



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

**Date:** July 13, 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 Village in Phillips East Building Located at the Properties of 2401-2419 Bloomington Avenue South and 2410 16<sup>th</sup> Avenue South

**Recommendation:** The following action was taken by the Planning Commission on June 12, 2006 (BZZ-2996):

**Site Plan Review:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a site plan review for a multiple family dwelling with 24 units for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a multifamily dwelling with 24 units for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 12, 2007, or the permit may be revoked for non-compliance.
3. Additional windows or other architectural elements shall be provided on the east and south elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
4. Approval of the rezoning petitions and alley vacation by City Council.
5. An 8 foot wide sidewalk, 2 foot wide interior boulevard, and a minimum 4 foot wide boulevard shall be provided in the Bloomington Ave right-of-way adjacent to the subject site. Planning staff and Public Works staff shall return to the Planning Commission with final right-of-way layouts. The landscaping in the right-of-way shall be maintained by PRG.

6. Ceiling lights in the parking garage shall be shielded to prevent glare from the pedestrians on the adjacent sidewalk.
7. Landscaping, with an emphasis on vertical form, shall be provided between the building and the sidewalk along Bloomington Ave and shall comply with CPTED principals.
8. An additional type of brick shall be incorporated into the bus shelter design.

**Previous Directives:** None

**Prepared or Submitted by:** Janelle Widmeier, Senior Planner, 612-673-3156

**Approved by:** Jason Wittenberg, Development Services Supervisor

**Permanent Review Committee (PRC)** Approval \_\_\_\_\_ Not Applicable  X

**Note:** To determine if applicable see <http://insite/finance/purchasing/permanent-review-committee-overview.asp>

**Policy Review Group (PRG)** Approval \_\_\_\_\_ Date of Approval \_\_\_\_\_ Not Applicable  X

**Note:** The Policy Review Group is a committee co-chaired by the City Clerk and the City Coordinator that must review all requests related to establishing or changing enterprise policies.

**Presenters in Committee:** Janelle Widmeier, Senior Planner

**Financial Impact (Check those that apply)**

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact (use any categories that apply)**

Ward: 9

Neighborhood Notification: The East Phillips Improvement Coalition (EPIC), Midtown Phillips and Ventura Village neighborhoods were notified of the applications. EPIC has submitted a letter (please see attached letter in staff report).

City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable

End of 60/120-day decision period: On June 5, 2006, staff sent a letter to the applicant extending the 60 day decision period to no later than September 16, 2006.

Other: Not applicable

**Background/Supporting Information Attached:** David Rubedor, on behalf of Powderhorn Residents Group, Inc., has filed an appeal of the decision of the City Planning Commission for the following condition of approval placed on the site plan review:

5. An 8 foot wide sidewalk, 2 foot wide interior boulevard, and a minimum 4 foot wide boulevard shall be provided in the Bloomington Ave right-of-way adjacent to the subject site. Planning staff and Public Works staff shall return to the Planning Commission with final right-of-way layouts. The landscaping in the right-of-way shall be maintained by PRG.

The applicant's reason for appeal is attached. The right-of-way width (measured between the back of the curb to the property line) at this location is 11.5 feet. To meet the condition of approval noted above, the street would need to be narrowed by 2.5 feet. The applicant is proposing an alternative, which attempts to comply with the condition of approval without narrowing the street. The alternative involves moving part of the building further east. A 4 foot boulevard and an 8 foot wide sidewalk would be provided in the right-of-way with the exception of 6 inches of the sidewalk, which would overlap the subject property by 6 inches (where the overlap occurs, an easement would need to be provided to the City). Not less than a two foot landscaped yard would be provided between the building and the sidewalk. In order to move the building, a variance is required to reduce the interior side yard requirement from 15 feet to 9 feet. The variance will be reviewed by the City Planning Commission on July 17<sup>th</sup>, 2006. If the appeal is granted, staff is recommending that it be subject to the approval of the variance to reduce the interior side yard by the City Planning Commission.

At its meeting of June 12, 2006, the City Planning Commission voted 8-0 to approve the site plan review. The appeal was filed on June 22, 2006.

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning Petitions, Conditional Use Permits, Variances, Site Plan Review, Plat and Alley  
Vacation

BZZ – 2996

**Date:** June 12, 2006

**Applicant:** Powderhorn Residents Group

**Address of Property:** 2401-2419 Bloomington Avenue and 2410 16<sup>th</sup> Avenue South

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

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

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

**Date Application Deemed Complete:** May 19, 2006

**End of 60-Day Decision Period:** July 18, 2006

**End of 120-Day Decision Period:** On June 5, 2006, staff sent the applicant a letter extending the decision period no later than September 16, 2006.

Ward: **9** Neighborhood Organization: **East Phillips Improvement Coalition**

**Existing Zoning:** R2B Two-Family Residence District and R4 Multiple-Family District

**Proposed Zoning:** R5 Multiple-Family District

**Zoning Plate Number:** 21

**Legal Description:** Lot 6 and the North 8 inches of Lot 7, Block 4, Gilpatrick's Addition to Minneapolis And That part of Lot 7 lying south of the north 8 inches; All in Block 4, Gilpatrick's Addition to Minneapolis And Lot 5, Block 4, Gilpatrick's Addition to Minneapolis And Outlot A, Village in Phillips.

**Proposed Use:** Multi-family dwelling with 24 units.

**Concurrent Review:**

**Petition to rezone** the properties of 2401-2419 Bloomington Ave from R2B to R5.

**Petition to rezone** the property of 2410 16<sup>th</sup> Ave S from R4 to R5.

**Conditional use permit** to allow 24 dwelling units.

**Conditional use permit** to increase the maximum allowed height of a building from 4 stories to 5 stories.

**Variance** to reduce the front yard requirement along Bloomington Avenue from 15 feet to 0 feet to allow a 5-story building and balconies.

**Variance** to reduce the front yard requirement along 24<sup>th</sup> Street East from 15 feet to 0 feet to allow a 5-story building.

**Variance** to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances.

**Variance** to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property.

**Variance** to reduce the minimum drive aisle width from 22 feet to 20 feet.

**Site plan review** for a multiple family dwelling with 24 units.

**Plat.**

**Alley vacation.**

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

**Background:** The applicant proposes to construct a new multiple family dwelling with 24 units at the properties of 2401-2419 Bloomington Avenue and 2410 16<sup>th</sup> Avenue South. The site is located on the southeast corner of Bloomington Avenue and 24<sup>th</sup> Street East. The area is predominantly residential; however, nonresidential uses exist to the south on Bloomington Avenue. This project is the second phase of a comprehensive redevelopment of a five-block area known as the Village in Phillips. The site currently consists of vacant lots and vacant single and two-family homes. In the first phase, the Powderhorn Residents Group (PRG) built four townhouse structures with 28 units. The buildings are located along the south side of East 24<sup>th</sup> Street at 16<sup>th</sup> and 17<sup>th</sup> Avenues South. Buildings 1 and 2 are on the west side of 16<sup>th</sup> Avenue South and buildings 3 and 4 are on the east side of 16<sup>th</sup> Avenue South, all on the south side of 24<sup>th</sup> Street East. The subject site would be located to the west of buildings 1 and 2 on

the adjacent property. The building would be 4-stories with a 5-story tower located at the street intersection. Enclosed parking would be provided on the first floor.

The applicant is petitioning to rezone the site from R2B and R4 to R5 to allow a multiple family dwelling with 24 units because the density proposed is not allowed in the existing districts. In the R5 district, a multiple family dwelling with 5 or more units is a conditional use.

The building would have 5 stories. In the R5 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. A conditional use permit is required to increase the height.

The subject site is a reverse corner lot, therefore the yards along Bloomington Avenue and 24<sup>th</sup> Street are both front yards. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line. The adjacent residential structure on 24<sup>th</sup> Street is set back 10 feet from the front lot line. Therefore a 15 foot front yard is required along both streets. The building would be set back between 0 and 6 feet along Bloomington Avenue. It would be set back 0 feet as well along 24<sup>th</sup> Street. The applicant is requesting variances to reduce the front yard requirements.

Interior side yards are required along the south lot line and the lot lines that are on the east side of the site except when adjacent to the alley. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. However, where an entrance for a multiple-family dwelling faces a side lot line, a 15 foot interior side yard is required. The building would be set back at 11.5 feet with two principal entrances facing the side lot line. An 8-foot wide walkway is also proposed in the interior side yard, which exceeds the minimum 6 foot width allowed as a permitted obstruction. The applicant is requesting variances to allow the doors and building to be located closer than the 15 foot minimum and an 8 foot wide walkway.

For required parking, a 22-foot drive aisle is required. In part of the enclosed parking area, a 20 foot drive aisle would be provided. The applicant is requesting a variance to reduce the drive aisle width.

Site plan review is required for any new use with 5 or more dwelling units.

One of the properties is platted as an outlot. An outlot is not buildable and must be replatted. Therefore a plat is being proposed.

An alley vacation is required to allow the building as proposed. The properties in the development are divided by an alley, therefore the applicant is requesting that part of the alley be vacated.

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

**REZONING:** 1) Petition to rezone the properties of 2401-2419 Bloomington Avenue from R2B to R5; and 2) Petition to rezone the property of 2410 16<sup>th</sup> Avenue South from R4 to R5.

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

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

*Rezoning from R2B and R4:* The site is adjacent to Bloomington Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also adjacent to a designated commercial node. The Franklin Avenue LRT station is designated on the land use map as a Transit Station Area (TSA). The boundaries of TSAs are not precisely delineated, but in general they are approximately within a ½ mile radius of transit stations. The proposed development is in this radius. According to the principles and policies outlined in the plan, the following apply to this proposal:

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

**Applicable Implementation Step**

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

Promote more intensive residential development along these corridors where appropriate.

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

**Applicable Implementation Steps**

Promote medium density residential development around Neighborhood Commercial Nodes.

**4.9 Minneapolis will grow by increasing its supply of housing.**

**Applicable Implementation Steps**

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

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

**Applicable Implementation Steps**

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

Provide and maintain moderate and high-density residential areas.

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

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

**Applicable Implementation Step**

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

The *Franklin-Cedar/Riverside Transit Oriented Development Master Plan* was adopted by the City Council on December 28, 2001. The plan states that “land uses within ½ mile of the station should provide opportunities for higher density housing, high employment work places, and other high activity uses which maximize the benefits of the LRT system.” The proposed rezoning to R4 is in conformance with these goals of *The Minneapolis Plan* and the Franklin Station plan.

*Staff comment.* The R5 district would allow medium density, which is appropriate on a community corridor with proximity to a commercial node and TSA. It would also allow the city to increase its supply and diversity of housing types. The proposed rezoning to R5 is in conformance with these goals of *The Minneapolis Plan* and the Franklin Station plan.

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

Rezoning from R2B and R4: All of the properties, except one, are currently zoned R2B. The R2B district primarily allows one or two-family dwellings. The property zoned R4 is an outlot, which is not buildable. Because of the properties proximity to a community corridor and a commercial node, medium density residential would be more appropriate use of the land than low-density housing allowed in the existing districts. The amendment is in the public interest and not solely in the interest of the property owner.

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

Rezoning from R2B and R4: The immediate area is predominantly residential. Low to medium density residential uses exist to the north, east and west of the site which are located in R2B, R4 and R5 zoning districts. There are several nonresidential uses on

Bloomington Avenue to the south of the site. The nonresidential uses are zoned C1 or C2. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

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

*Rezoning from R2B and R4:* All of the properties, except one, are currently zoned R2B. The R2B district primarily allows one or two-family dwellings. The property zoned R4 is an outlot, which is not buildable. Because of the properties proximity to a community corridor and a commercial node, medium density residential would be more appropriate use of the land than low-density housing allowed in the existing districts.

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

*Rezoning from R2B and R4:* The first phase of the Village in Phillips comprehensive redevelopment was upzoned to R4 in 2003. This area of Phillips is near the Franklin Avenue LRT station, which should spur increased development in the areas nearest the transit station. The adopted plan for the area and *The Minneapolis Plan* anticipate and promote the redevelopment of areas around the LRT stations to promote higher density residential that is compatible with surrounding uses.

**CONDITIONAL USE PERMITS:** 1) to allow 24 dwelling units, and 2) to increase the maximum height of a principal structure from 4-stories to 5-stories.

#### **Findings as required by the Minneapolis Zoning Code:**

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

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

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

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

*Dwellings and Height:* The surrounding area is partially developed. There are two other vacant properties at the intersection of Bloomington Avenue and 24<sup>th</sup> Street. The tower would be located at the corner of the property at the street intersection. The tower would act as a focal point in the intersection. The development of this corner for residential use should have a positive effect on surrounding properties.

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

*Dwellings and Height:* The site is served by existing infrastructure. Vehicle access would be from Bloomington Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The final plan must indicate all drainage patterns, including roof drains.

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

*Dwellings and Height:* The minimum parking requirement for the proposed development is 24 spaces (one per unit). The applicant is proposing 24 vehicle parking spaces including one van-accessible parking stall. The development should have little affect on congestion in the streets.

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

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

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

**Applicable Implementation Step**

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

Promote more intensive residential development along these corridors where appropriate.

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

**Applicable Implementation Steps**

Promote medium density residential development around Neighborhood Commercial Nodes.

**4.9 Minneapolis will grow by increasing its supply of housing.**

**Applicable Implementation Steps**

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

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

**Applicable Implementation Steps**

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

Provide and maintain moderate and high-density residential areas.

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

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

**Applicable Implementation Steps**

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

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

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

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

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

**Applicable Implementation Steps**

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

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

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

**Applicable Implementation Steps**

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

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

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

**Applicable Implementation Steps**

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

*Staff comment:* The development would be medium density, which is appropriate on a community corridor with proximity to a commercial node and TSA. It would also allow the city to increase its supply and diversity of housing types. The building would be 4-stories except for a 5-story tower at the northwest corner of property at the street intersection. The overall height of the building complies with the district height maximum of 56 feet. Therefore, it should have little affect on light, privacy and views. The building would be built up to the front lot lines on 24<sup>th</sup> Street and would be set back 0 to 6 feet along Bloomington Avenue. Although a parking garage would occupy most of the first floor, windows would be provided allowing views into and out of the building at eye level along the entire first floor. The use and height would be consistent with the comprehensive plan.

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

*Dwellings and Height.* The use of the site for a 5-story multi-family residential dwelling will conform to the applicable regulations of the districts in which it is located upon the approval of the rezonings, conditional use permits, variances, site plan review, plat and alley vacation.

## **ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

The proposed height of the structure would be 55.5 feet above grade. The overall height of the building complies with the district height maximum of 56 feet. The building would be 4-stories except for a 5-story tower at the northwest corner of property at the street intersection. The 5-story portion of the building is not adjacent to any surrounding properties. It should have little affect on surrounding properties access to air and light.

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

The applicants did not submit a shadow study as part of this application. The building would be 4-stories except for a 5-story tower at the northwest corner of property at the street intersection. The 5-story section of the building is not adjacent to any residential properties, therefore the street would mostly be affected. The proposed height of the structure would be 55.5 feet above grade. The shadowing affects should not be significant.

### **(3) The scale and character of surrounding uses.**

The height of other residential and commercial buildings in the area is typically one, two or three stories. The adjacent property to the east is a 3-story multifamily residence. The adjacent property to the south is a 2-story nonresidential structure. Although other 5-story buildings are not in the immediate area, the building would not be out of character with other buildings in the area.

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

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

**VARIANCES:** **1)** to reduce the front yard requirement along Bloomington Avenue from 15 feet to 0 feet to allow a 5-story building and balconies; **2)** to reduce the front yard requirement along 24<sup>th</sup> Street East from 15 feet to 0 feet to allow a 5-story building; **3)** to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances; **4)** to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property; and **5)** to reduce the minimum drive aisle width from 22 feet to 20 feet.

**Findings as required by the Minneapolis Zoning Code:**

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

*Front yard variances:* The subject site is a reverse corner lot, therefore the yards along Bloomington Avenue and 24<sup>th</sup> Street are both front yards. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line. The adjacent residential structure on 24<sup>th</sup> Street is set back 10 feet from the front lot line. Therefore a 15 foot front yard is required along both streets. The building would be set back between 0 and 6 feet along Bloomington Avenue. It would be set back 0 feet as well along 24<sup>th</sup> Street. Because of the setbacks of the adjacent buildings, the proposed building location would be reasonable.

*Interior side yard to allow building:* Interior side yards are required along the south lot line and the lot lines that are on the east side of the site except when adjacent to the alley. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. However, where an entrance for a multiple-family dwelling faces a side lot line, a 15 foot interior side yard is required. The building would be set back at 11.5 feet with two principal entrances facing the side lot line on the east side of the property. The side doors are secondary entrances, where one would access the parking garage and the other would access a community room. The building would mainly be a 4-story building, except where the 5-story tower is proposed on the northwest corner of the property. If the yard requirement were based on the height of the building adjacent to the yard and no side entrances were proposed, only 11 foot set back would be required. The proposed set back of the building is reasonable.

*Interior side yard to allow 8 foot wide walkway:* A 6 foot wide walkway is allowed as a permitted obstruction in the interior side yard. A 8 foot wide walkway is proposed. A 6 foot wide walkway is a reasonable use of the property.

Drive aisle: A 22-foot drive aisle is required for two-way traffic. In part of the garage, a 20 foot drive aisle would be provided serving 7 spaces including a handicap accessible space. If a 22-foot drive aisle were provided, the building would encroach further into the required interior side yard. A smaller drive aisle is reasonable if only some spaces are impacted.

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

Front yard variances: The site is a reverse corner lot. The proposed site would be odd shaped. The north section at approximately 50 feet in width is narrower than the rest of the site. Although the applicant is assembling a number of parcels, the circumstances affecting the property exist and were not created by the applicant.

Interior side yard to allow the building: The site is a reverse corner lot. The proposed site would be odd shaped. The north section at approximately 50 feet in width is narrower than the rest of the site. The circumstances affecting the property exist and were not created by the applicant. Setting the building back to comply with the yard requirement for a side entrance would have a significant impact on the buildable area of the site.

Interior side yard variance to allow a 8 foot wide walkway: Although the site is a reverse corner lot and would be odd shaped, these circumstances have no affect on a walkway in the interior side yard. The walkway could be reduced 2 feet to meet compliance with the yard requirement. The circumstance has been created by the applicant.

Drive aisle: The proposed site would be odd shaped. The north section at approximately 50 feet in width is narrower than the rest of the site. The shape of the lot limits where parking can be located. Although the applicant is assembling a number of parcels, the circumstances affecting the property exist and were not created by the applicant.

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

Front yard variances: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The adjacent nonresidential structure on Bloomington Avenue is

built up to the front lot line. Other structures on Bloomington are also built up to the front lot line. The adjacent residential structure on 24<sup>th</sup> Street is set back 10 feet from the front lot line. Although the structure is set back, retaining walls approximately 3 feet in height extend to the front lot line. The proposed building would also be set back 11 feet from the side lot line providing additional separation. The granting of the variances should have little affect on the surrounding properties and are in keeping with the intent of the ordinance.

Interior side yard to allow the building: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The building would be set back at 11.5 feet with two principal entrances facing the side lot line on the east side of the property. The side doors are secondary entrances, where one would access the parking garage and the other would access a community room. The building would mainly be a 4-story building, except where the 5-story tower is proposed on the northwest corner of the property. If the yard requirement were based on the height of the building adjacent to the yard and no side entrances were proposed, only 11 foot set back would be required. Therefore, the proposed building would not have any more affect on light and air than a building complying with the 4-story height requirement. Also, the purpose of the side entrances should have little affect on the adjacent residence. The granting of the variance should be in keeping with the intent of the ordinance.

Interior side yard to allow an 8 foot wide walkway: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The site plan shows that the walkway would connect the community room with the common areas proposed in the southeast corner of the site. Most of the walkway would consist of stepping stones; however, 30 feet of the walkway would be 8 feet wide. Although it is identified as a walkway on the site plan, staff believes the area is intended to be used as a patio. The adjacent residential building is set back 1.5 feet from the side lot line. The walkway/patio area would be less than 5 feet from the adjacent residence. No screening or landscaping is proposed in this area. Staff does not believe an interior side yard is an appropriate location for a patio, which could disrupt the neighbor. The granting of the variance would not be in keeping with the intent of the ordinance and could negatively affect the adjacent property.

Drive aisle: The minimum drive aisle width is established to ensure adequate room to maneuver without affecting adjacent land uses. The parking would be enclosed. The 20-foot drive aisle would provide access to 7 parking spaces including a handicap van accessible space. There is room provided at the end of the aisle to turn around. Granting the variance should have little effect on the adjacent properties and are keeping with the intent of the ordinance.

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

Front yard variances: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Interior side yard variance to allow the building: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Interior side yard variance to allow the walkway: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Drive aisle: The parking would be enclosed. The CPED Department does not expect that granting the variances would affect congestion or public safety.

## **SITE PLAN REVIEW**

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

- A. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

### **Section A: Conformance with Chapter 530 of the Zoning Code**

#### **BUILDING PLACEMENT AND FAÇADE:**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**

- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:

- Residential uses:

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

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

- Nonresidential uses:

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

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.
- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

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

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

***Conformance with above requirements:***

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

The building would be set back 0 feet from 24<sup>th</sup> Street and between 0 and 6 feet along Bloomington Avenue. In the R5 district, 15 foot front yards are required along both of these streets. The applicant is requesting variances to locate the building as proposed.

The area between the building and the lot lines adjacent to the streets would be landscaped.

The main entrance would be located at the corner of 24<sup>th</sup> Street and Bloomington Avenue.

Surface parking is not proposed.

The total length of the building would be approximately 216 feet. The building design includes recesses and projections and windows on all levels to divide the building into smaller identifiable sections.

As proposed, there would be several blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length in the following locations:

1. Floors two through four on the east side of the south elevation (28.5 feet);
2. Floor one on the east side of the north elevation (26 feet);
3. Floors two through four on the north side of the east elevation (36 feet); and
4. Floor one on the east elevation.

The parking level is located on the first floor. The primary exterior material proposed is brick with a soldier course running through it. Staff believes this is sufficient detail on the first level of the south elevation where the wall is only 26 feet in length; however, the first floor of the east elevation would have long expanses with minimal architectural relief on walls over 100 feet in length. The blank walls on the upper floors would be grouped together creating large blank spaces. It is feasible to incorporate windows without interfering with the proposed floor plan or compromising the security of the building. Staff is recommending that windows or other architectural elements are provided to meet the requirement.

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

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

An entrance would be located at the corner of Bloomington Avenue and 24<sup>th</sup> Street. It would be recessed and surrounded by windows.

The walls facing Bloomington Avenue and 24<sup>th</sup> Street are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed 20 percent, except the first floor of the Bloomington Avenue elevation. Windows equaling 20 percent of the wall must be provided. The applicant is proposing 15 percent. All windows would be vertical in proportion and distributed in an even manner.

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

#### **ACCESS AND CIRCULATION:**

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

#### ***Conformance with above requirements:***

The main building entrance would be connected to the public sidewalks with walkways that exceed four feet in width.

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

The parking garage would have access from Bloomington Avenue. The curb cut should have minimal impact on pedestrians.

The site is adjacent to an alley; however, alley access is not proposed.

The maximum impervious surface coverage allowed in the R5 district is 85 percent. The lot area is 21,699 square feet, therefore 18,444 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 14,619 square feet, which covers 67.4 percent of the site. The parking area is enclosed. A driveway would lead to the parking garage. No other impervious surfaces would be used for access or circulation.

#### **LANDSCAPING AND SCREENING:**

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

***Conformance with above requirements:***

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 21,699 square feet. The building footprint would be approximately 10,652 square feet. The lot area minus the building footprints therefore consists of approximately 11,047 square feet. At least 20 percent of the net site area (2,209 square feet) must be landscaped. Approximately 5,500 square feet of the site would be landscaped. That is equal to 49 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 5 and 22 respectfully. The applicant would provide 15 trees and 104 shrubs. The remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

**ADDITIONAL STANDARDS:**

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

***Conformance with above requirements:***

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

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

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

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The parking area is enclosed. Adjacent residential properties would not be affected by headlight glare.

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

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

Wind currents should not be major concern.

The site includes crime prevention design elements. The building would be oriented to the street with windows on the ground level. A 3-foot high fence would separate private from public areas.

No structures exist on the site.

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

**ZONING CODE:** The site is currently zoned R2B and R4. The applicant is proposing to rezone the subject properties to R5 to allow 24 dwelling units. A multifamily dwelling with 5 or more units in the R5 district is a conditional use.

**Parking and Loading:** The minimum parking requirement is 24 spaces (one per unit). Twenty-four spaces would be provided on-site. A 22-foot drive aisle is required. In part of the garage, a 20 foot drive aisle would be provided. The applicant is requesting a variance for the drive aisle width. The minimum loading requirement is determined by the conditional use permit. No loading spaces are proposed on-site. However, staff believes the driveway or in the enclosed parking area provides sufficient space for loading.

**Maximum Floor Area:** The lot area is 21,699 square feet. The maximum FAR allowed in the R5 District is 2.0. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. Therefore the maximum FAR increases to 2.4. The building would have a total of 34,279 square feet, which is an FAR of 1.6.

**Minimum Lot Area:** The minimum lot area requirement in the R5 district is 900 square feet per dwelling unit, or 21,600 square feet for 24 units. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. With the density bonus, the minimum lot size is 775 square feet per unit, or 18,600 square feet for 24 units. The proposed lot size is 21,699 square feet, which complies with the minimum requirement.

**Lot Coverage:** The maximum lot coverage allowed in the R5 district is 70 percent. The proposed foot print is approximately 10,652 square feet, which covers 49 percent of the site.

**Impervious Surface Coverage:** The maximum impervious surface coverage allowed in the R5 district is 85 percent. The lot area is 21,699 square feet, therefore 18,444 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 14,619 square feet, which covers 67.4 percent of the site.

**Building Height:** The maximum height allowed in the R5 district is 4 stories or 56 feet, whichever is less. The proposed building would be five stories and approximately 55.5 feet in height. The applicant is requesting a conditional use permit to increase the maximum number of stories.

**Yard Requirements for the R5 District:** The subject site is a reverse corner lot, therefore the yards along Bloomington Avenue and 24<sup>th</sup> Street are both front yards. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line. The adjacent residential structure on 24<sup>th</sup> Street is set back 10 feet from

the front lot line. Therefore a 15 foot front yard is required along both streets. The building would be set back between 0 and 6 feet along Bloomington Avenue. It would be set back 0 feet as well along 24<sup>th</sup> Street. The applicant is requesting variances to reduce the front yard requirements.

Interior side yards are required along the south lot line and the lot lines that are on the east side of the site except when adjacent to the alley. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. However, where an entrance for a multiple-family dwelling faces a side lot line, a 15 foot interior side yard is required. The building would be set back at 11.5 feet with two principal entrances facing the side lot line. The applicant is requesting a variance to allow the doors and building to be located closer than the 15 foot minimum.

A rear yard is required along the east property line adjacent to the alley. The minimum requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A five-story building is proposed, therefore the minimum requirement is 13 feet. The building would comply with the rear yard requirement.

**Specific Development Standards for an Office:** Not applicable.

**Hours of Operation:** Not applicable.

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

**MINNEAPOLIS PLAN:** See the conditional use permit section of this staff report.

#### **ALTERNATIVE COMPLIANCE:**

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

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

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

- Blank walls exceeding 25 feet in length

As proposed, there would be several blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length in the following locations:

1. Floors two through four on the east side of the south elevation (28.5 feet);
2. Floor one on the east side of the north elevation (26 feet);
3. Floors two through four on the north side of the east elevation (36 feet); and
4. Floor one on the east elevation.

The parking level is located on the first floor. The primary exterior material proposed is brick with a soldier course running through it. Staff believes this is sufficient detail on the first level of the south elevation where the wall is only 26 feet in length; however, the first floor of the east elevation would have long expanses with minimal architectural relief on walls over 100 feet in length. The blank walls on the upper floors would be grouped together creating large blank spaces. It is feasible to incorporate windows without interfering with the proposed floor plan or compromising the security of the building. Staff is recommending that windows or other architectural elements are provided to meet the requirement.

- Twenty percent window requirement

The walls facing Bloomington Avenue and 24<sup>th</sup> Street are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed 20 percent, except the first floor of the Bloomington Avenue elevation. Windows equaling 20 percent of the wall must be provided. The applicant is proposing 15 percent. Most of the first floor would be occupied by the parking garage. Because the amount of windows proposed greatly exceeds the minimum requirements on all other levels including the first floor along 24<sup>th</sup> Street, staff believes alternative compliance is warranted as long as the ground level windows remain unobstructed.

## **SUBDIVISION:**

### **Required Findings:**

1. **The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive**

**plan.**

The subdivision would be in conformance with the requirements of the zoning ordinance. Please see the comprehensive plan findings in the conditional use and rezoning sections of the staff report.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.240(2)(b), which does not allow a lot with more than 5 sides for a multiple family dwelling. A ten sided lot is proposed. In order to be in conformance with the land subdivision regulations, a variance of Section 598.240(2)(b) is required. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

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

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

The property is a combination of a number of properties. The existing properties are shaped and oriented differently. Also, one of the properties is platted as an outlet. Because outlots are not buildable, the property could not be part of the development without being replatted. A multifamily residence is a reasonable use of the land. The granting of the variance should have little affect on surrounding properties.

2. **The 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.**

The Planning Division does not believe that the proposed subdivision would be injurious to the use and enjoyment of other property in the area. The area is zoned for a mix of residential densities and non residential uses. A multifamily development would be constructed on the site.

3. **All land intended for building sites can be used safely without endangering the residents or users of the subdivision and 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 is relatively flat. The site does not present the other noted hazards. The proposed structure should not affect the surrounding area.

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.**

Vehicle access would be from Bloomington Avenue. The applicant will need to obtain building permits and erosion control permits prior to the start of construction.

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 does not exceed the amount occurring prior to development.**

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

### **ALLEY VACATION**

**Development Plan:** The applicant intends to use the vacated alley as part of a developable area to construct a multiple family dwelling. To prevent the creation of a dead end alley, a new east/west alley segment would be constructed on 2412 16<sup>th</sup> Avenue South to allow access from 16<sup>th</sup> Avenue. This property is owned by the city. An arrangement is being made between the city and the applicant where the new alley will be constructed by the applicant and maintained by the city upon completion.

**Responses from Utilities and Affected Property Owners:** As of the writing of this staff report,

Minneapolis Public Works have not yet responded. If comments are received, staff will forward their recommendation at the June 12, 2006 City Planning Commission meeting. It is staff's understanding that Public Works has not provided a response because details are still being worked out on the new alley segment. Of the responses received, there were no objections and no easements requested, except from Xcel Energy. Xcel Energy has requested that an easement be reserved for the east 30 feet of the east/west portion of the alley and the north/south portion of the alley proposed to be vacated.

**Findings:** A dead-end alley would not be created if a new east/west segment is constructed with access to 16<sup>th</sup> Avenue. The building would not encroach on the requested easement by Xcel Energy. The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the properties of 2401-2419 Bloomington Ave from the R2B district to the R5 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 2410 16<sup>th</sup> Ave S from the R4 district to the R5 district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 24 dwelling units for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard requirement along Bloomington Avenue from

15 feet to 0 feet to allow a 5-story building and balconies for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard requirement along 24<sup>th</sup> Street East from 15 feet to 0 feet to allow a 5-story building for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum drive aisle width from 22 feet to 20 feet for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a multifamily dwelling with 24 units for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 12, 2007, or the permit may be revoked for non-compliance.
3. Additional windows or other architectural elements shall be provided on the east and south elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
4. First floor windows shall remain unobstructed in order to grant alternative compliance for the percentage of windows provided on the first floor as required by 530.120 of the zoning code.
5. Approval of the rezoning petitions and alley vacation by City Council.

**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 accept the above findings and **approve** the preliminary plat for the properties of 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

**Recommendation of the Department of Community Planning and Economic Development—Planning Division for the Alley Vacation:**

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation.

**Attachments:**

1. PDR comments
2. Zoning data sheet
3. Statement of use
4. Findings

5. Correspondence
6. Map of comprehensive development area
7. Zoning map
8. Plans
9. Photos

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES**

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

250 South Fourth Street, Room 300

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**MEMORANDUM**

DATE: June 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 June 12, 2006

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The following actions were taken by the Planning Commission on June 12, 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 Martin, El-Hindi, Henry-Blythe, Krause, Krueger, LaShomb, Motzenbecker, Nordyke, Schiff and Tucker – 10

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**16. Village in Phillips Phase II (Franklin Station Condominiums)—East Building (BZZ-2996, PL-198 and Vac-1483, Ward 9), 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S ([Janelle Widmeier](#)).**

**A. Rezoning:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a petition to rezone the properties of 2401-2419 Bloomington Ave from R2B to R5.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the properties of 2401-2419 Bloomington Ave from the R2B district to the R5 district.

**B. Rezoning:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a petition to rezone the property of 2410 16<sup>th</sup> Ave S from R4 to R5.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 2410 16<sup>th</sup> Ave S from the R4 district to the R5 district.

**C. Conditional Use Permit:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a conditional use permit to allow 24 dwelling units for properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 24 dwelling units for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

**D. Conditional Use Permit:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories for properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories for the properties located at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S.

**E. Variance:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the front yard requirement along Bloomington Ave from 15 feet to 0 feet to allow a 5-story building and balconies for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Bloomington Avenue from 15 feet to 0 feet to allow a 5-story building and balconies for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**F. Variance:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the front yard requirement along 24th St East from 15 feet to 0 feet to allow a 5-story building for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along 24th Street East from 15 feet to 0 feet to allow a 5-story building for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**G. Variance:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**H. Variance:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **denied** the application for a variance to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**I. Variance:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the minimum drive aisle width from 22 feet to 20 feet for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum drive aisle width from 22 feet to 20 feet for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**J. Site Plan Review:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a site plan review for a multiple family dwelling with 24 units for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a multifamily dwelling with 24 units for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S, subject to the following conditions:

9. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
10. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 12, 2007, or the permit may be revoked for non-compliance.
11. Additional windows or other architectural elements shall be provided on the east and south elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
12. Approval of the rezoning petitions and alley vacation by City Council.
13. An 8 foot wide sidewalk, 2 foot wide interior boulevard, and a minimum 4 foot wide boulevard shall be provided in the Bloomington Ave right-of-way adjacent to the subject site. Planning staff and Public Works staff shall return to the Planning Commission with final right-of-way layouts. The landscaping in the right-of-way shall be maintained by PRG.
14. Ceiling lights in the parking garage shall be shielded to prevent glare from the pedestrians on the adjacent sidewalk.
15. Landscaping, with an emphasis on vertical form, shall be provided between the building and the sidewalk along Bloomington Ave and shall comply with CPTED principals.
16. An additional type of brick shall be incorporated into the bus shelter design.

**K. Preliminary Plat:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a preliminary plat for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission accepted the findings and approved the preliminary plat for the properties of 2401-2419 Bloomington Ave and 2410 16th Ave S.

**L. Vacation:** Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for an alley vacation for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

**Action:** The City Planning Commission recommends that the City Council accept the findings and approve the vacation.

Staff Widmeier presented staff report.

President Martin opened the public hearing.

Yadesa Daba-Washo (1535 E 24<sup>th</sup> St.): I want to note opposition to this development. We are happy to see our area or community being developed, but in this case, for one thing we were not informed about this new plan. The second thing is our house is a story building without the basement and this building has four stories and even more. Where it is built, it is engulfing our houses. It's overshadowing us. It makes the place inconvenient to live, really. If it built parallel on the side of Bloomington it is one thing, but now it comes to our house and comes in front of us and it is difficult for us. Our porch is built on the back side of the house and I don't know why the porch was built there if they bring the building there a foot in front of us so we cannot look outside at all. Therefore, I wish that this plan be changed or improved so we can live there conveniently. Thank you very much.

Hambissa Arissa (1531 E 24th St): When, last year, we voted... the units for the developer... we don't have information on what's going on nowadays. They are going to build a new condominium on a very narrow space which we even just consider that [tape unclear] will be extra parking for the community because we have parking difficulty even now. For a three bedroom unit, we only have two cars, one outside and one in the garage. Maybe some families have four or five, only one having a car. On 24<sup>th</sup> Street there are so many apartments and those apartments are without any garages. The people are parking along the roadside. When they are going to build this 24-unit condominium on the very small area without any garages, I don't know how we are going to live in that area without any parking. They are going to close the area that takes us from the compound to Bloomington. They are going to open a very narrow area to 26<sup>th</sup> Avenue. I don't know how older people or the community can use the narrow exit and entrance. I don't know how that very small area can accommodate the community who lives there. We don't have the plan in our hands, maybe some are two bedroom and some are three bedrooms. I don't know how many people are coming to live

there in that area. Our porches to the side of the new building they are going to build and our kitchen is on that side and this is a five story building and ours is two stories and then we cannot see the sunshine on top of us. We are going to be in a cage, really. It is very difficult. We are not opposing the development. The development of the area is ok, but should be in good condition, in living condition for the community. They didn't inform us when we vote for them and it wasn't long ago, it was only a year and a half now. It is a new idea that we haven't heard. The changing of zoning, we heard there is a coffee shop within that building. The good guys and bad guys are coming for the coffee in the coffeeshop and the kids are playing around there. It's not safe for the kids or the community when the coffeeshop is there. There is a playing ground there and when people are coming for coffee, we don't know who's coming in that area when the kids are playing outside. All these problems are going to be big under the condition that we cannot continue to live there. Thank you.

Mimi Haddad (1527 E 24<sup>th</sup> St): I have similar concerns. This week I was asked to fax 28 letters from the neighbors living close by objecting to this phase II for the following reasons; number one is parking. Our neighbors feel as if it's very difficult to find parking for extended family and guests. We're currently allowed two parking places, one in the garage and one immediately behind the garage and that makes it difficult to find additional parking for other family members and guests who come. We had a gang rape not so long ago a couple blocks away and so single women coming back and forth to our dwellings feel terribly unsafe. That's the primary concern since there is no parking on 24<sup>th</sup>, which is where our front door is directly in front of us. Your proposal to exit our vehicles on to 16<sup>th</sup> Street... 16<sup>th</sup> is one of the few places where you have parking on both sides. The visibility is difficult because of the pedestrian level and bicycles in the summer time. On our way over here we had to exercise extreme care exiting off 24<sup>th</sup> Street because of the pedestrian congestion. I've lived in Phillips for nearly 10 years now. I lived two or three blocks away and we didn't have this kind of difficulty, but on this busy corridor, the congestion as Commissioner Schiff and I have discussed, is quite severe. There are days, most mornings, during commute hours where you have to wait several lights just to get through 24<sup>th</sup> and Bloomington. Parking and congestion is a serious problem and adding 24 units where you have three bedrooms...I'm wondering how we plan to accommodate not only the parking situation when they are allowed only one parking spot per family dwelling in addition to the congestion. As my neighbors have suggested, the shading issue is a concern. We feel as if four stories would block a great deal of our sunlight when our balconies face the sun and people are growing things out there and it makes it a commodious place to experience community. The last concern we have, apart from shading, is the green space that we feel will be encroached upon with this new phase. At present, the green space is used for meeting outside. The children play there. We play ball and we eat outside. We had a terrible tragedy in our neighborhood recently where we had a lot of parking that needed to take place. That will be effectively eliminated. We understand that there is a general concern in our neighborhood for parking and traffic and green space, which is one reason why our community opposed the Lupe project because of the lack of green space and too many units and no guest parking. That's exactly the situation we face currently. We were not apprised to this when we purchased the property. For some of us it's our first home and we were shocked and amazed that while it works well, this mixed income plan, and we were excited to see maybe more townhouses go there... we just feel that the current plan is an enormous burden for the purposes of density and shading and parking.

Carol Pass (2536 18<sup>th</sup> Ave S): I am the president of the neighborhood association in East Phillips. I have to say that all of these people are members of our neighborhood and I want to be sensitive to the things that they are concerned about. I have to say that, I'm sure all of you

have heard of this project because it's been going on forever. It started in 1995 with the University of MN architecture students. In 1997 we won a contest with Minneapolis Consortium of Community Developers to do a small area plan because they were just doing individual houses and they weren't getting very far. This is an area that was called Baby Beirut. This is when bullets were flying in Beirut and we had a lot of lost lives in this area. We had a design-out crime architect come in and talk to us. At that time when we took what was a u-shaped, with no spaces running through all the houses, and we took this to the Met Council and they said they were not in favor of gated communities and of course they didn't understand our crime situation and that we were advised to make it so there weren't cut-throughs on the park. They didn't comprehend that at all and we were never able to negotiate for anything from them. In 1997 we won this contest. We went for two years with the planning process. In 2000 we had an all neighborhood meeting and they voted to finance this with \$100,000 NRP funds. Everybody that was there voted and it was unanimous. We then had a planning meeting and we presented this plan and people were very excited about it. It was the plan that you see today. Then we voted again at the next annual meeting to put \$250,000 behind this because it wasn't moving fast enough. We also had all the residents in that three block area meet. We presented the plan without money attached just to discuss. They had been meeting for years anyway and those 44 several residents, several of which still live there, voted in favor of this plan. We did another all neighborhood meeting for the NRP Affordable Housing Fund and we received quite a bit of that financing. My point is, this has been a long and difficult process to fund anything there. During this time, we had at least three developers who wanted this whole piece plus the Bloomington area. Basically, this is not the project... it's this, this very large building. We've had three people, three different developers, that came and wanted all this land and the neighborhood was constantly struggling with this and we almost lost the project to people who wanted to do five stories and more. It was very hard to hold on to this and keep moving because we took so long. We wanted the price to be way down. Many times we were asked by PRG to do rental instead of home ownership where the townhomes are. We insisted on homeownership, they hung in there with us and probably added another year to the project as a result. [tape ended]... so, this has been a hard project to do, but when we finally completed it, many people said it was one of the finest projects in the city. It was one of the least expensive for what you've got. People that would have never got homeownership did get home ownership in the townhouse development. This isn't the issue, but the issue is the whole project. The issue is the u-shaped project, the issue is the fact that we want something to embrace that area in back and that's the process. I wanted to address the concerns that I've... I do have a copy of the letter that went to the city planner that was out in the hall. I looked at the concerns of the neighborhood. I have to say that when the neighbors remark that this is the same reason that EPIC opposed the Lupe development project, it's quite different. This project has 24 units. The Lupe development project has 80 units. This project has no family housing. The Lupe development project has no family housing. The VIP project has a lot of family housing. This is what we wanted. The VIP project has some green space. The Lupe development project has no green space. You walk out the door and you're in the green way or on the street. You have no green space whatsoever. There are too many units and they are too small, they are all studios and one-bedrooms. They are all rental. This is absolutely what we were trying to struggle against. This is homeownership and family sized units and it is 24 versus 80 and it has some green space. Having said that, the other thing about this is that some of the neighbors want this VIP project. None of the neighbors want the Lupe development project. There are petitions flying everywhere. The other thing is that Lupe development project is in opposition to a previous neighborhood plan that we worked on for almost four years. This one is in concert with a previous neighborhood plan that we worked on for about eight years. There's no real comparison between these two. The issue of 40 cars going out there, we worked with PRG to try to deal with some of this stuff. We worked to split the exits between the townhomes and the condo building so that the condo building, about 24 will go out one exit and about the 14 other units will go out on to 16<sup>th</sup>. This gives more green space and allows a rain

garden. It does a bunch of good things. I understood that this was something that the townhouse residents liked. I thought it was a piece of genius to split those two exits and get fewer cars entering on the two streets. That was one thing we tried to do. Then we started looking at how we can provide more parking. I know this is a concern. It's not as though we've been deaf to these concerns. This is a three block development, but mainly this is the one block area. We've looked further into the development to see if there is any place to put a surface lot. I wish one of you would job Public Works because we're trying to get them to switch the parking to the other side of the street on 24<sup>th</sup> or possibly to do both sides of the street. There's no reason why 24<sup>th</sup> needs to be a truck route, that could go someplace else. Now that you can't go straight through on 24<sup>th</sup>, it makes sense to not have that be a truck route. There are things we're trying to do. The last thing is that the piece of land on Bloomington and the other side is empty. There used to be a car fix-it joint that parked their junk cars all over the place and we finally removed them. There is no way that I can imagine, with a park directly across the street, that we can keep this land as an open piece of land. The city isn't going to allow it. Developers are going to press for it. The next developer that comes probably won't listen to us at all because that's the situation that we're currently in. We're battling to keep the right of the neighborhood to decide stuff. I don't have hopes that even if kids play ball there, that is going to be developed. I would rather have it developed by PRG who has been committed to the neighborhood over the years than someone we don't know, we have no control of, a for-profit developer who has no real interest in our neighborhood but who has greater interest in making a lot of money. It's sitting there and I have to say, I heard from these developers before and they are going to come again. We're fighting for our right to make choices down on the other end of our neighborhood. I don't anticipate that this land is not going to stay there. There's too much development pressure to develop this. I asked a couple of people what they do in Grant Park if they have a graduation party what they do for parking. They only have one space a piece. I don't know what they do. This is a serious problem. It's a city problem, it's not just a VIP development problem. If we're successful down on 29<sup>th</sup> Street, we won't be able to give each unit two parking spaces a piece, we'll have one. We don't know what we're going to do, but it's a city issue. I think that it's an issue everywhere. It's not just this project. We're doing the best we can to try to solve it and be sensitive to this. I think going forward with the developers that have listened to us and tried to do what the neighborhood wanted is the only thing we can really do and try to resolve this and have the city try to help us resolve this further in. We love this project. We'd like the neighbors to be unified on this. I don't know if that can happen, but we will keep working to try to meet their needs and try to provide everything to make this... you know, we wanted to close 16<sup>th</sup> Avenue. That was in the original plan and that was going to be a little soccer field. We may be back.

David Rubedor: I am the director at Powderhorn Residents Group. I am joined by Doug Wise who is our project coordinator on this development. We also have Larry from DJR here to answer any questions. We just want to be available to answer questions that you may have. To emphasize what Carol was saying, we've been involved in this project for eight years. It's been an extensive community process. This is phase II of what's been envisioned as a four phased development. We continue to plug away at it.

Commissioner Krause: There are some staff recommendations; a couple for denial and some relating to fenestration, blank walls... are you comfortable with all those recommendations? Are there any that would pose a serious challenge to the project?

David Rubedor: All the staff recommendations we can work with. We are happy with all those.

President Martin closed the public hearing.

President Martin: Commissioners, we have a lot of things here. We have a couple rezonings, several CUPs, variances...

Commissioner Schiff: I met with Ms. Haddad and some of the residents that are here today and I want to thank everyone who sent the stack of letters. Many of the letters are from the same households. This area has been planned for a long time. I don't know of any neighborhood that fights harder than Phillips to improve the conditions that it has been experiencing in the past several decades. First and foremost in any planning effort in Phillips is how to stop the crime, how to stop the bloodshed, how to stop the open-aired drug dealing on Bloomington Avenue. Every land use meeting begins with that discussion and that's what started this land use meeting. How do we get more homeownership onto Bloomington Avenue to get a greater sense of community and get a greater sense of ownership over the street? This is what the neighborhood put together and it's just phase II of a very ambitious plan to increase home ownership in Phillips. I think there are shortcomings of the plan. I think we should look at the future phases of the plan, particularly in regards to planning, but I don't want to squash this community's efforts. I think it would send a horrible message at this point in time. If I had to pick between congestion of drug traffickers or congestion of car traffic, I would certainly pick the latter with hope that we can work with the future phases of these to increase the amount of parking. There's no doubt about it, three or four bedroom condos with one parking stall is not sufficient. It troubles me in the zoning code that we look at the number of parking stalls per unit and we are blind to the number of bedrooms. That's just planning on naiveté and not planning for reality. This is called Franklin Station Townhomes, but it's a good five blocks from the Light Rail station so there's no doubt about it in my mind that this is going add more cars on the streets. That makes it difficult when Bloomington is a snow emergency. It makes it difficult when 24<sup>th</sup> Street only has parking on one side. You may see empty streets today, but that doesn't mean cars can go there. Twenty-Fourth Street is an MSA route so we can't ban truck traffic on it per our agreement with the State of Minnesota as how we use gas tax dollars in order to fix the potholes. We don't have another source of revenue to fix those potholes so we're not going to take it off of the MSA route list. Because of the width of the street, we can't allow parking on both sides. There are some other changes we can do here on curb widths and adding boulevard trees and adding wider sidewalks that will help calm this and make is safer for pedestrians, but overall, I think PRG did an excellent job and I think this is a great step forward for our community stability. There are going to be inconveniences but those inconveniences I will take over the kind of tragedies we've been fighting the past couple years. I move the first recommendation which is the rezoning. This is a rezoning from R2B to R5. On a community corridor, R5 is certainly appropriate.

President Martin: Ok. Do you want to do the other rezoning at the same time?

Commissioner Schiff: Sure. Both A and B are rezonings from R2 to R5 and R4 to R5.  
(Commissioner Krause seconded)

President Martin: Ok. Those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: C and D are the conditional use permits and although it says four stories to five stories, it's actually just a four story building. There are extra architectural elements that make this a five story building, but it's actually only four stories. (Commissioner Krause seconded).

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: I will move item E and F, the variances. I'll say more about the Bloomington Avenue side in a few minutes because we found an extra seven and a half feet here on the right-of-way. (Commissioner Krause seconded)

Commissioner Nordyke: This is requiring a lot of variances and rezoning. I know there are reasons for that, but this town is full of a lot of really bad projects that were built because of the immediate expediency of cleaning up a neighborhood or of economic development at the time. We've lived in almost all of those instances to regret doing that. I appreciate Council Member Schiff's concern about the safety there, but the city could balance that with maybe bringing some more resources to the table to make a project that will hold up in the long run as opposed to simply addressing the immediate needs of redevelopment in the neighborhood. I am bothered by the height and I'm bothered by the setbacks. I don't know about the Lupe deal and I'm not sure what the history is with that. I'm going to rely on the fact that Council Member Schiff has been at this a lot longer than I have and follow his lead on it.

President Martin: All those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: G is the interior side yard requirement of four and a half feet and I don't think that's excessive.

President Martin: You're moving approval?

Commissioner Schiff: Yes. (Commissioner Tucker seconded) The building has two front yards on 24<sup>th</sup> and on Bloomington.

President Martin: All those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: H is a recommended denial by staff, I have a question there. Denying this, what effect does that have? They can't allow pavers? They can't allow people to walk there? What's the effect of denying this?

Staff Widmeier: They can still have a walkway there; they would just have to reduce the width to six feet. That's what is allowed by code. We didn't find a hardship there to have an eight foot...

Commissioner Schiff: So this variance allows it to be wider?

Staff Widmeier: They are proposing it to be eight feet, six feet is...

President Martin: They can have six. It's saying they can't have more than six.

Commissioner Schiff: I'm still confused.

Staff Wittenberg: A walkway of six feet in width is allowed as a permitted obstruction in the required yard. The applicant is requesting an eight foot wide walkway in the required yard.

Commissioner Schiff: So if this is denied, the building comes out another two feet?

Staff Wittenberg: The building would not change a bit. The walkway would be narrowed by two feet.

Commissioner Schiff: So we're talking about the width of a place to walk.

Staff Wittenberg: It would result in less paving in the required yard.

Commissioner Schiff: Ok. More green space is good, I'll move denial. (Commissioner Tucker seconded).

President Martin: Ok. Those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: Letter I reduces green space as well, on the drive aisle, so I move approval of that. (Commissioner Krause seconded)

President Martin: Ok. Those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: In reviewing the conditions of the site plan and maybe some of the other commissioners noticed the unacceptable situation we keep finding ourselves in whether it's from curb to building wall sidewalks with no trees... I don't know what people in Phillips do to not deserve trees on their boulevards, but I find that completely unacceptable and the lack of landscaping space here as well. In working with Public Works staff this afternoon, only a 40 foot right-of-way is necessary on this street with 12 foot driving lanes, those are wider than the driving lanes on Lake Street, and an eight foot parking bay that's also wider than the parking bays on Lake Street. This gives an extra seven and a half feet from what's there today. It's 47 and a half feet. Rather than continue those conditions and not have any boulevard trees, I'm going to move to approve this site plan with a condition that Planning staff and Public Works staff return with final curb cut layouts showing no more than the MSA required eight foot parking lanes, 12 foot driving lanes, with the remaining space dedicated to eight foot sidewalks, four foot boulevards and landscaping beds up against the building wall to be maintained by PRG. What you end up with is four feet of green space for trees, eight foot walking space and then still at least another two feet up against the building for additional landscaping.

President Martin: That's in addition to the existing five conditions?

Commissioner Schiff: Yes. I'll move other conditions too. Ceiling lights in the parking garage shall be shielded to prevent glare on the adjacent sidewalk from the pedestrians and people outside the building. We want to stop the Avenue of the Arts experience that Brighton created with their at-grade parking and all you see is a row of light bulbs as you go by. The landscaping that's been proposed is insufficient. They've got Spirea in some very short species and they've got a lot of blank wall space so I am going to move an additional condition on the site plan to have an emphasis on vertical landscaping that still keeps in mind our CPTED principals. The bus shelter design has to incorporate one more different type of brick face for design purposes. I want to strike out the alternative compliance on the window space on the Bloomington Avenue side, which is to strike condition four so they are required to meet alternative compliance on the first floor. They are required to meet the zoning code requirement, not alternative compliance.

Staff Wittenberg: One point of clarification in terms of the boulevards and sidewalk widths, you mentioned that Public Works and Planning staff returning with... is that returning to the commission to discuss this particular layout on this project?

Commissioner Schiff: Yes. We need to see it. We need to understand, as Planning Commissioners, what our options are sometimes when we're looking at these things because I think it's important to see before and after and understand how problems like this can be solved.

President Martin: We could maybe do it at a COW meeting.

Commissioner Schiff: It could be at a Committee of the Whole meeting, yeah.

Staff Wittenberg: If, theoretically, that layout doesn't work, is the intent that it would remain as a condition of approval or that the commission has this future flexibility to amend those widths that you specifically noted?

Commissioner Schiff: I'm thinking it's a condition of approval. It's a condition on the site plan here.

President Martin: Ok. Is there a second?

Commissioner Tucker seconded.

Commissioner Krause: I have a question about that condition too. I support the concept. The intent is that the additional green space is coming out of the public realm and isn't reducing the footprint of the building?

Commissioner Schiff: Yeah. It's coming out of asphalt.

President Martin: Ok. All those in favor of approving the site plan as amended? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

President Martin: We still have a plat and a vacation.

Commissioner Schiff: I move approval. (Commissioner Krause seconded)

President Martin: All those in favor of those motions? Opposed?

The motions carried 8-0 (Commissioner Henry-Blythe not present for vote).