

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-2954

Date: May 22, 2006

Applicant: Randy Noecker

Address of Property: 5719 Lyndale Avenue South

Project Name: Lyndale Park

Contact Person and Phone: Randy Noecker, (763) 786-6387

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

Date Application Deemed Complete: April 27, 2006

End of 60-Day Decision Period: June 26, 2006

End of 120-Day Decision Period: August 25, 2005

Ward: 11 **Neighborhood Organization:** Windom Community Council

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: OR2, High Density Office Residence District

Zoning Plate Number: 36

Legal Description: Lots 11, 12, 13, 14, Block 4, BACHMAN'S LYNDALE ADDITION and Lots 7 and 8, ANDREW KNUTSON'S ADDITION, according to the recorded plats thereof.

Proposed Use: 57-unit condominium building

Concurrent Review:

Rezoning: from C2 to OR2

Conditional use permit: for 57 dwelling units

Variance: to increase the lot coverage from the maximum 70 percent to 78 percent (10 percent increase)

Variance: to reduce the minimum lot size requirement from 599 square feet per dwelling unit to 536 square feet per dwelling unit (10.5 percent decrease)

Variance: to reduce the front yard setback along Lyndale Avenue South from the required 19.75 feet to 11.5 feet

Variance: to reduce the east rear yard setback from the required 11 feet to 4 feet

Site Plan Review: for a four-story, 57-unit building

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IV, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review

Background: The site located at 5719 Lyndale Avenue South is currently occupied by the Aqua City Motel which was constructed in 1954. The applicant intends to demolish the existing motel and in its place construct a new four-story, 57-unit condominium building with two levels of enclosed parking. Also within the building would be a community room and a fitness center. The dwelling units range between one bedroom and two bedroom plus dens. Each dwelling unit would have their own outdoor patio or balcony.

The site is currently zoned C2, Neighborhood Corridor Commercial District. In order to achieve the desired density the applicant is proposing to rezone the site to OR2, High Density Office Residence District. The applicant has also applied for a conditional use permit to permit up to 57 dwelling units, a lot coverage variance, a lot area variance, two setback variances and site plan review.

REZONING - from C2 to OR2

Findings as Required by the Minneapolis Zoning Code:

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

This site is located on Lyndale Avenue South which is a designated Community Corridor. In addition, the site is located four blocks south of the East 54th Street and Lyndale Avenue South designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels (Implementation Step for Policy 4.2).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).

- Promote medium density residential development around Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).

The Planning Division believes that rezoning the site from the C2 zoning district to the OR2 zoning district would be in conformance with the foregoing policies of *The Minneapolis Plan*. The OR2 zoning district allows for higher density housing which is appropriate for a site located on a Community Corridor. Although the applicant proposes only residential uses, the OR2 District would allow mixed use development.

The site is also located within the boundaries of the South Lyndale Corridor Master Plan which was adopted by the Minneapolis City Council in January of 2006. Please note that the Master Plan has not yet been adopted by the Met Council. The Master Plan designates the site as commercial, mixed-use and suggests that it either be zoned C1 or C2 with a PO Pedestrian Oriented Overlay District. The Master Plan further discusses the importance of designating the intersection of East 58th Street and Lyndale Avenue South as a Neighborhood Commercial Node.

Although rezoning the site to OR2 would not be in conformance with the recommended zoning in the Master Plan, OR2 zoning does support mixed-use development and, like the PO Overlay District, does not allow automobile-oriented uses. In addition, the increased density that is allowed in the OR2 zoning district would support increased commercial activity at the intersection of East 58th Street and Lyndale Avenue South. Therefore, the Planning Division believes that rezoning the site to OR2 supports the policies of the Master Plan.

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

The amendment will allow the property owner to construct a multiple-family residential development on the site. Through the adoption of the City's comprehensive plan, City stakeholders have identified Lyndale Avenue South as a Community Corridor. Approving this rezoning supports the City's decision to promote more intensive residential development along Community Corridors and near Neighborhood Commercial Nodes.

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 R4 zoning to the north, R1A zoning to the east, C1 zoning to the south and a mixture of C2 and R1 zoning to the west. There is OR2 zoning located approximately 200 feet south of the site along Lyndale Avenue South. Please note that the R1 zoning immediately to the west is the right-of-way for Lyndale Avenue South. Adjacent uses include a four-plexes and single-family dwellings, a commercial establishments and Lyndale Avenue South. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the OR2 zoning district would be compatible with the surrounding area.

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 C2 zoning district. The C2 zoning district is a neighborhood corridor commercial district. Permitted uses in the C2 district include, but are not limited to, the following:

- General retail sales and services
- Currency exchange
- Funeral home
- Video store
- Coffee shop, with limited entertainment
- Restaurant, sit down, including the sale of alcoholic beverages, with general entertainment
- School, vocational or business
- Museum

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.

With the adoption of the South Lyndale Corridor Master Plan the City of Minneapolis anticipated that there will be a change in the character of development in the area.

CONDITIONAL USE PERMIT - for 57 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, comfort or general welfare.

The Planning Division does not believe that a multiple-family development will be detrimental to or endanger the public health, safety, comfort or general welfare. A multiple-family development would support surrounding commercial uses and would provide for a housing type not typical of the 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 a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood, would increase the property's value and contribute to the city's tax base. However, the Planning Division does not believe that the density that is being proposed is appropriate for the site given the need for the lot coverage variance and the lot area variance. Under the OR2 zoning classification - which is a high density district - 43 dwelling units would be allowed. With the 20 percent density bonus for enclosed parking an additional eight dwelling units would be allowed for a total of 51 dwelling units. The Planning Division believes that this would be an appropriate number of dwelling units on the site.

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. As for vehicular access, one approach into the enclosed parking has been designed to enter and exit the site along Lyndale Avenue South. Public Works is alright with this design.

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

The parking requirement for the development is 0.9 parking space per dwelling unit, or 51 parking spaces. The applicant is proposing to have 99 parking spaces, or 1.7 spaces per dwelling unit. All of the parking will be located in two level of parking below the building. Access to the enclosed parking is off of Lyndale Avenue South. Having only one access point to the parking will minimize traffic congestion in the street.

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

This site is located on Lyndale Avenue South which is a designated Community Corridor. In addition, the site is located four blocks south of the East 54th Street and Lyndale Avenue South designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 9.27).

The Planning Division believes that a 51-unit development would in conformance with the policies of *The Minneapolis Plan*. Higher density housing is appropriate for a site located on a Community Corridor.

The site is also located within the boundaries of the South Lyndale Corridor Master Plan which was adopted by the Minneapolis City Council in January of 2006. Please note that the Master Plan has not yet been adopted by the Met Council. The Master Plan calls for increased housing density near the intersection of East 58th Street and Lyndale Avenue South. The Planning Division believes that a 51-unit development supports the policies of the Master Plan.

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

With the approval of the rezoning, 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 increase the lot coverage from the maximum 70 percent to 78 percent (10 percent increase)

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.

Lot coverage increase: The applicant is seeking a variance to increase the lot coverage from the maximum 70 percent to 78 percent (10 percent increase). The applicant has indicated that due to the depth of the lot (118 feet) the enclosed parking garage must stick out of the ground three feet in order to maintain a reasonable grade on the driveway. If the depth of the lot was longer the garage would not need to stick out of the ground and there would be no need for the variance. The area where the garage does stick out above ground and is not covered by the building is proposed to be patios for those dwelling units located on the first floor of the building.

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.

Lot coverage increase: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance as the applicant is providing almost twice as much parking as is required for this development. The number of parking spaces could be reduced and the parking layout could be arranged differently so as to not cause the need for the variance regardless of whether or not the garage sticks out of the ground.

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.

Lot coverage increase: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. Given the fact that the Minneapolis City

Council recently adopted a stormwater utility fee the policy direction would not support covering more of the site with impervious surfaces, in fact, just the opposite.

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.

Lot coverage increase: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the minimum lot size requirement from 599 square feet per dwelling unit to 536 square feet per dwelling unit (10.5 percent decrease)

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.

Lot area decrease: The applicant is seeking a variance to reduce the minimum lot size requirement from 599 square feet per dwelling unit to 536 square feet per dwelling unit (10.5 percent decrease). The lot area requirement in the OR2 District is 700 square feet of lot are per dwelling unit. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 599 square feet per dwelling unit. With this lot area requirement the applicant would be able to construct up to 51 dwelling units on the site. The applicant is proposing to construct 57 dwelling units on the site; therefore a lot area variance is required.

The applicant has indicated that the market study which was done for this development supports smaller units on the site, not larger units.

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.

Lot area decrease: The Planning Division finds no unique circumstance of the parcel of land that would warrant the granting of the variance.

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

Lot area decrease: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. The applicant is rezoning the site from C2 to OR2

which has a lower lot area requirement. With the rezoning and applicable density bonus, the site could accommodate high density development without the proposed variance.

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.

Lot area decrease: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the front yard setback along Lyndale Avenue South from the required 19.75 feet to 11.5 feet

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

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

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Lyndale Avenue South from the required 19.75 feet to 11.5 feet. The front yard setback is established by the setback of the adjacent residential building to the north. The applicant has indicated that if the site were to remain C2 the setback of 19.75 feet would be applicable but only for the first 40 feet of the property south of the north property line. The building has been designed to maintain the setback that would be required if the property were to remain C2. The applicant has also indicated that between the curb line and the property line there is approximately 30 feet of public right-of-way.

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

Front yard setback: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Although the applicant is rezoning the property to the OR2 district which has a more restrictive setback requirement than the C2 district, the design of the building and the large amount of right-of-way between the curb line and the property line increases the amount of light, air, open space and distance between the proposed building and the adjacent building to the north.

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

Front yard setback: The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality given that the proposed building will not be constructed forward of the adjacent building to the north for approximately 48 feet.

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

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

VARIANCE - to reduce the east rear yard setback from the required 11 feet to 4 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.

Rear yard setback: The applicant is seeking a variance to reduce the east rear yard setback from the required 11 feet to 4 feet). The applicant has indicated that only the portion of the parking garage that sticks out of the ground is located in the required yard, not the bulk of the building. The applicant has indicated that due to the depth of the lot (118 feet) the enclosed parking garage must stick out of the ground three feet in order to maintain a reasonable grade on the driveway.

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 Planning Division believes that the circumstances are unique to warrant the granting of the variance.

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

Rear yard setback: The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality. Although there will be a structure located in the required rear yard the bulk of the building will be setback the full 11 feet. To soften the edge of the development along the alley the applicant is proposing to landscape the entire area between the property line and the edge of the building wall. Since this area is adjacent to the alley the Planning Division is concerned that the ground will become

unvegetated without planting appropriate groundcover. The Planning Division is recommending that the applicant select a hardy ground cover and incorporate it into the landscaping plan.

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: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance 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 and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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. In the case of a corner lot, the principal entrance shall face the front lot line.**
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**

- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public

pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

PLANNING DEPARTMENT RESPONSE:

- Buildings are to be located within eight feet of the front property line unless subject to a greater required setback. The front yard setback requirement for this development is 19.75 feet. The applicant has applied for a variance to locate the building between 11.5 feet and 19.75 feet from the front property line.
- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building does not exceed the required setback, there is an entrance facing the street and there are windows and decks on all sides of the building where people can see in and out.
- In between the building and the front property line the applicant is proposing to have individual entrances for the first floor dwelling units and landscaping.
- The principal residential entrance faces Lyndale Avenue South.
- All of the parking associated with this development is located within the building.
- The exterior materials of the building include brick, stucco and cement board siding.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building wall facing Lyndale Avenue South are required to be windows. The analysis of the project's compliance with this requirement follows:
 - Lyndale Avenue South: the percentage of windows on the first floor of the building is 20 percent, the percentage of windows on the second through fourth floors of the building is 18 percent.
- The windows on the building are vertical in nature and are evenly distributed along the building walls.
- The roof line of the building is proposed to be flat, similar to roof lines of other buildings in the area.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- The principal entrance is directly connected to the public sidewalk along Lyndale Avenue South via a walkway. The first floor dwelling units are also connected to the public sidewalk along Lyndale Avenue South via walkways.
- No transit shelters are proposed as part of this development.
- As for vehicular access, one approach into the enclosed parking has been designed to enter and exit the site along Lyndale Avenue South. Public Works has indicated that this design is acceptable. The applicant does not propose vehicular access to the public alley.
- The OR2 zoning district requires that no more than 85 percent of the site be impervious. Approximately 25,816 square feet of the site, or 84 percent, is covered by the building, driveway and sidewalks.

LANDSCAPING AND SCREENING:

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

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 30,566 square feet. The footprint of the building is 23,828 square feet. When you subtract the footprint from the lot size the resulting number is 6,738 square feet. Twenty percent of this number is 1,348 square feet. The applicant has a total of 5,400 square feet, or 80 percent of the site not occupied by the building is landscaped.
- The zoning code requires at least one tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is three and 13 respectfully. The applicant is proposing to have 14 trees and 78 shrubs located on the site. The applicant is also providing 31 evergreen trees and 54 perennials on the site. Please note that 15 shrubs and 15 perennials are proposed to be planted in the right-of-way.
- The landscape beds on the site are proposed to be covered with rock mulch. Rock mulch can be used as weapons to break windows or throw at people. The Planning Division is recommending that wood mulch be used in the landscape beds instead of rock mulch.

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.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff from the roof will be directed to the green spaces on the site via downspouts.

- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct visitors directly to the building entrances, there are large windows and balconies where people can see in and out along all levels of the building and there are lights located near all of the pedestrian and vehicular entrances.
- This site is neither historic nor located in a historic district.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the OR2 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for the development is 0.9 parking spaces per dwelling unit, or 51 parking spaces. The applicant is proposing to have 99 parking spaces, or 1.7 spaces per dwelling unit.
- **Maximum Floor Area:** The maximum FAR in the OR2 zoning district is 2.5. The lot in question is 30,566 square feet in area. The applicant proposes a total of 75,120 square feet of gross floor area, an FAR of 2.45.
- **Building Height:** The height requirement in the OR2 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing to construct a four-story building that measures 50 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the OR2 zoning district is 900 square feet. With 57 proposed dwelling units on a lot of 30,566 square feet, the applicant proposes 536 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.
- **Yard Requirements:** This development is located in the OR2 zoning district. The front yard setback requirement for this building is 19.75 feet. The interior side yard and rear yard setback requirements for this building are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these three sides of the building is 11 feet. The applicant has applied for a variance to reduce the front and rear yard setbacks. The other setbacks are being met.
- **Specific Development Standards:** There are no specific development standards for residential uses.

- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. For a residential use in the OR2 zoning district one can have one nonilluminated, wall identification sign not exceeding 16 square feet and no taller than 12 feet. The applicant is proposing to have a sign located over the entrance to the building along the Lyndale Avenue South side of the building.
- **Refuse storage:** The applicant is proposing to have a refuse storage area inside the building. It is located on the first level of the parking garage.

MINNEAPOLIS PLAN:

This site is located on Lyndale Avenue South which is a designated Community Corridor. In addition, the site is located four blocks south of the East 54th Street and Lyndale Avenue South designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city’s various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Policy 9.8).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The development is traditional in its siting on the property, is compatible in materials to surrounding structures and has an entrance and large windows along the Lyndale Avenue South. Although the building is taller than the residential buildings to the north and east, a four-story building is permitted in the OR2 zoning district. To help mitigate the impacts on the surrounding residential properties the building has been designed so the bulk of the structure meets the setback requirements.

The site is also located within the boundaries of the South Lyndale Corridor Master Plan which was adopted by the Minneapolis City Council in January of 2006. Please note that the Master Plan has not yet been adopted by the Met Council. The Master Plan calls for commercial, mixed-use developments and increased housing density near the intersection of East 58th Street and Lyndale Avenue South. The Master Plan also calls for buildings that are between two and four stories with the taller building located within the Neighborhood Commercial Nodes. The Planning Division believes that the proposed development supports the policies of the Master Plan.

ALTERNATIVE COMPLIANCE:

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

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

PLANNING DEPARTMENT RESPONSE:

- With the approval of the conditions for site plan review alternative compliance is not warranted for this development.

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 of 5719 Lyndale Avenue South from C2 to OR2.

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 51 dwelling units located at 5719 Lyndale Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to increase the lot coverage from the maximum 70 percent to 78 percent (10 percent increase) located at 5719 Lyndale Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the minimum lot size requirement from 599 square feet per dwelling unit to 536 square feet per dwelling unit (10.5 percent decrease) located at 5719 Lyndale Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along Lyndale Avenue South from the required 19.75 feet to 11.5 feet located at 5719 Lyndale Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the east rear yard setback from the required 11 feet to 4 feet located at 5719 Lyndale Avenue South subject to the following conditions:

1. The applicant shall select a hardy ground cover and incorporate it into the landscaping plan for the area in between the building and the east property line.
2. The building walls above the garage level shall be set back not less than 11 feet from the rear property line.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 5719 Lyndale Avenue South subject to the following conditions:

1. Wood mulch shall be used in the landscape beds.
2. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.

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3. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by June 30, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project overview
2. Conditional use permit and variance findings
3. February 1, 2006, e-mail to CM Glidden and the Kingfield Neighborhood Association
4. February 24, 2006, letter to CM Glidden and the Kingfield Neighborhood Association
5. Zoning map
6. Survey, site plan, floor plans, elevations
7. Photographs of the site and the surrounding area