

Minneapolis City Planning Department Report

Conditional Use Permit (Amendment to Planned Residential Development)

Rezoning

Major Site Plan Review

Variance

BZZ - 1077

Preliminary Plat

PL - 127

Date: March 31, 2003; April 14, 2003

Applicant: Sumner Field Phase II, L.P.

Address Of Property: 1-1/2 blocks bounded roughly by 11th Ave N, 7th Street N, Lyndale Place, 9th Ave N, and Van White Memorial Blvd

Date Application Deemed Complete: February 20, 2003

End of 120 Day Decision Period: April 21, 2001

Contact Person: David Dumey
ph: 314-621-3400
fax: 314-436-8153

Planning Staff: Thomas Leighton
ph: 612-673-3853
fax: 612-673-2728
e-mail: thomas.leighton@ci.minneapolis.mn.us

Ward: 5 **Neighborhood:** Sumner Glenwood

Existing Zoning: R4, R1

Proposed Use: Mixed-income planned residential development

Previous Actions:

- The City Council approved the Near Northside Community Redevelopment Plan in June, 1999.
- The City Council approved the Near Northside Master Plan in March, 2000.
- An Environmental Assessment Worksheet was completed for the project in the Fall of 2000. In September, 2000, the City Council determined that no further action was required.
- The Hollman Housing Transition District Tax Increment Finance Plan was approved in June, 2001.

Minneapolis City Planning Department Report
BZZ-1077; PL-127

- The final plat dedicating rights-of-way surrounding these development blocks was approved on December 9, 2003.

Background:

The Heritage Park project area of 73 acres is to include the development of 900 housing units, and will include a mix of housing types throughout the site, including single family homes, duplexes, triplexes, carriage houses and a variety of multiple-family structures.

The complete development will include 440 rental units (150 market-rate, 90 affordable and 200 public housing replacement units), 360 ownership units (250 market-rate and 110 affordable), and 100 public housing units for seniors (replacement units for two demolished high rise buildings). The public housing units will be mixed within buildings with affordable and market-rate rental households. The two kinds of units will be indistinguishable from one another.

	Time Period	Residential Units (1-3/structure)	Residential Units (4+/structure)	Total Units
Phase I	2000 - 2003	41 units	229 units	270 units
Phase II	2001 - 2004	62 units	88 units	150 units
Phase III	2003 - 2006	14 units	336 units	350 units
Phase IV	2004 - 2007	23 units	107 units	130 units
Total		140 units	760 units	900 units

The subject development applications are for the rental component of Phase II. Included in Phase II rental are 113 dwelling units in 18 buildings on 5.65 acres of land. Buildings range from 2 to 4 stories. Stormwater is accommodated on-site through landscaped infiltration swales. Off-street parking is accommodated at grade, in tuck-under garages below buildings, in detached garages, and in uncovered parking spaces. 129 parking spaces are provided.

Phase II A building serving as the management office for the development will be developed in Phase I of the project area.

Applications:

The subject application includes the following:

- **Conditional use permit.** A planned residential development is allowed as a conditional use in the R4 zoning district. This application for conditional use permit allows review of the 1-1/2 block expansion of the Heritage Park planned development.
- **Rezoning.** The portion of the site that was formerly Smith Circle and Rawlins Circle is zoned R1A. The remainder of the site is zoned R4. The Planned Residential Development requires R4 Zoning.

- **Major site plan review.** Because this is a residential development of 5 or more units, it is subject to the site plan review ordinance.
- **Variance.** The subject application includes a variance of the requirement to screen trash enclosures on all four sides. It proposes, for maintenance and security reasons, to leave the front of the trash enclosure open.
- **Preliminary plat.** When the new streets surrounding these development blocks were platted, the blocks were platted as outlots. The blocks are now being platted for development.

I. REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT FOR PLANNED RESIDENTIAL DEVELOPMENT

The Minneapolis City Planning Department 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 project is a redevelopment of a former large public housing complex that suffered from its isolation from the surrounding community. The deterioration of the former complex is also thought to have stemmed from the fact that households of other than low-income were not integrated into the 73 acre residential area. The new development will be providing low-income housing for about 500 households by the time it is completed. It will provide an additional 400 dwelling units for households of moderate and middle incomes. A mixed income community of this kind is expected to hold its economic value and its value as a living environment longer than its predecessor. The exterior of the structures is high quality in materials and appearance. There are recreational and open space amenities within blocks, as well as in the restructured Bethune and Sumner Parks.

The Environmental Assessment Worksheet completed for the project in the Fall of 2000 projected that all key intersections in the project area would operate at a Service Level of D or better during the p.m. peak hour in the years 2008 and 2020. Soil sampling and testing found contamination at the site of the former Sumner Heating Plant. The City entered into the Minnesota Pollution Control Agency's (MPCA) Voluntary Investigation and Clean-up (VIC) and Voluntary Petroleum Investigation and Clean-up (VPIC) Programs in order to address this issue. No other adverse results were found related to other former uses in the project area.

Stormwater facilities form an integral part of the project design. Each block contains one or more stormwater detention areas that will detain and filter stormwater. The project also surfaces, detains and treats stormwater runoff that originates from the sub-watershed outside of the project area, decreasing the amount of trash, suspended solids, nitrogen, phosphorous, hydrocarbons, and road salt in the runoff.

Phase II Rental, as proposed in the subject development applications is very much in keeping with the above principles, and with the site and building plans approved in Phase I.

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 community is expected to benefit from the proposed development. The design of buildings and street frontages will contribute aesthetically to the area. The project also contributes a new boulevard-style road that will connect southward to I-394 and the Parade Area beyond. A bicycle trail will parallel the boulevard, connecting to the Cedar Lake Bicycle Commuter Trail and through it to the regional trail system. The new Sumner Park will also draw users into the project area from the surrounding community. For these reasons, the project as proposed is expected to improve the value of properties in the surrounding community.

3. Will have adequate utilities, access roads, drainage and necessary facilities.

Public Works staff have been closely involved with the redesign of the street system in the project area in order to ensure that adequate utilities are available. Innovative stormwater facilities are integrated throughout the project as noted above. These have also been designed in close consultation with the City's Public Works Department.

4. Will take adequate measures to minimize traffic congestion in the public streets.

The Environmental Assessment Worksheet documents that the proposed street system will adequately accommodate projected traffic to the year 2020.

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

The project area is designated a Major Housing Site in *The Minneapolis Plan*. It closely conforms with many other specific policies of The Minneapolis Plan.

Chapter 4, Marketplaces -- Neighborhoods:

4.9 Minneapolis will grow by increasing its supply of housing

4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.

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

4.14 Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.

4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city. (The Plan designates the Project area as a Major Housing Site.) Implementation Steps: Develop a city-wide Housing Strategy for

placing medium (10-30 units per acre) to high density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)

Chapter 7, Natural Ecology:

- 7.4 Minneapolis will encourage the planting and preservation of trees and other vegetation.
- 7.5 Minneapolis will protect and sustain its water resources. Implementation Steps: Encourage practices that result in either reduced overall amounts of impervious surfaces, or disconnect impervious surfaces and allow water to be slowed or detained in vegetated areas where it will do no harm to homes or property.

Chapter 8, Movement:

- 8.3 Minneapolis will continue to build, maintain and require a pedestrian system which recognizes the importance of a network of private and public sidewalks which achieve the highest standards of connectivity and amenity.
- 8.11 Minneapolis will continue to enhance the opportunities for cyclist movement.

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

Approval of related applications—rezoning, site plan review, and plat—required for conformance with zoning code. For details concerning conformance with other provisions of the City’s Zoning Code, see below under site plan review.

In addition to the above findings, the city planning commission is also required to make the following findings before approving a planned unit development. (Section 527.280)

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration.**
 - a) The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

The proposed residential development will be a mixed income development. The project area will relate more closely to the surrounding area due to improvements in street connections. The developer is working with citizen committees on related commercial development on Glenwood Avenue that

would provide neighborhood goods and services to residents of both the new and existing communities.

b) The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.

As noted above, the EAW finds that the surrounding streets have adequate capacity to accommodate traffic associated with the new development. Parking and loading areas are available in the block interiors, and have been reviewed by the City's Public Works Department. Pedestrians are accommodated along sidewalks on both sides of all public streets. The new boulevard is being designed to support future bus transit.

c) The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.

Site amenities include Sumner Park, and the new boulevard. Within each block, several areas are being set aside for community use. These include community gardens, pavilions with picnic areas, tot lots, and grassy open spaces. Both of the Phase II subject blocks include community gardens and tot lots, as well as landscaped stormwater infiltration features.

The sense of ownership and "control" of shared space keeps it safe. In order to accomplish this, Phase I blocks included features of interest to different age groups within close visual proximity to each other. Both blocks of Phase II include tot lots and community gardens. In Block 2, these features are close to each other. In Block 1, they are both more distant, and the visual connection between them is weakened by a garage building. The staff recommendation proposes that the proposed community garden be relocated closer to the tot lot.

d) The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The 18 proposed residential buildings in Phase II utilize 10 different building styles. Buildings are of compatible scale.

The proposed design of parking areas defines areas to be utilized for community purposes, as well as stormwater detention areas. There is a close relationship between the treatment of stormwater within blocks, and that in the boulevard and Sumner Park which serves a sub-watershed purpose.

e) The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

The adequacy of the proposal with respect to these issues was reviewed in a preliminary way through the project EAW. Accommodation of stormwater runoff has been integrated into the design of the development blocks. The site is adequately serviced by city streets, utilities, water and sewer.

2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

See below analysis of the applicant's preliminary plat.

STAFF RECOMMENDATION ON CONDITIONAL USE PERMIT FOR PLANNED RESIDENTIAL DEVELOPMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application with the following conditions.

1. On proposed Block 1, the applicant shall re-locate the proposed community garden to an area that is closer and has better sight-lines to the proposed tot lot, subject to approval of new location by Planning staff.
2. The associated rezoning applications is approved.
3. The preliminary plat, PL-127, is approved.

II. REQUIRED FINDINGS FOR REZONING

The Minneapolis City Planning Department has analyzed the application and makes findings with respect to the following considerations:

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

The amendment is not in conflict with the applicable policies of the comprehensive plan. The rezoning would occur in an area that has been designated a housing opportunity area in The Minneapolis Plan, and has been guided multi-family development in the "Near Northside Master Plan", the relevant area plan document.

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

Because the rezoning is consistent with the intent of The Minneapolis Plan and "Near Northside Master Plan", the rezoning of property is appropriate regardless of whether it is developed at this point in time, or by this particular developer. This is an appropriate location for medium density residential development.

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 R1A zoned land is surrounded by property zoned that is zoned R4, except at its northeast edge where it borders 7th Street North. Property across from 7th Street North is zoned I1. The proposed rezoning to R4 improves the conformance of the property with surrounding zoning.

- 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.**

Utilizing the R1A zoned property as zoned would result in an island of single family detached housing surrounded by a multi-family rental community.

- 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.**

The R1A zoned property is within the Heritage Park project boundaries. The construction of multi-family residences is in progress and will include areas on three sides of the subject property.

STAFF RECOMMENDATION ON REZONING APPLICATION:

The City Planning Department recommends that the City Planning Commission adopt the above findings and recommend **approval** of rezoning all R1A zoned property in the proposed development to R4.

III. REQUIRED FINDINGS FOR MAJOR 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. (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 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.
- 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.

Buildings are situated between 15 and 20 feet from the front property line. The area between the front of each residential building and the public sidewalk will contain landscaping as specified in the applicant's landscaping plan. All buildings have a principal entrance facing the public street. Principal entrances are highlighted by appropriate architectural detailing. All accessory parking is at the rear of the buildings.

Some front and rear facades do not meet the minimum requirement for window area. The site plan review ordinance requires that at least 20% of the first floor façade shall be windows or doors. The developer has submitted documentation that shows that while this standard is not met for certain individual buildings, the average window area for front facades is 20% for the development as a whole. The average window area for rear façades is 18%. The developer proposes the use of alternative compliance, on these bases. 1) Window areas for upper floors are not reduced, and in some cases are greater, than those of the first floors. 2) Multiple family dwellings contain greater total window area per frontage distance, and greater numbers of households, in comparison with single family dwellings. 3) The planned development concept should allow the window area to be distributed through the development in a way that makes the most sense for the overall development, rather than for each building. 4) Architectural detailing of the proposed facades goes beyond the minimum requirements. Planning staff supports this argument, and does not propose to require additional windows as a condition of approval.

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.

Walkways connect the front doors of all buildings to the public sidewalk. The interiors of the blocks contains parking spaces for the use of residents of the units. Guest parking is available on the streets. Access to the block interiors is by way of a private driveway with two entrances onto the public street.

Minneapolis City Planning Department Report
BZZ-1077; PL-127

Curb cut dimensions conform to zoning code requirement. Rain gardens detain and filter storm water in the summer months.

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.

While the proposed landscaping is very similar to that which was proposed and approved in Phase I, a complete review of the Phase II proposed landscaping plan has not occurred.

The proposed landscaping area exceeds the minimum of 20% of the net site area. Moreover, the applicant proposes amenities for each block including such features as small playground facilities, picnic areas, and community gardens.

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.

The parking areas in the block interiors are proposed to be lit with globe-type street lamps spaced at regular intervals. The applicant will comply with zoning code requirements concerning lighting.

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.

Alternative compliance is requested for window area. Planning staff support this request under criterion 1 above. It meets the intent of the ordinance to consider the average window area for the project as a whole, as long as there are no major gaps in window coverage. Deviating slightly down in percentage of window area also meets the intent of the ordinance in this multi-family development because there is still significantly more total window area facing the front and rear than would be the case for a single family development that met the window requirement. The high quality architectural design is considered a legitimate offsetting enhancement.

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

ZONING CODE:

Parking spaces and drive aisles conform to the minimum dimensions required by the zoning code. Trash receptacles are proposed to be screened on all four sides in a trash enclosure.

When developed in conformance with the approved planned unit development and site plan review, the proposed development is expected to be in full conformance with all provisions of the zoning code.

MINNEAPOLIS PLAN:

The project area is designated a Major Housing Site in *The Minneapolis Plan*. It closely conforms with many other specific policies of The Minneapolis Plan as is thoroughly documented in the project EAW.

The proposed project is in conformance with the City's comprehensive plan, as documented above.

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

The project closely conforms with the policies of several area-specific master plans, culminating with the Near Northside Master Plan.

STAFF RECOMMENDATION ON SITE PLAN REVIEW:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application with the following conditions.

1. The final site plan shall reflect the developer's commitment through the EAW to provide a secured storage facility for the bicycles of residents.
2. Final site and landscaping plans, and building elevations, are subject to approval by Planning Department staff.
3. All exterior work shall be completed by August 31, 2005, or the permit may be revoked for noncompliance.

IV. REQUIRED FINDINGS FOR VARIANCE OF REQUIREMENT TO SCREEN REFUSE STORAGE CONTAINERS ON ALL FOUR SIDES

The Planning Commission shall not vary the regulations of the zoning code, unless it shall make each of the following findings based upon the evidence presented to it in each specific case:

The applicant proposes not to construct doors on the refuse storage enclosures. The applicant expressed concerns based on previous development experience related to the tendency for the condition of doors to break due to heavy use and occasional misuse. According to the applicant, doors become difficult to use in the winter when it snows. Under these conditions, or upon deterioration of the door mechanics, tenants may find it easier to heave garbage over the walls rather than to open the doors. Concern was also expressed about using the enclosures as a hiding place, or for other inappropriate activities.

- 1. Because of the particular physical surroundings, or the shape, configuration, topography or other conditions of the specific parcel of land involved, strict adherence to the regulations of this zoning ordinance would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The proposed enclosures are within a planned development of full block scale. The driveways and parking areas are privately owned. The enclosures do not face a public street, alley or walkway. Each trash enclosures will serve approximately 40 housing units.

These characteristics are related to the development parcels and the proposed development. They bear on the impact of the trash enclosures on the public realm.

- 2. The conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.**

Conditions related to this full block planned development with private "alleys" are different from most city property zoned for multi-family development.

- 3. The alleged difficulty or hardship is caused by the zoning ordinance and has not been created by any persons presently having an interest in the parcel of land.**

The zoning code does not make provision for easing these requirements based on distance from public right of way.

- 4. The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.**

Because the trash enclosures are internal to the development, and are proposed to be well-landscaped, granting the variance will not be injurious to property outside the planned development.

- 5. 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.**

Constructing the trash enclosure without a door is not expected to endanger public safety. It is expected to have little or no impact on street congestion, fire or public welfare.

STAFF RECOMMENDATION ON VARIANCE OF REQUIREMENT TO SCREEN REFUSE STORAGE CONTAINERS ON ALL FOUR SIDES :

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** a variance of the screening requirement subject to final review of the design of the enclosure by Planning staff.

V. REQUIRED FINDINGS FOR PRELIMINARY PLAT

- 1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the Zoning Ordinance and policies of the Comprehensive Plan.**

LAND SUBDIVISION REGULATIONS:

All proposed lots have frontage on public streets. All proposed lots have a single zoning classification. Streets, sidewalks and alleys were reviewed under the related plat application that dedicated the public right of way space. Lot dimensions exceed minimum dimensions in the zoning code.

Block 1, Lot 2 is not in conformance with the requirement that development plans must be submitted for newly created lots. Planning staff propose to condition approval of this plat on changing the designation of the proposed "Block 2, Lot 2" to "Outlot".

Minneapolis City Planning Department Report
BZZ-1077; PL-127

The three created lots are also not in conformance with the requirement in the land subdivision ordinance that no lot can have greater than 5 sides. The land subdivision ordinance does, however, allow the approval of variances to any of the design requirements of the ordinance. The variance may be granted if the planning commission makes the following findings.

- 1. There are special circumstances or conditions affecting the specific property such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.**

On Block 1, the lots are proposed to underpin a planned development that encompasses a half block. The platting separates the development block from the rest of the block, which is to be designed in conjunction with a development proposal to be submitted and evaluated some time in the future. The lot line separating Lot 1 from the proposed Lot 2 to be developed later is non-linear because of the need to accommodate a stormwater retention feature, while conceding as much property as possible to future development. The other borders of the Lot are irregular because they follow the public right of way, which is not straight.

Block 2, Lot 1 encompasses an entire block. This perimeter of this Lot has more than five sides because it follows the public rights of way, which are not straight.

- 2. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.**

Planned Residential Developments are permitted as a conditional use in the R4 zoning district. The variance is required to allow the development parcel to border the non-linear public rights of way, and to provide logical separation between the proposed development and future development. Granting the variance supports the planned residential development, which is not anticipated to have detrimental impacts on the public welfare or other property in the area.

ZONING CODE:

With the approval of the rezoning, the conditional use permit for a planned residential development, the approval and implementation of the final site and landscaping plans, and the approval of the final plat, the proposed development is expected to be in full conformance with all provisions of the zoning code.

MINNEAPOLIS PLAN:

The Minneapolis Plan has several policies which call for the creation of increased housing opportunities and choices, as noted above. The subject plat will facilitate the development of new housing units on these parcels, and is thus in conformance with these goals.

- 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.**

Note equivalent finding documented in the Conditional Use Permit section above.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

Site improvements are based upon a thorough understanding of geotechnical and environmental site conditions, as documented in the EAW.

- 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.**

The preliminary plat is part of an application package that includes the detailed location of buildings and parking facilities.

- 5. The subdivision makes adequate provision for storm 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.**

The stormwater management elements of the project proposal are acceptable to Public Works Department staff.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a preliminary plat subject to the condition that the final plat changes the designation of the proposed “Block 2, Lot 2” to “Outlot”.