

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variance, Site Plan Review, Alley Vacation and Preliminary Plat
BZZ-2807

Date: March 6, 2006

Applicant: Sherman Associates

Address of Property: 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast

Project Name: Central Avenue Mixed-Use Development

Contact Person and Phone: Mark Kronbeck with Alliant Engineering, (612) 758-3085

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

Date Application Deemed Complete: February 7, 2006

End of 60-Day Decision Period: April 9, 2006

End of 120-Day Decision Period: Not applicable for this application

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: C1, Neighborhood Commercial District, C2, Neighborhood Corridor Commercial District and PO, Pedestrian Oriented Overlay District

Proposed Zoning: C2, Neighborhood Corridor Commercial District and PO, Pedestrian Oriented Overlay District

Zoning Plate Number: 10

Legal Description: Lot 2, Block 1, WILSON CENTRAL ADDITION: The East 80.34 feet of Lots 16 through 20, which lies north of the south 26.00 feet of said Lots 16 through 20. AND that part of the Alley in Block 9, lying north of the easterly extension of the south 26.00 feet of Lot 16, said Block 9. AND Lots 1 through 6, together with Lot 7, except that part of said lot 7 lying southerly of a line drawn from a point on the east line of said lot 7 distant 32.13 feet north from the southeast corner of said lot to a point on the west line of said lot 7 distant 32 feet north of the southwest corner of said lot; All in Block 9, Wilson's Rearrangement of Block 2, 3, 6, 7, 9. 10, 11, 14, 15, 19, 20, 21, 24, 26, 29, 31, 33, 35, 37, 39 and 41 of East Side Addition to City of Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

Proposed Use: Mixed-use development including 66 dwelling units and fifteen thousand square feet of commercial space

Concurrent Review:

Rezoning: of 910 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast and from C1 to C2

Conditional use permit: for 66 dwelling units

Variance: to reduce the rear yard setback from the required 11 feet to zero feet for two parking spaces

Site plan review

Alley vacation: Vac-1443

Preliminary plat: PL-195

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IV, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, Chapter 530, Site Plan Review and Chapter 598, Land Subdivision Regulations

Background: The applicant is proposing to construct a four-story mixed-use development including 66 rental dwelling units and approximately 15,000 square feet of commercial space. The site is currently occupied by the US Bank building and its detached drive-through facility. The applicant will be demolishing both of these buildings making way for the proposed development and also the proposed seven-unit attached townhouse development to the west of the site.

US Bank will occupy the commercial space on the corner of Central Avenue Northeast and 24th Avenue Northeast and will have a drive-through facility attached. In the PO, Pedestrian Oriented Overlay District drive-through facilities are prohibited. However, Section 551.170, Central and Lowry area, allows existing drive-through banking facilities to be rebuilt or expanded by one additional drive-through lane provided the drive-through banking facility or additional drive-through lane is located within the boundaries of the zoning lot. In this case, the number of drive-through lanes is being reduced and is located within the boundaries of the zoning lot. The other commercial tenants are unknown at this time. There will be 67 parking spaces provided underground for the residents and an additional 42 surface parking spaces for the commercial uses within the building. Also located outside is a playground and outdoor recreation area for the residents of the building.

The eastern portion of the site is zoned C2, Neighborhood Corridor Commercial District and the western portion of this site is zoned C1, Neighborhood Commercial District. When platting land new lots cannot be created that have multiple zoning classifications. In order to rectify this the applicant is proposing to rezone the entire site C2. In addition, this development requires a conditional use permit, a setback variance, site plan review, an alley vacation and a preliminary plat.

Travel Demand Management Plan: The Public Works Department requested that a discretionary Travel Demand Management Plan (TDMP) be done for this project. The applicants are in the process of writing the TDMP. It is anticipated that they will have a draft of the TDMP submitted to the City by the week of February 20th.

REZONING - of 910 24th Avenue Northeast and a portion of the property located at 2323 Jackson

Street Northeast and from C1 to C2

Findings as Required by the Minneapolis Zoning Code:

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

The site is designated as retail-commercial in the comprehensive plan. In addition, the site is located on Central Avenue Northeast which is a designated Commercial Corridor and one block south of Lowry Avenue Northeast which is a designated Community Corridor. The site is also located within the designated Central Avenue Northeast and Lowry Avenue Northeast Activity Center and the designated Central and Lowry Major Housing Sites. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city (Policy 4.17).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Support development in commercial corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 9.28).
- Identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 9.31).

Rezoning the western portion of this site from the C1 District to the C2 District would be in conformance with the foregoing policies of *The Minneapolis Plan*. The C2 District allows for higher density housing and a wider range of commercial uses which are both appropriate for a site located on a Commercial Corridor and within an Activity Center and a Major Housing Site.

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

The rezoning is necessary to match the district boundaries to the proposed lot lines. While moving the lot line is in the interest of the property owner it is also in the interest of the public to have clear and orderly development of land. The subdivision ordinance does not allow split zoning on parcels, so it is necessary to rezone a relatively small part of the new parcel from C1 zoning to C2 zoning; therefore, the rezoning is also in the interest of the public.

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

The site is bordered by R5 and C1 zoning to the north, C2 zoning to the east and C1 zoning to the south. The property to the west is currently zoned C1 but is proposed to be rezoned to R4. Adjacent uses include a mixture of residential uses, commercial uses, a church, a park and a community center.

Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C2 zoning district would be compatible with the surrounding area.

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

There are reasonable uses of the property permitted under the C1 zoning district. The C1 zoning district is a neighborhood commercial district. Permitted uses in the C1 district include, but are not limited to, the following:

- General retail sales and services
- Child care center
- Performing, visual or martial arts school
- Offices
- Coffee shop, with limited entertainment
- Clinic, medical or dental
- One to four dwelling units, as part of a mixed0use building

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 October of 2001, the site located to the west of the site was redeveloped. The site was rezoned from R2B to R3 to allow for a nine-unit cluster development.

CONDITIONAL USE PERMIT - for 66 dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that 66 dwelling units will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The additional residential units would help support the commercial uses in the designated Activity Center and the principles and polices outlined in *The Minneapolis Plan* as they relate to Major Housing Sites.

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

The Planning Division does not believe that 66 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Constructing 66 rental dwelling units within the building will provide an additional housing type within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. As for vehicular access, the site has been designed with one vehicular access point leading into the site for both the residential and commercial parking areas. The access drive is located along 24th Avenue Northeast. In addition, a second access point for the drive-through facility is located along 24th Avenue Northeast. The two access points are located over 130 feet from one another. This distance will minimize conflicts between vehicles entering the site and pedestrians.

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

The parking requirement for the residential portion of the development is one parking space per dwelling unit, or 66 parking spaces. The applicant is proposing to have 67 parking spaces located underneath the building for the residents. Access to the underground parking spaces is off of 24th Avenue Northeast.

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

The site is designated as retail-commercial in the comprehensive plan. In addition, the site is located on Central Avenue Northeast which is a designated Commercial Corridor and one block south of Lowry Avenue Northeast which is a designated Community Corridor. The site is also located within the designated Central Avenue Northeast and Lowry Avenue Northeast Activity Center and the designated Central and Lowry Major Housing Sites. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city (Policy 4.17).
- Develop a citywide Housing Strategy for placing medium (10 to 30 units per acre) to high-density (30+ units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities, e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors (Implementation Step for Policy 4.17).
- Support the development of residential dwellings of appropriate form and density (Policy 9.5).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. Constructing 66 dwelling units on the site supports the city's adopted Housing Strategy for increasing density throughout the city.

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

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

VARIANCE - to reduce the rear yard setback from the required 11 feet to zero feet for two parking spaces

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

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

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 11 feet to zero feet for two parking spaces. The applicant has indicated that there will be seven commercial tenants located within the building. Each of the commercial tenants has a parking requirement of four parking spaces for a total of 28 parking spaces. Although there are 42 parking spaces located in the surface parking lot behind the building the parking spaces are also intended to be used for visitors of the residential portion of the development.

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

Rear yard setback: The circumstances are unique in that if the setback was determined based on what is currently on the site and the site to the west and the existing zoning of the sites, no setback would be required as the setback would be for the building only not the parking lot.

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

Rear yard setback: The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. Although the parking lot is being constructed up to the rear property line there is a ten-foot wide landscape yard located on the adjacent property to the west that will provide a buffer between the two properties.

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

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

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**

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

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian

access along both Central Avenue Northeast and 24th Avenue Northeast. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.

- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The building is setback between three and eight feet from Central Avenue Northeast and between two and six feet from 24th Avenue Northeast.
- In between the building and the front and corner side property lines the applicant is proposing to have landscaping and increased sidewalk widths.
- Each of the commercial tenants has a principal entrance facing Central Avenue Northeast and a secondary entrance facing the surface parking area. The principal residential entrance is located on the 24th Avenue Northeast side of the building. The residential portion of the development also has a secondary entrance facing the surface parking area.
- The surface parking area is located towards the rear of the site and is screened from the public streets and sidewalks by the building.
- The exterior materials of the building include brick, cast stone, stucco, metal panels and cement based siding.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor of the building that is commercial, at least 20 percent of the first floor that is residential and at least 10 percent of the upper floors of the Central Avenue Northeast, 24th Avenue Northeast and rear wall of the building are required to be windows. The analysis of the project's compliance with these requirements follows:
 - Central Avenue Northeast: the percentage of windows on the first floor of the building is 32 percent, the percentage of windows on the second and third floor of the building is 23 percent and the percentage of windows on the fourth floor of the building is 20 percent.
 - 24th Avenue Northeast: the percentage of windows on the commercial portion of the first floor is 33 percent and the percentage of windows on the residential portion of the first floor building is 23 percent, the percentage of windows on the second and third floor of the building is 23 percent and the percentage of windows on the fourth floor of the building is 21 percent.
 - Rear wall: the percentage of windows on the commercial portion of the first floor is 12 percent and the percentage of windows on the residential portion of the first floor is 21 percent, the percentage of windows on the second and third floor of the building is 14 percent and the percentage of windows on the fourth floor of the building is 13 percent. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 30 percent windows on the commercial portion of the first floor of the building facing the parking lot. Given that the commercial spaces run through the building and are accommodating two entrances the Planning Division believes that it would be impractical to require an additional 223 square feet of windows on this side of the building.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that the applicant comply with this requirement.

- The roof line of the building is proposed to be flat, similar to roof lines of other commercial buildings in the area.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- All of the entrances are directly connected to the public sidewalks along Central Avenue Northeast and 24th Avenue Northeast and a walkway connects building entrances to many of the parking spaces to the rear of the building.
- No transit shelters are proposed as part of this development.
- The site has been designed with one vehicular access point leading into the site for both the residential and commercial parking areas. The access drive is located along 24th Avenue Northeast. In addition, a second access point for the drive-through facility is located along 24th Avenue Northeast. The two access points are located over 130 feet from one another. This distance will minimize conflicts between vehicles entering the site and pedestrians.
- Section 530.150(b) prohibits uses with a drive-through facility and any non-residential use over 4,000 square feet from using a public alley for vehicular access. The applicant is proposing to have a loading area in the parking lot that is accessed from the alley. The way that the loading area has been designed it would also allow vehicles that are in the parking lot to exit the site through the alley. Without the loading area those vehicles that enter the parking lot and are unable to find a parking space would need to back up out of the parking lot as there is no turn around. To avoid this situation the Transportation Division of Public Works believes that this is an acceptable use of the alley.
- Section 530.150(c) allows the City Planning Commission to approve exceptions to allow alley access where strict adherence is impractical because of site location or conditions. Factors to consider when determining whether to approve an exception include; the number of residential and commercial uses on the block and their use of the alley, the location of the site and its proximity to the end of the block, other access to and from the site, the nature of the use and the number of vehicle trips the site is expected to generate, public safety and crime prevention, the hours and days of operation of the use and the alley design and traffic safety impacts. There is a mixture of commercial and residential uses on the block. Both uses utilize the alley for access and parking purposes. The site is located on the north end of the block and has access from a public street. However, in order to access the loading area and to avoid creating a dead-end parking lot access to the alley is necessary. The Planning Division is recommending that the City Planning Commission grant an exception and allow alley access for this development.

- There is no maximum impervious surface requirement in the C2 zoning district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan 24 percent of the site not occupied by the building is green space. The site has been designed with an exit-only lane for those using the drive-through. In order to reduce the amount of impervious surfaces on the site the Planning Division is recommending that the exit-only lane be eliminated. By eliminating the exit-only lane the number of vehicles in the parking lot will increase. In order to accommodate for this and to provide better visibility in the parking lot the Planning Division is recommending that the width of the drive aisle be increased by two feet.

LANDSCAPING AND SCREENING:

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

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 64,886 square feet. The footprint of the building is 25,731 square feet. When you subtract the footprint from the lot size the resulting number is 39,155 square feet. Twenty percent of this number is 7,831 square feet. The applicant has a total of 9,482 square feet, or 24 percent of the site is landscaped.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 15 and 78 respectfully. The applicant is providing a total of 12 canopy trees and 316 shrubs on the site. The applicant is also providing ornamental trees, evergreen trees and perennials on the site. The Planning Division is recommending that the applicant include three more canopy trees in the landscaping plan in order to meet the minimum requirement as required by Section 530.160.
- A landscaped yard is required along the rear property line. The applicant has applied for a variance to reduce the setback to zero feet. The Planning Division is recommending approval of the setback variance. The Planning Division is recommending that the City Planning Commission grant alternative compliance to not require a landscaped yard along the rear property line. Although there is no landscaped yard on the property there is a ten-foot wide landscaped yard located on the adjacent property to the west that will provide a buffer between the two properties.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. Both of these requirements are being met.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**

- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- There is six-inch by six-inch curbing around the perimeter of the parking lot. Given this, the site will be graded so stormwater runoff runs into various catch basins located throughout the site.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regard to crime prevention design elements. The Crime Prevention Specialist suggested that a transition from the public to the semi-public space in the pedestrian way be created and that proper signage be used to direct traffic in the parking lot.
- This site is neither historic nor located in a historic district.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the R4 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for the residential portion of the development is one parking space per dwelling unit, or 66 parking spaces. The applicant is proposing to have 67 parking spaces located underneath the building for the residents. The parking requirement for the commercial portion of the development is one space per 300 square feet of gross floor area over 4,000 square feet but not less than four spaces per use. All seven of the commercial spaces are smaller than 4,000 square feet; therefore the parking requirement for the commercial portion is 28 spaces. The applicant is proposing to have 42 parking spaces in a surface parking lot on-site.
- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 64,886 square feet in area. The applicant proposes a total of 101,313 square feet of gross floor area, an FAR of 1.56.
- **Building Height:** The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing to construct a four-story building that measures 54 feet in height.

- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. With 66 proposed dwelling units on a lot of 64,886 square feet, the applicant proposes 983 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is located in the C2 zoning district. The front yard setback requirement for this building is zero feet. The interior side yard and rear yard setback requirements for this building are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these two sides of the building is 11 feet. The corner side yard setback requirement for this building is zero feet. The applicant has applied for a variance to reduce the setback along the rear yard. The other setbacks are being met.
- **Specific Development Standards:** The applicant has not identified uses that have specific development standards as outlined in Chapter 536 of the zoning code.
- **Hours of Operation:** Residential uses are not subject to hours of operation. However, commercial uses are subject to hours of operation. The hours of operation for the C2 District are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. Please note that the zoning code regulates hours of operation that a business is open to the public. The applicant has indicated that the commercial tenants within the building will comply with the hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall.

Wall signs are limited to 180 square feet in size and projecting signs are limited to 16 square feet in size and shall not project outward from the building by more than four feet. The maximum height for both wall signs and projecting signs is 24 feet and wall signs are not permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. Finally, if there is a freestanding sign on the site than there shall not be any projecting signs on the building.

The applicant is not proposing to have any freestanding signs on the site. The only signs that the applicant knows of now are two wall signs for US Bank. Each of these signs measures 16 square feet and are located 13 feet above ground.

- **Refuse storage:** The applicant is proposing to have an enclosed refuse container located in the parking lot towards the back of the site. It will be accessible from the alley.

MINNEAPOLIS PLAN:

The site is designated as retail-commercial in the comprehensive plan. In addition, the site is located on Central Avenue Northeast which is a designated Commercial Corridor and one block south of Lowry Avenue Northeast which is a designated Community Corridor. The site is also located within the designated Central Avenue Northeast and Lowry Avenue Northeast Activity Center and the

designated Central and Lowry Major Housing Sites. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The development is traditional in its siting on the property, has large storefront windows along the street frontages and has access doors into the individual uses at the street. In addition, the parking lot has been located in back of the building and is landscaped on the perimeters and the interior.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the full 30 percent windows on the commercial portion of the first floor of the building facing the parking lot. Given that the commercial spaces run through the building and are accommodating two entrances the Planning Division believes that it would be impractical to require an additional 223 square feet of windows on this side of the building. There will be security cameras on site which will help with monitoring the parking area. In

addition, the residential portion of the first floor of the building is meeting its window requirement.

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to not require a landscaped yard along the rear property line. Although there is no landscaped yard on the property there is a ten-foot wide landscaped yard located on the adjacent property to the west that will provide a buffer between the two properties. Please note that normally the Planning Division would not recommend the elimination of a required landscaped yard simply based on there being landscaping on an adjacent property, but this development and the development to the west are part of one larger redevelopment of the site.

VACATION (Vac1443) – The north 194 feet of a 20-foot wide alley located in Block 9, Wilson’s Rearrangement, of Eastside Addition to Minneapolis

Development Plan: The site plan for the development is attached.

Responses from Utilities and Affected Property Owners: Of the utilities and/or affected property owners that have responded Xcel Energy and Qwest have requested an easement.

Findings: The Public Works Department finds that the area proposed for vacation is not needed for any public purpose given that a new alley will be platted thus not creating a dead end alley on the block.

PRELIMINARY PLAT - PL-195

Required Findings:

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

The subdivision is in conformance with the regulations of the zoning code and the comprehensive plan. The subdivision is also in conformance with the design requirements of the land subdivision regulations except for Section 598.240(4). Section 598.240(4) requires that no new lot be created with more than five (5) sides.

Lot 1 has only four sides so a variance is not needed for this lot. However, Lot 2 has six sides; therefore a variance to increase the number of sides is required.

While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below:

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such

conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The existing site is made up of ten underlying parcels of land. Lot 1 will be made up of portions of two of the underlying lots and Lot 2 will be made up of portions of nine of the underlying lots. Given the existing lot configurations and the property boundaries it would be difficult to create two parcels with less than five sides each.

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

The Planning Division does not believe that the proposed development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The seven townhouses and the mixed-use development will provide additional housing types within the neighborhood and new commercial uses. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

3. 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 relatively flat. The Planning Division believes that the site can be developed upon and used safely.

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 parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater 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 Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of 910 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast and from C1 to C2.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 66 dwelling units located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the rear yard setback from the required 11 feet to zero feet for two parking spaces located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan

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review for a mixed-use development including 66 dwelling units and fifteen thousand square feet of commercial space located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast subject to the following conditions:

1. Thirty percent of the commercial windows shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views as required per section 530.120.
2. The exit-only lane from the drive-through facility shall be eliminated.
3. The width of the east-west drive aisle shall be increased by two feet.
4. Three more canopy trees shall be included in the landscaping plan in order to meet the minimum requirement as required by Section 530.160 of the zoning code.
5. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.
6. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
7. All site improvements shall be completed by April 14, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the vacation application of all that part of the public alley dedicated in Block 9, Wilson’s Rearrangement to the Eastside Addition to Minneapolis, Hennepin County, Minnesota, lying north of a line extended westerly from the southwest corner of Lot 5, said Addition, to the southeast corner of Lot 16, said Addition, according to the recorded plat thereof, Hennepin County, Minnesota subject to the retention of easements in favor of the Xcel Energy and Qwest.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the preliminary plat application for Wilson Central Addition located at located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 2323 Jackson Street Northeast and 900, 910 and 916 24th Avenue Northeast.

Attachments:

1. Letter from the property owner authorizing the development
2. Project description
3. Conditional use permit and variance findings
4. Alley vacation responses
5. December 7, 2005, memo from Public Works regarding the preliminary plat
6. January 24, 2006, e-mails to CM Ostrow and the Holland Neighborhood
7. Letter from the Holland Neighborhood Improvement Association
8. Preliminary Development Review (PDR) notes from the meeting held on February 8, 2006
9. Zoning map
10. Aerial photo of the block
11. Civil drawings, site plan, floor plans, elevations
12. Photographs of the site and the surrounding area