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

Date: April 6, 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 Grand Avenue Townhomes Located at the Properties of 3543 Grand and part of 3539 Grand Avenue South

Recommendation: The following actions were taken by the Planning Commission on March 6, 2006 (BZZ-2830):

A. Rezoning: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a petition to rezone the property of 3543 Grand Avenue South from the C1 district to the R5 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the application for a petition to rezone the property of 3543 Grand Avenue South from the C1 district to the R5 district.

B. Conditional Use Permit: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a conditional use permit to allow 5 dwelling units for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 5 dwelling units for the properties located at 3539 and 3543 Grand Avenue South.

C. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Avenue South.

D. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 9 feet to allow three patios for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 9 feet to allow three patios with 3-foot high railings for the properties located at 3539 and 3543 Grand Avenue South, subject to the following condition:

1. The railings shall not be more than 60 percent opaque.

E. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Avenue South.

F. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3539 and 3543 Grand Avenue South.

G. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3539 and 3543 Grand Avenue South.

H. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to increase the maximum floor area of a detached garage from 776.6

square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Avenue South.

I. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the minimum drive aisle width from 22 feet to 7 feet for the properties located at 3539 and 3543 Grand Avenue South.

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 7 feet for the properties located at 3539 and 3543 Grand Avenue South.

J. Site Plan Review: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a site plan review to allow a 5-unit building for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a 5-unit building for the properties located at 3539 and 3543 Grand Avenue South, subject to the following conditions:

1. Approval of the final elevations, site and landscape plans by the Community Planning and Economic Development Department – Planning Division.

2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 6, 2007, or the permit may be revoked for non-compliance.

3. No more than 80 percent of the site shall be covered by impervious surfaces.

K. Minor Subdivision: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a minor subdivision for the properties located at 3535, 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a minor subdivision for the properties located at 3535, 3539, and 3543 Grand Avenue South.

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: 10
Neighborhood Notification: The Lyndale Neighborhood Development Corporation was notified of the applications and 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 March 21, 2006, staff sent a letter to the applicant extending the 60 day decision period to no later than June 10, 2006.
Other: Not applicable

Background/Supporting Information Attached: Carole Megarry has filed an appeal of the decision of the City Planning Commission approving the applications for the aforementioned conditional use permit, variances and a site plan review to allow a multifamily dwelling with 5 units for the properties located at 3543 Grand Avenue and part of 3539 Grand Avenue. The appeal (please see attached appeal) was filed on March 16, 2006.

At its meeting of March 6, 2006, the City Planning Commission voted 8-0 to recommend that the City Council approve the rezoning request and 8-0 to approve the conditional use permit, variances, site plan review and minor subdivision.

Excerpt from the
CITY PLANNING COMMISSION
MINUTES
Minneapolis Community Planning & Economic Development (CPED) Planning Division

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax

(612) 673-2157 TDD

MEMORANDUM

DATE: March 22, 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 March 6, 2006

The following actions were taken by the Planning Commission on March 6, 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, Krause, Henry-Blythe, LaShomb, Motzenbecker, Nordyke, Schiff and Tucker – 9

Not present: Krueger

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6. Grand Avenue Townhomes (BZZ-2829, Ward 10), 3535 and 3539 Grand Ave. S (Janelle Widmeier).

A. Conditional Use Permit: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a conditional use permit to allow 5 dwelling units for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 5 dwelling units for the properties located at 3535 and 3539 Grand Ave. S.

B. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 15 feet to allow a residential structure for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 15 feet to allow a residential structure for the properties located at 3535 and 3539 Grand Ave. S.

C. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 9 feet to allow three patios for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 9 feet to allow three patios with 3-foot high railings for the properties located at 3535 and 3539 Grand Ave. S, subject to the following condition:

1. The railings shall not be more than 60 percent opaque.

D. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 12 feet to allow three entrance canopies for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 12 feet to allow three entrance canopies for the properties located at 3535 and 3539 Grand Ave. S.

E. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the North property lines from 15 feet to 7 feet to allow three entrances for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3535 and 3539 Grand Ave. S.

E - 2. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3535 and 3539 Grand Ave. S.

F. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3535 and 3539 Grand Ave. S.

G. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the minimum drive aisle width from 22 feet to 7 feet for the properties located at 3535 and 3539 Grand 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 7 feet for the properties located at 3535 and 3539 Grand Ave. S.

H. Site Plan Review: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a site plan review to allow a 5-unit building for the properties located at 3535 and 3539 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a 5-unit building for the properties located at 3535 and 3539 Grand Ave. S, subject to the following conditions:

1. Approval of the final elevations, site and landscape plans by the Community Planning and Economic Development Department – Planning Division.

2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 6, 2007, or the permit may be revoked for non-compliance.

3. No more than 80 percent of the site shall be covered by impervious surfaces.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendations (Krause seconded).

The motion carried 8 – 0.

7. Grand Avenue Townhomes (BZZ-2830, MS-143, Ward 10), 3539 and 3543 Grand Ave. S (Janelle Widmeier).

A. Rezoning: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a petition to rezone the property of 3543 Grand Ave. S from the C1 district to the R5 district.
Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the application for a petition to rezone the property of 3543 Grand Ave. S from the C1 district to the R5 district.

B. Conditional Use Permit: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a conditional use permit to allow 5 dwelling units for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 5 dwelling units for the properties located at 3539 and 3543 Grand Ave. S.

C. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Ave. S.

D. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 9 feet to allow three patios for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 9 feet to allow three patios with 3-foot high railings for the properties located at 3539 and 3543 Grand Ave. S, subject to the following condition:

1. The railings shall not be more than 60 percent opaque.

E. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Ave. S from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Ave. S.

F. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3539 and 3543 Grand Ave. S.

G. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3539 and 3543 Grand Ave. S.

H. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Ave. S.

I. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the minimum drive aisle width from 22 feet to 7 feet for the properties located at 3539 and 3543 Grand 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 7 feet for the properties located at 3539 and 3543 Grand Ave. S.

J. Site Plan Review: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a site plan review to allow a 5-unit building for the properties located at 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a 5-unit building for the properties located at 3539 and 3543 Grand Ave. S, subject to the following conditions:

1. Approval of the final elevations, site and landscape plans by the Community Planning and Economic Development Department – Planning Division.

2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 6, 2007, or the permit may be revoked for non-compliance.

3. No more than 80 percent of the site shall be covered by impervious surfaces.

K. Minor Subdivision: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a minor subdivision for the properties located at 3535, 3539 and 3543 Grand Ave. S.

Action: The City Planning Commission adopted the findings and **approved** the application for a minor subdivision for the properties located at 3535, 3539, and 3543 Grand Ave. S.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendations (Krause seconded).

The motion carried 8 – 0.

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review, Minor Subdivision
BZZ – 2830 and MS – 143

Date: March 6, 2006

Applicant: Drecktrah Real Estate

Address of Property: 3539 and 3543 Grand Avenue South

Project Name: Grand Avenue Townhomes

Contact Person and Phone: Karl Drecktrah, (612) 278-7758

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

Date Application Deemed Complete: February 10, 2006

End of 60-Day Decision Period: April 10, 2006

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: R5 and C1

Proposed Zoning: R5

Zoning Plate Number: 25

Legal Description: See survey for entire legal description of the site and for the individual parcels being created. The legal description of the property to be rezoned is as follows:

> All that part of Lot 10, Block 16, BAKER'S ADDITION TO MINNEAPOLIS, which lies north of the following described line: Beginning at a point in the West line of said Lot 10, distant 10.75 feet North of the Southwest corner of said Lot 10; thence running East 125.06 feet more or less to a point in the East line of said Lot 10, which point is distant 10.65 feet North of the Southeast corner of said Lot 10, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

Proposed Use: Two multi-family dwellings each with 5 units.

Concurrent Review:

> **Petition to rezone** the property of 3543 Grand Avenue South from the C1 district to the R5 district.

Conditional use permit to allow 5 dwelling units.

Variance to reduce the front yard requirement along Grand Avenue South from the established setback to 15 feet to allow a residential structure.

Variance to reduce the front yard requirement along Grand Avenue South from the established setback to 9 feet to allow three patios.

Variance to reduce the front yard requirement along Grand Avenue South from the established setback to 12 feet to allow three entrance canopies.

Variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances.

Variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrances.

Variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet.

Variance to reduce the minimum drive aisle width from 22 feet to 7 feet.

Site plan review to allow a 5-unit building.

Minor subdivision.

Applicable zoning code provisions: Chapter 525, Article V1 Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

Background: Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, is proposing to subdivide the properties located at 3535, 3539 and 3543 Grand Avenue South into two parcels to establish two multifamily dwellings each with 5 units. Part of 3539 Grand Avenue South will go to each new parcel. The buildings would be two stories each with detached garages along the alley. Although the two proposals are very similar, they are addressed in separate staff reports. This report discusses the applications required for the proposal that would occupy 3543 Grand Avenue South and part of 3539 Grand Avenue South as well as the minor subdivision.

The properties are located between Nicollet and Lyndale Avenue South and south of Lake Street West. The area is predominantly residential with low to medium density. The property of 3539 Grand Avenue is currently vacant. A nonresidential building exists on the property of 3543 Grand Avenue. The applicant proposes to demolish the building.

The applicant is proposing to create two new parcels from the aforementioned properties through a minor subdivision. The property of 3539 Grand Avenue South is zoned R5. The other lot, 3543 Grand Avenue South, is zoned C1. By subdividing the properties into two parcels, a parcel with split zoning would be created. This situation is not allowed by the subdivision ordinance. Therefore the applicant is proposing to rezone 3543 Grand Avenue South from C1 to R5 to create consistent zoning. In the R5 district, a conditional use permit and site plan review are required to allow more than four dwelling units. Variances are required to allow the proposed building, patios and awnings in the required front yards, to reduce the interior side yard to allow side entrances to be located less than 15 feet from the side

property line, to increase the maximum floor area of the detached garages, and to reduce the minimum drive aisle widths.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 3543 Grand Avenue South from C1 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.

The property of 3543 Grand Avenue South is located two blocks from 38th Street West and three blocks from Lyndale Avenue South. Both of these streets are designated as community corridors. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

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.

Staff comment: The property is located in an area with low- to high-density residential uses. Most of the uses along Grand Avenue between 35th and 36th Streets West are medium- to high-density residences. The proposed zoning would allow medium- to high-residential density already existing on the block.

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

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.

Staff comment: The property is located near to two community corridors. Commercial uses and districts would be appropriately located on either Lyndale Avenue or 38th Street. The existing C1 zoning of the subject property could detract from the commercial uses located on the corridors. In this location, a medium density residential use would be more appropriate than any

commercial uses allowed by the existing district. In turn, the residential uses could support the nonresidential uses along the community corridors.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Steps

Use both infill development and new development opportunities to increase housing in the city.

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Staff comment: The immediate area around the site is predominately designated as residential. The two properties to the North are currently vacant. Rezoning this property to a residential district could allow for the opportunity of residential infill development, which would increase the amount of housing in the city.

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

The existing building was constructed in 1956. It appears to be unoccupied for some time. An amendment of the zoning district from C1 to R5 would allow for the establishment of medium density housing. Because of the proximity to two community corridors, medium- to high-density residential development is more appropriate use of the land than a commercial use. The underutilized commercial property does little to support the community corridors. 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.

In the immediate area around the site, the majority of the properties are zoned R5. Mostly medium- to high-density residential uses exist in this area. The property to the South of this site is zoned R2B, Two-Family District. However, an 11-unit residence exists on the property. 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.

Commercial and residential uses could occupy the property in the C1 district. The residential density allowed by the existing zoning would be low to medium. However, a residential use would be more appropriate for a location with proximity to a community corridor rather than a commercial use.

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 1999, the property was zoned B2S-1, Neighborhood Service District. That district was similar to the C1 district. Within this immediate area of Minneapolis there has not been a change in zoning or in the type of development. The area has remained predominantly medium- to high-density residential.

CONDITIONAL USE PERMIT: to allow a dwelling with 5 units.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

Construction of a multifamily residential building of two 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 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 surrounding area is fully developed. The redevelopment of these properties 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.

The site is served by existing infrastructure. Vehicle access would be from the alley at the rear of the property. 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 been or will be provided to minimize traffic congestion in the public streets.

The zoning code requires one off-street parking space per dwelling unit. The applicant proposes five spaces. Each unit would have a parking space in a detached garage located at the rear of the property. The garage doors are 7 feet from the property line adjacent to the alley. The zoning code requires a 22 foot drive aisle for on-site vehicle maneuvering. A variance is required to reduce the drive aisle width. The vehicles would maneuver in the alley, which should not affect traffic in the public streets.

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

The properties are located two blocks from 38th Street West and three blocks from Lyndale Avenue South. Both of these streets are designated as community corridors. According to the principles and polices outlined in *The Minneapolis Plan*, the following policies are relevant to the conditional use permit:

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.

Staff comment: The property is located in an area with low- to high-density residential uses. Most of the uses along Grand Avenue between 35th and 36th Streets West are medium- to high-density residences. The proposed zoning would allow medium- to high-residential density consistent with existing uses on the block.

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

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.

Staff comment: The properties are located near two community corridors. The proposed residential use would likely support the nonresidential uses along the community corridors.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Steps

Use both infill development and new development opportunities to increase housing in the city.

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Staff comment: The immediate area around the site is predominately designated as residential. The properties of 3535 and 3539 Grand Avenue are currently vacant. A nonresidential building occupies the property of 3543 Grand Avenue. The proposed uses would allow for full development on the block and increase the amount of housing in the city.

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

The use of the site for a multi-family residence will conform to the applicable regulations of the district in which it is located upon the approval of the rezoning, conditional use permit, variances, site plan review, and minor subdivision.

VARIANCES - 1) to reduce the front yard requirement along Grand Avenue South from the established setback to 15 feet to allow a principal residential structure; **2)** to reduce the front yard requirement along Grand Avenue South from the established setback to 9 feet to allow three patios; **3)** to reduce the front yard requirement along Grand Avenue South from the established setback to 12 feet to allow three entrance canopies; **4)** to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances; **5)** to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance; **6)** to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet; and **7)** to reduce the minimum drive aisle width from 22 feet to 7 feet.

Findings Required by the Minneapolis Zoning Code for the Proposed 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 variances: The minimum front yard requirement in the R5 district is 15 feet or the established setback, whichever is greater. On this property, the established setback is greater. It angles from 15 feet on the South to 18 feet on the North side of the property. The principal building would be setback 15 feet from the front property line. Three patios would project 6 feet from each building into the required front yard. Also, three awnings would project 3 feet from each building.

The zoning code allows a ground level patio to project not more than four feet into a required yard as long as the total area of the patio does not exceed 50 square feet. Two of the three patios would be 84 feet, exceeding the size permitted by the ordinance. The zoning code also allows awnings to project 2.5 feet into a front yard.

Although the building could comply with the established setback, it would not line up with the average setback established on the block. Because the building would project into the front yard,

the patios and awnings would project more than is allowed by code. The awnings and patios would serve each of the units facing Grand Avenue. These obstructions would be a reasonable use of the property.

Side yard variances: The code requires a minimum setback of 15 feet where side entrances face a side property line. Two side entrances are proposed on the North side of the building and one side entrance is proposed on the South side of the building. Generally, the required interior side yard for multifamily dwellings is equal to 5 feet for the first story plus 2 feet for each additional story above the first. A two-story building is proposed, therefore without the side entrances the minimum interior side yard requirement would be 7 feet. The principal structure would be set back 7 feet from each interior lot line. The proposed lot width is 62 feet. By requiring two 15-foot side yards, 32 feet of the width of the site would accommodate a new residential structure. Complying with this requirement would not allow a development that would be similar to existing structures on the block. It would also be a less efficient use of the land. The proposed yard is wide enough to accommodate a walkway and stoop without impacting neighboring properties. Two 7-foot wide side yards would be reasonable.

Garage size variance: For multiple-family dwellings, the code allows a floor area of 676 square feet or an area equal to 10 percent of the lot area, whichever is greater. Because the proposed lot area would be 7,765 square feet, the maximum allowed floor area would be 776.5 square feet. The applicant is proposing a 1,219 square foot garage. The zoning code requires one parking space for each dwelling unit. The R5 district allows up to 8 dwelling units to be established on the subject property. If more units were proposed, more parking would be required. It would be more difficult to comply with the minimum parking requirement without overdeveloping the site. The applicant is proposing 5 units. The garage would have 5 stalls, one for each unit to comply with the code requirement. The proposed stall sizes would allow for the parking of one vehicle with additional room for the enclosed storage of individual unit trash and recycling containers and some other storage, such as bicycles. A 5-stall accessory garage would be a reasonable use of the property to meet the storage needs for a 5-unit building. Under the conditions allowed by the code, a 5-stall garage could not be constructed.

Drive aisle variance: The zoning code requires that access to off-street parking for a multifamily dwelling with more than 4 units occur on-site. A 22-foot drive aisle is required for a parking area including parking in an enclosed structure. The proposed garage would be setback 7 feet from the rear property line. All garage doors would face the alley. At most, five vehicles would be maneuvering in the alley. The code does not require a 22-foot drive aisle for a use with less than 5 units. Each unit of a four-unit building could have more than one parking space. The impact could be equal or greater than the proposed 5-car garage. Also, requiring a 22-foot drive aisle on-site would increase the area used for vehicles on the property and increase the amount of impervious surface. Reducing the drive aisle request is reasonable.

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: With the exception of the property to the North, the block is fully developed with residential structures. The average setback along this block of Grand Avenue on the East side is approximately 15 feet. The adjacent multifamily residential structure is setback 15 feet from the front property line. Some of the residences on the block have obstructions, such as porches, awnings and entrance landings, that project into the required front yard. These circumstances have not been created by the applicant.

Side yard variances: The site is located in an established residential area. A multi-family dwelling exists to the South of the site. The adjacent structure is set back 18 feet from the interior side property line. The applicant has not created this situation. To the North of the site, a building similar to the subject proposal including side entrances on the North side of the building, would be constructed. These circumstances are unique to the property.

Garage size variance: The size of the lot is what limits the permitted size of accessory buildings. A garage larger than the minimum permitted square footage would be desirable to the applicant and future residents and provide more reasonable space for accessory use.

Drive aisle variance: The subject property is an average sized, rectangular parcel. There is no rugged terrain or other physical conditions that constrain the property. The property has street frontage as well as access to an alley at the rear of the property. The existing alley is 12 feet wide. Vehicles could maneuver into the alley as necessary to gain access to or from the parking spaces with little impact to surrounding properties. The code does not require a 22-foot drive aisle for a use with less than 5 units. Each unit of a four-unit building could have more than one parking space. The impact could be equal or greater than the proposed 5-car garage. The request is reasonable for an accessory use.

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 intent of the established front yard requirement is to maintain a consistent setback on a block. The average setback along this block of Grand Avenue on the East side is approximately 15 feet. The adjacent multifamily residential structure is setback 15 feet from the front property line. The proposed setback of the building would be more in keeping with the intent of the ordinance. The proposed awnings would project 3 feet from the building. Other residences on the block also have awnings projecting over their entrances. The patios would be approximately 2.5 feet above natural grade. The patio railings would be 3 feet tall and made of galvanized or painted steel. As long as the railings are less than 60 percent opaque, the patios should not impede views down the street and should have little effect on the surrounding properties. Staff is recommending that the railings are less than 60 percent opaque.

Side yard variances: The intent of the 15 foot set back requirement is to mitigate negative impacts, primarily noise, caused by side entrances. One of the doors on the North side of the building would service a utility room located in the basement. It is not likely that this entrance

would be frequently used. The other two entrances would each allow access to a dwelling unit. These units also contain a front entrance, but do not have access at the rear of the building. The side entrances would most likely be used to access the garage or to dispose of trash at the rear of the property. If the side entrances were removed, the occupants of these units would still likely use the side yards for those purposes. The adjacent multi-family dwelling is set back 18 feet from the interior side property line. The side entrances on the South side of the building should have little impact on the adjacent property. To the North of the site, a building similar to the subject proposal including side entrances on the North side of the building, would be constructed. Because both structures would have side entrances, the impacts should be minimal. The side entrances should not affect other surrounding properties.

Garage size variance: Garages are allowed only as an accessory to permitted uses in residential districts. The proposed garage would be subordinate in area and height to the principal structure. It would be located at the rear of the property and would provide necessary storage space for the dwelling units. Therefore, allowing a 1,219 square foot garage would be in keeping with the ordinance. The proposed garage size should have little effect on the surrounding properties.

Drive aisle variance: The purpose of the ordinance is to allow sufficient area for vehicles to maneuver in and out of parking spaces on-site without creating conflicts between other pedestrian and vehicular traffic. The proposed drive aisle should not interfere with pedestrian traffic because maneuvering would occur partly on-site and in the alley. Other residences on the block also use the alley for maneuvering. The granting of the variance should have little impact on the surrounding properties.

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

Front yard variances: The Planning Divsion does not expect that granting the variances would affect congestion or public safety.

Side yard variances: The Planning Divsion does not expect that granting the variances would affect congestion or public safety.

Garage size variance: The garage would allow for on-site parking for each unit proposed. The proposal should not increase the congestion in the streets and should not affect public safety.

Drive aisle variance: Maneuvering would occur partly on-site and in the alley and should not affect street traffic or public safety.

SITE PLAN REVIEW: to allow a dwelling with 5 units.

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.)

<u>Section A: Conformance with Chapter 530 of the Zoning Code</u>

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 contribute to a street wall along Grand Avenue South. Natural surveillance and pedestrian access to the building would be maximized through three principal entrances at grade level and an abundant amount of windows along Grand Avenue. Walkways would lead to each entrance.

The applicant proposes to set the building 15 feet back from the property line along Grand Avenue South. The minimum front yard requirement in the R5 district is 15 feet or the established setback, whichever is greater. The established setback angles from 15 feet on the South to 18 feet on the North side of the property. The applicant is requesting a variance to reduce the front yard requirement to 15 feet to allow the building.

Landscaping and patios for individual units would be located between the building and the front lot lines.

Three of the units have a principal entrance that would face the front lot line.

The detached garage would be located at the rear of the property behind the principal structure.

The building would include sufficient architectural detail and windows to avoid large blank walls.

The proposed materials for the exterior of the principal structure include stucco, glass, and precast concrete. The primary exterior material for the detached garage would be prefinished metal panels.

The materials and appearance of the rear and side walls of the principal building would be compatible with the front wall. Although the materials of the principal and accessory structures differ, the appearance of both buildings would be compatible. All materials would be durable. For these reasons, staff feels alternative compliance is warranted.

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

The principal entrances would be clearly defined with awnings. Each dwelling unit would have a ground floor entrance. Windows would exceed 20 percent of the first and second floor elevation facing the street. Windows would be vertical in proportion and evenly distributed.

A flat roof is proposed. Many of the surrounding buildings 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:

Walkways would lead from the public sidewalk to the principal entrances.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access would occur at the rear of the property from the alley. Other residential uses on the block use the alley for vehicle access and manuevering. Vehicle traffic from the proposed development should have minimal conflicts between pedestrians and other residential uses.

The site would include more permeable area than currently exists on the site. The maximum impervious surface coverage allowed in the R5 district is 85 percent. The proposed amount of impervious surface would be 6,514.8 square feet, or 83.9 percent of the lot. Although, the development would comply with the maximum impervious surface requirement, the proposal does not minimize the use of impervious surfaces. Other than the building footprints, the walkways and patios create a large amount of impervious surfaces. The applicant could reduce the width of the walkways in the side yards to 3 feet and reduce the size of the patios of the rear units to increase the amount of pervious surface. Staff is recommending that no more than 80 percent of the site is covered by impervious surfaces. This would eliminate approximately 300 square feet of the proposed impervious surfaces.

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 7,765 square feet. The building coverage would be approximately 4,243 square feet. The lot area minus the building footprints therefore consists of approximately 3,522 square feet. At least 20 percent of the net site area (704.4 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 1,250 square feet, which exceeds the minimum requirement.

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 each site is 2 and 7 respectfully. The applicant is providing 2 trees and 11 shrubs as well as other perennials on the site.

There are no required landscaped yards because the site would not have surface parking.

Turf will cover all areas that are not paved or landscaped.

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:

Lighting proposed for the development 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.

There are no adjacent residential properties that would be affected by headlight glare.

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

The development should not significantly shadow any residential properties.

Wind currents should not be major concern.

A fence is proposed along the South side of the property. The fencing and landscaping would clearly delineate private versus public spaces.

The existing structure will be demolished. It is not historic or eligible for designation.

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

ZONING CODE: The proposed and existing zoning is R5. The R5 district requires a conditional use permit for multiple family dwellings with more than 4 units.

Parking: The zoning code requires one off-street parking space per dwelling unit. The applicant proposes five spaces. Each unit would have a parking space in a detached garage located at the rear of the property. The garage doors would be 7 feet from the property line adjacent to the alley. The zoning code requires a 22 foot drive aisle for on-site vehicle maneuvering. A variance is required to reduce the drive aisle width.

Signs: The applicant has indicated that no signage is proposed.

Maximum Floor Area: The proposed lot area is 7,765 square feet. The maximum FAR for a multiple family dwelling in the R5 District is 2.0. The building would be 6,000 square feet, which is an FAR of 0.77.

Minimum Lot Area: As previously noted, the parcel would be 7,765 square feet. The R5 District requires not less than 900 square feet of lot area per dwelling unit. This would allow 8 dwelling units on each parcel. The building would have 5 units. Thus the applicant proposes 1,553 square feet of lot area per dwelling unit.

Height: Building height in the R5 district is limited to four stories or 56 feet, whichever is less. The building would be two stories and 25.5 feet tall.

Yard Requirements: The minimum front yard requirement in the R5 district is 15 feet or the established setback, whichever is greater. The established setback varies from 15 feet on the South to 18 feet on the North side of the property. The principal building structure would be setback 15 feet from the front property line. Three patios would project 6 feet from the building into the required front yard. Also, three awnings would project 3 feet from the building. A variance is required to allow the building, patio and awning locations.

Generally, the required interior side yard for multifamily dwellings is equal to 5 feet for the first story plus 2 feet for each additional story above the first. A two-story building is proposed, therefore the minimum interior side yard requirement is 7 feet. However, the code requires a minimum setback of 15 feet where side entrances face a side property line. Two side entrances are proposed on the North side of the building and one side entrance is proposed on the South side of the building. The principal structure would be set back 7 feet from each interior lot line. This requirement would not be meet requirement and therefore a variance is required.

For a detached accessory structure, the interior side yard requirement can be reduced to one foot if it is located in the rear 40 feet of the site. The proposed garages would be located in the rear 40 feet of the site and would be more than one foot from each interior side property line.

Like the interior side yards, the minimum rear yard requirement is 7 feet. The principal structure would meet this requirement. Where vehicle access doors of an accessory structure face a rear lot line, the rear yard requirement must be met and cannot be reduced. The proposed garage would be 7 feet from the rear property line.

Lot Coverage: The maximum lot coverage allowed in the R5 district is 70 percent. The proposed lot coverage would be 4,243 square feet, or 54.6 percent of the lot.

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the R5 district is 85 percent. The proposed amount of impervious surface would be 6,514.8 square feet, or 83.9 percent of the lot.

Refuse container screening: Refuse containers would be located in the garage.

MINNEAPOLIS PLAN: Please see finding number 5 under the conditional use permit section of this 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 requirement for exterior material compatibility of all structure walls. The proposed materials for the exterior of the principal structure include stucco, glass, and precast concrete. The primary exterior material for the detached garage would be prefinished metal panels. Although the materials of the principal and accessory structures differ, the appearance of both buildings would be compatible. All proposed materials are durable. For these reasons, staff feels alternative compliance is warranted.

MINOR SUBDIVISION

Findings Required by the Minneapolis Zoning Code for the Proposed Minor Subdivision:

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

   Both parcels will be in conformance with the requirements of the zoning ordinance and comprehensive plan. Both lots are in conformance with the standards of the subdivision regulations.

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 proposed subdivision will split three parcel into two parcels; both suitable for multi-family dwellings. This will not be out of character with the area and will not add significant congestion to the public streets.

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, utility easements, rock formations, or other hazard.**

   The site does not present the above noted hazards.

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

   No change to the grading is proposed at this time and grading for a new single-family home would be minimal. Vehicle access would be obtained from the alley.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and**

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

Existing utility and drainage provisions are adequate.

RECOMMENDATIONS

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

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 petition to rezone the property of 3543 Grand Avenue South from the C1 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 5 dwelling units for the properties located at 3539 and 3543 Grand Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Yard 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 Grand Avenue South from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Yard 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 Grand Avenue South from the established setback to 9 feet to allow three patios with 3-foot high railings for the properties located at 3539 and 3543 Grand Avenue South, subject to the following condition:

1) The railings shall not be more than 60 percent opaque**.**

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Yard 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 Grand Avenue South from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Yard 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 along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3535 and 3539 Grand Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Yard 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 along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3535 and 3539 Grand Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Garage Area 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 increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Drive Aisle 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 7 feet for the properties located at 3539 and 3543 Grand Avenue South.

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 5-unit building for the properties located at 3539 and 3543 Grand Avenue South, subject to the following conditions:

1. Approval of the final elevations, site and landscape plans by the Community Planning and Economic Development Department – Planning Division.

2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 6, 2007, or the permit may be revoked for non-compliance.

3. No more than 80 percent of the site shall be covered by impervious surfaces.

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

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 minor subdivision for the properties located at 3535, 3539, and 3543 Grand Avenue South.

Attachments:

1. Preliminary Development Review report
2. Statement of use
3. Findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos