

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, Variances and Site Plan Review  
BZZ-2810

**Date:** March 6, 2006

**Applicant:** Sherman Associates

**Address of Property:** 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast

**Project Name:** Central Avenue Mixed-Use Development, Townhomes

**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 and PO, Pedestrian Oriented Overlay District

**Proposed Zoning:** R4, Multiple-family District and PO, Pedestrian Oriented Overlay District

**Zoning Plate Number:** 10

**Legal Description:** Lot 1, Block 1, WILSON CENTRAL ADDITION: That part of Lots 16 through 20 which lies north of the south 26.00 feet and west of the east 80.34 feet of said Lots 16 through 20, 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:** Seven unit townhouse development

**Concurrent Review:**

**Rezoning:** of 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast from C1 to R4

**Conditional use permit:** for 7 dwelling units

**Variance:** to reduce the front yard setback from the established 20 feet to 15 feet for the building, to 11 feet for air-conditioning units and to 9 feet for the open porches

**Variance:** to reduce the corner side yard setback along 24th Avenue Northeast from the required 12 feet to 10.5 feet for the building and to 6 feet for a vehicle maneuvering area

**Site plan review**

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

**Background:** This development is part of the larger mixed-use development occurring to the east of the site. The applicant will be demolishing the existing US Bank building and the detached drive-through facility on the site making way for the proposed developments. The underlying land will be replatted as part of the larger development into two individual lots.

The applicant is proposing to construct seven for-sale attached townhouses on the site. Five of the townhouses will have two bedrooms and the remaining two townhouses will have three bedrooms. Each of the townhouses will have a tuck-under two car garage.

Although the townhouse development is allowed in the C1, Neighborhood Commercial District, the applicant is proposing to rezone the site to R4, Multiple-family District. In addition, this development requires a conditional use permit, two setback variances and site plan review.

**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 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast from C1 to R4

**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 one block west of 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. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Maintain and strengthen the character of the city’s various residential areas (Policy 9.8).

Rezoning the site from the C1 District to the R4 District would be in conformance with the foregoing policies of *The Minneapolis Plan*. Changing the zoning classification from commercial to residential would be more compatible with the character of Jackson Street Northeast and the surrounding residential uses given that the proposed lot does not have frontage on the Commercial or Community Corridor.

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

The townhouse development that the applicant is proposing to construct would be allowed in both the C1 and R4 zoning districts. Rezoning the site to R4 would be more compatible with the surrounding area.

**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 zoning to the north, C2 zoning to the east, C1 zoning to the south and R3 zoning to the west. 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 R4 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 7 dwelling units

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

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

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

The Planning Division does not believe that a seven-unit attached townhouse development will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

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

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

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. As for vehicular access, the access point leading into the site has been designed to come in off of the alley which will minimize conflicts with pedestrians and the surrounding residential uses.

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

The parking requirement for the development is one parking space per dwelling unit, or seven parking spaces. Each townhouse will have its own tuck-under two car garage.

**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 one block west of 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. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Maintain and strengthen the character of the city’s various residential areas (Policy 9.8).
- Promote increased housing production in designated areas of the City in order to accommodate population growth (Policy 9.22)

A seven-unit attached townhouse development will provide the area with an additional housing option. In addition, the development will enhance the character of Jackson Street Northeast by converting a commercial corner to a residential corner.

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

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

**VARIANCE** - to reduce the front yard setback from the established 20 feet to 15 feet for the building, to 11 feet for air-conditioning units and to 9 feet for the open porches

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

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

**Front yard setback:** The applicant is seeking a variance to reduce the front yard setback from the established 20 feet to 15 feet for the building, to 11 feet for air-conditioning units and to 9 feet for the open porches. The applicant has indicated that the 20-foot setback is required by the R4 zoning district. If the site were to remain C1 the front yard setback would be equal to the setback of the residential property to the south but the setback would only apply to the first forty feet of land north of the adjacent property. The adjacent residential property is setback 20 feet from the front property line. In addition, if the property were to remain C1 a variance to increase the setback of the building would be required as the PO, Pedestrian Oriented Overlay District requires that all new buildings be constructed within eight feet of the front property line unless subject to a greater setback.

Locating the building at the 20-foot setback line would require that the green space on the east side of the site be removed which is providing a buffer between this development and the adjacent development. The applicant has indicated that it is important to have the landscape buffer between the two properties in order to help mitigate sound and noise from the adjacent mixed-use

development. The applicant has also indicated that the townhouses will be located 39 feet from the north wall of the adjacent residential property.

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

**Front yard setback:** The circumstances are unique in that the site serves as a buffer between the commercial properties along Central Avenue Northeast and the residential properties to the south and west. In addition, the property located on the south end of the block is located up to the front property line along Jackson Street Northeast.

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

**Front yard setback:** The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. Maintaining a similar setback as the other buildings along Jackson Street Northeast helps to establish a building wall along the street and allowing the open porches to project outwards from the building will provide for eyes on the street when people are on them. The air-conditioning units will be screened by the landscaping and the open porches.

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

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

**VARIANCE** - to reduce the corner side yard setback along 24th Avenue Northeast from the required 12 feet to 10.5 feet for the building and to 6 feet for a vehicle maneuvering area

**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.**

**Corner side yard setback:** The applicant is seeking a variance to reduce the corner side yard setback along 24th Avenue Northeast from the required 12 feet to 10.5 feet for the building and to 6 feet for a vehicle maneuvering area. The applicant has indicated that the residential development to the west of the site is located nine feet from the property line and in order to maintain the building wall along 24<sup>th</sup>

Avenue Northeast the proposed building was set closer to the property line. Please note that the building to the east is proposed to be located at the property line along 24<sup>th</sup> Avenue Northeast.

A vehicle maneuvering area is also located in the required corner side yard. The applicant has indicated that in order for the vehicles to get out of the garage on the north end of the development the maneuvering area needed to extend into the setback. Please note that if this was a drive way it would be a permitted obstruction in the required yard.

**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.**

**Corner side yard setback:** The circumstances are unique in that the existing building to the west of the site is located nine feet from the property line along 24<sup>th</sup> Avenue Northeast. In addition, because the entire northern portion of the block is being redeveloped there is no established setback to adhere to.

**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.**

**Corner side yard setback:** The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. Maintaining a similar setback as what is established helps to establish a building wall along the street. The Planning Division is recommending that additional landscape materials be added between the vehicle maneuvering area and the property line in order to screen this area from the public street and sidewalk.

**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.**

**Corner side 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 the Jackson Street Northeast side of the building. The building wall facing 24<sup>th</sup> Avenue Northeast is void of windows. The Planning Division is recommending that windows be added to the north side of the building on the upper two levels which will help maximize natural surveillance from within 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. However, the R4 zoning district requires a greater setback than eight feet. The building is setback 15 feet from the front property line along Jackson Street Northeast and 10.5 feet from the corner side property line along 24<sup>th</sup> Avenue Northeast. Both of these setbacks require a variance from the R4 zoning district requirements.
- In between the building and the front property line the applicant is proposing to have open porches and landscaping. In between the building and the corner side property line the applicant is proposing to have landscaping.
- Each of the townhouses has a principal entrance facing Jackson Street Northeast. In addition, all of the townhouses will have secondary entrances through the tuck under garages.
- There is no accessory parking facility on the site.
- The upper two levels of the building are proposed to be constructed out of vinyl siding and stucco and the first level of the building is proposed to be constructed out of rock face block. Vinyl

siding is not considered to be a durable material. The Planning Division is recommending that the proposed vinyl siding be removed and instead a cement base material be used.

- The north and south ends of the building contain areas where there are blank, uninterrupted walls over 25 feet in length that are void of windows, entries, recesses or projections, or other architectural elements. In order to break up these walls of the building and help maximize natural surveillance from within the building the Planning Division is recommending that windows be added to the north side of the building on the upper two levels and that architectural detaining be added to the south side of the building on the upper two levels.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the Jackson Street Northeast and 24<sup>th</sup> Avenue Northeast walls of the building are required to be windows. The analysis of the project's compliance with these requirements follows:
  - Jackson Street Northeast: the percentage of windows on the first floor of the building is zero percent, the percentage of windows on the second floor of the building is 21 percent and the percentage of windows on the third floor of the building is 16 percent. Please note that the first floor of the building is considered a story as more than 50 percent of the perimeter is greater than six feet in height and therefore subject to the window requirement. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be no windows located on the first floor of the building along Jackson Street Northeast. The first floor of the townhouses facing Jackson Street Northeast is a furnace and storage room. In addition, a portion of the first floor is blocked by the open porches.
  - 24<sup>th</sup> Avenue Northeast: the applicant is not proposing to have any windows located on this side of the building. Please note that the first floor of the building is considered a story as more than 50 percent of the perimeter is greater than six feet in height and therefore subject to the window requirement. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be no windows located on the first floor of the building along 24<sup>th</sup> Avenue Northeast. The first floor of the building facing 24<sup>th</sup> Avenue Northeast is the garage. The Planning Division is recommending that the ten percent windows requirement be met on the upper two levels of the building facing 24<sup>th</sup> Avenue Northeast.
- The windows are vertical in nature and are distributed in an even manner.
- The roof line of the building is proposed to be pitched, similar to roof lines of other residential 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:**

- Six-foot wide walkways connect each of the principal entrances to the public sidewalk along Jackson Street Northeast.
- No transit shelters are proposed as part of this development.
- The vehicular access point leading into the site has been designed to come in off of the alley which will minimize conflicts with pedestrians and the surrounding residential uses.
- The R4 zoning district requires that no more than 85 percent of the site be impervious. Approximately 12,549 square feet of the site, or 70 percent, is covered by the building, driveway and sidewalks.

**LANDSCAPING AND SCREENING:**

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

**PLANNING DEPARTMENT RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 17,892 square feet. The footprint of the building is 5,161

square feet. When you subtract the footprint from the lot size the resulting number is 12,731 square feet. Twenty percent of this number is 2,546 square feet. The applicant has a total of 5,343 square feet, or 30 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 5 and 25 respectfully. The applicant is providing a total of 11 canopy trees and 83 shrubs on the site. The applicant is also providing ornamental trees, evergreen trees and perennials on the site.

**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:**

- The site will be graded so stormwater runoff runs into the green spaces on 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 not cast shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed and approved the project in regard to crime prevention design elements.

- 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 development is one parking space per dwelling unit, or seven parking spaces. Each townhouse will have its own tuck-under two car garage.
- **Maximum Floor Area:** The maximum FAR in the R4 zoning district is 1.5. The lot in question is 17,892 square feet in area. The applicant proposes a total of 12,325 square feet of gross floor area, an FAR of .69.
- **Building Height:** The height requirement in the R4 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing a 3-story building.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R4 zoning district is 1,500 square feet. With seven proposed dwelling units on a lot of 17,892 square feet, the applicant proposes 2,556 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is located in the R4 zoning district. The front yard setback requirement for this building is 20 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 9 feet. The corner side yard setback requirement for this building is  $8+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback along this side of the building is 12 feet. The applicant has applied for variances to reduce the setbacks along the front and corner side yards. The other two setbacks are being met.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.

**Signs:** Other than address numbers, the applicant is not proposing to have any signs located on the site.

- **Refuse storage:** Each individual townhouse will have its own residential refuse container which will be stored in the garage during non trash days.

**MINNEAPOLIS PLAN:**

The site is designated as retail-commercial in the comprehensive plan. In addition, the site is located one block west of 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. According to the principles and policies 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).

The Planning Division believes that the site plan is in conformance with the foregoing policies of *The Minneapolis Plan*. However, the Planning Division has made a few recommendations on how to alter the site plan and the building in order to bring it more into compliance with *The Minneapolis Plan*.

**ALTERNATIVE COMPLIANCE:**

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

**PLANNING DEPARTMENT RESPONSE:**

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be no windows located on the first floor of the building along Jackson Street Northeast. The first floor of the building facing Jackson Street Northeast is a furnace and storage room. In addition, a portion of the first floor is blocked by the open porches. As an alternative the Planning Division is recommending that enhanced landscaping be installed around the perimeter of the building in order to screen the blank wall.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be no windows located on the first floor of the building along 24<sup>th</sup> Avenue Northeast. The first floor of the building facing 24<sup>th</sup> Avenue Northeast is the garage. Again, as an alternative the Planning Division is recommending that enhanced landscaping be installed around the perimeter of the building in order to screen the blank wall.

**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 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast from C1 to R4.

**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 7 dwelling units located at 900 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 front yard setback from the established 20 feet to 15 feet for the building, to 11 feet for air-conditioning units and to 9 feet for the open porches located at 900 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 corner side yard setback along 24th Avenue Northeast from the required 12 feet to 10.5 feet for the building and to 6 feet for a vehicle maneuvering area located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast subject to the following conditions:

1. Additional landscape materials shall be added between the vehicle maneuvering area and the property line in order to screen this area from the public street and sidewalk.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for 7 dwelling units located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast subject to the following conditions:

1. Windows shall be added to the north side of the building on the upper two levels and architectural detailing shall be added to the south side of the building on the upper two levels to help maximize natural surveillance from within the building and to help break up the blank walls over 25 feet in length.
2. The vinyl siding shall be removed and instead a cement base material shall be used.
3. The ten percent window requirement, as required by section 530.120(b) of the zoning code, shall be met on the upper two levels of the building facing 24<sup>th</sup> Avenue Northeast.
4. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.
5. Enhanced landscaping shall be installed around the perimeter of the building along both Jackson Street Northeast and 24<sup>th</sup> Avenue Northeast in order to screen the first floor wall.
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.

**Attachments:**

1. Letter from the property owner authorizing the development
2. Project description
3. Conditional use permit and variance findings
4. January 24, 2006, e-mails to CM Ostrow and the Holland Neighborhood
5. Letter from the Holland Neighborhood Improvement Association
6. Preliminary Development Review (PDR) notes from the meeting held on February 8, 2006
7. Zoning map
8. Civil drawings, site plan, floor plans, elevations
9. Photographs of the site and the surrounding area