



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: March 4, 2004

To: Council Member Gary Schiff, Chair of Zoning and Planning Committee

Prepared by: Tina Sanz, CPED Committee Clerk (612-673-3710)

Presenter(s) in Committee: Lonnie Nichols, Senior Planner, CPED
Ross Fefercorn, CountryHome Builders, the Applicant
See attached report, CPC recommendations, Appeal Memo

Approved by Neil Anderson, Supervisor, CPED Planning-Development Services

Subject: Appeal of a decision from the January 26, 2004 City Planning Commission Meeting.

RECOMMENDATION: See report from the City Planning Commission and Appeal Memorandum prepared for the Zoning and Planning Committee.

Previous Directives: N/A

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.

Community Impact

Other: Urban Design: code compliance and visual impression to residents and the general public.

Background/Supporting Information

The attached appeal memo, report and minutes summarize the actions taken at the City Planning Commission meeting held on January 26, 2004. The findings and recommendations are respectfully submitted for the consideration of your Committee.

Minneapolis CPED-Planning Division
350 South Fifth Street, Room 210
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2728 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: March 4, 2004

TO: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

FROM: Lonnie Nichols, City Planner

SUBJECT: Appeal of the decision of the City Planning Commission by Ross Fefercorn, RMF Entities

Ross Fefercorn has filed an appeal of the decision of the City Planning Commission to the Zoning Administrator, requesting additional discussion on the inclusion and location of structural and landscaping elements to be included on the final site plan (construction documents). The appeal is associated with the Commission's decision not to include either 8 or 10 feet tall pergolas (Arbors with lighting and signage) that arch over the top of the proposed sidewalk entrances to the townhouse buildings from Aldrich and Bryant Avenues. The actions, staff report, and minutes from the January 26, 2004 City Planning Commission, as well as the applicant's appeal statement are attached.

The applicant has stated this appeal seeks to add a motion that did not happen, as opposed to appealing a motion that did. Applicant Ross M. Fefercorn is asking for the "pergola" structures (eight in total) to be incorporated into the front yard setback variance approved by the City Planning Commission on 26 Jan 2004. At the CPC meeting, the applicant indicated that the pergola variance would not be needed because it would be redundant with orienting principal entrances that face the public street. Staff indicated, in addition to a height variance for pergolas 10 feet tall, at least two of the proposed pergolas may require a side yard setback variance due to their adjacency to the north property line.

The applicant also states pergolas were added to the proposed development as a response to Planning staff's question of how the project relates to ch. 530 of the Zoning Ordinance and therefore, were not specified in the front yard setback variance within the Staff Report. Chapter 530 states, in part and summary, that each building shall have at least one primary entrance facing the primary public frontage. Planning staff received selected revised drawings (site plan and elevations dated January 20, 2004) of the pergolas on January 22, 2004. The City Planning Commission members did not have an opportunity to review the revised drawings until the day of and during the City Planning Commission hearing.

At the January 26, 2004 City Planning Commission hearing, eight Planning Commissioners (including the CPC President) were present. Seven Commissioners voted to approve the site plan for the 112 unit Planned Unit Development.

Community Planning and Economic Development Planning Division Report

BZZ 1370: Conditional Use Permit for Planned Unit Development, Travel Demand Management Plan, Rezoning Petition, RePlat, and Site Plan Review with Variances

Date: January 26, 2004

Date Application Deemed Complete: January 12, 2004

End of 60 Day Decision Period: March 12, 2004

Applicant: Ross Fefercorn, CountryHome Builders

Address Of Property: 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South. Between Aldrich and Bryant Avenues and between the North edge of the Midtown Greenway (29th Street Rail Corridor) and South of 28th Street West (see attached zoning map).

Contact Person And Phone: Ross Fefercorn, CountryHome Builders, 7625 MetroBoulevard, Suite 145, Edina, MN 55437 (tel: 952-835-1718 x103 or 612-363-6208), email: rossf@rmf-entities.com

Robert Close, Close Landscape Architecture, 275 East Fourth Street, Suite 610, St. Paul, MN 55101 (tel: 651-222-5754), email: bclose@closelandarch.com

Loucks Associates, Civil Engineering, 7200 Hemlock Lane, Maple Grove, MN 55369 (763-424-5505)

Aaron Parker and Ryan Kronzer, Aaron Parker + Associates, 430 Oak Grove Street-Suite 205, Minneapolis, MN 55403 (tel: 612-824-2915), email: mail@aaronparkerarch.com

Planning Staff and Phone: Lonnie Nichols, (612-673-5468); lonnie.nichols@ci.minneapolis.mn.us

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: OR2, R5, R6. The area proposed for this development is zoned primarily R-6 (High Density Multi-Family District). There is one parcel of OR2 (High Density Office Residence District) on Bryant Avenue and one parcel of R5 (High Density Multi-Family District) zoning in the proposed project area.

Proposed Use: Rezone to all R6, PUD for 112 dwelling units in 9 buildings with underground parking.

Previous Actions: Waiver of the Lowry Hill East Neighborhood Association (LHENA) Moratorium on the establishment or expansion of any multiple family residential use within the recognized boundaries of LHENA, except where property has frontage on Hennepin, Franklin, Lagoon and Lyndale Avenues or Lake Street. The moratorium waiver was approved by the Zoning and Planning Committee on May 22, 2003 and the full City Council on June 6, 2003.

Concurrent Review: The applicant has been informed that the following bodies should be contacted to determine their requirements for the review of this project.

- Section 106 Review comparison for historic preservation of retaining wall and landscaping along the Midtown Greenway (29th Street Rail Corridor): MnDOT Cultural Resources Unit and SHPO (State Historic Preservation Office) with City Public Works and CPED
- Minneapolis Public Works: Comprehensive review of Final Site Plans
- Minnehaha Creek Watershed District
- Hennepin County: CIC Plat and Dept. of Housing, Community Works & Transit (HCRRA)
- Public assistance via the CPED-Economic Policy and Development division (original contract with Minneapolis Community Development Agency): Federal assessment to be determined by the project's use of federal funds.

Appropriate Section(s) of the Zoning Code: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement, Chapter 527 Planned Unit Development, Chapter 529 Interim Ordinances (529.50 Waiver of Restriction), Chapter 530 Site Plan Review, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 546 Residence District, Chapter 598-Land Subdivision Regulations.

Background: CountyHome Builders, Inc has filed application for a rezoning petition, replat, major site plan review, conditional use permit for a planned unit development, transportation demand management plan, and yard, setback, street and pedestrian walkway variances for the block bounded by Aldrich and Bryant Avenues South between 28th Street West and the 29th Street Rail Corridor (Midtown Greenway). The following properties 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South, located in the R5, OR2, and R6 zoning districts are part of the project.

The subject properties, located between Aldrich and Bryant Avenues and Bryant and Colfax Avenues bordering the North edge of the Midtown Greenway have been the designated location for an Urban Village housing development project for several years. A West Lake Street Urban Village Charette was held in 1998 that involved over 200 participants and was sponsored by the City of Minneapolis, former MCDA, Metro Transit, Hennepin County, East Isles Residents Association, Lowry Hill East Neighborhood Association, and the Uptown Association. The charette findings recommended higher intensity housing that respects the scale and architecture of existing neighboring buildings. Both the Lake Street-Midtown Greenway Corridor Framework Plan (1999) and the West Lake Street Urban Design Charette (1998) call for multi-family housing development in this area. The task force chairs of the West Lake Street Urban Village Charette were Michael Lander and Aaron Parker.

The applicants have kept an open line of communication with the Lowry Hill East Neighborhood Association, the Ward 10 Council office, and other interested parties such as the Midtown Greenway Coalition. Other than concerns about vehicular traffic, which are addressed by a voluntary Transportation Demand Management Plan, staff has not received objections to this proposal.

As per section 7.11: Affordable Housing Construction Requirement, the applicant will work with CPED (former MCDA) staff to meet the Affordable Housing requirements outlined in the Contract for Private Redevelopment by and between the Minneapolis Community Development Agency and Country Home Builders, Inc. dated May 20, 2002. Section 7.11(a) states the redeveloper shall construct affordable housing units as part of the minimum improvements. The redeveloper shall construct five percent (5%) of the units so they are affordable to low-income persons or households as defined in section 1.01 (at or below 60%

median income for the Minneapolis-St.Paul SMSA) and ten percent (10%) of the units so they are affordable to low-to-moderate income persons or households (60-80% of Mpls-St.Paul SMSA). The redeveloper will make reasonable efforts to construct units affordable to moderate-income persons or households (80-115% of Mpls-St.Paul SMSA). Former MCDA staff will continue to work with the redeveloper to review financing during construction and implementation of the project.

Community Planning and Economic Development Planning Division Rezoning Report:

Findings as Required By the Minneapolis Zoning Code for a: Zoning Petition to change 811 28th Street West and 2808 Aldrich Avenue South from the R5 (multi-family residential) to the R6 (multi-family residential) district, and 2813 Bryant Avenue South from the OR2 (high density office residence) to the R6 (multi-family residential) district; to make the entire parcel a contiguous R6 zoning district for a planned unit housing development.

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

The City's Comprehensive Plan, the *Minneapolis Plan*, designates this site as a major housing site for multi-family dwelling units. The 112 units proposed are consistent with the level of density one would expect with new development in the R-6 district. Changing the existing zoning classification of the OR2 and R5 lots to R6 zoning to form a contiguous 2.75 acre parcel of R-6 zoning for a planned unit housing development is consistent with the applicable policies of the Minneapolis Plan.

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

While the proposed rezoning is in the applicant's interest, it is also in the public interest. Establishing a residential zoning district for the entire planned unit development will bring conformity to the parcel and make administration of the future CIC condominium easier. Constructing housing that overlooks the Midtown Greenway and providing amenities on this cleaned-up industrial site is in the best interest of the public. It is also consistent with the City's comprehensive plan as a major housing site and as such is in the public interest.

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 proposed amendment to change the zoning classification of these parcels to R6 is compatible with the zoning classification of property within the general area. Changing the zoning will make the most Northern parcel of the development that abuts 28th Street and two other parcels that front Aldrich and Bryant Avenues R6 compatible to the R5 residential district adjacent to them. The south half of the block, abutting the 29th Street Rail Corridor (Midtown Greenway) is currently R6 and the approval of the rezoning will result in a contiguous 2.75 acre parcel for the proposed 112 unit planned unit housing

development. The block to the West, between Bryant and Colfax and 28th Street and the Midtown Greenway, has some existing homes in the R5 district and a 1.6 acre parcel in the R6 district under development for the Midtown Lofts-a 72 unit cluster development. A block further to the West, between Colfax and Dupont, is zoned I-1 on the South half that abuts the 29th Street RC and R-6 on the North half that abuts 28th Street. The South half of this block (currently Industrial) may also be developed into multi-family housing. The three-block area abutting the South edge of the 29th Street Rail corridor from Aldrich to Dupont is zoned I-1, R-6, and OR-2. A Transitional Parking Overlay District is located across the street on the East side of Aldrich Avenue. The site is currently a vacated industrial property (brownfield) undergoing excavation and environmental testing.

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 under the existing zoning classification, including housing, listed in the zoning code.

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.

In the late 1990's, the former MCDA acquired property on the 2800 block between Aldrich to Bryant and Bryant to Colfax, relocated an industrial business (Sowles Crane), facilitated environmental clean-up, and signed contracts with developers to have multi-family housing constructed. The Minneapolis Comprehensive plan (2000), Lake Street-Midtown Greenway Corridor Framework Plan (1999) and the West Lake Street Urban Design Charette (1998) all call for multi-family housing development in this area. A conceptual plan, five years in the works, is starting to be realized.

Community Planning and Economic Development Planning Division Required Findings for a Preliminary Plat for a Planned Unit Development to: construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building with below grade parking located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Required Findings for a Plat for a Planned Unit Development:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The preliminary plat appears to conform to the requirements of section 598.260 of the code listed below. The final plat filed with Hennepin County and the City will need to ensure conformance with the regulations of Chapter 598 and all other applicable regulations of the City.

598.260: Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The applicant has stated, Biko Associates prepared a TDMP and found the project to not exacerbate congestion in the public streets. The developer met with the neighborhood, (LHENA), and received their approval of the development. Minor revisions were made to the plans. The development plans are complementary in design and use to surrounding land uses (Lander-Sherman block, etc.) and other existing multi-family and commercial uses.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is undergoing environmental testing before ownership of the land is transferred to the applicant. The private drive proposed below grade shows catch basins for drainage. The land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, and rock formations, provided the ingress/egress

and grade change for the private driveway and utility easements meet Public Works specifications.

- 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 applicant has stated, the lots envisioned in the preliminary plat may be constructed in phases and building permits may be issued such that there will be no foreseeable difficulties of either driveway access or construction of the improvements. Minimal grading and soil corrections are necessary to construct the development.

The applicant has requested some setback variances due to the placement of an internal driveway that dissects the development in an L-shape. The one-way driveway requires a grade change as it drops from the 28th Street entrance and leads to below grade, enclosed parking for each building before climbing a ramp and exiting to Aldrich Avenue.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The applicant states, the design of the project's storm-water system is designed to not allow a net increase of stormwater in excess of pre-development volumes. The site will also include installation of stormwater erosion fencing during construction and development.

CPED Planning staff has found the preliminary plat submitted makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. Planning staff has requested staff from the Public Works division to review the preliminary plat and provide comment for the final plat.

In addition to the required findings for the preceding five questions, the applicant provided the following responses to staff questions about the plat:

How will the common area be dedicated?

The common elements, limited common elements, and living units shall be defined in the homeowner's association documents as established by the declarant/developer. The common elements include the private property exclusive of individual units. Common

elements are intended to be for the benefit and use of the homeowners association. Upon closing, the purchaser receives a deed to the unit purchased and an undivided interest in the common elements of the association. Whenever title to a unit is transferred or conveyed, the same undivided interest in the common elements is also transferred.

Why do the lot lines not more closely align with the building footprints?

The lot lines shown on the “Preliminary Plat”, and the future “Final Plat”, indicate an outlot, and seven lots. These lots are the appropriate dimensions to contain six “townhome” style buildings, one “loft” building, and a private driveway/alley for ingress/egress to enclosed parking. The lot configuration also allows the developer to purchase the land and develop the project in phases. Upon completion of each phase of the project, and prior to conveyance, a CIC plat will be drafted and filed with Hennepin County that will define common elements, limited common elements, and the living units.

Is there a provision for access to each lot that does not have frontage on a public Street?

The homeowners association documents shall be drafted in accordance with the Minnesota Common Interest Ownership Act (MCIOA). The Declaration of Restrictive Covenants, and Rules and Regulations will define the relationship between common elements, limited common elements, and living units including access to units that do not front a public street. Such relationship will be further defined in the CIC plat.

Will your project meet the requirement that an owners’ association be created?

The duties and responsibilities of which shall include maintaining the elements of the planned unit development as authorized under the zoning ordinance or other applicable regulations.

The state statute governing common interest communities, Minnesota Common Interest Community Act, (MCIOA) defines by law the obligations of the seller/developer for conveying residential dwellings in excess of 12 (twelve) units to create a homeowners association that is consistent with the statute prior to the conveyance of title of a unit. The Declaration of Restrictive Covenants, and the Rules and Regulations define the association responsibilities including maintenance of the common elements.

Do you have a provision that the taxes, special assessments, and other charges and fees

that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots?

The homeowner association documents, in the Declaration of Restrictive Covenants, will obligate unit owners through the property’s deed to become members of the association. The declaration, along with the CIC plat filed with Hennepin County, will define the taxable real estate to the tax assessor, and the obligation of the unit owner to pay taxes, special assessments and other “charges and fees”.

Will the homeowners association documents require that any disposition of any of the common property situated within the planned unit development shall not be made without the prior approval of the planning commission?

The homeowners association documents under the Declaration of Restrictive Covenants shall restrict the sale or conveyance of common elements without the prior approval of the planning commission.

How is the private alley/drive dedicated ?

The private alley/drive is shown on the plat as outlot 'A'. Upon completion of improvements, the declarant/developer will convey outlot 'A' to the association. The association's responsibilities for maintaining common elements, including outlot 'A', will be described in the declaration. The costs for maintaining common elements are included in the association budget.

In addition, the alley is designated as an outlot so that it may be easily conveyed to the developer by the land seller. The developer than can convey the outlot, with improvements to the association. The association documents can more readily, and easily describe the outlot as a common element, and of course the maintenance requirements that go along with it. the only other way to do this is through a clumsy easement with a meets and bounds description, which neither the association attorney, or surveyor recommend. Also, since we will be purchasing the land in phases, we will likely develop the outlot, with improvements, prior to all the parcels being conveyed to us. Again, it is much easier to acquire a well defined outlot.

Community Planning and Economic Development Planning Division Required Findings for a Conditional Use Permit to: construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Findings Required for a Conditional Use Permit for a Planned Unit Development:

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

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 development consists of two and three story townhouse buildings and a four story loft building with a mezzanine. There is a row of existing residences along the northern most portion of the block that fronts 28th Street

West. An existing mid-block parcel (811 28th Street West) that is currently used as a surface area parking lot will be reconfigured to provide more landscaping. The existing private alley adjacent to the east side lot line of 811 28th Street will be reconfigured to slope downward, allowing vehicles to access below grade parking stalls in all of the buildings. The six townhouse buildings provide a transition to the taller loft building that overlooks a pedestrian promenade and the Midtown Greenway to the South. The design of the development attempts to incorporate the historic industrial nature of the area, while blending with the existing residential homes through the use of stucco and landscaping. Site elements, such as sidewalks, lights, and fences reflect the existing patterns of the neighborhood.

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.

The Transportation Demand Management Plan for the Urban Village project stated a traffic impact analysis showed that the proposed development would not negatively impact traffic operations at the intersection of 28th Street and Lyndale Avenue. Off street parking provided exceeds the minimum City requirement of 1.00 parking stall per dwelling unit. 161 parking stalls and bike parking is provided for the 112 dwelling units proposed. The existing private alley adjacent to the east side lot line of 811 28th Street will be reconfigured to slope downward, allowing vehicles to access below grade parking stalls in all of the buildings. The proposed development is adjacent to the Midtown Greenway for bicycle commuting and transit routes are nearby which provide frequent service. The TDM plan states the developer will help mitigate traffic calming in the neighborhood by installing two speed bumps in the area within one year of 90% occupancy of the development (if needed). The traffic mitigation will be coordinated with the Lowry Hill East Neighborhood Association and the Public Works Department.

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.

The Urban Village developers will grant the City an easement for public, pedestrian promenade that overlooks the Midtown Greenway. Part of the promenade will be an 8-foot wide concrete walkway that connects Aldrich Avenue to Bryant Avenue. The promenade area will be maintained by the condominium association. The retaining wall supporting the promenade will be designed to enhance the historic character of the 29th Street Rail corridor and will need to be reviewed for approval by the State Historic Preservation Office.

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 six townhouse buildings in the PUD have a similar floor plan and exterior appearance. The exterior materials proposed for the development, particularly stucco, match the exteriors of existing houses in the neighborhood and those exterior material planned for the Midtown Lofts project. The six townhouse buildings provide a transition to the taller loft building that overlooks a pedestrian promenade and the Midtown Greenway to the South. The mass, height, and exterior materials of the new townhouse buildings is shifted along the street frontage of Aldrich and Bryant Avenues to mimic the variation of existing residential units in the neighborhood. The view down both avenues will accentuate the prominent and modern architectural features of the PUD. The taller loft building on the southern portion of the PUD will frame the edge of the 29th Street corridor and create a vista for residents and visitors to observe activity to the East and West on the Midtown Greenway. At the top landing of the ramp to the greenway at Bryant Avenue, the loft building steps back to the north to create a spatial node for a cluster of trees. The design of the buildings provides outdoor space to each of the 112 dwelling units of the project and should not adversely effect the outdoor space of any adjacent properties.

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 applicant has requested Public Works staff to provide input on the appropriate ways to address storm water management and erosion control. Public Works staff is working with the applicant to locate utility and sewer lines. The current plans reflect this Public Works input, and the applicants maintain they have adequately addressed this topic. The applicant has stated the Minnehaha Creek Watershed District review is in-process.

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

A preliminary plat has been submitted for review by planning staff and the City Planning Commission. The preliminary plat has also been routed to Public Works for staff to make comments and revisions to be included on the final plat.

Findings As Required By The Minneapolis Zoning Code For Conditional Use Permits:

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

The proposed use, a 112 unit planned unit development with six townhouse buildings and one loft building will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the area. This new residential use will replace an industrial use in a residential 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 proposed use will not be injurious to the use and enjoyment of other property in the vicinity. The proposed use will create and help facilitate the development of more housing in the area. Staff views this as an improvement for surrounding property and permitted uses in the district. Another multi-family housing development is planned for the Bryant to Colfax block directly West of the proposed CountryHome Builder's project. The new housing development will replace a former industrial use on land that is currently vacant.

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

The project will include adequate utility service, access, and driveways consistent with all pertinent regulations. The Department of Public Works will need to review and approve the final set of site plans submitted by the applicant for this part of the Urban Village project. The applicants state they have met and addressed any of these circumstances to keep from endangering any residents.

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

The applicant has proposed one-hundred-sixty-one (161) stalls of below grade parking for the 112 dwelling units. This number exceeds the code requirement of a 1 dwelling unit to 1 parking stall ratio. The applicant has proposed a one-way private driveway from 28th Street West that turns east at a 90 degree angle and exits onto Aldrich Avenue. Public Works staff determined adequate measures, as per the site plan, have been provided to minimize traffic congestion in the public streets. The applicant will need to submit a letter of agreement with the final site plan that confirms the property owner of 809 and 807 28th Street West is in agreement with the proposed design of the driveway entrance and grade change of the driveway. The applicant has proposed placing four parking stalls on 811 28th Street West to mitigate the impact of the new design of the driveway to the development. The consultants' report (by Bill Smith, BIKO and Associates) for the Transportation Demand Management Plan for the Aldrich to Colfax blocks has been approved by Public Works, City Planning, CountryHome Builder's, and Lander Sherman Development.

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

The *Minneapolis Plan* (adopted by the City Council, Mayor, and Minneapolis Planning Commission, March 2000) includes the following policies most relevant to this project:

Goal #1 of the City's eight primary goals: Increase the city's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

Growth in the city's population and tax base is one of the key themes of *The Minneapolis Plan*. Increases in the number and type of housing units are essential to the city's continued prosperity. *The Minneapolis Plan* proposes that this growth occur according to two different scenarios: One is continued infill in residential areas, where single or small clusters of lots are available for redevelopment; the other scenario involves the identification of sites where major housing development could take place, designed for higher density housing to appeal to new and emerging housing markets, such as seniors and empty nesters of all income levels. Together, these scenarios for growth in housing choices are intended to respond to the wide variety of housing sub-markets, by providing a variety of housing types and levels of affordability. The Midtown Lofts project will provide a variety of housing types and levels of affordability.

Policy 4.9: Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development. Applicable Implementation Steps for Policy 4.9:

- The variety of housing types throughout the city, its communities and the metropolitan area shall be increased, giving prospective buyers and renters greater choice in where they live.
- The management, quality and balance of subsidized housing throughout the City and the Metro area shall be improved.
- Housing markets that already strong shall be preserved and strengthened.
- The quality of Minneapolis' housing stock shall be improved.

Policy 4.11: Minneapolis will improve the range of housing options for those with few or constrained choices.

Policy 4.12 Minneapolis will both assume its appropriate responsibility for improving housing options among those with few or constrained choices, and collaborate with partners at the regional, state, federal and local level to assure that appropriate solutions are pursued throughout the region.

Policy 4.13 Minneapolis expand the type and range of housing types for residents with substantial choice.

Policy 4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites in the city.

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density. Applicable Implementation Steps for Policy 9.5:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: growth centers, commercial corridors, community corridors, and activity centers.
- Expand the understanding of the role that urban density plays in improving business markets, increasing feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.
- Advance the understanding of urban housing and urban retailing among all members of the design and development community.

- 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.**

The proposed development, subject to variance approvals, conforms to the applicable regulations of the R6 zoning district.

Community Planning and Economic Development Planning Division Variance Findings Section:

Community Planning and Economic Development Planning Division Required Findings for a Variance to: reduce the required front yard setback along Aldrich Avenue from the setback established by connecting a line from the adjacent residential structure from 20 feet to 10 f in order to allow 4 buildings and to reduce the required front yard setback along Bryant Avenue from the required 15 feet to 10 f in order to allow 4 buildings.

- 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.**

The applicants stated that after reviewing the initial site plan with the Lowry Hill East Neighborhood Association (LHENA), they received feedback from the neighborhood group which prompted a design modification to add a porch and a projecting bay to each of the townhouse buildings and two porches to each side of the loft building. These additional design elements are located in required front yard set back areas, but were added to the design to provide a stronger connection to the street and neighborhood.

- 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.**
The circumstances are unique to this parcel of land. The land for the proposed planned unit development was acquired by the CPED-Economic Policy and Development Division (formerly known as the MCDA) for a multi-family residential development.
- 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.**
The applicant has stated the setback variances have been requested due to the placement of an internal driveway that dissects the development. The inclusion of

this private driveway in the development aids the applicant to achieve the desired densities set forth during the West Lake Street Design Charette without building structures to the maximum height (84 ft) allowed in the R6 district.

- 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.**

The proposed setback 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.

Community Planning and Economic Development Planning Division Required Findings for a Variance to: to reduce the required East interior side yard setback for 811 28th Street West from the required 9 feet to 0 feet in order to allow a driveway/drive aisle.

- 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.**

In order to maintain the existing neighborhood form of the “alley” grid system, and to achieve the desired residential densities set forth at the West Lake Street Design Charette, an existing private driveway with a cross-easement agreement will need to be reconfigured onto part of 811 28th Street West to allow a grade change and access to the below grade parking for the residential units of the PUD. The applicant has provided a draft narrative for an easement for a small, corner portion of the private driveway of 809 28th Street West. In exchange for the corner portion of private driveway, the applicant will provide the property owner of 807-809 four (4) at grade parking stalls (2 per property) on 811 28th Street West. The applicant has also proposed to have landscaping installed and maintained on the east side of the property line between 809 and 811 28th Street West for the distance of six feet.

- 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.**

The circumstances are unique to the individual parcel at 811 28th Street West and to entire contiguous parcel of the PUD. In order to maintain the existing neighborhood form of the “alley” grid system, and to achieve the desired residential densities set forth at the West Lake Street Design Charette, an existing private driveway with a cross-easement agreement will need to be reconfigured onto part of 811 28th Street West to allow a grade change and access to the below grade parking for the residential units of the PUD. The applicant has provided a draft narrative for an easement for a small, corner portion of the private driveway of 809 28th Street West. In exchange for the corner portion of private driveway, the applicant will

provide the property owner of 807-809 four (4) at grade parking stalls (2 per property) on 811 28th Street West.

- 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.**

The granting of the variance will be in keeping with the spirit and intent of the ordinance and should not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The setback area is currently used as a driveway/alley that leads to a surface area parking lot on 811 West 28th Street. The current proposal calls for the removal of one (of two) mature evergreen trees, increased landscaping, and the realignment of the driveway several feet to the West. The applicant has provided a draft narrative for an easement for a small, corner portion of the private driveway of 809 28th Street West. In exchange for the corner portion of private driveway, the applicant will provide the property owner of 807-809 four (4) at grade parking stalls (2 per property) on 811 28th Street West.

- 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.**

Public Works staff found the realignment of the driveway acceptable with the conditions that the property owner of 809 28th Street West is in agreement with the easement, the slope (or grade change) of the driveway to the South meets PW specifications, and elevations are provided for the proposal. The proposed setback variance will not substantially increase the congestion of the public streets, or increase the danger of fire.

Community Planning and Economic Development Planning Division Required Findings for a Variance to: to reduce the interior side yard setback adjacent to the Greenway from 13 feet to 1.5 feet to allow a 8 foot wide walkway and to reduce the front yard setbacks adjacent to Aldrich and Bryant to 1.5 feet to allow a 8 foot wide walkway.

- 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.**

These variances are requested for a public, pedestrian promenade (walkway) that overlooks the Midtown Greenway. In the contract for private development by and between the former MCDA (now CPED-Economic Policy and Development Division) and the applicant, CountryHome Builders, Inc., the City reserves a public access easement over the promenade area (10 feet North of South lot line between Aldrich and Bryant Avenues) for public pedestrian access and use. The Redeveloper (CountryHome Builders, Inc.) and its successors or assigns shall own fee title to the Promenade subject to the Public Access Easement. 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.

- 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.**

These variances are requested for a public, pedestrian promenade (walkway) that overlooks the Midtown Greenway. In the contract for private development by and between the former MCDA (now CPED-Economic Policy and Development Division) and the applicant, CountryHome Builders, Inc., the City reserves a public access easement over the promenade area (10 feet North of South lot line between Aldrich and Bryant Avenues) for public pedestrian access and use. The Redeveloper (CountryHome Builders, Inc.) and its successors or assigns shall own fee title to the Promenade subject to the Public Access Easement. These circumstances are unique to the parcel of land for which the variance is sought.

- 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.**

The granting of the variance will be in keeping with the spirit and intent of the ordinance and should not negatively alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The block immediately to the West, bounded by Bryant to Colfax Avenues, will also include a pedestrian promenade of similar design for the Midtown Lofts cluster development. The public nature of this walkway is intended to encourage the use, enhance the experience, and provide additional public safety (more eyes on the area) of the Midtown Greenway.

- 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.**

The proposed variances allow the pedestrian promenade to be constructed and 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.

Community Planning and Economic Development Planning Division Required Findings for a Variance to: allow a pedestrian walkway and HC ramp 10 feet wide in the required front yard setback on Bryant Avenue.

- 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.**

The provision of a handicapped accessible entrance to the building and HC accessible pathway from the public sidewalk to that entrance is required by local, state, and federal ordinance. This additional design element that is located in the required front yard set back of Bryant Avenue provides the required connection to the public sidewalk. 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.

- 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. The circumstances are unique to this parcel of land. The land for the proposed planned unit development was acquired by the CPED-Economic Policy and Development Division (formerly known as the Minneapolis Community Development Agency-MCDA) for a multi-family residential development. The applicant signed a development contract with the former MCDA to construct multi-family housing on the site. The 10-foot wide combination walkway and HC ramp provides an easily navigable connection to the public sidewalk required by local, state, and federal ordinance.**
- 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. The 10-foot wide combination walkway and HC ramp provides an easily navigable connection to the public sidewalk required by local, state, and federal ordinance. 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.**
- 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. The proposed variance for a 10 foot wide sidewalk and HC ramp 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.**

Community Planning and Economic Development Planning Division Required Findings for a Variance to: allow a 12.5 x 8 foot (100 sf) landing in the required front yard setback on Aldrich Avenue.

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.**

The applicants stated that after reviewing the initial site plan with the Lowry Hill East Neighborhood Association (LHENA), they received feedback from the neighborhood group which prompted a design modification to add a porch and a projecting bay to each of the townhouse buildings and two porches to each side of the loft building. This additional 12.5 x 8 foot (100 sf) landing on the East side of the lofts building marks a secondary entrance to the building in required front yard set back area, but adds to the design of the overall complex to provide a stronger connection to the street and neighborhood. The applicant stated one aspect of the higher density loft building is a limited number of entrances from the street. The loft building has two entrances, one off of Aldrich Avenue South and the other off of Bryant Avenue South. It is anticipated both entrances will have frequent and consistent daily use. Therefore, the applicant has reasoned larger landings, wider walkways and well-marked entrances are important elements for wayfinding.

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.**

The circumstances are unique to this parcel of land. See finding #1 above.

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.**

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. It will add porches to the development making a stronger connection to the neighborhood.

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.**

The proposed setback 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.

Community Planning and Economic Development Planning Division Required Findings for a Variance to: reduce the required front yard setback on Aldrich Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building and to reduce the required front yard

setback on Bryant Avenue from 15 feet to 5 feet in order to allow an entrance canopy for the Lofts building.

- 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.**

The applicants stated that after reviewing the initial site plan with the Lowry Hill East Neighborhood Association (LHENA), they received feedback from the neighborhood group which prompted a design modification to add a porch and a projecting bay to each of the townhouse buildings and two porches to each side of the loft building. The applicants are also requesting a variance for a canopy over the entrances to the loft building on both Aldrich and Bryant Avenue. These additional design elements are located in required front yard setback areas, and have been added to the design as an amenity for residents and visitors and to provide a stronger connection to the street and neighborhood.

- 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.**

The circumstances are unique to this parcel of land. See finding #1 above.

- 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.**

See finding #1 above.

- 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.**

The proposed setback variance for entrance canopies 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.

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.

The applicant has requested setback variances and yard variances along Aldrich and Bryant Avenue. The applicant has requested some of the setback variances due to the placement of an internal driveway that dissects the development in an L-shape. The one-way driveway requires a grade change as it drops from the 28th Street entrance and leads to below grade, enclosed parking for each building before climbing a ramp and exiting to Aldrich Avenue. The area between the building and the lot line shall include amenities. The townhome buildings are not oriented so that at least one (1) principal entrance per unit faces the public street. The applicant has stated the LHENA preferred porches and decks as a connection to the street over the provision of a principal entrance facing the public street. A principal entrance to the Lofts building for residents faces Aldrich Avenue. A combination HC accessible and pedestrian sidewalk lead to a landing area on Bryant Avenue, where a principal entrance faces North, but is clearly visible from the public street. Staff is recommending the floor plans be reconfigured to meet the requirements of Chapter 530, which state buildings shall be oriented so that at least one (1) principal entrance faces the public street. The applicant has requested the Commission to grant alternative compliance for the Planned Unit Development to allow the existing site plan and building orientation. The building façade emphasizes architectural elements, provides architectural detail, and contains windows at the ground level or first floor. The project meets the requirements of section 530.110 (b) (1). The first floor glazing percentage

submitted by the applicants is Loft-East/Aldrich Avenue-21%, Loft-West/Bryant Avenue-36%, Loft-South/Greenway-32%, TownHomes-East/Aldrich Avenue-25%, Townhomes-West/Bryant Avenue-25%. Exterior materials include masonry, light-weight cladding, stucco, standing seam metal roof and aluminum clad, and wooden windows.

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.

Clear and well-lighted walkways of at least four (4) feet in width connect the building entrances to the adjacent public sidewalk. Interior and exterior stairs in the townhomes, and interior stairs and elevators in the Lofts building provide access from the parking facilities to the dwelling units. There are not transit facilities on the property, but controlled access bicycle parking for residents, a public bike rack for visitors, and easy access to the Midtown Greenway is provided on the site. The applicant has proposed one-hundred-sixty-one (161) stalls of below grade parking for the 112 dwelling units. This number exceeds the code requirement of a 1 dwelling unit to 1 parking stall ratio. The HC parking requirement has been met in the 161 parking stall count. The applicant has proposed a one-way private driveway from 28th Street West to that turns east at a 90 degree angle and exits onto Aldrich Avenue. Public Works staff determined adequate measures, as per the site plan, have been provided to minimize traffic congestion in the public streets. The applicant will need to submit a letter of agreement with the final site plan that confirms the property owner of 809 and 807 28th Street West is in agreement with the proposed design of the driveway entrance and grade change of the driveway. The applicant has proposed placing four parking stalls on 811 28th Street West to mitigate the impact of the new design of the driveway to the development. The consultants' report of September 29, 2003 (by Bill Smith, BIKO and Associates) for the Transportation Demand Management Plan for the entire Urban Village-Phase I area (Aldrich to Colfax between West 28th Street and the 29th Street Rail Corridor has been approved by Public Works, City Planning, CountryHome Builder's, and Lander Sherman Development. The future homeowner's association will remove snow from the site as needed. Planning staff is requesting the applicant provide at least two pedestrian walkways that bridge over the top of the alley/driveway from the Aldrich (east) townhomes to the Bryant (west) townhomes to enhance the common space area and facilitate the safe movement of pedestrians on site.

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, masonry wall, 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.
- 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.

Decorative metal fencing is provided around the perimeter of the property, on landings and near entrances, and to provide safety between the ground level and drop to the grade of the interior driveway. As per the site plan information, the lot size is 119,700 sf and the buildings footprint is 39,318 for the townhomes (6553 x 6) and 18,249 for the Lofts building, making a total of 57,567 sf. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings shall be landscaped. Calculations: $(119,700 - 57,567 = 62,133 \times 20\% = 12,426 \text{ sf})$. The site plan shows the applicant is providing 30,000 sf (or approximately 48%) of landscaping $(30,000/62,133 = .4828)$. Section 530.150 of the code also requires for not less than one (1) canopy tree for each one thousand (1000) sf and not less than one (1) shrub per each two-hundred (200) sf of the site not occupied by buildings. In order to be in full compliance, the required plant count for this site is 62 (62) trees and three-hundred-eleven (311) shrubs. The total plant count proposed for the site is 89 trees (6 canopy and 83 ornamental), 565 shrubs, and 1910 perennials (see attached sheet for detailed plant list). The CPED landscaping specialist has recommended that viburnum be substituted for the Annabelle Hydrangea that is located in shady areas (North sides of buildings). Once mature and established, the grove of ironwood trees should have vertical branching below 8 feet in height trimmed to maintain a

site line and be in conformance with CPTED guidelines. The applicant is providing a public easement for a pedestrian promenade overlooking the greenway.

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.

Lighting shall comply with the requirements of Chapter 535 and Chapter 541. The site plan does not block views of important elements of the city and the buildings are arranged to minimize shadowing on public spaces and adjacent properties. Staff can not determine if the buildings are arranged to minimize the generation of wind currents at ground level. The City's crime prevention through environmental design (CPTED) recommends that all vegetation should follow the 3 foot - 7 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. The site plan includes the rehabilitation and integration of a retaining wall along the historically designated 29th Street Rail corridor. Planning staff will gather information on the status of the wall design for the hearing.

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

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards, states the project should meet the requirements for a Planned Unit Development listed in Chapter 527 on the zoning code. Zoning and Planning Staff have determined the project meets these requirements and the final plat will also be required to meet the requirements of Chapter 598 of the code.

Hours of Operation:

Hours of operation allowed under the R6 zoning district are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. Since no business operations are proposed for the PUD, these hours of operation are not applicable to this project.

Dumpster screening:

Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a

residence or office residence district and adjacent permitted or conditional residential uses. Refuse containers are located behind overhead doors below grade off of the private driveway in the townhomes Loft building.

Window obstructions:

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330. There are not signs or other obstructions planned for the windows of the dwelling units.

Signage:

Sign is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

MINNEAPOLIS PLAN:

The *Minneapolis Plan* (adopted by the City Council, Mayor, and Minneapolis Planning Commission, March 2000) includes the following policies most relevant to this project:

Goal #1 of the City's eight primary goals: Increase the city's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

Growth in the city's population and tax base is one of the key themes of *The Minneapolis Plan*. Increases in the number and type of housing units are essential to the city's continued prosperity. *The Minneapolis Plan* proposes that this growth occur according to two different scenarios: One is continued infill in residential areas, where single or small clusters of lots are available for redevelopment; the other scenario involves the identification of sites where major housing development could take place, designed for higher density housing to appeal to new and emerging housing markets, such as seniors and empty nesters of all income levels. Together, these scenarios for growth in housing choices are intended to respond to the wide variety of housing sub-markets, by providing a variety of housing types and levels of affordability. The Midtown Lofts project will provide a variety of housing types and levels of affordability.

Policy 4.9: Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development. Applicable Implementation Steps for Policy 4.9:

- The variety of housing types throughout the city, its communities and the metropolitan area shall be increased, giving prospective buyers and renters greater choice in where they live.
- The management, quality and balance of subsidized housing throughout the City and the Metro area shall be improved.
- Housing markets that already strong shall be preserved and strengthened.
- The quality of Minneapolis' housing stock shall be improved.

Policy 4.11: Minneapolis will improve the range of housing options for those with few or constrained choices.

Policy 4.12 Minneapolis will both assume its appropriate responsibility for improving housing options among those with few or constrained choices, and collaborate with partners at the regional, state, federal and local level to assure that appropriate solutions are pursued throughout the region.

Policy 4.13 Minneapolis expand the type and range of housing types for residents with substantial choice.

Policy 4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites in the city.

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density. Applicable Implementation Steps for Policy 9.5:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: growth centers, commercial corridors, community corridors, and activity centers.
- Expand the understanding of the role that urban density plays in improving business markets, increasing feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.
- Advance the understanding of urban housing and urban retailing among all members of the design and development community.

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

Staff is not aware of any applicable development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan that would be in direct conflict with the proposed development. The Lake Street-Midtown Greenway Corridor Framework Plan (2000) and West Lake Street Urban Village Charette both support a Planned Unit Development at this site.

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.

As per 527.120. Exceptions to zoning ordinance standards. The city planning commission may approve exceptions to the zoning regulations applicable to the zoning district in which the planned unit development is located as authorized in this chapter only upon finding that the planned unit development includes adequate site amenities to address any adverse effects of the exception.

Staff is recommending the floor plans of the townhomes and the loft building be reconfigured to meet the requirements of Chapter 530, which state buildings shall be oriented so that at least one (1) principal entrance faces the public street. The applicant has requested the Commission to grant alternative compliance for the Planned Unit Development to allow the existing site plan and building orientation.

RECOMMENDATIONS OF THE COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT PLANNING DIVISION:

Rezoning Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to rezone 811 28th Street West and 2808 Aldrich Avenue South from the R5 (multi-family residential) to the R6 (multi-family residential) district, and 2813 Bryant Avenue South from the OR2 (high density office residence) to the R6 (multi-family residential) district.

Plat Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building with below grade parking located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South with the following condition: the final plat will contain a dedication for a 10 foot easement for Public Access to construct the proposed “promenade” along the Midtown Greenway.

Conditional Use Permit Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Variance Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required front yard setback along Aldrich Avenue from the setback established by connecting a line from the adjacent residential structure from 20 feet to 10 f in order to allow 4 buildings and to reduce the required front yard setback along Bryant Avenue from the required 15 feet to 10 f in order to allow 4 buildings.

Variance Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required East interior side yard setback for 811 28th Street West from the required 9 feet to 0 feet in order to allow a driveway/drive aisle with the following conditions: the property owner of 809 28th Street West is in agreement with the easement, the slope (or grade change) of the driveway to the South meets Public Works specifications, and elevations are provided for the proposed driveway realignment.

Variance Recommendation Of The Community Planning and Economic Development Planning Division:

The 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 interior side yard setback adjacent to the Greenway from 13 feet to 1.5 feet to allow a 8 foot wide walkway and to reduce the front yard setbacks adjacent to Aldrich and Bryant to 1.5 feet to allow a 8 foot wide walkway.

Variance Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow a pedestrian walkway and HC ramp 10 feet wide in the required front yard setback on Bryant Avenue.

Variance Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow a 12.5 x 8 foot (100 sf) landing in the required front yard setback on Aldrich Avenue.

Variance Recommendation Of The Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required front yard setback on Aldrich Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building and to reduce the required front yard setback on Bryant Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building.

SITE PLAN RECOMMENDATION OF THE COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT PLANNING DIVISION:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan application to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South with the following conditions:

- 1) The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
- 2) The final site plan shall show a dedication for a 10 foot easement for Public Access to construct the proposed “promenade” along the Midtown Greenway and a minimum of two pedestrian walkways that bridge over the top of the private driveway from the Aldrich (east) townhomes to the Bryant (west) townhomes to enhance and connect common space elements and facilitate the safe movement of pedestrians on site.

- 3) The floor plans of the townhomes and the lofts building shall be reconfigured to meet the requirements of Chapter 530, which state buildings shall be oriented so that at least one (1) principal entrance faces the public street.
- 4) The final site plan shall include more detail on the approved exterior materials and be the same site plan submitted for this City Planning Commission hearing inclusive of any changes approved by the CPC.
- 5) The applicant will consider adding more bicycle parking to the final site plan.
- 6) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements before permits are issued or the permit may be revoked for noncompliance.
- 7) All site improvements shall be completed by February 1, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:
Staff report

Written statements from the applicant
Written statements from other sources
Contract language on Affordable Housing
TDM Plan Recommendations
Planimetric Map and Minneapolis Zoning Plates #24
Site plans, floor plans, and elevations
Photographs

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

350 South Fifth Street, Room 210
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2728 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: January 27, 2004

TO: Blake Graham, Planning Department
Phil Schliesman, Licenses

FROM: Neil Anderson, Planning Supervisor, Development Services

CC: Barbara Sporlein, Planning Director

SUBJECT: Planning Commission decisions of January 26, 2004

The following actions were taken by the Planning Commission on January 26, 2004. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

APPROVAL OF MINUTES

None.

CONSENT AGENDA – January 22, 2004 Committee of the Whole

INTRODUCTION TO PUBLIC HEARING

PUBLIC HEARING

13. Urban Village (BZZ-1370, Ward 10)

811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South. Between Aldrich and Bryant Avenues and between the North edge of the Midtown Greenway (29th Street Rail Corridor) and South of 28th Street West (see attached zoning map). (Lonnie Nichols)

A. Rezoning

Application by CountyHome Builders, Inc, to rezone 811 28th Street West and 2808 Aldrich Avenue South from the R5 (multi-family residential) to the R6 (multi-family residential) district, and 2813 Bryant Avenue South from the OR2 (high density office residence) to the R6 (multi-family residential) district.

Motion: The City Planning Commission recommends that the City Council adopt the findings and **approve** the application to rezone 811 28th Street West and 2808 Aldrich Avenue South from the R5 (multi-family residential) to the R6 (multi-family residential) district, and 2813 Bryant Avenue South from the OR2 (high density office residence) to the R6 (multi-family residential) district.

B. Preliminary Plat

Application by CountyHome Builders, Inc. for a preliminary plat to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building with below grade parking located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the preliminary plat application construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building with below grade parking located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South with the following condition:

1. The final plat will contain a dedication for a 22 foot easement for Public Access to construct the proposed “promenade” along the Midtown Greenway.

C. Conditional Use Permit

Application by CountyHome Builders, Inc. for a conditional use permit application to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the conditional use permit application to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

D. Variance

Application by CountyHome Builders, Inc. for a variance to reduce the required front yard setback along Aldrich Avenue from the setback established by connecting a line from the adjacent residential structure from 20 feet to 10 f in order to allow 4 buildings and to reduce the required front yard setback along Bryant Avenue from the required 15 feet to 10 f in order to allow 4 buildings at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South. Between Aldrich and Bryant Avenues and between the North edge of the Midtown Greenway (29th Street Rail Corridor) and South of 28th Street West.

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required front yard setback along Aldrich Avenue from the setback established by connecting a line from the adjacent residential structure from 20 feet to 10 f in order to allow 4 buildings and to reduce the required front yard setback along Bryant Avenue from the required 15 feet to 10 f in order to allow 4 buildings at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South. Between Aldrich and Bryant Avenues and between the North edge of the Midtown Greenway (29th Street Rail Corridor) and South of 28th Street West.

E. Variance

Application by CountyHome Builders, Inc. for a variance to reduce the required East interior side yard setback for 811 28th Street West from the required 9 feet to 0 feet in order to allow a driveway/drive aisle with the following conditions: the property owner of 809 28th Street West is in agreement with the easement, the slope (or grade change) of the driveway to the South meets Public Works specifications, and elevations are provided for the proposed driveway realignment.

Recommended Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required East interior side yard setback for 811 28th Street West from the required 9 feet to 0 feet in order to allow a driveway/drive aisle with the following conditions: the property owner of 809 28th Street West is in agreement with the easement, the slope (or grade change) of the driveway to the South meets Public Works specifications, and elevations are provided for the proposed driveway realignment.

F. Variance

Application by CountyHome Builders, Inc. for a variance application to reduce the interior side yard setback adjacent to the Greenway from 13 feet to 1.5 feet to allow a 8 foot wide walkway and to reduce the front yard setbacks adjacent to Aldrich and Bryant to 1.5 feet to allow a 8 foot wide walkway for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the interior side yard setback adjacent to the Greenway from 13 feet to 1.5 feet to allow a 8 foot wide walkway and to reduce the front yard setbacks adjacent to Aldrich and Bryant to 1.5 feet to allow a 8 foot wide walkway for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

G. Variance

Application by CountyHome Builders, Inc. for a variance application to allow a pedestrian walkway and HC ramp 10 feet wide in the required front yard setback on Bryant Avenue for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the variance application to allow a pedestrian walkway and HC ramp 10 feet wide in the required front yard setback on Bryant Avenue for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

H. Variance

Application by CountyHome Builders, Inc. for a variance to allow a 12.5 x 8 foot (100 sf) landing in the required front yard setback on Aldrich Avenue for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the variance application to allow a 12.5 x 8 foot (100 sf) landing in the required front yard setback on Aldrich Avenue for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

I. Variance

Application by CountyHome Builders, Inc. for a variance to reduce the required front yard setback on Aldrich Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building and to reduce the required front yard setback on Bryant Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required front yard setback on Aldrich Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building and to reduce the required front yard setback on Bryant Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

J. Site Plan

Application by CountyHome Builders, Inc. for a site plan to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Motion: The City Planning Commission adopted the findings and **approved** the site plan application to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South with the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
2. The final site plan shall show a dedication for a 22 foot easement for public access to construct the proposed “promenade” along the Midtown Greenway .
3. The floor plans of the townhomes and the lofts building shall be reconfigured to meet the requirements of Chapter 530, which state buildings shall be oriented so that at least one (1) principal entrance faces the public street.
4. The final site plan shall include more detail on the approved exterior materials and be the same site plan submitted for this City Planning Commission hearing inclusive of any changes approved by the CPC.
5. The applicant will consider adding more bicycle parking to the final site plan.
6. The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements before permits are issued or the permit may be revoked for noncompliance.
7. All site improvements shall be completed by February 1, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
8. Lighting plan subject to staff approval.

Staff Lonnie Nichols presented the staff report.

Commission President Martin: Lonnie, just so Commissioners either know or are reminded, this is pretty consistent with all the preliminary planning that was done for the greenway and this is just one of the sequence of things that has come forward, correct?

Staff Nichols: Correct. The planning has been in the works for a number of years and the site plan proposed contains elements that have been discussed a number of times.

The public hearing was opened.

Ross Fefercorn: Ross Fefercorn, from Countryhome Builders and we are the applicant for this segment of the Urban Village project. I would like to hand out a letter we received this afternoon from John Dietrich who happens to be a landscape architect, but who is also the president of the CARAG neighborhood (letter dated 4:18 PM). We had sent

Mr. Dietrich a copy of the letter I had sent to Lonnie dated January 26 regarding some commentary and rebuttal regarding conditions placed on the building by the staff and Mr. Dietrich agreed with our approach in the letter and that is what is reflected in his current letter. We spent quite a bit of time with the neighborhood board (shows overhead). What you are looking at is a colored illustration of the project in its massing and how it looks from a bird's eye view looking Northeast towards downtown Minneapolis and it shows our relationship of the downramp to the Midtown Greenway. It shows how we've carved out a corner to show with respect to the corner of Bryant and the Greenway. I think in all respects the Planning staff has done a great job. Some of their recommendations, however, we have not had a chance to discuss with Planning staff and we would like to discuss this today. Starting with my letter – we have indicated a 22 foot easement on the public promenade. The 22 feet ties out with a 12 to 18 inch parapet wall that creates a separation between public and private space. By public I mean the pedestrian promenade and by private I mean what would be coming out of the first floor loft condominium that faces the greenway, that also happens to be the foundation of our parking garage below. So we would like to maintain the 22 foot easement, which I think is similar to the Sherman Lander block. Under staff's site plan review recommendation number 2.

Commissioner Schiff: How big of an easement are you requesting?

Ross Fefercorn: It's 22 feet. From the property line and the downramp (notes drawing). This is Ryan Kronzer, an architect from Aaron Parker's office. This is the downramp, this line is the foundation of the building, also the parking garage below it. On the public promenade, we will have landscaping which the association will maintain, but it's at a lower plane than the yard spaces off of the Loft Condos. So there is a natural difference between public and private space. It also reduces ambiguity between what space belongs to whom. We have also gone over all these plans very carefully with the neighborhood groups involved.

President Martin: We have many letters from them.

Ross Fefercorn: "2ii" on my letter refers to the second half of staff's recommendations. 2ii is the plan that the townhome across the street have bridges that go over the alley, remember the alley is 8 to 10 feet lower in places because it approaches the underground parking. We have many concerns about this recommendation. We had actually looked at it in detail, talked about it with the neighborhood, and agreed that it wasn't a very workable solution for a couple of reasons. The reasons are the areas between the townhouses, each townhouse pedestrian view, which is the entrance to the townhouse front door, has 9 entrance doors off of it and it's a lot like any other neighborhood in the city where from Aldrich Avenue, you don't get to Bryant by going through the neighbor's yard. This is semi-private space and of course visitors to people who live in the townhouses enter the mew through a pergola, but in the association documents, it is a limited common area and semi-private. So by having a bridge that will introduce an element going over to Aldrich or Bryant in which way you go creates an ambiguity in the block and lot pattern of the City of Minneapolis. And we're concerned that the semi-private area now becomes a more public area that could become for example, recreational by neighborhood kids on bikes or skateboards. It also introduces logistical problems with snow maintenance. It introduces extra costs for maintenance of bridges and inspection of bridges that I think would be difficult for an association to absorb. It creates issues for example, if an owner in a unit has a SUV and puts a 10-speed bike on top to go on a camping trip, it will likely hit the bridge. So there are all kinds of little things that we don't think are going to be workable or affordable or respecting block and lot pattern. I address this in 2ii for several paragraphs. The other thing that we don't see in detail that there is access to private alley space so if we add a bridge to that, that conflicts with the space for that egress.

President Martin: Is that a public alley?

Ross Fefercorn: No it's not, it's a private alley. From several years ago, we had always assumed that this was a public alley. The alley was vacated a number of years ago, however, it wasn't known to us until recently when we got the title work and discovered that it was an easement so the project was designed around that. We would have liked to rededicate the alley to make it public, it fits all the parameters of a public alley, but Public Works did not want it. I can imagine there are a number of reasons why—it serves a development, the association can take care of it, it doesn't come into the City's budget, and so on.

Commissioner Krause: I having a bit of trouble understanding what is going to be at that edge. Is there a fence, or substantial landscaping that would keep people from falling over?

Ross Fefercorn: Yes, there is a fence there and it is protected in that regard. Other concerns that we had regarding that is that it adds shadow and blocks sunlight. It also creates some blind spots that may not be good for personal safety. I think it's a much better solution not to have bridges over it. One additional comment: the idea of sidewalks on avenues is to circumnavigate blocks, so we want people to continue to use it, not cut over it. The third issue has to do with principal entrances on streets, which apparently is a requirement of chapter 530 of the code. We redesigned our main entry so it does face Bryant, in fact it became the impetus to call the development Bryant Lofts. However, when applying this to cluster townhomes, it doesn't apply as well. The pattern we have set up is to introduce main entries to the cluster townhomes by entering off of the semi-private mew under a pergola as you experience it from Aldrich or Bryant. The pergola being the outdoor entrance feature to a semi-private space. We had also spent time with the neighborhood group regarding their desire to redesign the product already and have these porches on the avenues. We pointed out to the neighborhood that we had at one time had thought about having entries on the avenues, but there was a preference that we have activity areas for the residences on the avenues. So we redesigned the housing type which works much better for interior circulation and we have all the entries on the pedestrian, semi-private mew and we have a number of patio areas similar to the nature of other South Minneapolis homes with front porches. What is interesting about this, is that in a small block area, we have doubled the amount of porch area on the avenue. Entry doors are stagnant—people don't spend a lot of time around them. Also, as part of this design, we introduced, based on staff's recommendations, the idea of an entry pergola so that becomes a sense of outdoor entry you have for the semi-private public areas.

President Martin: So that would be public access for people coming to visit?

Ross Fefercorn: Correct. One of the things that John Dietrich reminded me of is that there are older buildings in the neighborhood that have pergolas. Adding entry doors on the avenues would reduce landscaping and introduce more hard surface. It wouldn't reduce the amount of hard surface in the mew area, but because you would have to have an entry feature with sidewalk now facing the avenue, you are introducing more hard surface. Additionally, because you have entry canopies, you have more variances which are not currently being applied for. Another real subtle point is keep in mind that from this site plan, you enter the parking garages for these buildings off of the alley, but what's required by code is when you are in the parking garage (and these are gang parking garages so all 9 units of one of these buildings park underground), you have to have a second means of egress. So each one of these has a little staircase that comes up from the parking garage that gets you to the avenue. So now if you try to add an entry door to those spaces, the confluence of these spaces becomes difficult to engineer and design.

President Martin: So what you're proposing is a complete underground ramp that is below all of the townhouses—these are not individual garages?

Ross Fefercorn: No. Each one of these buildings (shows underground footprint) has a 17-car parking garage beneath it and you have a private locked door to your unit.

Commissioner Krause: Madame Chair, my question is about the porches that are shown on the avenues—are those open, screened, three-season...?

Ross Fefercorn: Commissioner Krause, they are open to the air. They have a pergola design, but they are not screened in. While Chapter 530 asks for at least one principal entry door to be on the avenue, I want to point out that these townhomes have 9 principal doors, so the one facing the street isn't a principal entrance to the structure, it's a principal entrance to just one of the units within the structure. Chapter 598.260 apparently suggests that PUD cluster designs are exempt from street frontage requirements and I will say that 598.260 does not specifically address entry doors, but it does talk about exemptions from street front requirements, so I am not sure that the two statutes work well together. Are there any questions on the entry doors, 530?

I will conclude with floor plans. If you look at the floor plans, you realize that floor plans have all the interior activity areas facing the avenues, the living room, the dining room... On the fourth recommendation, I suggested a rewriting of the language. I don't disagree with the language, I just wanted some clarification on it. The staff language seemed to require that the final plans be exactly the same plans as when we pull building permits, and I am just pointing out that as we deal with code and engineering issues, plans generally change a bit, and I am merely suggesting that the plans may not be identical. On item six, we want consistency for the letter of credit. Regarding completion dates, I just wanted to add that we would prefer that the 24-month period commence from the first date of construction, probably July. The last comment, is on item eight, I just want to point out that our architects

perhaps took some liberties in showing fenestration without having fenestration engineered or knowing exactly how that is going to be sourced, so while it's our intentions to meet or exceed all requirements for window openings and fenestration, the drawings we have in front of us may have windows that are so large, that we are unable to have them appropriately engineered.

Ed Bell (property owner of four-plex at 2733 Bryant): I am here to speak in favor of the plan and am excited to have it in the neighborhood. I have been working with Intermedia Arts and we have worked toward a better façade and better sheds behind it, so the City will see sort of a new landscape there.

Staff Nichols: I wanted to clarify from my earlier report and comments from the applicant. One is if the pergolas are discussed and considered for approval, we will have to have variance for the height on those. Fencing was part of the notice, so it is possible that could be done tonight without an additional hearing and then also, there is an area on the plan, an entrance off of 28th Street-if the property were extended, it would make a little triangle there, it's actually on the adjacent property owner's land. The applicant provided a letter to that property owner (in packet). I do not have evidence of a letter of agreement on that matter.

Neil Anderson: Commissioners, I have some comments on the presentation. Just going down the memo dated January 26, item 2-1 talks about wanting to have an easement of 22 feet rather than 10 feet. It is my understanding according to staff that Lander Project which is a block to the west, has 10 feet and we wanted to be consistent in this project and asked for 10 feet.

Staff Nichols: For the preliminary plat for Lander, Public Works also made the recommendation there to have it be 10. Part of that is the responsibility of who is going to take care of it, so 10 feet was determined for that one.

Commissioner Schiff: is there any detriment to have a longer easement?

Staff Nichols: The plat for Lander originally came in as a 20 foot easement.

President Martin: I seem to recall when the original discussion of Urban Village was being done that there was some sense that the people buying these things should have a little more space between them and the public area.

Staff Nichols: I believe the building wall on both projects is about 40 feet back from the Greenway.

Neil Anderson: The second comment on item 2-2 about bridging over the alley, staff basically would concur that it could pose some safety problems. It would be nicer if the entire alley was bridged over and you could turn that into some type of open, common space for the project. A comment on number 3 which is that there is only one principal entrance that faces the street. As Mr. Fefercorn indicated, buildings shall be organized so that at least one principal entrance faces the street. He also brought up section 598.260 that says that [tape unclear] are exempted from these requirements. The idea of that particular language in the regulation is that if there are multiple buildings that are not up to the street and they may not be able to have a principal entrance on the street because they are back from the street. So, it is not a contradiction between 530 and 598 and staff is supportive and the site planning chapter does indicate the one principal entrance from the building should face the public street. It is also my understanding from talking with Council Member Niziolek that he is supportive of the principal entrance on the street and he had indicated that the neighborhood organization is also in support of that. Item 4, he [Fefercorn] talked about conditions being different, I think that's true in almost every plan that comes in, there are refinements but we also have major and minor changes, chapters 525-60 to 527.90, which indicates that there are major and minor changes. If the changes are major, then the developer has to come back through the Planning Commission for approval of those changes. If they are minor, they can be done administratively. Staff cannot give approval on those changes if we do not know what those changes are. In section 598.260, the same section that was quoted by the developer, also indicates the PUD shall implement the site plan that's approved by the Planning Commission. Number 6, which talked about performance bonds and letters of credit, 530 only indicates the performance bond. It's unfortunate we don't have the opportunity to use other means, but 530 is pretty specific on that. Finally, number 7 talks about having two years from the time the permits are pulled-actually the PUD requirements of the zoning code allow two years for approval from a PUD application, so as soon as the application is approved, you have two years in which to do something. That can be extended by the Zoning Administrator if asked and if a developer is in process of the development, the City is not going to come forward and penalize them if they are not completed by that date. It is

only when nothing has been done by the end of that time that the developer has problems and has to come back for additional review.

President Martin: Mr. Fefercorn, you say you have some evidence from the Hollman family about access, is that it?

Ross Fefercorn: I met with them on a couple of occasions and received a letter back from them with a few more conditions, so we are putting together an agreement. Specifically, they want us to take care of the landscaping improvements; Two, they want to address a few conditions set forth-the easement agreement be terminated under certain conditions and they don't want it to be terminated under any condition unless it becomes commercial. They want us to relax our requirements about abandoned vehicles. In general, they agree with our conditions. We can come back to staff with a letter of recommendations.

Commissioner Krause: One of the neighborhood groups was requesting you do some pedestrian lighting, which I think is in the public right-of-way. Has that been resolved?

Ross Fefercorn: I believe what they may be referring to is a desire for traditional City of Minneapolis pedestrian lighting, which is included in the project's public improvements budget.

President Martin: Could you also respond to the conditions that the Wedge neighborhood association asked for in the April letter from last year that there be a stairway at the northwest corner of Greenway and Aldrich?

Ross Fefercorn: That's really beyond the scope of our project since it's county and city property, it's not part of our request for approvals.

President Martin: And then there was a question about the location of garage exhausts.

Ross Fefercorn: That's part of the engineering that has not been done yet. At one time we had additional garage space in our lower level and at the time we were talking to the neighborhood group there was a concern that we would have an exhaust fan jutting out on to the Greenway. That does not exist any more.

Commissioner MacKenzie: Could you go through the discussion of the alley and some of the safety or lighting?

Ross Fefercorn: Well it's a service alley, much like the traditional alleys in south Minneapolis. Unlike other alleys, we do have landscaping areas. We also have porches on the alleys, so there's a place for people to watch.

Commissioner MacKenzie: My question is more if you have details about where the lighting is going to go?

Ross Fefercorn: We don't have a lighting plan. In terms of our work I am particularly interested in high quality lighting and we'll go to the nth degree to get the right look and safe lighting, so while we haven't explored that entirely, we will.

Staff Nichols: One more item on the alley-toward the end of your packets there are about six sheets related to the plat, and on sheet 2 of 6, one of the prominent features is drainage to the urban greenway and I'm wondering if the applicant can share how that drainage might happen like if it's a pipe that's connected to the storm water sewer system or is it free flow pipe and is water just going to run to the greenway, that's a concern that will definitely come up later when Public Works takes a look.

Ross Fefercorn: I think what we are looking at is the plan prepared by Laux Associates and Consultants. We did have an opportunity to meet with Paul Chellsen from Public Works prior to submitting the plan with our civil engineer-I wanted to make sure that the storm sewers [end of tape]. In our redesign of the storm water I believe we did a considerable job figuring out and mitigating the storm water that will flow off-site. There is a series of inverted structures that hold storm water and allow it to percolate. When they reach a certain level it will flow into storm water outlets and a storm water system on 28th and in one situation it's designed to go underground parallel to the greenway, and then tie into a lift station by the bridge at Lyndale.

Commissioner LaShomb: moved the rezoning (item A, MacKenzie seconded).

The motion passed 7-0.

Commissioner LaShomb: moved the preliminary plat (item B, G. Johnson seconded).
The motion passed 7-0.

Commissioner LaShomb: moved the conditional use permit (item C, G. Johnson seconded).
The motion passed 7-0.

Commissioner MacKenzie: I would like us to reopen item B to talk about a 10 foot easement.

The commission reopened item B.

Commissioner MacKenzie: I wanted to raise the issue of a larger easement, partly for the reason we discussed, for the type of building wall that we could see someday on the edge of the greenway.

Commissioner Krause: I think what we're trying to get here is something consistent, so unless we know with certainty what it was with the Lander project...

Staff Nichols: Public Works sent a memo with that project that listed 10 feet. That's not to say that a final plat could not be brought back or discussed at a later date.

President Martin: Why don't we do it that way. We'll use this as a preliminary template, and when the final one comes in maybe we can do some discussion. It would be helpful to know what the Lander project is, and also know the third piece.

Commissioner Krause: Madame Chair, I would like to hear from the developer.

Ross Fefercorn: Just for a point of clarity, the same landscape architect that is working on the promenade, Close Associates, is working on our project as well. I think there may be a bit of confusion regarding easement versus what is built there. Close Associates is designing a contiguous sidewalk hard surface that will line up and tie in with both the Lander Sherman block as well as the Brighton block, so consistency will be there.

Commissioner Johnson: [tape unclear].

Commissioner Schiff: I concur, it sounds like a victory, and I don't know why we would turn it down.

Commissioner Krause: I don't disagree with having more green space although I think the green space along the sidewalk should be consistent between the three projects. I am ok with the 22 foot easement also.

Commissioner Schiff: I am going to make a motion to reconsider item B, with a substitute if that passes to take up the developer's suggestion for a 22 foot easement.

The motion to reconsider passed 7-0.

The motion for a 22 foot easement passed 7-0.

Commissioner LaShomb moved the site plan (Krause seconded) with a change to item 2 to include the 22 foot easement change in item B, and eliminate the pedestrian walkways. Noted that the proposed item 2 would read as follows:

2. The final site plan shall show a dedication for a 10 foot easement for Public Access to construct the proposed "promenade" along the Midtown Greenway, ~~and a minimum of two pedestrian walkways that bridge over the top of the private driveway from the Aldrich (east) townhomes to the Bryant (west) townhomes to enhance and connect common space elements and facilitate the safe movement of pedestrians on site.~~

Commissioner G Johnson: On item number 3, I would like to open that. I think the developer made a good argument for the pergolas as an entry ways into the porched in areas for the townhomes, and having him alter his buildings to meet the code doesn't really work for creating private spaces within the walkways (MacKenzie seconded).

Commissioner Krause: there is not any disagreement about the lofts building, and I did hear the developer say that was going to be reconfigured at the principal entrance, so it's the townhouses that are an issue.

Commissioner LaShomb: I heard the staff say that chapter 530 applied and chapter 592 does not apply, so as a Planning Commission our job is to uphold the code.

President Martin: Why don't we vote? We have the site plan with conditions one, two altered with a period after Greenway, condition 4, 5, 6, 7.

Commissioner Hohmann: I would like to add a condition 8 that lighting plans would be submitted to staff for review.

The site plan passed 7-0.

President Martin: Condition 3 has been moved and seconded that we take out the requirement that the floor plans of the townhomes be reconfigured to have entrances on the public street.

The motion failed 3 ayes and 4 opposed.

President Martin: All those in favor of the original motion?

The motion passed 5-2.

Commissioner Krause moved variances D, E, F, G, H, and I (MacKenzie seconded).

Staff Nichols: Staff would need a little more direction on how to incorporate the proposed pergola structures if such structures were added to the site plan. That would be not only in the fence line, but that arbor that is shown may require a setback.
[tape unclear].

The motion for variances passed 7-0.