



Request for City Council Committee Action from the Department of CPED Planning

Date: December 14, 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 for the Pokegama North project located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street.

Recommendation: The following actions were taken by the Planning Commission on November 13, 2006 (BZZ-3241):

A. Rezoning: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a petition to rezone 2111 and 2119 14th Ave S, 1408 E 22nd St from the R2B district to the R4 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the rezoning petition to change the zoning classification of the property located at 2111 and 2119 14th Ave S, 1408 E 22nd St from the R2B district to the R4 district.

B. Conditional Use Permit: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a conditional use permit for a 6- unit cluster development located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and approved the application for a conditional use permit to allow for a 6-unit cluster development for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St subject to the following condition:

1. Compliance with the specific development standards for a cluster development as stated in Section 536.20 of the zoning code.

C. Conditional Use Permit: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a conditional use permit to increase the maximum permitted height from 2.5 stories to 3 stories for the

proposed carriage house structures located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **denied** the application for a conditional use permit to allow an increase in height from 2.5 stories to 3 stories for the proposed carriage house/garage unit structures within a 6-unit cluster development for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

D. Variance: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a variance of the front yards along E 22nd St from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard along E 22nd St from 18 feet 8 inches to 17 feet for the structure on the property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

E. Variance: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a variance along 14th Ave S from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments for the structure located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard along 14th Ave S from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

F. Variance: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a variance along E 21st St from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment for the structure located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard along E 21st St from 23 feet to 15 feet for the structure and to 9 feet for a porch encroachment for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

G. Variance: Application by James Graham, on behalf of the American Indian Community Development Corporation, for interior side yard variances along the east property lines for properties located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

H. Variance: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a variance to reduce the 22 foot maneuvering requirement to 7 feet adjacent to 14th Ave S for properties located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Ave S for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

I. Site Plan Review: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a site plan review for a 6-unit, single-family cluster development in the R4 district located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by December 22, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the proposed carriage house/garage unit to meet the 2.5 story height limitation for cluster developments in the R4 district.
4. Modification of the carriage house/garage units to incorporate windows on the upper portion of the garage door.
5. All proposed vinyl siding shall be removed and replaced with a durable material as listed in Chapter 530, such as cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass.
6. Additional plantings shall be incorporated into the final design to meet the cluster development standards as stated in Section 536.20 (7) along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14th Ave S and E 22nd St.
7. Fencing shall be designed to be graffiti resistant and made of materials that are open rather than board on board fencing.
8. At least four different colors shall be provided for the proposed six buildings on site.
9. At least 5% windows shall be provided on each floor that faces an interior side or rear lot line, unless prohibited by the building code.
10. The applicant shall work with staff to provide accessibility via a walkway to the open space on site between the structures proposed at 2117 and 2119 14th Ave.

J. Plat: Application by James Graham, on behalf of the American Indian Community Development Corporation, for a preliminary and final plat for properties located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat application for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Ward: 6

Previous Directives: At the November 13, 2006, City Planning Commission meeting, eight of the Planning Commission members were present. Planning Commissioners voted 8-0 to approve all land use applications associated with the development known as the Pokegama North project except item C. Item C, a Conditional Use Permit to increase the maximum permitted height for a cluster development in the R4 district from 2.5 stories to 3 stories for the proposed carriage

house/garage unit structures was denied as recommended by Planning Staff with a vote of 5-3.

Prepared by: Becca Farrar, Senior Planner, 612-673-3594 Approved by: Jason Wittenberg, Development Services Supervisor Presenters in Committee: Becca Farrar, Senior Planner
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Community Impact

- Neighborhood Notification: The applicant notified the Ventura Village Neighborhood Association as required on August 16, 2006 and on October 4, 2006 informing them of the development project. Staff did not receive official correspondence from the neighborhood group. All neighborhood letters received have been attached to the staff report.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On November 2, 2006, Staff sent the applicant a letter extending the decision period to no later than February 6, 2007.
- Other: Not applicable

Supporting Information: James Graham, on behalf of the American Indian Community Development Corporation, has filed an appeal of the decision of the City Planning Commission. The appeal is associated with the decision of the City Planning Commission to deny the application for a Conditional Use Permit to increase the maximum permitted height for the development known as Pokegama North. The minutes from the November 13, 2006, City Planning Commission meeting are attached.

The appellant has stated that the decision on the Conditional Use Permit to deny an increase in the maximum permitted height is being appealed for the following reasons. The appellant states that in order to build a more desirable and livable house, it is necessary to have an exception to the height requirement of 2.5 stories. The appellant further states that not being able to construct the house as proposed is a hardship upon the developer and upon the eventual owner of the house by it being both more expensive to build as well as less desirable to a potential homeowner. The appellant continues that the buildings proposed at 32 feet would be less than the required height limits of 35 feet and would be in keeping with the character of the community and would be overall less tall than a number of houses in the immediate area. The appellant closes with the statement that the 2.5 story rule is an arbitrary one intended to limit height and maintain character and it should not be one that limits innovative ways of designing and building desirable houses in Minneapolis.

The appellant's complete statement of the action being appealed and reasons for the appeal are attached.

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300

Minneapolis, MN 55415-1385

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MEMORANDUM

DATE: November 14, 2006

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of November 13, 2006

The following actions were taken by the Planning Commission on November 13, 2006. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, El-Hindi, Henry-Blythe, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff and Tucker – 9

Not Present: Krueger

13. Pokegama North (BZZ-3241, Ward: 6) 2111 and 2119 14th Ave S, 1408 E 22nd St (Becca Farrar).

A. Rezoning: Application by James Graham, on behalf of the American Indian Development Corporation, for a petition to rezone 2111 and 2119 14th Ave S, 1408 E 22nd St from the R2B district to the R4 district.

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Action: The City Planning Commission adopted the findings and **denied** the application for a conditional use permit to allow an increase in height 2.5 stories to 3 stories for the proposed carriage house/garage unit structures within a 6-unit cluster development for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

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Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

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Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Ave S for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

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11. Planning Staff review and approval of the final site, elevation and landscaping plans.
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13. Modification of the proposed carriage house/garage unit to meet the 2.5 story height limitation for cluster developments in the R4 district.
14. Modification of the carriage house/garage units to incorporate windows on the upper portion of the garage door.
15. All proposed vinyl siding shall be removed and replaced with a durable material as listed in Chapter 530, such as cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass.
16. Additional plantings shall be incorporated into the final design to meet the cluster development standards as stated in Section 536.20 (7) along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14th Ave S and E 22nd St.
17. Fencing shall be designed to be graffiti resistant and made of materials that are open rather than board on board fencing.
18. At least four different colors shall be provided for the proposed six buildings on site.
19. At least 5% windows shall be provided on each floor that faces an interior side or rear lot line, unless prohibited by the building code.
20. The applicant shall work with staff to provide accessibility via a walkway to the open space on site between the structures proposed at 2117 and 2119 14th Ave.

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Staff Farrar presented the staff report.

Commissioner Nordyke: On the garage units, those are going to be shared throughout so...it's irrelative to item C with regard to your recommendation to deny... I mean, I understand what you're saying, but if they didn't have the idea of sharing that parking within that one structure, they could probably achieve that same kind of interior volume, the high ceilings and all and not have to ask for a variance for that. It's basically the idea of sharing this parking within that structure that's kind of forcing it beyond the story variance that they're requiring.

Staff Farrar: Essentially, because they are proposing ground level parking within the structure, it's triggering the need for the property to actually go up in height. The way that we defined it is that the first story is clearly one story. The second story is also a story. The way the actual floors go up, it's three full stories despite whether it's below the feet. I guess what I was trying to get go when I was talking about the actual floor layout of the site is that ...when you get to the second floor, which is denoted as your floor plan, this whole entire area that has an "X" is open to below. There is not actually any living space there and so, yes, there is the amenity of having this open vaulted ceiling, but when we were looking at the overall design we though that there was the possibility that this structure being improved. Despite having this open area, you wouldn't be actually, technically, losing any living space or floor space, but you'd have a better design of a structure.

Commissioner Nordyke: No, but you might be losing an aesthetic that someone might prefer that you could have if you weren't accommodating that parking. I am kind of looking at it as a six housing development and the alternative for that one house would be to start spreading these parking garages out all over the other ones and then what would those look like? It just seems like it's doing a little more than standing on its own when we're talking about it going through needing that variance.

Commissioner Schiff: The closest park is how many blocks away?

Staff Farrar: I don't know, actually, where the closest park is. Three blocks.

Commissioner Schiff: Do you have a count on the total number of bedrooms?

Staff Farrar: I haven't counted the bedrooms specifically. It looks like the garage units are three bedrooms and I would speculate that's probably likely, as well, for the other ones. I can look though.

[Voice from audience]: It would all be three bedrooms. There would be a possibility of putting an extra bedroom, if the owner wanted, in the basement.

Commissioner Schiff: Eighteen bedrooms with the possibility of an additional six, except for the garage units which don't have a basement. That's a possibility of another five. Ok. The only green space, play space, is really the street, right?

Staff Farrar: No. I showed you the open space area which is the collective open space. Clusters are required to meet percent open space which is supposed to support...

Commissioner Schiff: And then stormwater?

Staff Farrar: Here and here.

Commissioner Schiff: Two stormwater. Is that green space open? Do we have plans for playground equipment or is there any kind of...

Staff Farrar: At this time, what's been provided to me is that it's open. There's going to be some vegetation within there and it's a place where people that live there can hang out.

Commissioner Schiff: I know we have a code amendment in the works on the percentage of a basement that can be above grade, we don't have that in the code yet right now. Have you been a part of those discussions? The amount of basement area that is above grade for some of these homes is kind of an issue that we're trying to solve so that developers have to dig deeper basements and not have that foundation rising above the grass level.

Staff Farrar: I know what you're relating to. Specifically, as it's outlined in the code, it's six feet or more above grade for 50% or more of the perimeter. In this situation, the actual basement itself is not greater than six for more for 50% of the perimeter and so therefore it was not counted. I think as you're relating it, it's sort of reference to some of these dwellings where they're right at that cusp and then actually, perhaps at some points, they alter the grade where when we actually go on site to inspect it, it turns into a three and a half story structure. I don't see that being an issue on this because it's a flat site. They're not looking at doing significant alterations to the grade and the plans now, as they're before me, don't present that problem.

Commissioner Schiff: Maybe Director Sporlein can fill me in... are we looking to lower that six feet above grade to four feet so it's more compatible or are we going after another problem?

Director Sporlein: We are adding the infill strategy, a whole package of code amendments related to infill housing, but the research and analysis is just being done now. I don't know what the specific recommendation will be. We'll be bringing that work plan to the Zoning and Planning Committee at the City Council in January.

Commissioner Schiff: Ok. Thank you.

Commissioner Tucker: Do we have a category of housing known as "carriage house" and does it have some standards that go with it or expectation of where it's placed or how much is garage and how much is housing or anything like that?

Staff Farrar: Jim Voll might be better able to answer that question. Certainly we have seen them as they exist with new homes. It was used more as sort of a terminology for this structure. When we're looking at the structure, we're still looking at it as a single-family home. When we used the terminology "carriage house structure" and why it was alluded to that within the materials and the report was simply to differentiate it between that and the two and half story structure.

Commissioner Tucker: Ok. This is really a single-family home with a shared garage attached underneath.

Staff Farrar: Right, which is why there's a "/garage unit" in the staff report.

Commissioner Tucker: When you say "carriage house" it suggests that it would be in the back or off the alley or an accessory dwelling, not a front of the street kind of dwelling so that's why I asked that.

Staff Farrar: I don't think we have it defined in the zoning code, but I could be wrong.

Commissioner Tucker: Could you delineate the common space again? With clusters, it seems to me that the common space needs to be connect to all the units in some obvious way and I didn't quite find that myself because there are some units on the north end of that property that are far away from that common space, right?

Staff Farrar: This is a tricky site to be honest with you. Obviously when you look at it you can see that at some portions, because of the way it's configured, this isn't a regular rectangular lot. It's not a standard square lot. I think what the applicant intended to do as part of this is put it in the most accessible area. Certainly some residents are going to have to walk farther to get to the common space.

Commissioner Tucker: Are there paths that connect it?

Staff Farrar: Not on site because, as you can see, it's tight here. They would have to utilize the private walks which come out from their private structures and walk around or walk through the yard, but there are no paths delineated simply for the purposes of trying to maintain additional green space on this site.

Commissioner Tucker: Did the applicant present other arrangements of these six buildings that might have been more clustery?

Staff Farrar: I have seen this one on and off for about two years and this is the exact same configuration that I have seen from the very beginning. That doesn't mean that there weren't other options explored. The applicant can probably speak to that.

Commissioner Tucker: You're suggesting the alternative compliance for the garage doors on that one carriage house on what is it, 14th...

Staff Farrar: On both.

Commissioner Tucker: ... have windows in it, is that your suggested alternative compliance just some glass in those doors?

Staff Farrar: Yes. We want them to be able to provide enclosed parking for the development and I think that's a reasonable request. That's how we've always deemed it, that providing one enclosed space is a reasonable request. I don't think we want to start having massive windows within a garage door. It seems to make sense that at least there will be some visibility in and out. Maybe not necessarily providing the intent of meaning views in and out depending on the height of that door, but certainly improving the overall appearance from the street which is what our concern was with that structure.

Commissioner Tucker: So does the carriage house that's at the back of the lot require that alternative compliance as well?

Staff Farrar: Yes. We want the actual physical design to be altered on both structures not just the one that fronts on 14th Ave S.

Commissioner Tucker: Thanks.

Staff Voll: As you know, there are carriage houses throughout the city and that issue is usually handled by grandfathered rights. There is no definition in the zoning code for carriage houses. Typically we look at those as accessory units. In the zoning code you can't have more than one dwelling unit on a zoning lot. The exception being in cluster developments or in planned unit developments. In cluster developments you often see the accessory unit with a dwelling unit above it which you couldn't normally do in other districts. We see that. The only place other than that in which we specifically allow these accessory dwelling units over the garages is in the North Phillips overlay district and that's done as a conditional use permit. This site is in the North Phillips overlay, but because this is a cluster development, that procedure or conditional use does not apply. When somebody would apply for that conditional use, that would be to do carriage house on a lot behind a house. Since this is a unified development, it's a cluster development. Assuming somebody came in to do a carriage house in the North Phillips overlay, the standards that they would be, and I'm assuming you mean the design standards, there's a whole list of them, but the main standard that they talk about is as follows: "the accessory dwellings shall be compatible in character with the principal residential structures on the zoning lot and with the surroundings and shall comply with the following specific requirements: the height of the accessory dwelling shall not exceed the height of the principal residential structure or two and a half stories, or 35 feet whichever is less. The roof of the accessory dwelling shall be similar in form and pitch to that of a principal residential structure. The exterior building materials and appearance of the accessory dwelling shall be similar to that of the principal residential structure. Not less than 20 percent of the façade of the accessory dwelling unit facing the principal residential structure or alley shall be windows." I would mention that these standards are a little bit different than what we would normally apply to those accessory dwelling units because cluster developments have a whole other set of standards. In general, if somebody was coming in the area covered by the North Phillips overlay and wanted to build a carriage house on the back of their lot with the principal structure at the front of the lot, these would be the standards we would look at. As we do cluster developments throughout the city, we look at the cluster development standards.

Commissioner El-Hindi: Right now I see three parking stalls per... there are a total of six parking stalls that are shared amongst all seven buildings...

Staff Farrar: Six.

Commissioner El-Hindi: Six buildings. Ok, that's all.

President Motzenbecker opened the public hearing.

Jim Graham (2101 10th Ave S) [not on sign-in sheet]: I work for the American Indian Community Development Corporation. This particular project has been in the works from the neighborhood for about four to five years. It was part of the master plan that was actually presented to the Planning Commission in the past. The neighborhood has originally thought of having rowhouses in that area so that there would be several more units that would fill that particular area. It was thought that single-family ownership was more important because one of the priorities of the neighborhood plan was to increase homeownership rather than rental units and that increase the number of Indian families living in the community because they were felt to be a discriminated against group that was not being adequately served with home ownership. This particular project is part of the Urban Indian Homeownership Project. It came out of an agreement, a memorandum of understanding with the city of Minneapolis, that the city would assist Indian people who had historically experienced discrimination in housing, in particularly home ownership, but it would assist them in meeting their needs. These units are part of an overall plan that would create approximately 35 units of housing in south Minneapolis in that particular neighborhood because it was necessary to create the necessary mass that would allow for a viable community to be carried on in that area. Many of the institutions that serve the Native American community are along Franklin Avenue and that area. Native people have been displaced from that community in large part by development that has gone on in the past. The houses that will be there will be insulated concrete form houses. They will be sustainable in that they will take about 25 to 30% of the normal energy cost. The houses will look like this. This is one of the houses that went through a master plan review. That will be four of the houses that will be there. Unfortunately, the plans that were presented to you showed the vinyl siding. The vinyl siding has even been a problem on the houses that we built. This particular one has stucco. In fact, another one that we built, the first six have stucco. The four houses will be identical to this. The other two will be what are called "carriage houses", but in fact are single-family houses. All of the property that is there, other than the amount that's immediately under the structure, is a common space. They own, in common, the people who live in this cluster, will own in common all green space. There will be pathways or green space that are owned by all of them. All yards are in common. The space that was shown as a play area can have play equipment there. We decided it would be better to have the families that are there make that decision. There are at least two people moving into those houses that are elders and we don't know which two that they will be occupying if you noticed on it, that whole area that was common space that was pointed out as a play area, that's elevated. The reason it's elevated is so that there is a common area for handicapped people to go into their houses. There is a ramp that goes up. That's also the snow storage area for the winter time which should be a nice play area too given that kids like to slide down mounds of snow. The entire structure, as far as density is concerned, on 14th Avenue there will be four houses. Right now, almost every block in that area, and I went out and took pictures today and would be happy to share them with you, but if you go from 21st to 22nd, from Chicago Avenue to when you

run out of houses in that community which is on 16th, you will find that there are about 10 to 13 units per block all the way across on the way over there. Much of the density is very similar to this. Originally there were more housing units on this area than there will be built there. Those houses were torn down and the city lost those housing units. This is a compromise to get the greatest number of single-family ownership in that area. Immediately south of this is the village, the Franklin Village development, and I'd like to show a picture of that.

President Motzenbecker: Mr. Graham, does that pertain to this... any of the particular land use applications that we're discussing?

Jim Graham: It simply shows the number of units that are there. This is immediately across the street, the twin homes that were put in some years ago. The Franklin area, that has what was originally thought of as being there. That has the houses in a cluster that are all adjoining that area all single-family houses too. In the same area, they have about three times as many units. As far as the density, this is not very dense at all. As far as the structures, the three-story unit was designed that way so it would...

President Motzenbecker: Mr. Graham, you are aware that we are recommended approval for all but one item. If you want to just speak to that and maybe summarize for us.

Jim Graham: That particular unit was designed so it would have the greatest desirability for someone that lived there. It would have four foot wide stairs so that if someone were handicapped they would be able to install a lift that would go along side the stairs. It has lofts, it has fireplaces that you look down a great room... it's designed to be very quality housing for someone that would want to live in the inner city. It is affordable. The families that will live there will pay about \$399 to \$420 per month for these houses that will be valued from \$310,000 to \$325,000. Part of the purpose was to create the most amenities possible in those units since they were above a garage.

Commissioner Schiff: I think it's a great project; bringing home ownership. I think the way you have done this so that it's affordable is also really commendable. I really have a problem with the design and the height of those carriage houses. At this point I am going to agree with the staff recommendation and try to work with you to come up with another plan and perhaps it's the requirement that we have a similar roof style that's causing the additional height and maybe we can give on that since this is a rather eclectic neighborhood as you showed. It's definitely a much more urban design than the driveways across the street. The fact that there is a playground... just one question on that... do you have any plans for play equipment or is that going to be up to the homeowners to finance on their own? What are you going to do with that?

Jim Graham: Well, that probably would be up to the homeowners and the Mille Lacs Band to supply those sorts of amenities, which they have in the past. We decided we

would allow the people who live there to make those decisions. It certainly is designed so it would meet that requirement so that it would have a play area that would be safe and secure. The roof, if we put a gable roof in so that you had a hanging loft instead, it would work just fine, but it might be a little taller and not lower.

Commissioner Schiff: For the house on the corner of 21st and 14th, would you be able to... I don't know if the sideyard width is there that you're planning for... would you be able to do a wraparound front porch so there are more eyes on the entire corner?

Jim Graham: We could. The carriage house unit actually has a wall of glass looking right at the corner that will be very viewable from all floors of the house. I would love to do a wraparound, but then we would have three other people saying "why didn't I get a wraparound", but the glass that will be in that one unit will look all the way down that unit. It has a wonderful view of downtown.

Commissioner Schiff: So you could do the wraparound. It's the only true corner house on the plan.

Jim Graham: I love big porches. In fact, I wanted these porches to be bigger but it doesn't fit.

Commissioner Schiff: What about fencing? What are your fencing plans?

Jim Graham: The fencing plan was that there would be a security fence... not a security fence, but what do you call them when they can't see into the back yard? There would be solid fencing that would go down the one side and then across along the parking lot. There was a request from one of the people that lives kitty-corner from that for some type of sound proofing in that area. She already has that privacy fence there so we could install another privacy fence there, but our intention originally was to put in wrought iron and a quality type of fencing, much like that house that I showed you because it's simply a greater amenity and doesn't give you that stockade type of feeling. It just makes a house look much better.

Commissioner Schiff: So many of the security fences are being covered with gang graffiti and so the more slats and space there is the better it is for crime prevention.

Jim Graham: We thought that it would be better to have a quality fence that would go around. In fact, one of the homeowners... at the neighborhood meeting, by the way, there were two votes against this project. One of the people later changed his mind. I have a letter saying "I fully support it after seeing what was going on", but he had a concern that he was about to put in a fence and I said "please wait because a wrought iron fence would be better".

Commissioner Schiff: Jim, can you put the picture up of the stucco example? These homes you're planning, are they also going R50 energy? You're walking along the front and what you're staring at are the piers of the front porch, is there a way to either put landscaping along there or some kind of covering over that so that you're not just staring at the underside of the foundation?

Jim Graham: The underside of the porch? That actually hasn't been installed yet. This house is supposed to have that installed. There is white lattice work that fits in, it just hasn't been installed.

Commissioner Schiff: Ok. I just wanted to make sure that's part of it.

Jim Graham: By the way, this particular stucco that's going on, you can throw baseballs off of it; it's a wonderful product that we intend to you. That had vinyl siding on it for cost consideration. This is a much better quality product that we intend to use.

Commissioner Tucker: Does this house that you're showing have habitable space in the attic or not?

Jim Graham: No it doesn't and that's a shame.

Commissioner Tucker: I'm just wondering if, given this kind of a shell, if you could have those bedrooms up in that space so that we can comply with the two and half story...

Jim Graham: You could, but the design of this cluster is to maximize what is there and to give the greatest amenity...

Commissioner Tucker: I'm not suggesting reducing the number of bedrooms, just fit them in under the roof a little more cozy; the way you find in bungalows for instance.

Jim Graham: If you do that, we will do that, of course.

Commissioner Tucker: You haven't explored that yet, but you will be? Ok.

Jim Graham: We actually explored that. In fact, these I would like to put hanging lofts in there, but the Mille Lacs Band said that they didn't need them to be eight bedrooms and this would reduce the cost and that was fine, that was big enough. If anyone has seen the designs I did for the actual carriage houses with the hanging lofts, it bothers me to waste that space.

Commissioner Tucker: Did you also explore other arrangements of your six buildings to possibly get that three car garage off the street and in the back there somehow or another? That's the weak point of your project.

Jim Graham: We tried to do that in any number of ways and it just simply did not work. We could not do it. If you started moving those garages around, you ended up with housing cars instead of people [tape ended]...it's not the intent; it was to get the housing to be for people rather than cars. That's why it's designed the way it is. We went through many, many reiterations of what would be the best use. It ended up being that you might have been able to get two houses on a block that used to have nine or ten housing units. You might have had two or three units there. That particular site, the house that's immediately next door to it on 21st Street was moved there by PNIA years ago. They moved it purposely across the thing so that they reduced that lot. It created a wonderful, big suburban type of yard on the other side, but it restricted that. Then the county put two or three other little lots together to make half of this lot. It has what used to be six, seven or eight buildings as part of it but they were such cut up that it's just the way it came out.

Commissioner Tucker: Are you ok with the staff recommendation on the alternative compliance for more windows in the garage doors?

Jim Graham: Oh absolutely. That's fine.

Commissioner Tucker: ...or another idea on how to get that to be a more friendly street presence?

Jim Graham: The reason they're not on here now is because sometimes people in some communities come along and look in to see what you have in your garage. The neighborhood actually originally designed this in for this area and wanted these units because of the crime and blight on those empty lots.

Commissioner Huynh: Thank you for coming out to speak tonight. Regarding the CUP request for increasing the height of the building...if you could put that photo up of the homes across the street once again. Do you know the heights of the rooflines for the homes across the street there? Also, the row of townhomes...

Jim Graham: I have one here. What Commissioner Schiff was referring to was that development...

Commissioner Huynh: I guess just looking specifically within the vicinity of the area, what are the average roof heights?

Jim Graham: One second and I will have it for you. This particular one is a particular row of houses I was looking for before. These would be almost a full roof height higher. The houses immediately across the street... this will be higher than any of the ones that we will be building by quite a margin.

Commissioner Huynh: Do you know what the exact elevation is of the roofline?

Jim Graham: On this particular one?

Commissioner Huynh: Yes.

Jim Graham: This one I don't know. I do know this is a higher house than any of the ones that we've designed. This would be considered a two and a half story even though it clearly has three stories of living space.

Commissioner Huynh: The reason you're requesting the 32 feet, four inches... is it purely aesthetics or is it another design aesthetic that we just don't know about?

Jim Graham: It's a mixture. It's to get the most housing possible above that area, but it's also for aesthetics so that you have this wonderful living space that anybody would want to live in.

Janet Stately (1403 E 21st St): I live in the property right next to the corner lot. I bought the house 26 years ago. It's a stucco Victorian house similar in design to the one he chose to show. I'm glad that he made the change from vinyl to stucco. That is one of the reasons I came today because some things have to match in the neighborhood, we can't keep patch-working things. Also, if that had been approved to go to the three stories, then the only time I am going to get sunlight on that side of my house is at high noon because it would totally overshadow the property. As it is there is only going to be four feet of yard. I do own the side lot, not the corner lot, but the one next to it. That is a big, open vacant lot. I have some concerns that because there are limited places for these 18 plus children to play because there is no such thing in our neighborhood of one

child per bedroom, that there is going to be a problem with my half lot that I purchased from the city some years ago. It had a vacant and boarded and burned house on it so the city offered it to us because it's only 27 feet wide and can't be built on. Next to me is a Habitat house. It's a beautiful home. The homeowners sent a letter along with me, but I think it's kind of late to present that. She is also against this. I have some concerns about the children and their safety in a lot going that far. I have some concerns about green space. I also have a question. I have some big, old trees in my back yard that are hanging over onto where something is being built where the playground space will be... who is going to be responsible for the removal of those trees or are they going to cut my big trees in half?

President Motzenbecker: I don't think that's a question for us.

Janet Stately: That's going to be very expensive and I hope not for me. I think when we're considering bringing in homes to value at \$350,000 for other people and beautiful aesthetics for people, we consider the neighbors and the property that's already owned there.

Penelope Buck (2112 14th Ave S): My property is directly across from the driveway on this project. My objection to this project is the density. I've done historic research on the houses on the blocks in the neighborhood there. There only ever were three houses facing 14th Avenue and one house facing 21st Street that have been torn down. To put six houses on this lot seems to be incredibly dense and an overload for the immediate block area. They are providing off-street parking for six units, but most people have more than one car especially if you're a two job family. We are already having traffic problems on E 22nd, on 14th and on E 21st this will add to the congestion. My neighbors on either side of me are not happy with this plan either, but didn't complete their letters on time. There's a language problem for the one side. I showed the plans and everybody said "six houses, are they nuts?" The vote at the neighborhood meeting, there were two against and I was one of them and there were 10 for it, but there were seven people that abstained that had so many questions and so many objections that they simply couldn't go either way. Again, the play space is a concern with me. The houses that are next to me and behind me have yards for the kids to play in and we still almost had a child abduction this summer. The fact that you're adding six homes here with no immediate yard space for the families to stay in the house and watch the kids, that's a real concern.

President Motzenbecker: If you could summarize for us please.

Penelope Buck: That's it.

Knowles Dougherty (2100 S 14th Ave): I live across 14th Avenue from the propose project. I happen to be very much in favor of the goals of the project. I think it's excellent. One of the reasons I purchased the building where I live is that I can see that the Native American Development Corporation had done good things in the neighborhood. Since I have been there a house was built on our block and I thought the project worked out very well. My only concern is similar to the previous lady and that is, it seems like a small area to do as many things as they're trying to do.

President Motzenbecker: Ok. I think we got that. Is there new information that we haven't heard that you would like to talk to us about? We understand that there is some concern with density and the play spaces.

Knowles Dougherty: No.

President Motzenbecker: Ok. Thank you.

Rhonda Inberg (1106 E 22nd St) [not on sign-in sheet]: On 22nd there are rowhouses and townhomes and it's all really condense there. The street is very narrow and you can only park on the south end now. It's not going to be a one-way anymore. We need houses in the neighborhood. Nice houses. There are kids that play in the street. They do have the boys and girls club a couple blocks away. We do need parks in the neighborhood. That's about it.

President Motzenbecker closed the public hearing.

Commissioner Norkus-Crampton: I have a question for the applicant. The fencing that you have listed on there, is that continuous fencing around the whole development or does each individual house have separate fencing? Is there connectivity between the lots or is it separated by fencing between?

Jim Graham: No, it would be one fence around the outer edge because all of the green area is common space. All of the people share that as a community.

Commissioner Schiff: Can the applicant or staff trace with your finger the walking pattern to get from house number one to the green space. So from 21st and 14th, how do you get to that playground?

Jim Graham: You want to get from this house to the green space? You can walk along. There's a four or five foot space all along there that you could walk in or go down the sidewalk.

Commissioner Schiff: You got arborvitae planted there on your site plan.

Jim Graham: Right, but you can get back in there from there because this house ends right here. There is a space to walk there. Otherwise you would walk down, along side, and then through the rain garden and then in the other way.

Commissioner Schiff: Through the rain garden.

Jim Graham: If you were going to come to there from that particular house, that's the only way that you would walk because all the yards are shared area. None of the green space is private.

Commissioner Schiff: When you said "along the way", you took your finger off, can you keep on tracing it?

Jim Graham: From here you could come out of the back door, come down, come up the driveway, come up the ramp and come into the play area.

Commissioner Schiff: Up the ramp?

Jim Graham: There is a ramp there. There's a wheelchair accessible ramp that rises to the raised area.

Commissioner Schiff: Thank you. Our copies are small. I think I got the answer I was looking for. Ok. So you have to walk through that driveway? Ok.

Jim Graham: Down the driveway and then up the ramp.

Commissioner Tucker: I move item A, the rezoning R2B to R4, the staff recommendation (El-Hindi seconded).

President Motzenbecker: All those in favor? Opposed? Any discussion?

The motion carried 8-0.

Commissioner Tucker: Item B, I move the CUP for a cluster development per staff recommendation (El-Hindi seconded).

President Motzenbecker: All those in favor? Opposed? Any discussion?

The motion carried 8-0.

Commissioner Tucker: Item C, I move staff recommendation to deny the height of the building increase beyond two and a half stories (Schiff seconded).

Commissioner Huynh: My personal view is that I don't find any issue with granting the three stories at 32' 4" just because two and a half stories are allowed with 35 feet and it seems to be below the 35 feet mark, but it didn't have any effect in terms of increasing the building façade regardless of what the height was. It seems to improve the inside aesthetic of the living conditions. I, with the 32 feet, find it below the 35 and have no problem with actually asking that we approve that. I'm not sure if that's done through a second motion or...

President Motzenbecker: Just discussion.

Commissioner Tucker: I would just repeat the staff argument that the two stories plus the roof...actually three stories plus the roof...makes a very blocky façade right there compared to the other buildings that they're proposing and I think it already has a rather blank façade with those garage doors, which I know they're to mitigate, but the extra two stories makes that even formidable.

Commissioner Nordyke: I agree with Commissioner Huynh's comments.

Commissioner LaShomb: I think that we wouldn't have the three story issue at all if they weren't developing the garages the way they're developing them. I think Commissioner Nordyke put it right on that head that if they decided they were going to attach the

garages to the other buildings, then we wouldn't be telling them they have to lower the size of the other buildings. I think the idea of having all the garages in one place is a good idea. I think there are some security issues involved in that. I think that it's going to make the other houses look more like houses in Minneapolis look and that is houses that don't have attached garages. There are a lot of ways that you could design this site. I supposed you could put all the houses in a row and put garages next to them or create an alley or do all this stuff. I think we're penalizing them for doing something creative in putting the garages all in one place. Commissioner Nordyke made the point very early on that I agree with and that is that it's nice to have some variety when you're selling units like this where you can say to people "this unit has a wrap around porch because it provides greater oversight of the street and these are garage buildings, but the price you pay for living over the garage is that you get a more unique kind of unit". So I think there's a lot of arguments for simply saying that the conditional use permit is appropriate so I guess I'll lose on this one, I don't know, but I think the basic point is that we're penalizing them for doing something creative by providing a variety of amenities so that all the units don't look all alike.

Commissioner El-Hindi: I would like to remind the commission that we did approve a project that was a three story condition with the height being less than 35 feet although it was a flat pack house in Kenwood before granting that, the height was under 35 feet and maybe the issue of two and a half stories versus 35 feet was kind of a technical issue. Although, with this comment, I still do agree with Commissioner Tucker and Commissioner Schiff about the use of the space of the attic in this specific condition that there is a potential of using the unusable space that's there right now in the drawings to actually become bedroom space and usable space. Maybe it would require us to think about dormers and things like that. Maybe that would break up the roof line a little more. I would take the position of supporting the staff condition in this case because of that.

Commissioner Schiff: This lot is a little bit different because it's a reverse corner lot and this carriage house is so visible. The original idea when we were talking about carriage houses and permitting them in the city of Minneapolis was that we wanted to go back to the day when there were carriage houses built throughout the city of Minneapolis. Yes, some of them were barns that were converted. This goes into that category. This looks like a barn. I don't think we're penalizing the developer, I think we just need to call the developer on the fact that this doesn't fit in and it doesn't look like the type of carriage house that would come from an era when carriage houses were built in the city of Minneapolis when people lived above garages. This looks like quite a large residential structure calling itself a carriage house. If we were to imagine if this was a neighborhood full of single family homes and this was stuck towards the alley, would it stick out? You bet it would. All the more that this would be visible on the corner. I think we should challenge them some more to lower that height of the structure and redesign it. The fact that the façade is not asymmetrical also lends it to being very different from anything else that's around and I supposed that's going to be necessary for a three-car garage, but I think some design work needs to happen. I think denying this conditional use permit will force them to go back to the drawing board and come up with a better project.

President Motzenbecker: Any more comments? All those in favor of the staff recommendation to deny the CUP for the height? Opposed?

The motion carried 5-3.

Commissioner Tucker: I move we approve variances D, E, F and G per staff recommendation (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move item H per staff recommendation to approve, although I am a little unhappy with having cars back into the street. It's the same issue of having those garages on the street which is not the best way to handle your front yard there (Schiff seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move staff recommendation for the site plan review to approve it, hoping there is some discussion on the common space and its accessibility to all the units (Schiff seconded).

Commissioner Schiff: I might let some of our other architects talk about accessibility to that common green space because I think it's an awkward pattern to get there. I think it's really vital for the success of the project to have a place where, easily, two dozen children could be living in. The couple other details I want to throw in on site plan while we're considering the access question... a wrap around porch on the unit on the corner of 21st and 14th Ave S, I don't believe that will require an additional sideyard variance, I think it can be added within the variance granted. Number two, a fence that will not be a privacy fence, but a graffiti-proof fence that allows visibility in between each of the panels. The covering over the exposed foundation below the front porch on each of the single family homes is shown on the drawings so that's fine. Two other issues, we don't have the same glazing requirements under the cluster developments as we would normally if these were being built individually and I just want to verify that with staff. I think it's also important that we have different colors on each of these. I don't know if

you're planning on painting them all the same color, but hopefully not. I think we should make that a requirement so we don't end up with six yellow houses that will really stick out from the neighborhood, but that we have at least four different colors on these six structures.

Staff Farrar: I might look to Jim Voll because he has the zoning code up there, but if we're looking at doing a wrap around porch on the corner of 14th and 21st, it would indeed require that we modify the variance that we approved for that.

Commissioner Schiff: How would we have to modify that?

Staff Farrar: Because porches aren't allowed to encroach any closer than ten feet to the front yard and by virtue of just the configuration of that property alone it would have to be altered. The structure itself went to four feet and the porch encroachments went to seven further down the block. The bay window itself actually projects within four feet. Is it more for appearances or functionality? I just think we should take a look at that because we may need to revise that variance that was formerly approved.

Commissioner Schiff: So the variance allows the bay window, we just have to change the wording to say the variance allows the bay window and a wrap around fence?

Staff Farrar: It actually just says "to four feet for the structure and to seven feet for porch encroachments". You'd have to alter the seven feet to four or whatever you want to have for the porch encroachment that wraps around on that 14th front. Does that make sense?

Commissioner Schiff: I think. I might ask Jim for the final language.

Staff Voll: I'm not sure I'm totally following this, Commissioner Schiff, but if we didn't notice for that variance we can't grant a variance we didn't notice for. I would have to ask Ms. Farrar's help on this, but we can't do a variance for something we didn't notice for.

Commissioner Schiff: Yeah, I understand that for a new variance. I thought you were saying modify the variance already granted to make it explicit that we're allowing for this.

Staff Farrar: It would actually end up reducing it which would require, as Jim Voll stated...

Commissioner Schiff: Then on the glazing, are we under different glazing requirements because this is a cluster development?

Staff Voll: Do you want to answer that Ms. Farrar?

Staff Farrar: You go ahead.

Staff Voll: For single family and two family homes and so forth we have the site plan standards that are listed in Chapter 535 and they talk about five percent windows on the rear and interior facades. Normally you would have to have that percentage of windows, but when you're in a cluster development, they are a use that falls under site plan review. Under site plan review, the residential requirements, as you'll see from multi-family developments and cluster developments, there is no window requirement on the interior and rear side wall. If I'm understanding your question, they would not be required to provide windows on those facades under a cluster development. It doesn't mean that we can't require some percentages, but we have to be careful that they don't exceed the amounts allowed by the building code as we're reducing the setbacks on some of those.

Commissioner Schiff: What are the requirements under 535 for the rear and the side?

Staff Voll: Not less than five percent of the walls on each floor, so five percent on each floor, that face a rear or interior side lot line shall be windows. Half stories are not subject to that requirement.

Commissioner Schiff: Ok, so we could insert that and then with the statement "unless prohibited by the building code".

Staff Voll: That's correct.

Commissioner Schiff: Ok, that's what I'll suggest then.

Commissioner Tucker: I will accept those additional conditions to the six made by staff. The fence, glazing, and five percent unless prohibited by code.

President Motzenbecker: Different colors, was that also one?

Commissioner Schiff: Yes. There are six structures here so at least four different colors. That way the carriage houses can match their principal unit.

Commissioner El-Hindi: I would like to respond to one of the questions that Commissioner Schiff brought up which is the accessibility to the green court or green space in the back. One suggestion would be to maybe look at the possibility of access between house 2117 and 2119 from the sidewalk. Since that is shared space, that would probably be a better situation accessing that court rather from the driveway and up the ramp. Maybe that would have to require a ramp on that side since that is a raised yard as well. I don't know, but maybe the applicant can respond to that.

Jim Graham: That would be fine. In fact, it would be very easy to put a set of stairs that would go down to there. Also, if there were fewer arborvitaes on the one end, it would be very easy to have a walk-thru on there with the removal of the arborvitaes or placing them in another place.

Commissioner Tucker: I'm curious if Commissioner El-Hindi is suggesting that we add a condition that the path be emphasized. Applicant to work with staff to make the space between 2117 and 2119 more of an access to the play space?

Commissioner El-Hindi: I'm only suggesting a possibility that it might be a better access to the raised yard.

Commissioner Tucker: I like that because it makes that common space more accessible and brings things together.

Commissioner El-Hindi: The applicant is open to that so I think we can add that condition.

Commissioner Tucker: Ok, we'll do that too.

President Motzenbecker: Any further comments? Ok. I think we have our site plan review with the additional comments and conditions that were added. The graffiti proof fence, the four different colors, five percent windows unless building code prohibits and then the path added for access to the play space between 2117 and 2119. All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I move approval of the preliminary plat (Commissioner Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Department of Community Planning and Economic Development – Planning Division

Rezoning, Conditional Use Permits, Variances and Site Plan Review

BZZ-3241

Preliminary Plat

PL-206

Date: November 13, 2006

Applicant: James Graham, American Indian Community Development Corporation,
2020 Bloomington Avenue South, Minneapolis, MN 55404, (612) 813-1610

Addresses of Property: 2111 and 2119 14th Avenue South, 1408 East 22nd Street

Project Name: Pokegama North

Contact Person and Phone: James Graham, American Indian Community
Development Corporation, 2020 Bloomington Avenue South, Minneapolis, MN 55404,
(612) 813-1610

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

Date Application Deemed Complete: October 10, 2006

End of 60-Day Decision Period: December 8, 2006

End of 120-Day Decision Period: On November 2, 2006, Staff sent the applicant a
letter extending the decision period to no later than February 6, 2007.

Ward: 6 **Neighborhood Organization:** Ventura Village

Existing Zoning: R2B (Two-family) district, NP (North Phillips Overlay) District

Proposed Zoning: R4 (Multiple-family) district

Zoning Plate Number: 21

Lot area: 17,830 square feet .41 acres

Legal Description: 2111 14th Avenue South: Lot 5 except the East 17.50 feet thereof and the North ½ of Lot 6, Block 7, Eliot's Addition to Minneapolis; 2119 14th Avenue South: That part of the South ½ of Lot 6, Block 7, Eliot's Addition to Minneapolis, lying North of the South 40 feet of said lot; 1408 East 22nd Street: Lot 7, Block 7 Eliot's Addition to Minneapolis

Proposed Use: A six-unit cluster development in the R4 district.

Concurrent Review:

- Petition to rezone the subject parcels from the R2B district to the R4 district;
- Conditional Use Permit for a 6- unit cluster development;
- Conditional Use Permit to increase the maximum permitted height from 2.5 stories to 3 stories for the proposed carriage house/garage unit structures;
- Variance of the front yards along East 22nd Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure; along 14th Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; and along East 21st Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment;
- Interior side yard variances along the east property lines;
- Variance to reduce the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue South;
- Site Plan review for a 6-unit, single-family cluster development in the R4 district;
- Preliminary and Final Plat.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII, Conditional Use Permits, Article IX, Variances, Chapter 530 Site Plan Review and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct a new cluster development located on the properties at 2111 and 2119 14th Avenue South, 1408 East 22nd Street. The properties are currently zoned R2B and located in the North Phillips (NP) Overlay District

which was established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements. The applicant proposes to rezone the subject parcels to the R4 district. The development would consist of six single-family units, constructed in two different styles within a cluster development. The proposed cluster development requires a conditional use permit in the R4 district. A conditional use permit is also required to increase the maximum permitted height from the allowable 2.5 stories or 35 feet to 3 stories or 32 feet, 4 inches for the carriage houses/garage unit structures proposed as part of the development.

Several variances are required based on the proposal including: (1) the front yard adjacent to along East 22nd Street from 18 feet 8 inches (subject to a front yard increase per Section 546.160 of the Zoning Code) to 17 feet for the structure; (2) along 14th Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; (3) and along East 21st Street from 23 feet (subject to a front yard increase per Section 546.160) to 15 feet for the structure and to 9 feet for a porch encroachment; (4) interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point; (5) the required maneuvering area from 22 feet to 7 feet adjacent to 14th Avenue South. Preliminary and Final Plat approval is required as all land proposed for a cluster development must be platted or replatted into one or more lots. Site plan review is also required.

Staff has not received correspondence from Ventura Village or any neighborhood letters prior to the printing of this report.

REZONING

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

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

The subject properties are located approximately two blocks off of Bloomington Avenue which is a designated Community Corridor and two blocks off of Franklin Avenue which is a designated Commercial Corridor. The following policies are relevant to the proposed development.

Relevant policy: **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps:

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

The project would incorporate a cluster development consisting of six single-family homes within close proximity to a Community Corridor and a Commercial Corridor.

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

The amendment is clearly in the interest of the property owner. It would allow the applicant to construct a 6-unit cluster development, instead of the allowable single family or two-family dwellings permitted under the existing zoning classification of R2B. However, adopted policies in the comprehensive plan indicate that there is a public interest associated with adding housing capacity in along major corridors. Further, there are several bus lines in close proximity to the subject site.

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 property is located two blocks off of Bloomington Avenue and Franklin Avenue. There is a mixture of zoning classifications within the immediate vicinity. The subject properties are located within an isolated block of R2B. To the north of the site there are blocks of I1 and C4 zoning; to the west predominantly R4 zoning; to the east R5 zoning and to the south OR2 zoning.

The proposal to rezone the subject site to R4 would seem compatible with the surrounding area and further, the proposed use of the subject site for a cluster development of single-family homes would seem appropriate given the proximity of the properties to both a Community and Commercial Corridor.

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 existing R2B zoning classification as either single family or two-family dwelling units. However, authorizing the rezoning which would allow the same type of use as a single-family home, just in a higher density as a cluster development in the R4 district would seem reasonable.

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 properties were zoned R2B. Duplex or single-family structures could be constructed on the property, however; construction of a cluster development composed of single-family homes seems an appropriate and reasonable use of the subject properties.

CONDITIONAL USE PERMIT - for a six -unit cluster development (no dwelling unit shall intrude on the vertical airspace of any other dwelling unit)

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, comfort or general welfare.

The Planning Division does not generally believe that the proposed cluster development would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant proposes to construct six single-family dwelling units on the subject parcels. The proposal meets all of the applicable lot dimension and building bulk requirements in the R2B district for a cluster development as well as all applicable specific development standards.

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

The Planning Division does not generally believe that a six-unit, single-family cluster development would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The properties are currently underutilized and vacant.

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

The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development 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 would be six spaces. The applicant is providing six enclosed parking spaces in ground level garages. Two of the proposed structures on site have ground level garages with 3 enclosed spaces each at the ground level. Staff believes that adequate measures would be provided based on the proposed design of the cluster development.

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

According to the *Minneapolis Plan*, the subject properties are located approximately two blocks off of Bloomington Avenue which is a designated Community Corridor and two blocks off of Franklin Avenue which is a designated Commercial Corridor. The following policies are relevant to the proposed development.

- Minneapolis will grow by increasing its supply of housing.
- Improve the availability of housing options for its residents.
- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.
- Maintain and strengthen the character of the city's various residential neighborhoods.
- Support the development of residential dwellings of appropriate form and density.

The applicant proposes to construct six single-family dwelling units in a cluster development. This development is in conformance with the above noted principles and policies of the comprehensive plan.

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

With the approval of the rezoning, conditional use permits, variances, site plan review and preliminary and final plat this development would meet the applicable requirements of the R4 zoning district.

Additional Criteria for a Cluster Development

(A) Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

The applicant has submitted a site plan/development plan that addresses all the above listed items. The development plan is being evaluated simultaneously with the conditional use permit application for the cluster development.

(B) All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The applicant has submitted a preliminary plat that complies with all of the applicable requirements contained in Chapter 598, Land Subdivision regulations.

(C) The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.

The cluster development meets the minimum lot area and lot width requirements of the R4 district. Cluster developments in the R4 District require 5,000 square feet of lot area or 1,500 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 17,830 square feet of lot area and is situated on a lot greater than 40 feet in width.

(D) Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.

The proposed development does not meet the above listed requirements of the zoning district as it pertains to yards around the periphery of the cluster development. Several yard variances are being required that include a: variance of the front yards along East 22nd Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure; along 14th Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; and along East 21st Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment, as well as variances of the interior side yards along the east property lines.

(E) Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

The proposed development meets the above listed requirements. The majority of the open/common space for the proposed development is located at the interior of the parcel. All open/common space on site is accessible to all six of the proposed single-family structures. The applicant is providing approximately 9,659 square feet of open space on site or approximately 84% of the site not occupied by buildings. No additional amenities are being provided within the proposed open space.

(F) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings,

and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

The proposed development would meet the applicable above listed requirements. For further information regarding the proposed development, see Chapter 530 findings for Site Plan review which is discussed below.

(G) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

Staff believes that the proposed development should include additional plantings to meet this requirement, specifically along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14th Avenue South and East 22nd Street.

(H) Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.

The project would not include manufactured housing.

CONDITIONAL USE PERMIT - to increase the maximum permitted height from 2.5 stories or 35 feet to 3 stories or 32 feet, 4 inches.

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 be detrimental to or endanger the public health, safety, comfort or general welfare.**

Staff does not generally believe that allowing a 3-story building under the height limitation of feet permitted in the R4 district would be detrimental to or endanger the public health, safety, comfort or general welfare. However, the inferior design of the structure necessitating the variance would be improved should the proposal be required to adhere to the district regulation of 2.5 stories. The massing and overall blocky appearance of the carriage house structure could be detrimental to the comfort or general welfare of the immediate neighbors.

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

This property is located in a fully developed area. It is possible due to the design of the proposed structure that the increase in height and overall massing could be injurious to the use and enjoyment of other property in the vicinity particularly given that the height increase is coupled with variances to reduce required yards. It is unlikely that the increase in height would impede the normal or orderly development and improvement of surrounding property for uses permitted in the district, however.

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

The site would be accessed off of 14th Avenue South. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required 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 additional height proposed for the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for the proposed development.

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

See the above listed response to finding #5 in the conditional use permit application.

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

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Staff would argue that the proposed blocky massing of the carriage house structure due to the proposed 3rd story would have more of an impact on access to light and air of surrounding properties than a structure built in compliance with the 2.5 story height limitation. While Staff is aware that the proposed development is less in feet than what is allowed in the zoning code, the bulk, massing and appearance of the structure particularly given that the height increase is coupled with variances to reduce required yards, could result in some negative impacts on the amount of light and air that surrounding properties receive.

2. Shadowing of residential properties or significant public spaces.

There are adjacent residential properties that surround the site; however, there are no significant adjacent public spaces. Staff would expect that the shadowing impacts on the adjacent properties would be negligible.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Relative to similar developments within the general vicinity, Staff believes that the proposal would be compatible with the scale and character of other buildings in the area should the proposed development be modified to comply with the 2.5 story height limitation. It is likely that with a slight modification, the design and allocation or distribution of height on site would be compatible with the surrounding uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

VARIANCE – **(1)** Variance of the front yards along East 22nd Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure; along 14th Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments; and along East 21st Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment; **(2)** Interior side yard variances along the east property lines; **(3)** Variance to reduce the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue South;

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

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

Variance of the front yards: The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. The property is irregularly shaped and subject to 3 front yards. Further, two of those yards adjacent to East 22nd Street and East 21st Street are subject to a front yard increase. To require that the single-family structures within the cluster development adhere to the required front yard setbacks would likely result in the loss of units as well as alter the functionality of the cluster development. The proposed 2.5 story home has been intended to complement existing structures in the area by incorporating front porches into the design of the structure. The proposed setback

reductions would still maintain the character of the existing area along all 3 street frontages.

Variance of the interior side yards along the east property lines: The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. Staff believes that with the requirement that all principal residential structures adhere to the 2.5 story or 35 foot limitation, the granting of a setback variance from 7 feet to 4 feet 10 inches at the closest point is a reasonable request. Due to the odd configuration of the parcel, it is likely that any comparable development would need setback variances. Further, the proposed structures are close to the minimum permitted width of 22 feet.

Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue South: Staff believes that granting the maneuvering variance is reasonable and strict adherence to the regulations of the zoning code could cause an undue hardship. The structure necessitating the maneuvering variance has been designed to provide parking for 3 of the single-family units. By calling for the applicant to meet the required maneuvering area, the development would not be able to accommodate the proposed enclosed parking. Granting the variance would in essence require that vehicles backing out of the garages utilize a portion of the public right-of-way on the 14th Avenue South frontage.

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

Variance of the front yards: The circumstances could be considered unique as the property is subject to three front yards and is irregularly shaped. Based on the lot area and proposed zoning classification, a development of much higher density could be constructed on site. Allowing six single-family homes in a cluster development on an awkwardly shaped, vacant parcel seems a reasonable use of the subject parcel.

Variance of the interior side yards along the east property lines: The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that the site is irregularly shaped and has 3 frontages. To not allow a reduction in the interior side yards could potentially result in the further decrease in the required front yards or a potential reduction in the overall width of the proposed structure. The structures as proposed meet the minimum 22 foot width requirements but are modestly sized at 26 and 22 feet.

Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue South: The circumstances could be considered unique as the property is subject to three front yards. The proposed development would be unable to provide enclosed

parking for 3 of the units within the cluster development without the granting of the maneuvering variance.

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

Variance of the front yards: Granting the setback variances would likely be in keeping with the spirit and the intent of the ordinance. Further, granting setback variances for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed 2.5 story structure has been designed to fit into the scale and character of the existing residential neighborhood and includes similar design features such as front porches to further integrate the proposal. It is Staff's position that with the modification of the proposed carriage house structure to 2.5 stories, the proposed development would fit well into the developed neighborhood.

Variance of the interior side yards along the east property lines: The granting of a variance to allow a setback variance along the east property lines from 7 feet to 4 feet 10 inches at the closest point would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. This finding is assuming that the proposed carriage house structure be modified to fit within the 2.5 story height limitation for cluster developments within the R4 district.

Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue South: Granting the maneuvering variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Utilizing the public right-of-way on 14th Avenue South for the partial maneuvering of 3 vehicles would seem likely to have a negligible effect on neighboring properties and would be the situation that exists with many single-family homes located on corner properties.

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

Variance of the front yards: Staff believes that the granting of the front yard variances 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 of the interior side yards along the east property lines: The proposed variance to allow a decrease in the setback adjacent to the east property lines would likely not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue

South: 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 variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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.

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

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

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

One of the proposed six single-family residential structures is oriented towards East 21st Street, another towards 22nd Street East, one towards the interior of the site and three towards 14th Avenue South. With the exception of the two carriage house/garage unit type structures the proposed residences have principal entrances facing the public streets. The applicant proposes to construct 4 foot wide walkways on site in order to facilitate pedestrian access and circulation. The area between the proposed residential structures and the public streets would have new and existing tree plantings, sod and shrubs.

All proposed parking for the cluster development would be located within the two proposed carriage house/garage unit structures. One is located adjacent to 14th Avenue South and the other adjacent to the interior of the site. The applicant proposes to provide 6 enclosed parking spaces for the development.

The proposed design of the 2.5 story structure would incorporate windows at the first floor; however the proposed carriage house/garage unit structure is primarily comprised of garage doors. At least 20% of the first floor façade that faces a public street or sidewalk shall be windows or doors. All proposed 2.5 story single-family units exceed this requirement. The proposed carriage house/garage units do not meet this requirement. Alternative compliance would be necessary. Staff will recommend based on this unique situation that the proposed structure be granted alternative compliance as it would not be practical to require the first floor garages to meet this requirement. Staff will recommend however that the garage doors be modified to incorporate some windows on the upper portion of the door. Both proposed structure styles meet the 10% window requirement on upper floors facing streets, etc. The windows are vertical in proportion and distributed in a more or less even manner.

The exterior materials would be compatible on all sides of the proposed buildings. The

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applicant is proposing that the exterior of the 2.5 story residential structure be composed of vinyl siding. Staff is concerned with the extensive use and durability of the proposed vinyl siding on the structure as vinyl siding is not considered to be a durable material. Staff will recommend that the Planning Commission require that all proposed vinyl siding be removed and replaced with any of the following durable materials listed in Chapter 530: cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass. The proposed carriage house/garage unit structure is proposed to be composed of stucco and brick.

ACCESS AND CIRCULATION:

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

The principal entrances to the proposed structures are connected via a 4-foot wide concrete walk and stairways to the public sidewalk. The parking facilities for each individual unit are located in the ground level of the two proposed carriage houses/garage unit structures on site.

There are no transit shelters within the development.

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

There would unlikely be significant traffic impacts on the adjacent residential properties. The surrounding property is predominantly residential, and the proposal to construct six single-family homes in a unified cluster development would not be expected to impact the adjacent uses.

There is no public alley adjacent to the site.

The site has been designed to minimize the use of impervious surfaces through extensive open space and landscaping. Impervious surfaces would cover approximately 46 percent of the site and would be further mitigated by the proposed rain gardens on 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, 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.**

The proposal meets the 20% landscape requirement. The total site area is 17,830 square feet or .41 acres and the proposed building footprint on the site would be 6,302 square feet. A total of 2,306 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 9,659 square feet or approximately 84% of the site not occupied by buildings. The zoning code requires that there be at least 5 trees and 12 shrubs. The applicant is proposing to provide 5 trees and 42 shrubs. The proposal is meeting the minimum landscape quantity requirements. Staff would require that development include additional plantings to meet the cluster development standard relating to an appropriate transition area between the use and adjacent properties specifically along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14th Avenue South and East 22nd Street.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater.**

Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.

- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

All parking is being provided in the ground level garages of the proposed carriage houses/garage unit structures. All access to the site would be via 14th Avenue South. The water drainage on site would need to be designed so as not to drain onto any adjacent lots.

The City's CPTED officer has recommended that an entry monument sign be provided off of 14th Avenue South to indicate the location of the structure labeled/addressed as 2115, at the interior of the site. Staff would concur with this recommendation.

The parking facilities have been designed to avoid headlights from shining on adjacent properties. There are adjacent residential properties surrounding the site that could be impacted as all vehicular access to and from the site would be off of 14th Avenue South.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties should the proposal comply with the 2.5 story height limitation. Further, with the compliance with the district height regulations, Staff would not expect the proposed building to have significant impacts on light, wind and air in relation to the surrounding area.

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

ZONING CODE - The proposed use is conditional in the R4 District and subject to specific development standards.

With the approval of the rezoning, conditional use permits, variances, site plan review, and preliminary and final plat this development would meet the requirements of the R4 zoning district.

Specific Development Standards for a cluster development:

The specific development standards were addressed under the conditional use permit for a cluster development under additional criteria.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. The applicant proposes to provide 6 enclosed parking spaces for the proposed development which meets the requirement.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. All single-family homeowners will be responsible for their individual trash removal. No dumpsters shall be provided for the proposed cluster development.

Signs: Any signage is required to meet the requirements of the code. A separate permit is required from the Zoning Office as no signage is being approved as part of the submitted applications.

Lighting: The applicant is proposing to install light fixtures at all entires. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Maximum Floor Area: Not applicable.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the R4 District. Cluster developments in the R4 District require 5,000 square feet of lot area or 1,500 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 17,830 square feet of lot area, 2,971 square feet per dwelling unit, and is situated on a lot greater than 40 feet in width.

Dwelling Units per Acre: Based on the lot area of 17,830 or .41 acres and a total of 6 units provided, 2.5 dwelling units per acre are being provided based on the proposal.

Height: Maximum building height for principal structures in a cluster development located in the R4 District is 2.5 stories or 35 feet, whichever is less. The maximum allowable floor height is 14 feet. The proposed six single-family units would be required to conform to this requirement.

Yard Requirements: The required yards are as follows:

Front: Typically, along all 3 frontages the required setback would be 15 feet. However, two front yards are subject to a front yard increase per 546.160. Therefore, the required setbacks are as follows:

- East 22nd Street from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure;
- 14th Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments
- East 21st Street from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment;

Interior side yards (5+2x): 7 feet

Building coverage: The maximum building coverage in the R4 District is 70 percent. Buildings would cover approximately 35 percent.

Impervious surface area: The maximum impervious surface coverage in the R4 District is 85 percent. Impervious surfaces would cover approximately 46 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

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

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

Alternative compliance is necessary as at least 20% of the first floor façade that faces a public street or sidewalk shall be windows or doors. The proposed carriage house/garage units do not meet this requirement. Alternative compliance would be necessary. Staff will recommend based on this unique situation that the proposed structure be granted alternative compliance as it would not be practical to require the first floor garages to meet this requirement. Staff will recommend however that the garage doors be modified to incorporate some windows on the upper portion of the door.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations.

ZONING CODE

With the approval of the rezoning, conditional use permits, variances, site plan review, and preliminary and final plat this development would meet the applicable requirements of the R4 zoning district.

THE MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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.

Staff does not believe that the proposed plat for a six-unit cluster development would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The site does not have steep slopes on the property.

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. in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

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

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street from the R2B district to the R4 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for a 6-unit cluster development for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street subject to the following conditions:

1. Compliance with the specific development standards for a cluster development as stated in Section 536.20 of the zoning code.

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 application for a conditional use permit to allow an increase in height 2.5 stories to 3 stories for the proposed carriage house/garage unit structures within a 6-unit cluster development for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd 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 **approve** the application for a variance of the front yard along East 22nd Street from 18 feet 8 inches to 17 feet for the structure on the property located at 2111 and 2119 14th Avenue South, 1408 East 22nd 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 **approve** the application for a variance of the front yard along 14th Avenue South from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd 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 **approve** the application for a variance of the front yard along East 21st Street from 23 feet to 15 feet for the structure and to 9 feet for a porch encroachment for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd 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 **approve** the application for a variance of the interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd 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 **approve** the application for a variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Avenue South for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd 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 **approve** the site plan review application for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by December 22, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the proposed carriage house/garage unit to meet the 2.5 story height limitation for cluster developments in the R4 district.
4. Modification of the carriage house/garage units to incorporate windows on the upper portion of the garage door.

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5. All proposed vinyl siding shall be removed and replaced with a durable material as listed in Chapter 530, such as cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass.

6. Additional plantings shall be incorporated into the final design to meet the cluster development standards as stated in Section 536.20 (7) along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14th Avenue South and East 22nd Street.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street.

Attachments:

1. Statement of use / description of the project
2. Findings –CUP and variances
3. Correspondence
4. Zoning map
5. Plans – Site, landscape, elevations, floor plans, etc.
6. Photos
7. PDR notes