Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review, Easement Vacation
BZZ-3755 and Vac1538

Date: November 13, 2007

Applicant: Plymouth Church Neighborhood Foundation

Address of Property: 5400, 5404 and 5412 Stevens Avenue South

Project Name: Creekside Commons

Contact Person and Phone: Matt Crellin, (612) 871-0890

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

Date Application Deemed Complete: September 28, 2007

End of 60-Day Decision Period: November 27, 2007

End of 120-Day Decision Period: A 60-day extension letter was mailed on October 25, 2007, extending the 120-day decision period to January 26, 2008

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: R1, Single-family District

Proposed Zoning: R5, Multiple-family District

Zoning Plate Number: 37

Legal Description: 5400 Stevens Avenue South: Lot 1, Clarke's Stevens Avenue Re-Arrangement, Hennepin County, Minnesota, together with that part of vacated Stevens Avenue South, accruing thereto (Torrens Certificate No. Pending).

5404 Stevens Avenue South: Lot 2, Clarke's Stevens Avenue Re-Arrangement, Hennepin County, Minnesota, together with that part of vacated Stevens Avenue South, accruing thereto (Torrens Certificate No. 1204993).

5412 Stevens Avenue South: All of Lot 3, Lot 4 and the North 22 feet of Lot 5, Clarke's Stevens Avenue Re-Arrangement, Hennepin County, Minnesota, together with that part of vacated Stevens Avenue South, accruing thereto (Abstract).

Proposed Use: 30-unit multiple-family development

Concurrent Review:

Rezoning: from R1 to R5
Conditional use permit: for 30 dwelling units
Variance: to reduce the required number of off-street parking spaces for the dwellings from 29 to 27
Variance: to reduce the front yard setback along Stevens Avenue South from the required 15 feet to 0 feet
Variance: to reduce the required front yard setback along East 54th Street from the established setback of 21 feet to 17 feet
Site plan review
Vac1538: Vacation of a water main easement located in a vacated portion of Stevens Avenue

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(6) "to reduce the applicable off-street parking, stacking or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is less", Section 525.520(1) "to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations" and Chapter 530, Site Plan Review.

Background: The site is located on the southwest corner of the intersection of Stevens Avenue South and East 54th Street in the Tangletown Neighborhood in Southwest Minneapolis. The site is comprised of three separate parcels of land; 5400, 5404 and 5412 Stevens Avenue South. All three of the properties are owned by the Mayflower Community Congregational Church which is located just to the south of the development site. 5400 Stevens is vacant, 5404 Stevens has a single-family home on it that the church uses for refugee housing and 5412 Stevens has a parking lot on it that is used by church patrons. Mayflower Community Congregational Church and the applicant, Plymouth Church Neighborhood Foundation, have entered into a purchase agreement for the land. Mayflower Community Congregational Church is donating the land to the Plymouth Church Neighborhood Foundation who in turn will allow Mayflower Community Congregational Church to utilize some of the parking spaces on the property once the development is complete.

The applicant is proposing to construct a 30-unit affordable housing development on the site. The applicant, in cooperation with the Minnesota Housing Finance Agency, the City of Minneapolis, Hennepin County, the Minneapolis Public Housing Authority as well as other private funding sources will be working together to provide dwellings to individuals and families with an income level below 50 percent of the area median income.

The development will be a three-story building with one level of enclosed parking. Given the grade change on the property the one level of enclosed parking is partially exposed along East 54th Street and fully exposed along Stevens Avenue South and the south side of the building. Although exposed, the parking level has been designed to look like the rest of the building. In addition to the one, two, three and four bedroom units in the building there will also be a community room, a computer/study area and common laundry facilities. Outside of the building there will be a structured play area along with a half-basketball court and open yard.

As part of the land transaction between Mayflower Community Congregational Church and the Plymouth Church Neighborhood Foundation a portion of the on-site parking spaces that will be developed as part of the project will continue to be utilized by Mayflower Community Congregational

Church. Currently, Mayflower has a parking lot on the development site with a total of 50 parking spaces located in it. All of the parking spaces are accurately dimensioned. However, the drive aisles do not meet today's zoning code standards nor are the required setbacks met on the site. In addition, an entire row of the parking lot is using the public alley for maneuvering purposes which would not be allowed if the parking lot was being developed today.

There will be a total of 68 parking spaces on the site. Of the 68 spaces, 27 of them will be designated for the residents who live in the building. The applicant is also providing a bicycle storage area in the enclosed parking area for the residents. Of the remaining 41 parking spaces, Mayflower Community Congregational Church will have exclusive rights to 12 of them. The remaining 29 will be used primarily by the residents who live in the building and their visitors except that on Sundays, between 7 am and 2 pm, they will be reserved for the church. Once the development is complete the church will have nine less parking spaces available to them on the site. To make up for this loss the Mayflower Community Congregational Church is going to re-stripe their parking lot to accommodate the nine additional parking spaces so overall there will be no net loss of parking for the church.

One of the applications required for this development is a vacation of a water main easement that is located over the easterly 19 feet of the property. In 1981 a street vacation application was approved for the westerly 19 feet of Stevens Avenue South between East 54th Street and Diamond Lake Road. The approval of the street vacation was subject to the retention of an easement area for the City of Minneapolis and the gas company as they each had utilities in the area. As part of this development the applicant is proposing to vacate the easement area that runs along the easterly side of the property and relocate the water main in Stevens Avenue South. At this time Public Works has not given its support for this application as they do not want to vacate the easement area until the water main is actually going to be relocated. It is the Planning Divisions understanding that when the work is to be done Public Works will recommend approval of the vacation request. The applicant has submitted a letter of commitment to pay for the relocation fees.

In addition to the vacation application, a rezoning, conditional use permit, parking reduction variance, two setback variances and site plan review are required. One of the two setback variances is to reduce the required front yard setback along East 54th Street from the established setback of 21 feet to 17 feet. The required front yard setback in the R5 zoning district is 15 feet or the established setback of the adjacent residential property. The front wall of the building located to the west of the site has two setbacks; 16.65 feet and 21 feet. The portion of the building that is setback 16.65 feet is an enclosed portion of the building and therefore is the point at which the setback is determined. Given that the front wall of the proposed building is located between 17 and 21 feet from the front property line along East 54th Street the variance is not required. The variance application will be returned to the applicant.

The applicant has met with the Tangletown Neighborhood Association on several occasions to discuss the development proposal. In this staff report there is a letter from the neighborhood association along with other materials they submitted. As stated in their letter the Tangletown Neighborhood Association supports the proposed development in principle but has some concern with the number of dwelling units proposed. The neighborhood does support the rezoning, the conditional use permit and the setback variances but again has concern with the number of units. The neighborhood does not support the parking variance.

<u>REZONING</u> - from R1 to R5

Findings as Required by the Minneapolis Zoning Code:

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

This site is located on the southwest corner of the intersection of Stevens Avenue South and East 54th Street. The site is one block south of Diamond Lake Road and two blocks east of Nicollet Avenue which are both designated Community Corridors. The intersection of Diamond Lake Road and Nicollet Avenue is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan,* the following apply to this proposal:

- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels (Implementation Step for Policy 4.2).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Promote medium density residential development around Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).
- Minneapolis will grow by increasing its supple of housing (Policy 4.9).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Provide and maintain moderate and high-density residential levels (Implementation Step for Policy 4.10).
- Provide and maintain areas that are predominantly developed with single and two family structures (Implementation Step for Policy 4.11).
- Diversify the location and distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods (Implementation Step for Policy 4.11).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- 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 (Implementation Step for Policy 9.5).
- 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 (Implementation Step for Policy 9.5).

The Planning Division believes that rezoning the site from the R1 to the R5 zoning district would be in conformance with the above policies of *The Minneapolis Plan*. The R5 zoning district allows for multiple-family developments which are appropriate for a site located within close proximity to two Community Corridors and a Neighborhood Commercial Node. The developments proximity to these land use features will support the local businesses in the area and the local transit network.

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

The amendment will allow the applicant to construct 30 units of affordable housing on the site. Through the adoption of *The Minneapolis Plan*, city policymakers have emphasized the importance of building affordable housing throughout the City of Minneapolis, especially in areas of the City that have relatively few developments.

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

The block where the development is proposed to be located has a variety of uses on it. Immediately to the south of the site is the Mayflower Community Congregational Church and its parking lot. The church site is zoned R1. There are four multiple-family housing developments located on the block; three of them are zoned R5 and the other is zoned R6. The remaining uses on the block are all commercial in nature and are all zoned C1. Located to the north across East 54th Street from the site is a single-family neighborhood that is zoned R1. Located to the east of the site is Interstate 35W. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that rezoning the site from the R1 to the R5 zoning district would be compatible.

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.

In the R1 zoning district there are only five uses that are permitted as of right. Those uses include:

- Single-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

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

Prior to the construction of Interstate 35W the east and west sides of Stevens Avenue South, between East 54th Street and Diamond Lake Road, contained single-family homes. In total there were 18 platted lots. With the construction of Interstate 35W all of the homes along the east side of Stevens Avenue South were removed to make way for the Diamond Lake Road exit. In 1966 and again later in 1972 the Mayflower Community Congregational Church applied for and received approvals from the City Council to allow the demolition of several single-family homes along the west side of Stevens Avenue South in order to construct a parking lot.

CONDITIONAL USE PERMIT - for 30 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that a 30-unit multiple-family development will be detrimental to or endanger the public health, safety, comfort or general welfare. The block that the development would be located on is occupied by a church and its parking lot, four multiple-family buildings and a handful of commercial establishments. Located to the north across East 54th Street from the site is a single-family neighborhood and located to the east of the site is Interstate 35W.

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

The Planning Division does not believe that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood. Specifically, the development will provide opportunities for affordable housing within the neighborhood.

The R5 zoning district requires a minimum of 900 square feet of lot area per dwelling unit. The site in question is 33,795 square feet in size which would allow up to 37 dwelling units. All of the dwelling units within the building will be rented to individuals and families with an income level below 50 percent of the area median income. Given this the development would qualify for the 20 percent density bonus for affordable housing. In addition, if the parking reduction variance is approved the development would also qualify for the 20 percent density bonus for enclosed parking. If these two bonuses were applied to the allowed density calculation the development potential for the site would be 51 dwelling units.

On the same block as the development site there are four existing multiple-family buildings. For comparison purposes staff ran the density calculations of those four properties based on the information provided on the City's Property Information Resources website. The following is the comparison:

Address	Size of Lot	Acreage	Dwelling Count	Units Per Acre
Development Site	33,795	.78	30	38.7
17 East 54th St	19,136	.44	6	13.7
99 East 54th St	19,230	.44	17	38.6
101 East 54th St	19,238	.44	21	47.5
24 Diamond Lake Rd	18,765	.43	29	67.3

The densities of the multiple-family properties in the immediate area are comparable if not higher than the proposed development.

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

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

The site is located on the corner of two streets; Stevens Avenue South and East 54th Street. The applicant has designed the site so all vehicles enter and exit the parking areas from the L-shaped alley on the block. There are a total of 68 parking spaces being provided on the site. Of the 68 spaces, 50 of them are accessed from the east-west alley and the remaining 18 are accessed from the north-south alley. Residential developments are permitted to utilize public alleys for access purposes.

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

The zoning code requires 1.0 parking space per dwelling unit in the R5 zoning district. For 30 dwelling units the parking requirement would be 30 spaces. There are a total of 68 parking spaces being provided on the site. Of the 68 spaces, 27 of them will be designated for the residents who live in the building. The applicant is also providing a bicycle storage area in the enclosed parking area for the residents. Of the remaining 41 parking spaces, Mayflower Community Congregational Church will have exclusive rights to 12 of them. The remaining 29 will be used primarily by the residents who live in the building and their visitors except that on Sundays, between 7 am and 2 pm, they will be reserved for the church.

The Traffic and Parking Services division of Public Works was asked by the Council Member to conduct a traffic assessment of the site due to the increase in the number of dwelling units proposed as part of the project. This assessment is provided in the correspondence section of this staff report. The conclusion of this assessment was that "the volume of traffic expected to be added is minimal and is essentially un-perceivable as it relates to motorists using Stevens Avenue or 54th Street". It continues to conclude that "it appears the proposed parking supply and agreements are expected to result in an effective no net change in the parking conditions on a Sunday morning".

The one question that it not answered by the traffic assessment is how Mayflower Community Congregational Church would handle future growth. According to the applicant the worship space in

Mayflower Community Congregational Church is 5,276 square feet in size. The parking requirement for a church is equal to 30 percent of the capacity of the worship space. Based on a worship space of 5,276 square feet the parking requirement would be 106 spaces. The church currently has a parking count of 137 spaces; 87 spaces on the south side of the alley and 50 spaces on the north side of the alley. Once the construction is complete the church will have 108 spaces; 96 on the south side of the alley and 12 on the north side of the alley. On Sunday between 7 am and 2 pm the church will have an additional 29 spaces for their use for a total of 137 spaces. The only way that the parking requirement for the church would increase is if the worship space were to increase in size.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

This site is located on the southwest corner of the intersection of Stevens Avenue South and East 54th Street. The site is one block south of Diamond Lake Road and two blocks east of Nicollet Avenue which are both designated Community Corridors. The intersection of Diamond Lake Road and Nicollet Avenue is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels (Implementation Step for Policy 4.2).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Promote medium density residential development around Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).
- Minneapolis will grow by increasing its supple of housing (Policy 4.9).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Provide and maintain moderate and high-density residential levels (Implementation Step for Policy 4.10).
- Provide and maintain areas that are predominantly developed with single and two family structures (Implementation Step for Policy 4.11).
- Diversify the location and distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods (Implementation Step for Policy 4.11).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- 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 (Implementation Step for Policy 9.5).

- 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 (Implementation Step for Policy 9.5).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*. The applicant is proposing to construct a 30-unit affordable housing development on the site which will be marketed towards individuals and families with an income level below 50 percent of the area median income. The size of the units within the building will range between one and four bedrooms. The site, although not located on either of the designated Community Corridors in the area, is within walking distance of both. The developments proximity to both the designated Community Corridors and the Neighborhood Commercial Node will support the local businesses in the area. In addition, the development will help support the local transit network.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permit, variances, site plan review and utility vacation this development will be in conformance with the applicable regulations of the R5 zoning district.

VARIANCE - to reduce the required number of off-street parking spaces for the dwellings from 29 to 27

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

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

Parking space reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces for the dwellings from 29 to 27. The zoning code requires 1.0 parking space per dwelling unit in the R5 zoning district. For 30 dwelling units the parking requirement is 30 spaces. The zoning code allows for a one-space reduction in parking when a minimum of four bicycle parking spaces are provided on site. The applicant is providing a bicycle storage area in the enclosed parking area for the residents. Given this the parking requirement for this development is 29 spaces.

There are a total of 68 parking spaces being provided on the site. Of the 68 spaces, 46 of them are located within the building and the remaining 22 spaces are located outside. Of the 46 spaces within the building 27 of them will be designated for the residents who live in the building. These 27 spaces will be separated from the other 19 spaces by a garage door. Of the remaining 41 parking spaces, Mayflower Community Congregational Church will have exclusive rights to 12 of them. The remaining 29 will be used primarily by the residents who live in the building and their visitors except that on Sundays, between 7 am and 2 pm, they will be reserved for the church. So, except for on Sundays between 7 am and 2 pm the residents and their visitors will have access to a total of 56 parking spaces.

This area of the City is well served by transit. There are a handful of bus routes that run along Nicollet Avenue, Diamond Lake Road and Interstate 35W. There are transit stops located at the intersection of Nicollet Avenue and Diamond Lake Road and along Stevens Avenue South just south of Diamond Lake Road.

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.

Parking space reduction: The fact that there will only be seven hours a week when the parking requirement for the development will not be met is a unique circumstance of this project.

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.

Parking space reduction: 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. The development will have access to more than its required amount of parking for all but seven hours a week. The traffic assessment that was done by the Traffic and Parking Services division of Public Works concluded that "the volume of traffic expected to be added is minimal and is essentially un-perceivable as it relates to motorists using Stevens Avenue or 54th Street". It continues to conclude that "it appears the proposed parking supply and agreements are expected to result in an effective no net change in the parking conditions on a Sunday morning".

The zoning code and *The Minneapolis Plan* encourages shared parking. In 2004 the property located at 5500 Stevens Avenue South, across Diamond Lake Road from the Mayflower Community Congregational Church, was converted from a funeral home to The Museum of Russian Art. As part of the approvals for the museum a parking variance from 45 spaces to zero spaces was approved by the Zoning Board of Adjustment. Subsequently, the museum entered into a parking lease agreement with Mayflower Community Congregational Church which allows the museum to utilize 38 of their parking spaces on a daily basis. The parking lease was revised in 2006 and then again in May of this year to allow the museum to lease more parking spaces for events which are expected to generate more than 50 vehicles. Please note that the lease does not allow the museum to use any parking spaces on Sundays between 7 am and 2 pm. According to the museum's website it is not open on Sundays or major holidays.

The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:

a. Multiply the minimum parking required for each individual use, as set forth in Table 541-1, Specific Off-Street Parking Provisions, by the appropriate percentage indicated in Table 541-2, Shared Parking Calculations, for each of the six (6) designated time periods.
b. Add the resulting sums for each of the six (6) columns.
c. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.

d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

The following is the shared parking table for the residential development, the church and the museum. Please note that because the 27 residential parking spaces will be physically separated from the remainder of the parking spaces on the site, 27 is the number used for each time slot. In addition, because the parking lease between the church and the museum is for 38 spaces, 38 is the number used for each time slot. The resulting parking requirement for each use is noted in parenthesis.

Table 541-2 Shared Parking Calculations

General Land Use Classification	Weekdays			Weekends		
	1:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 1:00 a.m.	1:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 1:00 a.m.
Residential	100% (27)	60% (27)	100% (27)	100% (27)	75% (27)	90% (27)
Religious institution	0% (0)	25% (27)	50% (53)	0% (0)	100% (106)	50% (53)
Museum of Russian Art	(38)	(38)	(38)	(38)	(38)	(38)
TOTAL	65	92	118	65	171	118

The result of the shared parking calculation is that on weekend days between 7 am and 6 pm there is not enough parking provided on the proposed development site and the church site to accommodate the peak parking demand. Please note that because the museum is not open on Sundays the only day when there is a shortage of parking is on Saturdays between 7 am and 6 pm. Again, according to the museum's website it is open on Saturdays between 10 am and 4 pm.

Combined, there are 164 parking spaces provided between the residential site and the Mayflower Community Congregational Church site. The shared parking calculation and the realty of what is provided on site results in a shortage of seven parking spaces during the peak period. To avoid this overlap the Planning Division is recommending that the Mayflower Community Congregational Church revise their lease agreement with The Museum of Russian Art to allow not more than 31 parking spaces be leased on Saturdays and Sundays between 7 am and 6 pm.

If the Mayflower Community Congregational Church were to provide a minimum of four bicycle parking spaces on the site the overall parking requirement could be reduced by one space. This would result in the lease between the Mayflower Community Congregational Church and The Museum of Russian Art having to be reduced by six spaces not seven.

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.

Parking space reduction: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the parking reduction variance be detrimental to welfare or public safety. Again, the traffic assessment that was done by the Traffic and Parking Services division of Public Works concluded that "the volume of traffic expected to be added is minimal and is essentially un-perceivable as it relates to motorists using Stevens Avenue or 54th

Street". It continues to conclude that "it appears the proposed parking supply and agreements are expected to result in an effective no net change in the parking conditions on a Sunday morning".

VARIANCE - to reduce the front yard setback along Stevens Avenue South from the required 15 feet to 0 feet

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

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

Front yard setback along Stevens Avenue South: The applicant is seeking a variance to reduce the front yard setback along Stevens Avenue South from the required 15 feet to 0 feet. The applicant has indicated that in order to provide as much enclosed parking and to maximize as much outdoor green space that the building is proposed to be built up to the front property line along Stevens Avenue South. The east wall of the building is not flat. The majority of the building is setback four feet from the front property line however there are four projections in the building wall that are located at the property line. Between the property line and the public sidewalk there is 14 feet of green boulevard at the north end of the site and 8 feet of green boulevard at the south end of the site. The amount varies because of the street configuration due to the Interstate 35W exit ramp at Diamond Lake Road.

On this block of Stevens Avenue South there are only two uses: the development site and the parking lot for Mayflower Community Congregational Church. The parking lot is located approximately six feet from the front property line along Stevens Avenue South. North of East 54th Street is a series of single-family homes facing Stevens Avenue South. The house located immediately to the north is setback 23.87 feet from the front property line along Stevens Avenue South. From the zoning map it appears that the homes along this block all have approximately the same setback from the front property line as one another.

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

Front yard setback along Stevens Avenue South: The fact that the only use on the block facing Stevens Avenue South where the development will be located is a surface parking area is a unique circumstance of this project.

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

Front yard setback along Stevens Avenue South: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and

separation of uses. The Planning Division believes that the granting of the variance would be in keeping with the intent of the zoning code. The proposed development would be located closer to Stevens Avenue South than the single-family homes to the north. However, the development is located at a minimum 90 feet south of the closest dwelling. In addition, given that the exit ramp from Interstate 35W exists onto Stevens Avenue South at Diamond Lake Road locating the development closer to the front property line should help to reduce noise levels of the vehicles exiting the freeway.

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

Front yard setback along Stevens Avenue South: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the required front yard setback along East 54th Street from the established setback of 21 feet to 17 feet

The required front yard setback in the R5 zoning district is 15 feet or the established setback of the adjacent residential property. The front wall of the building located to the west of the site has two setbacks; 16.65 feet and 21 feet. The portion of the building that is setback 16.65 feet is an enclosed portion of the building and therefore is the point at which the setback is determined. Given that the front wall of the proposed building is located between 17 and 21 feet from the front property line the variance is not required. The variance application will be returned to the applicant.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If**

located on corner lot, the building wall abutting each street shall be subject to this requirement.

- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      a. Windows shall be vertical in proportion.
      b. Windows shall be distributed in a more or less even manner.
  - **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      a. Windows shall be vertical in proportion.
      b. Windows shall be distributed in a more or less even manner.
      c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
      d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

   e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the front property lines, the principal entrance and individual unit entrances are located along East 54th Street and there are windows along all sides of the building where people can see in and out.
- The first floor of the building is required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The required front yard setback in the R5 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along Stevens Avenue South is 15 feet and the front yard setback along East 54th Street is 16.65 feet. The required setback along East 54th Street is being met. However, the applicant is seeking a variance to locate the building at the property line along Stevens Avenue South.
- The area in between the building and the front property lines along both Stevens Avenue South and East 54th Street will be will be landscaped. Along the East 54th Street side of the building there will also be walkways that lead to the building's principal entrance and the individual unit entrances on the first floor of the building.
- The principal entrance to the building is located along East 54th Street. It is emphasized through the use of a curved roof line supported by architectural columns.
- The overall size of the building has been minimized through the use of recesses and projections, varying roof lines and a mixture of exterior building materials.
- The majority of the on-site parking spaces are located within the building. However, there are 22 spaces located outside. Of the surface parking spaces, four of them are located to the side of the building and the remaining 22 spaces are located to the back of the building.
- The exterior materials of the structure include simulated stone, cement panels covered with a stucco treatment and cement board siding. All four sides of the building are similar to and compatible with the front of the building.
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.

- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building that face a public street or an on-site parking area are required to be windows. Window area at the first floor or ground level is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements is as follows:
  - All four sides or partial sides of the proposed building face either a public street or an on-site parking area so each side is subject to the window requirement.
  - Given the grade change on the property the one level of enclosed parking is partially exposed along East 54th Street and fully exposed along Stevens Avenue South and the south side of the building. This level of the building along East 54th Street does not meet the 20 percent window requirement as required by the zoning code. Along Stevens Avenue South and the south side of the building the window requirement is being met however some of the "windows" are just openings in the wall that resemble windows. See the Alternative Compliance section below.
  - Along all sides of the building where windows are required, the first floor exceeds the 20 percent requirement and the second and third floors exceed the 10 percent requirement.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be pitched. In the area both pitched roofs and flat roofed buildings can be found.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- All of the entrances along the East 54th Street side of the building are connected to the public sidewalk via individual walkways. The building entrance located on the interior of the site is connected to the surface parking area via a walkway.
- No transit shelters are proposed as part of this development.
- The applicant has designed the site so all vehicles enter and exit the parking areas from the L-shaped alley on the block, which minimizes conflicts between vehicles and pedestrians by minimizing curb cuts. There are a total of 68 parking spaces being provided on the site. Of the 68 spaces, 50 of them are accessed from the east-west alley and the remaining 18 are accessed from the north-south alley. Residential developments are permitted to utilize public alleys for access purposes.
- The maximum impervious surface requirement in the R5 zoning district is 85 percent. According to the materials submitted by the applicant 80 percent of the site will be impervious.

LANDSCAPING AND SCREENING:

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

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 33,795 square feet. The footprint of the building is 16,225 square feet. When you subtract the footprint from the lot size the resulting number is 17,540 square feet. Twenty percent of this number is 3,508 square feet. According to the applicant's landscaping plan there is 6,730 square feet of landscaping on the site or approximately 38 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is seven and 35 respectively. The applicant is proposing to have five canopy trees and 150 shrubs located on the site. The applicant is also proposing to have 10 ornamental trees and 116 perennials located on the site. There is room on the site to plant two additional canopy trees. The Planning Division is recommending that the canopy tree requirement be met on site.

- There are two surface parking areas on the site. Twenty-two spaces are located towards the back of the building and four of them are located to the side of the building. A seven-foot wide landscaped yard is required along the east and south side of the surface parking areas. The larger parking area has a seven-foot wide landscaped yard around it. However, the parking area with only four spaces has a five-foot wide landscaped yard along the alley. See the Alternative Compliance section below.
- Screening equal to 95 percent opacity along both the east and south sides of the parking area is required in order to screen the parking area from the adjacent uses. The applicant is proposing to plant a hedge of Dwarf Bush Honeysuckle along these two sides of the parking area. As long as the applicant allows the plants to grow to full maturity the screening requirement will be met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All of the parking spaces are located within 50 feet of an on-site deciduous tree.
- Tree islands in parking lots must have a minimum width of seven feet in any direction. No tree islands are proposed in this parking area.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff from the parking area will be drained to an underground storage tank. The remainder of the stormwater runoff will be directed to the green spaces on the site.
- This building should not block views of important elements in the city.
- According to the shadow study that the applicant provided this development should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are windows where people can see in and out along all levels

of the building and there are lights located near all of the pedestrian entrances and the parking garage.

- This site is neither historically designated nor located in a historic district.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the R5 zoning district.

- **Off-Street Parking and Loading:** The zoning code requires 1.0 parking space per dwelling unit in the R5 zoning district. For 30 dwelling units the parking requirement is 30 spaces. The zoning code allows for a one-space reduction in parking when a minimum of four bicycle parking spaces are provided on site. The applicant is providing a bicycle storage area in the enclosed parking area for the residents. Given this the parking requirement for this development is 29 spaces. There are a total of 68 parking spaces being provided on the site. Of the 68 spaces, 46 of them are located within the building and the remaining 22 spaces are located outside. Of the 46 spaces within the building 27 of them will be designated for the residents who live in the building. These 27 spaces will be separated from the other 19 spaces by a garage door. Of the remaining 41 parking spaces, Mayflower Community Congregational Church will have exclusive rights to 12 of them. The remaining 29 will be used primarily by the residents who live in the building and their visitors except that on Sundays, between 7 am and 2 pm, they will be reserved for the church.

  The applicant has applied for a variance to reduce the required number of off-street parking spaces for the dwellings from 29 to 27. Note that except for on Sundays between 7 am and 2 pm the residents and their visitors will have access to a total of 56 parking spaces.

- **Maximum Floor Area:** The maximum FAR in the R5 zoning district is 2.0. The lot in question is 33,795 square feet in area. The applicant proposes a total of 45,035 square feet of gross floor area, an FAR of 1.33.

- **Building Height:** Building height in the R5 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is three stories or 46 feet in height.

- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 900 square feet. With 30 proposed dwelling units on a lot of 33,795 square feet, the applicant proposes 1,126.5 square feet of lot area per dwelling unit.

- **Dwelling Units per Acre:** The site is .78 acres in size. There are 38.7 dwelling units per acre proposed on the site.

- **Yard Requirements:** The site is a reverse corner lot and is therefore subject to two front yard setbacks; Stevens Avenue South and East 54th Street. The required front yard setback in the R5 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along Stevens Avenue South is 15 feet and the front yard setback along East 54th Street is 16.65 feet. The setback along East 54th Street is being met. The applicant has applied for a variance to reduce the front yard setback along Stevens Avenue South to zero feet. The interior side yard setback in the R5 zoning district is 5+2x, where x equals the number of stories above the first floor. The resulting setback along the south and west interior side yards is 9 feet. Both of these setbacks are being met.

  The required setbacks for the surface parking areas are five feet from the east and south interior property lines. The parking lot is meeting the required setbacks.

- **Specific Development Standards:** There are no specific development standards for residential uses.

- **Hours of Operation:** Residential uses are not subject to hours of operation.

- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the R5 zoning district, multiple-family buildings with five or more dwelling units and on lots smaller than 40,000 square feet are allowed to have one nonilluminated, flat wall sign not exceeding 16 square feet in size and not taller than 12 feet. On a corner lot, two such signs are permitted.

  The applicant is proposing to have two flat wall signs located on the building; one is located along the East 54th Street side and the other is located on the south wall of the building. Both of the signs are 16 square feet in size and neither of them are located more than 12 feet off of the ground.

- **Refuse storage:** There is a trash and recycling room located in the parking garage level of the building.

- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The plans indicates that the maximum lighting level at the property lines will be .5 which is in compliance with the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

This site is located on the southwest corner of the intersection of Stevens Avenue South and East 54th Street. The site is one block south of Diamond Lake Road and two blocks east of Nicollet Avenue which are both designated Community Corridors. The intersection of Diamond Lake Road and Nicollet Avenue is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan,* the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (policy 9.16).
- Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- **For residential uses, twenty percent of the walls on the first floor and ten 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:**

  Given the grade change on the property the one level of enclosed parking is partially exposed along East 54th Street and fully exposed along Stevens Avenue South and the south side of the building.

This level of the building along East 54th Street does not meet the 20 percent window requirement as required by the zoning code. Along Stevens Avenue South and the south side of the building the window requirement is being met however some of the "windows" are just openings in the wall that resemble windows. Because of the grade change on the property and in order to provide proper ventilation in the parking area the Planning Division is recommending alternative compliance to allow less than the required percentage of windows on the parking level of the building.

- **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:**

  There are two surface parking areas on the site. Twenty-two spaces are located towards the back of the building and four of them are located to the side of the building. A seven-foot wide landscaped yard is required along the east and south side of the surface parking areas. The larger parking area has a seven-foot wide landscaped yard around it. However, the parking area with only four spaces has a five-foot wide landscaped yard along the alley. In order to accommodate a seven-foot wide landscaped yard two of the four parking spaces would need to be eliminated. Because the setback that is required by the zoning district is being met the Planning Division is recommending that alternative compliance be granted to allow a five-foot wide landscaped yard instead of the required seven-foot wide landscaped yard.

VACATION (Vac1538) – Vacating a City of Minneapolis Water Main Easement as reserved in vacated Stevens Avenue South; covering the westerly 19 feet of vacated Stevens Avenue and lying adjacent to Lots 1, 2, 3, 4 and the North 22 feet of Lot 5, Clarke's Stevens Avenue Rearrangement to Minneapolis; according to the plat of record and Vacation dated August 14, 1981, on file at the Hennepin County Recorders office, Minneapolis, Minnesota.

Development Plan: The site plan is included in the packet.

Responses from Utilities and Affected Property Owners: No utilities and/or affected property owners have requested an easement.

Findings: At this time Public Works has not given its support for this application as they do not want to vacate the easement area until the water main is actually going to be relocated. It is the Planning Divisions understanding that when the work is to be done Public Works will recommend approval of the vacation request. The applicant has submitted a letter of commitment to pay for the relocation fees.

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission vacate the water main easement at this time in order to allow for the rest of the development applications to move forward. Please note that the vacation application can be held over at City Council until the work is to be completed.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning petition to change the zoning of the properties located at 5400, 5404 and 5412 Stevens Avenue South from R1 to R5 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for 30 dwelling units located at 5400, 5404 and 5412 Stevens Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required number of off-street parking spaces for the dwellings from 29 to 27 located at 5400, 5404 and 5412 Stevens Avenue South subject to the following conditions:

1. The Mayflower Community Congregational Church shall revise their lease agreement with The Museum of Russian Art to allow not more than 31 parking spaces be leased on Saturdays and Sundays between 7 am and 6 pm.

2. The Mayflower Community Congregational Church parking lot shall be re-striped to accommodate 96 parking spaces.

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

This variance application to reduce the required front yard setback along East 54th Street has been **returned** to the applicant.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along Stevens Avenue South from the required 15 feet to 0 feet located at 5400, 5404 and 5412 Stevens Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 5400, 5404 and 5412 Stevens Avenue South subject to the following conditions:

1. A total of seven canopy trees shall be planted on the property as required by Section 530.160.

2. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.

3. All site improvements shall be completed by November 13, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the 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 application to vacate a City of Minneapolis Water Main Easement as reserved in vacated Stevens Avenue South; covering the westerly 19 feet of vacated Stevens Avenue and lying adjacent to Lots 1, 2, 3, 4 and the North 22 feet of Lot 5, Clarke's Stevens Avenue Rearrangement to Minneapolis; according to the plat of record and Vacation dated August 14, 1981, on file at the Hennepin County Recorders office, Minneapolis, Minnesota.

Attachments:

1. Statement of proposed use
2. Rezoning, conditional use permit and variance findings and related materials
3. Vacation information
4. Preliminary Development Review report from September 5, 2007
5. September 27, 2007, e-mail to Council Member Benson and the Tangletown Neighborhood Association
6. Letter from the Tangletown Neighborhood Association and related materials
7. Letters, e-mails and other correspondence regarding the development
8. Zoning Map
9. Minneapolis Zoning Plate 40
10. Civil drawings, site plan, floor plans and elevations
11. Photographs of the site