one approach into the enclosed parking below the building located off of West 62nd Street. Public Works has indicated that there are no problems using West 62nd Street as an access point.

It should be noted that in the future the State of Minnesota will be conducting an I35W/Highway 62 reconstruction project to accommodate the new freeway mainline, freeway ramps and Lyndale Avenue South. As part of the reconstruction project, access into the neighborhood from Lyndale Avenue South will be limited to West 61st Street as West 62nd Street, between Lyndale Avenue South and Aldrich Avenue South, will be closed.

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

The parking requirement for the development is 1.0 parking space per dwelling unit, or 42 parking spaces. The applicant is proposing to have 63 parking spaces. However, 20 of these parking spaces are tandem parking spaces so per the zoning code there are technically only 43 parking spaces. All of the parking will be located in one level of enclosed parking below the building. Access to the enclosed parking is located off of West 62nd Street.

Again, it should be noted that access into the neighborhood from Lyndale Avenue South will be limited to West 61st Street as West 62nd Street, between Lyndale Avenue South and Aldrich Avenue South, will be closed. A 42-unit residential development will increase the number of vehicles on the public streets and therefore will create more traffic congestion.

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

This site is located on the northwest corner of West 62nd Street and Aldrich Avenue South. The site is located one block west of Lyndale Avenue South and directly north of Highway 62. Lyndale Avenue South is a designated Community Corridor. Between Lyndale Avenue South and the site is Peter's Billiards and a 50-unit senior apartment building. To the north and west of the site is a pocket of single-family dwellings. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors 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 (Policy 4.2).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Minneapolis will grow by increasing its supply of housing (Policy 4.9).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Provide and maintain areas that are predominately developed with single and two family structures (Implementation Step for Policy 4.11).

The Planning Division does not believe that a 42-unit development would in conformance with the policies of *The Minneapolis Plan*. Higher density housing would not be appropriate in this location given that the site is not located on a designated Community Corridor. Although a higher-density residential development would serve as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 a higher-density residential development would be out of character with the single-family dwellings to the north and west.

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

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

VARIANCE - to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed

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 from the established setback of 29 feet to 17 feet to allow the building to be constructed. The applicant has indicated that the variance is needed due to the narrowness of the property. The property is 119 feet deep. Along this block face all of the single-family dwellings to the west of the site maintain a similar setback to one another.

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 Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. A 119-foot deep property is not an unusual depth for properties in the City of Minneapolis.

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 Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. Constructing a three-story building closer to the front property line than the remainder of the single-family homes on the block will cause those existing property owners to lose their sight lines up and down the block.

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: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance 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 and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of

the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

PLANNING DEPARTMENT RESPONSE:

- Buildings are to be located within eight feet of the front property line unless subject to a greater required setback. The front yard setback requirement for this development is 29 feet. The applicant has applied for a variance to locate the building 17 feet from the front property line.
- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building does not exceed the required setback, there is an entrance facing the street and there are windows and decks on all sides of the building where people can see in and out.
- In between the building and the front property line the applicant is proposing to have landscaping.
- The principal residential entrance faces West 62nd Street.
- All of the parking associated with this development is located in one level of enclosed parking below the building.

- The exterior materials of the building include brick, stone and four-inch vinyl siding. Vinyl siding is not considered to be a durable material. If this development were to be approved the Planning Division would recommend that the proposed vinyl siding be removed and instead a cement base material be used.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building wall facing West 62nd Street and Aldrich Avenue South are required to be windows. The analysis of the project's compliance with this requirement follows:
 - West 62nd Street: the percentage of windows on the first floor of the building is 21 percent and the percentage of windows on the second and third floors of the building is 15 percent.
 - Aldrich Avenue South: the percentage of windows on the first floor of the building is 21 percent and the percentage of windows on the second and third floors of the building is 15 percent.
- The windows on the building are vertical in nature and are evenly distributed along the building walls.
- The roof line of the building is proposed to be pitched, similar to the roof lines of the single-family homes in the area. Please note that the commercial and multiple-family buildings across Aldrich Avenue South from the site 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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrance is directly connected to the public sidewalk along West 62nd Street via a walkway.
- No transit shelters are proposed as part of this development.
- As for vehicular access, the applicant proposes to have one approach into the enclosed parking below the building located off of West 62nd Street. Public Works has indicated that there are no problems using West 62nd Street as an access point.

- The R5 zoning district requires that no more than 85 percent of the site be impervious. Approximately 23,265 square feet of the site, or 74 percent, is covered by the building, driveway and sidewalks.

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.

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 31,561 square feet. The footprint

of the building is 20,824 square feet. When you subtract the footprint from the lot size the resulting number is 10,737 square feet. Twenty percent of this number is 2,147 square feet. The applicant has a total of 2,300 square feet, or 21 percent of the site not occupied by the building is landscaped.

- 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 four and 21, respectively. The applicant is proposing to have one tree and 75 shrubs located on the site. The applicant is also providing six ornamental trees, 36 evergreen trees and 51 perennials on the site. If this development were to be approved the Planning Division would recommend that the canopy tree requirement be met on site.
- The landscape beds on the site are proposed to be covered with rock mulch. Rock mulch can be used as weapons to break windows or throw at people. If this development were to be approved the Planning Division would recommend that wood mulch be used in the landscape beds instead of rock mulch.

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.

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff from the roof will be directed to the green spaces on the site.
- A lighting plan showing footcandles was not submitted as part of the application materials. If this development were to be approved the Planning Division would recommend that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- **This building should not block views of important elements in the city.**
- This building should cast minimal shadows on surrounding properties.
- **This building should have minimal wind effects on the surrounding area.**
- **The site plan complies with crime prevention design elements as there are walkways that direct visitors directly to the building entrances, there are large windows and balconies where people can see in and out along all levels of the building and there are lights located near all of the pedestrian and vehicular entrances.**
- This site is neither historic nor located in a historic district.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the R5 zoning district. Staff is recommending denial of the proposed rezoning. The proposed use is not allowed in the existing R1 District.
- **Off-Street Parking and Loading:** **The parking requirement for the development is 1.0 parking spaces per dwelling unit, or 42 parking spaces. The applicant is proposing to have 63 parking spaces. However, 20 of these parking spaces are tandem parking spaces so per the zoning code there are technically only 43 parking spaces.**
- **Maximum Floor Area:** The maximum FAR in the R5 zoning district is 2.5. The lot in question is 31,561 square feet in area. The applicant proposes a total of 54,102 square feet of gross floor area, an FAR of 1.71.
- **Building Height:** The height requirement in the R5 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing to construct a three-story building that measures 42.5 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 900 square feet. Section 546.130 allows a 20 percent density bonus for enclosed

parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 720 square feet per dwelling unit. With 42 proposed dwelling units on a lot of 31,561 square feet, the applicant proposes 751 square feet of lot area per dwelling unit.

- **Dwelling Units Per Acre:** The site is .725 of an acre. There are 57.9 units per acre proposed on the site.
- **Yard Requirements:** This development is located in the R5 zoning district. The front yard setback requirement for this building is 29 feet. The interior side yard and rear yard setback requirements for this building are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these two sides of the building is 9 feet. The interior side yard setback requirement for this building is $8+2x$, where x equals the number of stories above the first floor. The resulting setback along this side of the building is 12 feet. The applicant has applied for a variance to reduce the front yard setback. All of the other setbacks are being met.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. For a residential use in the R4 zoning district one can have one nonilluminated, wall identification sign not exceeding 16 square feet and no taller than 12 feet. On a corner lot there may be one additional sign on the building of the same size requirements.
- **Refuse storage:** The applicant is proposing to have a refuse storage area inside the building. It is located on the parking level of the garage.

MINNEAPOLIS PLAN:

This site is located on the northwest corner of West 62nd Street and Aldrich Avenue South. The site is located one block west of Lyndale Avenue South and directly north of Highway 62. Lyndale Avenue South is a designated Community Corridor. Between Lyndale Avenue South and the site is Peter's Billiards and a 50-unit senior apartment building. To the north and west of the site is a pocket of single-family dwellings. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The Planning Division does not believe that a 42-unit development would in conformance with the policies of *The Minneapolis Plan*. Higher density housing would not be appropriate in this location. Although a higher-density residential development would serve as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 a higher-density residential development would be out of character with the single-family dwellings to the north and west.

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.**

PLANNING DEPARTMENT RESPONSE:

- Alternative compliance is not warranted for this development.

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 the City Council adopt the above findings and **deny** the rezoning of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application for 42 dwelling units located at 806 and 822 West 62nd Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed located at 806 and 822 West 62nd Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review for the properties located at 806 and 822 West 62nd Street.

Attachments:

1. Project overview, conditional use permit and variance findings
2. August 7, 2006, letter to CM Benson and the Windom Community Council
3. August 31, 2006, letter from the Windom Community Council
4. Preliminary Development Review Report
5. Zoning map
6. Survey, site and civil plans, floor plans, elevations
7. Photographs of the site and the surrounding area