

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, Variances, Site Plan Review  
BZZ-1970

**Date:** October 25, 2004

**Applicant:** Joe Sullivan with 5<sup>th</sup> Street Ventures

**Address of Property:** 1901 East Hennepin Avenue

**Project Name:** 1901 Lofts

**Contact Person and Phone:** Joe Sullivan, (952) 401-1818

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

**Date Application Deemed Complete:** September 28, 2004

**End of 60-Day Decision Period:** November 27, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward:** 6      **Neighborhood Organization:** Southeast Como Improvement Association

**Existing Zoning:** I2

**Proposed Zoning:** IL (Industrial Living) Overlay

**Zoning Plate Number:** 16

**Legal Description:** All of Lot 3, and a part of Lot 2, Block 25, “Minneapolis Industrial District”. Beginning at the Southwest corner of said Lot 3; thence running along the West line of said Lot 3, a distance of 245 feet more or less to the North boundary thereof; thence running East along the North boundary of Lot 3 and 2 a distance of 200 feet; thence running South parallel with the West line of said Lot 3 a distance of 245 feet more or less to the South boundary of Lot 2; thence West along the South boundary of Lot 2 and 3 for a distance of 200 feet to the point of beginning, Hennepin County, Minnesota. Registered property. Certificate of Title No. 706495.

**Proposed Use:** 45 for-sale condominium units

**Concurrent Review:**

**Rezoning:** petition to add the IL (Industrial Living) Overlay District to the existing I2 District.

**Conditional use permit:** for 45 dwelling units.

**Variance:** to reduce the width of the drive aisle in the underground parking garage from the required 22 feet to 18 feet.

**Variance:** to reduce the west interior side yard setback from the required 13 feet to 4 feet to allow 20 balconies.

**Variance:** to reduce the rear yard setback from the required 13 feet to 3 feet to allow for an accessible ramp.

**Variance:** to reduce the east interior side yard setback from the required 13 feet to 4 feet to allow for 20 parking spaces.

**Major site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments; Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”; and Section 525.520(14) “to reduce the minimum required width of parking aisles...”; and Chapter 530 Site Plan Review.

**Background:** An existing industrial building occupies the site. From 1930 until 1980 the building was home to the Glidden Paints distribution center. Since 1980 the building has remained vacant. The applicant is proposing to renovate the building and convert it to 45 for-sale condominium units. The applicant will add a vehicular ramp to access the lower level of the building and convert it to underground parking, add balconies to the east and west sides of the building and add an accessible ramp to the north side of the building for ADA purposes. In addition, the applicant will reconfigure the accessory surface parking lot located on the east side of the building. In total there will be 15 parking spaces located in the underground parking garage and 59 parking spaces in the surface parking lot.

**REZONING** – petition to add the IL (Industrial Living) Overlay District to the existing I2 District

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

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

The site is designated as light industrial in the comprehensive plan. The site is located on East Hennepin Avenue which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Increase the city’s population and tax base by developing and supporting housing choices citywide through preservation of existing housing and new construction.
- Increase citizen awareness of preservation and the important role it plays in fostering community revitalization and civic pride.
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.
- Promote more intensive residential development along Community Corridors where appropriate.

The applicant is proposing to convert an existing industrial building to a 45-unit, for-sale condominium development. Converting this building will strengthen the surrounding residential neighborhood as the project will restore the existing building and will increase the tax base. This development will also

increase home ownership opportunities in the Mid-City Industrial Area which, according to the 2000 Census has a total of eight dwelling units. Of those eight dwelling units, all of them are rental properties. In the Como neighborhood, which is located just south of East Hennepin Avenue, there are a total of 2,342 dwelling units. Of those 2,342 dwelling units, 36 percent are owner occupied and the remaining 64 percent are rental properties.

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

The conversion of this industrial building to dwelling units is in the public interest as it will increase the tax base, increase home ownership opportunities in the Mid-City Industrial Area and reuse a building that has been vacant for over 20 years.

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

The site is bordered by I2 zoning to the west and north and by I1 zoning to the east and south. In addition, there is a large area of industrially zoned land located immediately to the east and south and to the west of the site that is located in the IL Overlay. Adjacent uses include a mixture of commercial and industrial uses.

The proposed IL Overlay is compatible with the immediately surrounding area. The IL Overlay is established to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area. In this particular situation the IL Overlay would be added to a property that is adjacent to other properties that are located in the IL Overlay.

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

There are reasonable uses of the property permitted under the I2 zoning district. The I2 zoning district is a medium industrial district. Permitted uses in the I2 district include, but are not limited to, the following:

- Medium industrial uses.
- Concrete, asphalt and rock crushing facility.
- Self service storage.
- Art gallery.
- Restaurant, sit down, including the serving of alcoholic beverages with general entertainment.
- Hotel
- Clinic, medical or dental.
- Community garden.

**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.**

Within this area of Minneapolis there has not been a change in zoning or in the type of development. However, in general industrial properties such as this throughout Minneapolis have been converted to residential uses in the last several years.

**CONDITIONAL USE PERMIT** – for 45 dwelling units

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

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

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

The Planning Division does not believe that 45 dwelling units will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The for-sale condominiums will increase home ownership opportunities in the Mid-City Industrial Area.

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

The Planning Division does not believe that 45 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for a residential development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

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

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

The parking requirement for this development is one parking space per dwelling unit or 45 spaces. There are 15 parking spaces located in the underground parking garage and 59 parking spaces in the surface parking lot. Both of the parking areas can be accessed off of both East Hennepin Avenue and Traffic Street Northeast.

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

See rezoning finding number one.

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

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

**VARIANCE** - to reduce the width of the drive aisle in the underground parking garage from the required 22 feet to 18 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.**

**Drive aisle width:** The applicant is seeking a variance to reduce the width of the drive aisle in the underground parking garage from the required 22 feet to 18 feet. The applicant has indicated that the area within the building where vehicles will be parked is existing. The configuration of the area and the placement of the existing structural columns does not allow for the required 22-foot drive aisles. Without the variance the applicant would not be able to provide any underground parking.

**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.**

**Drive aisle width:** The fact that the parking area will be located in an existing building with existing conditions is a unique circumstance of this site.

**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.**

**Drive aisle width:** Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the area. The parking area is for the use of the residents of the building and will not be accessible to the general public.

**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.**

**Drive aisle width:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed drive aisle width be detrimental to welfare or public safety.

**VARIANCE** – to reduce the west interior side yard setback from the required 13 feet to 4 feet to allow 20 balconies

**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.**

**West interior side yard setback:** The applicant is seeking a variance to reduce the west interior side yard setback from the required 13 feet to 4 feet to allow 20 balconies. The applicant has indicated that the placement of the building is such that any balconies over three feet in depth would require a variance. The zoning code requires that all balconies be located at least ten feet from an interior side property line.

**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.**

**West interior side yard setback:** The fact that the building is located only 13 feet from the interior side property line is a unique circumstance of this parcel of land.

**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.**

**West interior side yard setback:** The granting of the setback variance would not significantly affect the essential character of the area given that the adjacent building is located on the far west side of the property. Immediately adjacent to the interior side property line is the adjacent buildings' surface parking lot.

**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.**

**West interior side yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** - to reduce the rear yard setback from the required 13 feet to 3 feet to allow for an accessible ramp

**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.**

**Rear yard setback:** The applicant is seeking a variance to reduce the rear yard setback from the required 13 feet to 3 feet to allow for an accessible ramp. The applicant has indicated that the accessible ramp has been located as close as possible to the entrance nearest the elevator. In addition, given the height of the building's first floor the slope requirements for an accessible ramp can only be met with a switch-back designed ramp that extends into the rear yard setback.

**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.**

**Rear yard setback:** The location of the elevator in the building and the height of the building which requires a switch-back designed accessible ramp are unique circumstances of this parcel of land.

**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.**

**Rear yard setback:** The granting of the setback variance would not significantly affect the essential character of the area given that the rear property line abuts railroad tracks and past them Traffic Street Northeast.

**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.**

**Rear yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** - to reduce the east interior side yard setback from the required 13 feet to 4 feet to allow for 20 parking spaces

**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.**

**East interior side yard setback:** The applicant is seeking a variance to reduce the east interior side yard setback from the required 13 feet to 4 feet to allow for 20 parking spaces. The applicant has indicated that in order to provide for an adequate amount of parking on the site the setback along the east property line needed to be reduced.

**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.**

**East interior side yard setback:** The fact that there is no parking on East Hennepin Avenue and very limited parking on Traffic Street Northeast given the amount of curb cuts along the street is a unique circumstance of this parcel of land.

**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.**

**East interior side yard setback:** The granting of the setback variance would not significantly affect the essential character of the area. Although the applicant is providing more parking than what is required by the zoning code, there is no parking on East Hennepin Avenue and very limited parking on Traffic Street Northeast given the amount of curb cuts along the street. This being said, staff is recommending that the 20 parking spaces located in the east interior side yard setback be designated as compact spaces in order to provide a five-foot area for landscaping.

**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.**

**East interior side yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**SITE PLAN REVIEW**

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

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

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

**BUILDING PLACEMENT AND FACADE**

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The building is located five feet from the front property line along East Hennepin Avenue. The applicant is proposing to have landscaping located between the property line and the building.
- The principal entrance to the building is located on the east side of the building facing the surface

parking lot. There is an existing entrance on the East Hennepin Avenue side of the building that the applicant is proposing to remove as part of the renovation of the building. The applicant has indicated that this entrance is not original to the building. Section 530.100 specifically says that there shall be at least one entrance that faces the public street rather than the interior of the site. The Planning Division is recommending that there be at least one entrance on the East Hennepin Avenue side of the building that leads into either the common hallway in the building or one of the individual dwelling units.

- The exterior material of the building is brick. As part of the renovation of the building the applicant is proposing to replace all of the windows, replace the roof and tuck point the exterior.
- The percentage of windows and/or doors required on the two sides of the building that face the public street and the parking lot is 20 percent. According to the submitted elevations, both sides of the building meet or exceed the percentage of windows and/or doors required.

### **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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The principal entrance to the building is not connected to the public sidewalk via a walkway. To access the principal entrance from the public sidewalk one would have to walk through the parking lot. The Planning Division is recommending that the first seven parking spaces on the west side of the parking lot between East Hennepin Avenue and the principal entrance be removed and converted to a walkway no wider than six feet in width and green space.
- The Public Works Department has reviewed the vehicular access and circulation plan provided by the applicant. The Traffic and Parking Division of Public Works will be evaluating the location of the curb cut located on East Hennepin Avenue. For traffic flow purposes the applicant may be asked to move the curb cut further to the east.
- A snow removal plan was not submitted as part of the application. The Planning Division is recommending that a snow removal plan be submitted as part of the final plans.

### **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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in**

**section 530.150 (b).**

- **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.**
- **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 530.160 (b).**
  - **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
  - **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
  - **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
  - **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
  - **All other areas not governed by sections 530.150, 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 530.220.**
  - **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 530.60, as provided in section 530.230.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The applicant has indicated that approximately 27 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 34 trees and 172 shrubs. According to the plant schedule there will be a total of 16 trees and 70 shrubs planted on the site. The Planning Division is recommending that the applicant provide an additional three trees and meet the shrub requirement on the site.
- The applicant is proposing to remove the existing six-foot high chain link fence that currently surrounds the site. The applicant is not proposing to replace the fence. As an alternative to meeting the tree requirement on the site, the Planning Division is recommending that the applicant install a three or four-foot high decorative metal fence along the East Hennepin Avenue property line. The fence shall connect to the existing fence on the property to the west of the site and shall extend north

along the east property line for a minimum of 15 feet.

**ADDITIONAL STANDARDS**

- **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.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- A lighting plan showing footcandles was not submitted as part of the application. Staff is recommending that a lighting plan showing footcandles be submitted as part of the final plans.
- This development should not block views of important elements within the city.
- This development should not cast shadows on public spaces and adjacent properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, the applicant should consider protecting the north side of the building from graffiti.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE**

See conditional use permit finding number six above.

**THE MINNEAPOLIS PLAN**

See rezoning finding number one above.

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

There are no small area plans adopted by the city for this particular location.

**ALTERNATIVE COMPLIANCE**

**The Planning Commission may approve alternatives to any major 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, 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.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be less trees on the site than what is required by the zoning code. In place of the additional 15 trees, the Planning Division is recommending that the applicant install a three or four-foot high decorative metal fence along the East Hennepin Avenue property line. The fence shall connect to the existing fence on the property to the west of the site and shall extend north along the east property line for a minimum of 15 feet.

**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 add the IL (Industrial Living) Overlay District to the existing I2 District for the property located at 1901 East Hennepin Avenue.

**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 application for 45 dwelling units located at 1901 East Hennepin Avenue subject to the following conditions:

1. There shall be no more than 45 dwelling units located within the building.

**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 findings above and **approve** the variance application to reduce the width of the drive aisle in the underground parking garage from the required 22 feet to 18 feet for the property located at 1901 East Hennepin Avenue.

**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 findings above and **approve** the variance application to reduce the west interior side yard setback from the required 13 feet to 4 feet to allow 20 balconies for the property located at 1901 East Hennepin Avenue.

**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 findings above and **approve** the variance application to reduce the rear yard setback from the required 13 feet to 3 feet to allow for an accessible ramp for the property located at 1901 East Hennepin Avenue subject to the following conditions:

1. The 20 parking spaces located in the east interior side yard setback shall be designated as compact spaces in order to provide a five-foot area for landscaping between them and the east property line.

**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 findings above and **approve** the variance application to reduce the east interior side yard setback from the required 13 feet to 4 feet to allow for 20 parking spaces for the property located at 1901 East Hennepin Avenue.

**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 findings above and **approve** the site plan review application for 45 dwelling units located at 1901 East Hennepin Avenue subject to the following conditions:

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1. There shall be at least one entrance on the East Hennepin Avenue side of the building that leads into either the common hallway in the building or one of the individual dwelling units.
2. The first seven parking spaces on the west side of the parking lot between East Hennepin Avenue and the principal entrance shall be removed and converted to a walkway no wider than six feet in width and green space.
3. A snow removal plan shall be submitted as part of the final plans.
4. The applicant shall provide an additional three trees and meet the shrub requirement on the site.
5. The applicant shall install a three or four-foot high decorative metal fence along the East Hennepin Avenue property line. The fence shall connect to the existing fence on the property to the west of the site and shall extend north along the east property line for a minimum of 15 feet.
6. A lighting plan showing footcandles shall be submitted as part of the final plans.
7. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
8. All site improvements shall be completed by October 25, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
9. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

**Attachments:**

1. Statement of proposed use
2. CUP and variance findings
3. September 1, 2004 letter to CM Ostrow
4. September 1, 2004 letter to the Southeast Como Improvement Association
5. Zoning Map
6. Overlay Zoning Map
7. Site plan, floor plans and elevations
8. Photographs of the site and surrounding area