



**Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division**

**Date:** July 27, 2006

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

**Referral to:** Zoning and Planning Committee

**Subject:** Appeal of the decision of the City Planning Commission by the Nokomis East Neighborhood Association (NENA)

**Recommendation:** At the June 26, 2006, City Planning Commission meeting, seven of the Planning Commission members were present. Five of the Planning Commissioners voted to approve the conditional use permit for a 43-unit, mixed-use development including 2,200 square feet of commercial space, four of the Planning Commissioners voted to approve a variance to increase the floor area ratio of the building from 2.04 to 2.52 (19 percent increase), four of the Planning Commissioners voted to approve a variance to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease) and six of the Planning Commissioners voted to approve the site plan review for the Olin Crossing Phase II development located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue.

**Previous Directives:** Not applicable.

**Prepared or Submitted by:** Hilary Dvorak, Senior City Planner, (612) 673-2639

**Approved by:** Jason Wittenberg, Planning Supervisor

**Permanent Review Committee (PRC)** Approval \_\_\_\_\_ Not Applicable \_\_X\_\_

**Policy Review Group (PRG)** Approval \_\_\_\_\_ Date of Approval \_\_\_\_\_ Not Applicable \_\_X\_\_

**Presenters in Committee:** Hilary Dvorak, Senior Planner

**Financial Impact (Check those that apply)**

- \_\_X\_\_ No financial impact (If checked, go directly to Background/Supporting Information).
- \_\_\_\_\_ Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.
- \_\_\_\_\_ Action provides increased revenue for appropriation increase.
- \_\_\_\_\_ Action requires use of contingency or reserves.
- \_\_\_\_\_ Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- \_\_\_\_\_ Other financial impact (Explain):

\_\_\_ Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact (use any categories that apply)**

Ward: 12

Neighborhood Notification: NENA voted to not support the development.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day decision period: On June 12, 2006, the applicant submitted a "Request for Extension of Time Limit" to the City of Minneapolis extending the review period to September 15, 2006.

Other: Not applicable.

**Background/Supporting Information Attached:** The NENA has filed an appeal of the decision of the City Planning Commission in regard to the Olin Crossing Phase II development. The appeal is associated with the decision of the City Planning Commission to approve the following applications:

- Conditional use permit for 43 dwelling units.
- Variance to increase the floor area ratio of the building from 2.04 to 2.52 (19 percent increase).
- Variance to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease).
- Site plan review.

The appeal is associated with the application originally filed by David Crockett, on behalf of Olin 4, LLC, for the properties located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue.

The original staff report and the minutes from the June 26, 2006, City Planning Commission meeting are attached.

The appellant has stated that the decision is being appealed for several reasons:

- "The findings for the Olin 2 Project do **not** meet the hardship requirement for granting variances to increase floor area ratio and reduce lot square feet per swelling."
- The findings use standards which **do not apply** to the site."
- The findings **do not** adequately address safety, access, traffic and parking problems that the project will aggravate."

The appellant's complete statement and reasons for the appeal are attached.

**Action by the City of Minneapolis:  
Actions of the Minneapolis City Planning Commission, June 26, 2006**

**11. Olin Crossing Phase II (BZZ-2923, Ward 12), 4912 E 54th St, 5363, 5367 and 5371 Minnehaha Ave (Hilary Dvorak). This item was continued from the May 8, 2006, May 22, 2006 and June 12, 2006 meetings.**

**A. Conditional Use Permit:** Application by David Crockett, on behalf of Olin 4, LLC, for a conditional use permit for 43 dwelling units for the properties located at 4912 E 54th St and 5363, 5367 and 5371 Minnehaha Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit application for 43 dwelling units located at 4912 E 54th St, 5363, 5367 and 5371 Minnehaha Ave.

**B. Variance:** Application by David Crockett, on behalf of Olin 4, LLC, for a variance to increase the floor area ratio of the building from 2.04 to 2.52 (19 percent increase) for the properties located at 4912 E 54th St and 5363, 5367 and 5371 Minnehaha Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the variance application to increase the floor area ratio of the building from 2.04 to 2.51 (19 percent increase) located at 4912 E 54th St, 5363, 5367 and 5371 Minnehaha Ave subject to the following condition:

1. Not less than 2,200 square feet of non-residential space shall be included in the building.

**C. Variance:** Application by David Crockett, on behalf of Olin 4, LLC, for a variance to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease) for the properties located at 4912 E 54th St and 5363, 5367 and 5371 Minnehaha Ave.

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**D. Site Plan Review:** Application by David Crockett, on behalf of Olin 4, LLC, for a site plan review for the properties located at 4912 E 54th St and 5363, 5367 and 5371 Minnehaha Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review for 43 dwelling units space located at 4912 E 54th St, 5363, 5367 and 5371 Minnehaha Ave subject to the following conditions:

1. The development shall comply with the window requirements as required per section 530.120.
2. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.
3. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by June 26, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
5. Public Works will review the alley for its functionality. Potentially the alley could be widened in-between the two driveways to improve traffic circulation.
6. Plantings against the alley wall shall be vertical enough to discourage graffiti.

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES  
Minneapolis Community Planning & Economic Development  
(CPED) Planning Division  
250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD**

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**MEMORANDUM**

DATE: July 7, 2006

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of June 26, 2006

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The following actions were taken by the Planning Commission on June 26, 2006. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Martin, El-Hindi, Krause, Motzenbecker, Nordyke, Schiff and Tucker – 7

Not Present: Henry-Blythe, Krueger and LaShomb (excused)

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9. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
10. All site improvements shall be completed by June 26, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
11. Public Works will review the alley for its functionality. Potentially the alley could be widened in-between the two driveways to improve traffic circulation.
12. Plantings against the alley wall shall be vertical enough to discourage graffiti.

Staff Dvorak presented the staff report.

Commissioner Tucker: I wonder if you could talk a bit more about this planning for the Pedestrian Overlay District because you assume that it would be approved and on what basis do you make that assumption?

Staff Dvorak: We're saying it's reasonable to assume that it would be approved. I guess we're going under the assumption that we approved the same standards for the other four station areas that have already been adopted. I guess there is no guarantee that they would have the same standards applied to them in the future for the other two sites.

Commissioner Tucker: Were these two stations considered, but the Overlay District not applied to them or they just... I'm wondering if it was denied or they just hadn't got to that yet?

Staff Dvorak: They were considered and then pulled out before they approved the PO for the four sites. Initially it was going to be all of them...

President Martin: Is that because the stationary plans weren't done or...Jason?

Staff Wittenberg: Yes Commissioners, that's exactly correct. That was because the stationary planning was still taking place. The council did not want to assume a particular outcome and we're not assuming that indeed that will be the outcome but it seems like a reasonable deduction that there will be some increased allowance in the allowed FAR based on providing mixed use development in underground parking as there are in the other non-downtown LRT station areas.

Commissioner Tucker: That 20% is for enclosed parking, not underground parking, correct?

Staff Dvorak: Enclosed parking, correct.

Commissioner Tucker: I think some people are thinking that it has to be underground. It just has to be enclosed.

Staff Dvorak: Enclosed within the building or within a ramp, correct.

Commissioner Tucker: The 30%, is that from 20% to 30% or another 30% on top of the 20% for the enclosed parking?

Staff Dvorak: The density bonus... in the transit station area PO, where you have density bonuses and they are all 20% now, they go to 30% in the transit station area PO areas.

Commissioner Tucker: So 20% for enclosed parking would become 30% for enclosed parking.

Staff Dvorak: Correct.

Commissioner Tucker: Ok. We're not adding another 30%, we're just moving 20% to 30%.

Staff Dvorak: Correct.

Commissioner Tucker: You're putting forward this idea of sort of a sliding scale. If they are 50% compliant with the need for commercial space, then maybe we can give 50% of the variance, have we used that idea before? Half way towards complying, you get half of the benefit or something like that?

Staff Dvorak: I can't think of a situation. I can't come up with one off the top of my head.

Staff Wittenberg: I think that logic may be unique to this project.

Commissioner Tucker: It makes me very uncomfortable.

Staff Dvorak continued with the staff report.

President Martin opened the public hearing.

David Crockett (5724 Beard Ave): Transit oriented development. Just in Saturday's Star Tribune, it says "as the name implies, the transit system comes first and then development happens around it." I'm here to try to convince you that the proposed development that we're going to present to you is change for the better. Let's not forget the recent past of Minnehaha Avenue. It was a major gateway into Minneapolis. It had high traffic counts, commercial businesses and single family homes. It had more lots between 52<sup>nd</sup> and 54<sup>th</sup> Street devoted to motels, a gas station, auto repair and sales lots, a bar, miscellaneous retail outlets, apartment buildings, there was a condo years ago and there are duplexes. To some extent we're talking about things turning around, going back. The city and the state have changed Minnehaha from auto-oriented to Light Rail Transit. Many of us feel this is a move for the future. It was a long time coming and it's been painful. Perhaps some mistakes were made in its execution, but a lot of us feel it was the right thing to do. The project we're discussing is on the northeast corner of 54<sup>th</sup> and Minnehaha. For people willing to discuss change, the consensus of much of the neighborhood is that this corner should contain some level of higher density housing and LRT and neighborhood related retail. The Nokomis East LRT Station Master Plan in its May 2006 draft recommends 3-5 story mixed use construction at this site. We have a four story building. We're requesting no setback variances. The development is sited to reinforce the streets. We have active uses on both streets. As Hilary has already walked you through... we have residential units, four

walk-ups. All these are fronting the streets is why I am going through this. They are active uses, community rooms, fitness center and a public plaza with bicycle racks. We have commercial space with 100 feet of glass facing west, south and east. That commercial space directly faces the VA LRT stop. It's 930 feet away, less than a four minute walk. It's ideally suited for the commuters we're already seeing and will see more of in the future. Development has 64 parking spaces. Hilary's already described them to you, but I will point out that many of those can be shifted, even after construction, between the three uses of the residents, the owners, commercial uses and visitors. We've had many discussions about access. The traffic department of the city, on our previous project, prohibited new curb cuts on Minnehaha Avenue. That is still in place. Our initial design called for a curb cut in the entrance to the garage off of 54<sup>th</sup>. Traffic disallowed that and asked that it be changed. All of our access to the parking is from the alley. There are two accesses, one at grade providing good visibility from 54<sup>th</sup> Street and the other is farther north along the alley providing access to the underground garage. As Hilary has mentioned, we're requesting two density related variances. We believe that approval of both of these variances is justified by the circumstances of this site and the circumstances of our situation in the neighborhood today. It's reasonable to assume that some day the Pedestrian Overlay District will allow for a 30% density bonus. We submit that the plan before you is the best mix of residential and commercial uses, provides strong streetscapes and it's a quality design. It will be built with strong construction materials, primarily masonry. The development team has participated in the Nokomis East LRT Station Master Plan. I have personally discussed this project with the neighborhood for almost three years. We voluntarily scheduled and met with the neighborhood, as we do with every project, to hold a public meeting to listen to the residents. We made several changes based upon that input. As Hilary said, we lowered the entire building three feet. The fourth floor is stepped back two feet from the building face. There's no building element that extends from the ground up to the fourth floor. We've softened the corner at the southeast and improved pedestrian and vehicular safety. We facilitated pick-up and delivery in the alley. This project will increase the tax base of the city and county approximately \$11 million. It will result in tax revenue annually of \$165,000-\$198,000. It will strengthen the city. I am convinced it will also improve and revitalize this neighborhood. At this point I will turn the microphone over to Kent Simon who is going to walk you through the design. Kent's direction was to design a project compatible with Olin Crossings, but not identical to it and I believe he's accomplished that.

Commissioner Tucker: I noticed in some of the comments from the neighbors a concern about providing for loading and unloading vehicles. Can you talk about that?

David Crockett: If you don't mind, I'll defer to Kent Simon.

Kent Simon (Miller Hanson Partners): I think you already have an understanding of the project, but I will address those issues that I sense you are most concerned about and the points that I feel could be made a little clearer. This is an aerial photograph that shows our site number one, the project that we're currently engaged in. Number two, Olin Crossings at 53<sup>rd</sup> and Minnehaha Avenue. Number three, the VA Light Rail stop.

Number four, the VA campus. Number five, Fort Snelling administration. Number six, Minnehaha Park. This is an enlarged view that shows our site, number one. Number two, Ricky's Loft with housing above immediately to the north across the street, to the west the Snelling Motel, to the south the VA campus and Fort Snelling administration and six is the residential area on Hiawatha Lane. I hope these photographs will give you an idea of the character of the existing neighborhood. The first one looking north from across 54<sup>th</sup>, the second looking southbound Minnehaha, the third looking west at the Snelling Motel and the fourth showing the alley immediate to the east of our site. This is our site plan. We've endeavored to create a plan that responds uniquely to the different urban context each side of this building addresses. On Minnehaha Avenue we have walk-up type of flats with front porches and front yards separated from that sidewalk by a low wrought iron fence. Number two at the corner is a residential entry. We tried to create somewhat of a gateway with the plaza that encompasses not only that residential entry, but our commercial space facing south in clear view of the light rail stop. We envision umbrella tables and activity from the coffee shop spilling out on to that plaza. Seven is the coffee shop. Behind it, immediately, number eight, which is the commercial parking that is entered through the alley. This is the view from the light rail stop, north to the site. I think it would be easier to understand the project by looking at some three dimensional models of the building. I think you might find them a little...

President Martin: Do you have them here?

Kent Simon: Yeah we do. This is the model. This is the building looking to the east across Minnehaha. What we tried to do is create a horizontal effect using different materials at the base. You're looking in over those railings and between those trees at the porches of those walk-up units. Then projecting bays at the second and third floors, some of which are brick, some are cement board siding and brick again at the corner. Stepping back the fourth floor with a ribbed metal siding so as to reduce the apparent height of the building that's stepped back about two feet. It's more of a horizontal expression than a vertical expression. In that sense, it's compatible with, but different than Olin Crossings. This is a view looking to the northwest across 54<sup>th</sup> so on your right you see the alley and the near parking entrance. At the corner, the coffee shop with the awnings. I think this view says as much as any of the others about the project. This is a view from the light rail stop on the VA campus. You can see they are outlined in the dashed white line, that's the coffee shop. We think that it's got a very good sight corridor from light rail to the coffee shop. The back side of the building is a bit different. This is the alley side of the building. It's separated from the alley by an 11 foot deep green space with some Norway Maples, some shrubs up against the wall and that wall is articulated with glass block windows into the garage and here you see the two garage entries, the one near 54<sup>th</sup> and the one to the north of it. The height of the building here is 54 feet. The height of the building at this corner is 54 feet. In terms of height, although our submission says we're a 48 foot, by the zoning ordinance calculation, high building. In most cases, we're really only 44. Forty-eight comes from the fact that we have some projected roof lines to add architectural interest to the project.

President Martin: I have a question about the parking entrances. Are both of them in and out or is one of them in and the other out?

Kent Simon: No. Actually, if I can show you the elevation I think it will explain the arrangement that we have here. The coffee shop and then the parking entry for coffee shop patrons and for some residents... that ramps up as it goes to the north. This entry to the north is at a lower elevation and it's cut in underneath that upper level of parking. They're not interconnected.

President Martin: Ok, got it. Thank you. Anything else? Oh, Commissioner Tucker's loading questions.

Kent Simon: I will not call it a loading dock, but what we've done is create an area off the alley which accommodates pick-ups and drop-offs. It's right behind the commercial space and it's easily serviced from the garage level. By cutting back the corner of the building at that point, we've created what we feel is a good sight line improving pedestrian safety at that corner. That is the place where a vehicle could stop [tape ended] for delivery.

Commissioner Tucker: Is that a trash staging area?

Kent Simon: The trash is all inside the building, but that is where we imagine a pick-up vehicle would stop. At the time of pick-up, the dumpsters would be rolled out from the garage and then they'd be rolled back in.

President Martin: Ok. Thank you. Others who wish to speak to item 11?

Doug Walter (Nokomis East Neighborhood Assoc): I am the Associate Director of the Nokomis East Neighborhood Association and a 28 year resident of 50<sup>th</sup> and 43<sup>rd</sup> Avenue South behind the 50<sup>th</sup> Street station.

President Martin: Mr. Walter, we have a very long three-page letter from your association, just so you know we've got it.

Doug Walter: The first thing I'd like to point out, with all due respect to the planner, Ms. Dvorak, this is not in two station areas. I don't know why that would matter in the first place, but it's actually only in one. It is about 1000 feet from the nearest station in spite of the pictures, the VA station being the closest. It's an easy walk, but it is about 1000 feet away. I have a couple concerns; one is the parking spot for the commercial area. As David pointed out, they slide more or less. You can add or subtract from that open area. There are 12 parking spots on the first floor, nine of which are set aside for commercial parking right now. You have 23% of the first floor as a commercial, or 2200 square feet, and you're allowing zero parking essentially either for employees... or not enough parking for either employees or the patrons of that area. I think there needs to be more parking available for the commercial. This area is fairly unique. I'd like to bring up something you've seen before. That block has no parking officially on two sides of it.

Minnehaha Avenue itself, the parking, the northbound lane is 13 feet wide. There cannot be room for curb cuts on that road. Fifty-Fourth Avenue has no parking. The alley itself is only 12 feet wide. Hiawatha Lane is already getting some parking from commuters destined for the light rail. The alley is not wide enough at this point to support the type of traffic that we're looking at. If we have 43 units, about 67 cars in there and we look at future units coming along the way we have the potential for about 300 units along Minnehaha Avenue. My concern is that the 12 foot wide alley will not be able to handle the type of traffic ingress that we need for those residents in there. Right now, if you look at this, the alley itself, the 12 foot wide alley, the unit they're talking about is right in here. The next group we're looking at is these three next units up here and we're talking 40 something units or 50 units. The property's going all the way up to Minnehaha Manor, plus the 97 units that are right off the map up here at Minnehaha Place that was completed last fall. Olin I, which is going in across the street over here and Olin II and so on... so there's going to be a lot of traffic and parking pressure in this area and this alley isn't going to be able to support it. As it stands now, anybody driving down the alley, if somebody comes in either opposite direction one person is forced to back up. Because of the nature and angle of that, the properties and garages, there is no place for anybody to pull out of the way at this point. I think that the 11 foot area, we have to consider the 11 foot green space behind the building, as much as it pains me to say this, that area needs to be looked at as something that should be widened. Perhaps the same way that was done at West River Commons where there was an alley leading to a little short dormant avenue at some point and when a fire came and burnt out the bones of that building or when the structure of the houses along there were destroyed, the alley was widened into what is now a two-way alley along with parking up against the building. There is room for loading and unloading. Miller Hanson and David Crockett met with us last week and they were very good at talking about putting a lay-by in the alley or a place where somebody could pull over, but I don't believe that's probably enough in this case. I think this project, because it's a keynote project and a gateway to the city, is going to have to set the standard for that alley width all the way down between 43<sup>rd</sup> and 45<sup>th</sup> Street. I think it's going to have to be widened. When the next project goes in, which at this point looks like it could be 50 or so units of rental; we'll have even more pressure on that alley, more traffic through it. Minnehaha Place to the north of 53<sup>rd</sup> Avenue is already unloading its traffic and its tenants are driving down the alley and Hiawatha Lane to get out because of the unique issues on Minnehaha Avenue, the traffic flows and the patterns. So I would like the city, since the city has taken a position and its goals are for higher density along this corridor, that the city also take a look at the infrastructure and the necessary needs to do something about that particular alley so that it can support all the future housing that we expect and the density along there.

Commissioner Krause: I'm just curious. Are you speaking on behalf of the neighborhood or as an individual? Is this the neighborhood position on this?

Doug Walter: This would be the neighborhood's position and as an individual so there's a little of both. I've spent about two and a half hours sitting there watching the traffic, watching the patterns and taking about 200 photographs of this with people going in and

out, the stand-offs when traffic meets or tries to back out, problems with the garbage trucks barely able to clear this alley, school buses not being able to make the turn on 53<sup>rd</sup> so we have some unique traffic patterns that I've observed in that area that I've observed both professionally and as a resident.

President Martin: Thank you. Commissioner Krause, there's a fair amount of discussion about the alley and congestion on 54<sup>th</sup> Street in the neighborhood letter. Others who wish to speak to item number 11?

Frank Bonin (5351 Hiawatha Lane): I'll be the resident with my front door facing the back side of this building. My major concern I would say, besides everything that was covered by NENA and we had at their community meetings, one of the things we requested then and we have not ever seen is a shadow study. I'm assuming it's going to have a major effect on my house and my property and my immediate neighbors because we'll lose the afternoon sun from about 2 o'clock on. That's a major concern, especially in the winter time when you need that afternoon sun to melt the ice off the driveways. One of the problems with the building is that they are saying it's a four story building, but as far we can see from anywhere on the alley side or the east side, it's a five-story building. There's no doubt. I question where the four story measurement should be made on this property because the only place there are truly four stories is in the far southwest corner. From that point, the lot slopes away from all directions at that point. The parking has been addressed and it's a major concern, especially the commercial drop-off idea because even though they express this is a condominium project, we might not have turnover for moving vans, but we'll have Slumberland, Best Buy, UPS, Simon Delivers, etc. The other major concern I had is where there would be no place for the average person to drop off. There's no stopping on 54<sup>th</sup> Street. There's no stopping on Minnehaha. If they stop in the alley, they are blocking the constant flow of traffic that is there now. The major thing that's before you is density. It's amazing because the major amount that they want for density is going to allow for the fourth floor of this building... I think they have 13 units per floor on the upper floors...one of the things that was suggested and we really liked as a neighborhood at the meeting was possibly the whole east side of the building they could have eliminated the units there which would provide for a complete step-down of that floor facing the east and again would have a true appearance of a four story building. That would at least alleviate a lot of the shading problems and just the overall bulk that this building is going to create. I just completed, a couple years ago, a major upgrade. I had to change a house I lived in almost all my life and I changed my single car garage over to a two-car garage. Knowing that development was coming, because I knew the light rail was coming, development's fine, we're not against the project, but when I did my project I was limited on how much driveway and parking and turnaround space I could put in by the city restrictions. I was expected to follow what was allowed for my property and that meant I had to eliminate... I wanted to make space for a third car to park outside of the driveway, independent of other cars, and still have a turnaround. I had to give one up or the other because I would have exceeded the amount of impervious surface I had on my property. I was held to a standard when I did my house, I'd just like to see the standards, even though the world's changing and we're addressing density, I'd like to

see the standards held to these companies that come in and do this development and not get a gross advantage to them. They're not improving the quality of the building by going to this density. What they're doing is improving the quality of their profit. I don't mind them getting a profit, but I don't want to see it affect the quality of the building that we have to live with for the next 25 years.

President Martin: Anyone else for item number 11?

Patti Gaalaas (5351 Hiawatha Lane): I am a member of the NENA board, the planning and development committee, the housing task force, CCP Safe and I'm on the stationary planning steering committee. One of the things that we want you to realize is that on this map this looks nice and flat, but this is 54<sup>th</sup> Street coming from Highway 55 so you have a major... it's going up a major hill. When Frank talks about how we're seeing a five-story building, yes. When you come into Minneapolis from the corner of Highway and 54<sup>th</sup> Street, you're going to look up and you're going to see this gigantic castle up at the top of the hill. We already have a problem with a five-story building down on 53<sup>rd</sup> and Minnehaha. The density, we like the project. We like what they're planning, but we just don't see the variance for 43 units. We've had concerns with density and parking and how the garage is going to work in the alley. Neighbors are concerned about that. It's just the overall view. We're asking that the variance for the density be denied.

Rita Ulrich (Nokomis East Neighborhood Association): I do want to say that we very much appreciate Crockett Associates and Olin Development putting the sidewalk on their property to allow for boulevard. They did that in the first project and they're doing it in this project. It does help create a more pedestrian friendly avenue. Perhaps this project is just a little bit too early. We're looking forward to our stationary plan and in it we expect to see some design guidelines, some expectations for how the public space will look and will feel. That includes how much green space is expected on parcels in individual developments as well as how much public space there will be and the infrastructure improvements that is going to be necessary for the density that the city wants there. As Patti Gaalaas said, we like the project, but it's just not there yet. We think that it has gotten better each time, but it can be better. It's a very important project for this area. I'm not sure that Doug Walter knew, but the developer did indicate a willingness to put a pull-over area on the site, but Hilary has since told me that they can't do that without a variance and they don't want to do a variance for that. We haven't really resolved that second pull-out. There is the area right by 54<sup>th</sup> Street, but again that's right at the end of the alley so it doesn't really have the safe function that another spot would along the property line.

President Martin closed the public hearing.

Commissioner Nordyke: The variance B, is that the only variance that we're looking at that is relative to the, as yet, unapproved Pedestrian Overlay District?

Staff Dvorak: Both variances speak to the PO.

Commissioner Nordyke: Variance B and C.

Staff Dvorak: Correct.

Commissioner Motzenbecker: In variance C, in two places the units that would be allowed are different. In one sentence it's 33 and one it's 36 without the variance. Could you clarify which was the correct number?

Staff Dvorak: Can you tell me which paragraph and which finding you're reading, please?

Commissioner Motzenbecker: It was on page five. The first paragraph, near the end it says 33 dwelling units and then on the top of page six it says there are 36.

Staff Dvorak: On the top of six? My page six is... I'm sorry. I took stuff out of my report. In the first paragraph under 'Lot Area', with the 20% density bonus you could build 33 dwelling units. If that went to 30% then it would be... if this was in the PO and they had the transit station area, with the 30% it would be 36. Both numbers are correct it's just different math.

Commissioner Krause: I will move the conditional use permit as recommended by the staff.

Commissioner Tucker: I will move the conditional use permit for 36 units (Commissioner Motzenbecker seconded). As I understand it, it would be the FAR of 2.21 which is the 1.7 plus 30%. It seems to me that we're trying to add two bonuses where really one is enough. Either we say that the PO is going to be there and we should act that way then we add our 30% to get us to 2.21 FAR or we say that's not going to happen and we look at the commercial, the coffee shop which is probably a desirable use at that corner down from the station, and I'm not sure about this notion of the sliding scale, but I think that's worth 9.2 percent or something added to the 20... we'll call it 30. Either way, we get up to the 2.21. I'm just a little leery about doing both of them at the same time and jamming us up to 43 so that's why I'm suggesting 36. I would ask staff to make sure my math is right that the 36 represents the FAR of 2.21.

Commissioner Schiff: If you could continue to expand on that Commissioner Tucker. Are we saying FAR of 2.1 or 2.2 is the kind of density that want to see as a maximum along LRT or what kind of... are we just compromising for the sake of a compromise in the code or are we suggesting this is a pattern that is consistent with what we want to see for transit oriented development?

Commissioner Tucker: I'm definitely looking at this as a site which should be treated as a transit oriented site and get reasonable density there which is why, if you look at it one way and you just go for the 30% for the enclosed parking in a transit area – let's deal with that – and then just forget about the commercial bonus because that's really not

fitting the pattern that we've set previously as Mr. Wittenberg said. We haven't said used that sliding scale and we can just set that one aside and let them have the bonus at 30% instead of 20% and get to that FAR of 2.21. Does that help?

Commissioner Schiff: Sounds like a compromise. We certainly have approved higher FARs in the Hiawatha corridor in the past several years so that's where I am just trying to find the planning rationale.

Commissioner Motzenbecker: I can speak to that because I have a similar opinion. It seems, for this one, I was struggling with it because while I am absolutely for transit oriented design and density, it almost seemed like with this site we were struggling for ways to make too much building on too little of a site. I think in other sites that are larger and can handle a little bit more intensity, it made more sense. It seemed like we were struggling to find reasons why we could bump it up. To give the FAR variance and then to give the unit variance and then to do this maybe/kind of retail thing, it seemed like we were just trying to find excuses to let this thing go through. I was struggling with the reason, the finding. The number one finding is hardship by the applicant. Can this be put to a reasonable use in other cases and I think it can at 33 or 36 units. I think that is still an extreme improvement in the density than what currently exists there. I'm not finding the hardship to push them over to intensify that to that level. I think in other places along the corridor that the higher density might be better served.

President Martin: Commissioner Motzenbecker, I would like Jason to clarify. I don't know what we need to find a hardship for the conditional use permit.

Commissioner Motzenbecker: I'm sorry, I was speaking to the variance. My apologies.

Commissioner Nordyke: I'm trying to break it down into a couple different issues. The first one is that I don't want to vote for a variance that's based on an overlay district that doesn't yet exist. I don't want to get into a situation that I that Commissioner Schiff is concerned about which is setting some kind of compromise for the sake of compromising that isn't based on some kind of precedent that we want to set. What I'm hearing is that the idea of the sliding variance that's going on with the commercial part of this building hasn't been done before. I'm curious if the staff has a reason why we should look at this if it hasn't been done before.

Staff Wittenberg: I think the situation hasn't necessarily presented itself. In terms of the applicant requesting a variance of this kind and having some mixed use and after doing some brainstorming on the matter, felt that mixed use development in the corridor is something we want to encourage and it's something you get a bonus for if you provide a certain amount of it. The more we thought about it we, in this case, came up with logic that providing somewhat of what we want should get somewhat of a variance to get you toward that bonus. Another project that I recall that had somewhat similar situation was the Oaks Hiawatha project at 46<sup>th</sup> and Snelling in the 46<sup>th</sup> Street Station Area. That project did comply with its maximum permitted FAR, however, even after a bonus there was still a variance to reduce the minimum lot area per dwelling unit therefore allowing

more dwelling units and based on somewhat similar logic that was a project that had commercial spaces. Based on somewhat similar logic that project, notwithstanding the staff recommendation, was granted their variance. Somewhat similar rationale has been used in the past. I think we did some brainstorming and took it a step farther in this case. That can be an issue that we're happy to have further discussion at Committee of the Whole about whether it's air-tight logic or not.

President Martin: Jason, could you remind me or Mr. Crockett can you remind me... there is no commercial in the first Olin Crossing building? Ok. So this is in a way... this is the first commercial piece of this larger project thing that you're taking about. Ok.

Commissioner Krause: Somewhat to Commissioner Nordyke's comment, it may not trigger our ability to add additional density bonus because there isn't enough commercial space, but it's certainly something we take notice of and a strict approach to that doesn't allow us to increase the density bonus, but I still think we notice it and pay attention to it and it factors into our larger approach to this issue. Frankly that's why I voted against the project on Washington Avenue. It wasn't so much the concern about the setback. I was sold on that issue, but I really don't think they responded to our strong feedback to them to have more active uses on the first level. I have a couple of additional reasons why I'm comfortable with the density as recommended by the staff. What I look for in projects like this is if they met the setbacks, are we looming over adjacent properties with these larger buildings or have they fit within the city guidelines and standards for the setbacks. This project does that. It doesn't have a variance for its height. The height is within the standards that we have set for this area. It does need some additional density in the form of this FAR bonus, but it is complying with all the other requirements for a building like this and that makes me willing to accept a higher density than we get simply from applying the density bonus.

President Martin: Commissioners I think we're in a little bit of a tangle here because what we're seeing is the market running ahead of the planning process for the transit station areas. Director Sporlein would you like to speak to that?

Director Sporlein: President Martin and Commissioners, I do recall the conversation. We wanted to put in the Pedestrian Overlay Districts in all the transit station at the same time and that was the staff recommendation. At the city council, they elected to remove the 50<sup>th</sup> Street one until the plan was completed. Although I assume similar elements will be there, they may not be the exact same math, although that would be unique because it would be the only transit station area, but that might require revisiting some of those other ones. That was the thinking at the time. We thought we could move forward, but it was removed by the council.

President Martin: Ok. Thank you. Ok, the motion that's before us is to approve the CUP at 36 units rather than 43. All those in favor? Opposed? Ok. That fails. Is there a different motion?

Commissioner Krause: I'm not going to try to split the difference between 36 and 43 so I'll try to renew my motion for the staff recommendation.

President Martin: Ok. Is there a second?

Commissioner Nordyke seconded the motion.

Commissioner Krause: Commissioners, this is not really the nub of this issue because there are different sizes of units. The number of units between 36 and 43 is not in and of itself a very good indication of the density. The other two issues that follow are.

Commissioner El-Hindi: I agree with Commissioner Krause. I feel like the issue that I have been hearing and from the neighborhood as well is some issues that are relating to height, which this project is not asking for a height variance. Another issue is parking and issues of traffic. I really do think through the design there could be potential solutions. Some ideas came up from the neighborhood which is, potentially, is there a way to widen the alley, and is there a way to make room at least for the size of the building on the alley side to accommodate for a two-way drive of some sort. I believe the issue here, I have not heard the neighborhood talk about issues other than height or traffic, talk directly about the density. Forty-Three units versus 36 units. I don't think that really was the issue. That's why I think that I agree with Commissioner Krause on that and I would support his motion.

President Martin: Ok. The motion before us is to approve the staff recommendation for the CUP at 43 units. All those in favor? Opposed? Ok. That passes.

The motion carried 4-2.

Commissioner Krause: These two really are somewhat related and I will move them both as recommended by the staff.

President Martin: Ok. Is there a second for that? The two variances B and C. Floor area ratio and square foot per dwelling units. Ok, seconded.

Commissioner El-Hindi seconded.

Commissioner Tucker: [Microphone not on] ...so I think the 2.21 would be sufficient and 2.51 is too much for the site.

President Martin: I wonder about... I think it's very hard for us to say what the assumption would be about the pedestrian overlay bonuses, but the fact is that they're the same for everyone along the line with the exception of one. The likelihood of one being significantly different seems pretty slim to me, but I am not a city council member so I don't know.

Commissioner Nordyke: Just as a point of clarification on that, this is the only one that has not been approved. The other ones, although they are similar, the council obviously for whatever reason pulled this particular one off. I know that it is an issue for the developer within timing, but I am going to say as I said previously that I don't think we should be giving variances based on overlay districts that have not been approved.

Commissioner Krause: I appreciate the Commissioner's interest in following every one of these steps in the process and making it nice and linear, but it doesn't always happen that way and there's a neighborhood that's spent a lot of time on this and a developer that's spent a lot of time on it and we can't necessarily make them wait. If we assume that there won't be the same standard in this pedestrian district as there are in all the others, then what we're saying... because right now that developer is entitled to a 20% bonus for doing thing like the enclosed parking or the mixed uses... so what we'd be saying in this particular case is we aren't going to try to bring greater density in to this particular transit station and we're going to have a piece of one of our stations along the LRT line where we want the same density as we would normally apply anywhere in the city and I don't think that's really very consistent either so I'm willing to say, today because we have to vote on this today, that I want to see somewhat higher density around these station areas even though there isn't a formal policy in place yet.

Commissioner Schiff: I thought it was pretty straight forward so I didn't explain the big mystery. The PO district wasn't adopted here just because the basic land use planning station area hadn't been done. As with other parts of the city like the Midtown Greenway, we didn't do the overlay district yet because we hadn't done the basic land use planning. The PO district is the icing on the cake, the series of regulations that glazes the rest of what you got there in your land use map. If you haven't done your land use map there's no sense to start laying those final fine-tuned regulations on top of it. That's why we didn't do it, not because we were going to experiment with this area and make it different than the rest of the Hiawatha Corridor.

Director Sporlein: I'd also say that we do have policy direction in The Minneapolis Plan, we just don't have the Pedestrian Overlay District... we do have policies that support additional density in the transit station areas, we just don't have the overlay district in effect.

Commissioner Motzenbecker: I agree with the 30% for the transit station area, but then they're asking for almost 20% more on top of that. That's 50% in total that they're getting.

President Martin: That's not what Hilary said.

Commissioner Motzenbecker: Is that not correct? If you get a 20% bonus and you get 10% more for a PO district and then they're asking for 19% more? Am I misreading that?

Staff Dvorak: If this was a PO and it was 30%, they would a 12% variance. Today they need a 19% variance. For the next variance, for B, they would need a 16% variance versus the 23 that they're requesting today. That's if this had been a 30% versus the 20% initially.

Commissioner El-Hindi: Do we see up to 30% of variance, I mean, to vary it by 30%, that's basically the limit that the city has put...

Staff Dvorak: For the lot area. For FAR there is no maximum variance, but for lot area there is a 30% maximum variance that you can request and yes we have had applicants from .1% all the way to 30 so there are developments that have sought all sorts of numbers up to 30%.

President Martin: Just so commissioners know, we do this all the time.

Commissioner Krause: It's not unusual to have more than one density bonus in a project. You're talking about one at 20, but it's not at all unusual for us to have two. In fact, this project, if it had slightly more commercial retail space on that first floor, it would be eligible for a second density bonus which would be 40% before we applied any slightly higher density bonus numbers associate with the PO district.

President Martin: Exactly. The motion before us is the approval of both variances as the staff recommended. All those in favor? Opposed?

The motion carried 4-3 (tie-breaking vote by President Martin).

Commissioner Krause: I will move the site plan, but I do think that the neighborhood has done a lot of good research on this and there is a problem with the alley. I'm not sure how the staff might recommend we address that, but I think as an additional condition for the site plan we want to make sure that the alley is redesigned in some way to improve its safety and functionality.

President Martin: I asked Jason about Public Works response to this and Jason would you share with the commissioners what you told me, please?

Staff Wittenberg: Ms. Dvorak would be more up to speed on this than myself, but the applicant has worked with the Public Works department on various issues of traffic circulation in this case and I don't know that the Public Works department is 100% confident in the plan, but my understanding is that they do think the current layout is approvable. The applicant is in somewhat of a difficult situation because their first proposal showed a curb cut onto 54<sup>th</sup> Street which was not acceptable to Public Works because it put traffic into the middle of an intersection so the alternative then was to put more traffic to the alley. The applicant's in the bit of a Catch 22 when it comes to traffic circulation.

President Martin: Hilary, that basically is the situation?

Staff Dvorak: That is correct. Given the layout of the streets and light rail on Minnehaha, they're not able to utilize any public streets for access to this site so they have been forced to put all access off of the alley because of the configuration of the intersection of Minnehaha and 54<sup>th</sup>. They had originally a curb cut somewhere in here, but the stop sign is such that it was between the stop sign and the stop arm for light rail and Public Works wasn't supportive of that. We continued it the first time to work with Public Works to get driveway grades that were acceptable less than the 20%...or excuse me... the requirement was 4% for less than for the first 20 feet from the right-of-way. They're at 6% here, but because of the grade changes in the area and on this site, that is an acceptable grade for this curb cut for Public Works.

President Martin: Commissioner Krause does that alter any of your thinking? We can ask them to make sure they check in with Public Works one more time and make sure there is no better way to solve this problem.

Commissioner Krause: I'll just add a condition to the site plan that Public Works review that alley for its functionality given the additional traffic that will be generated by this project. We'll leave it at that for now.

Commissioner Tucker: We need a clarification on the site plan because one drawing shows on the alley next to the commercial space a little loading spot. On another plan called "the landscape plan" it shows planting there.

Staff Dvorak: The landscaping plan, I apologize, was not up to date when it went to print but I wanted to show you something with the landscaping. This is the landscaping plan before you this evening, this is the updated one. I apologize for that, but we were pressed for time and I gave myself two extra hours before our printing deadline but I was wrong it was actually 10 and not noon. I had to use my best judgment and I put it in there, but this is the landscape plan that reflects the site plan and the building placement that's in the site plan before you. The site plan is the accurate plan; the landscaping is more for our counting for plants.

President Martin: Does that answer your question Commissioner Tucker?

Staff Dvorak: That landscape plan is not in your packet, it's here.

Commissioner El-Hindi: I'm assuming that they meet the requirement currently as it stands for impervious surface including the area, the 11 feet.

Staff Dvorak: There is no maximum impervious surface. The numbers are accurate in the report. It's the 53% of the site not occupied by the building so that number is correct even though it didn't match the landscaping plan that's in your packet.

Commissioner El-Hindi: I guess this is just a suggestion to add maybe to the condition that Commissioner Krause just added with Public Works is that potentially the alley

could be widened in the portion of the building between the two drives to the parking to accommodate for better traffic.

Staff Wittenberg: Just to clarify, that's a suggestion that if the applicant were to make that change that the commission would be supportive of that, is that the correct way of stating that?

Commissioner El-Hindi: Yes.

Commissioner Schiff: Because I can't see the landscape plan and can't tell exactly what all the plantings are, can you just make sure that anything against the alley wall in particular is vertical enough to discourage graffiti?

President Martin: All those in favor of the site plan with the additional condition about Public Works review and potential alley widening and anti-graffiti planting? Opposed?

The motion carried 6-0.

**Department of Community Planning and Economic Development – Planning  
Division**

Conditional Use Permit, Variances, Site Plan Review  
BZZ-2923

**Date:** June 26, 2006

**Applicant:** Olin 4, LLC

**Address of Property:** 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue

**Project Name:** Olin Crossing Phase II

**Contact Person and Phone:** David Crockett, (612) 845-5290

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

**Date Application Deemed Complete:** April 13, 2006

**End of 60-Day Decision Period:** June 12, 2006

**End of 120-Day Decision Period:** September 15, 2006, the applicant submitted a  
“Request for Extension of Time Limit” letter on June 12, 2006

Ward: 12      Neighborhood Organization: **Nokomis East Neighborhood Association**

**Existing Zoning:** C2, Neighborhood Corridor Commercial District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 40

**Legal Description:** Not applicable for this development

**Proposed Use:** Forty-three unit condominium building

**Concurrent Review:**

**Conditional use permit:** for 43 dwelling units.

**Variance:** to increase the floor area ratio of the building from 2.04 to 2.51 (19 percent increase).

**Variance:** to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease).

**Site plan review**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IV, Variances, specifically Section 525.520(2) “to vary the

lot area or lot width requirements up to thirty (30) percent...” and Section 525.520(3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use” and Chapter 530, Site Plan Review.

**Background:** All four of the underlying properties are owned by the same person. The applicant has a purchase agreement with the current owner. The site is currently occupied by an automobile repair garage and a surface parking area. The applicant is proposing to demolish the existing building and construct a four-story, 43-unit condominium building with 2,200 square feet of commercial space located along East 54<sup>th</sup> Street. Also within the building there will be 64 parking spaces for residents, guests and customers of the commercial tenant.

This development is the second building constructed by the applicant along Minnehaha Avenue. Olin Crossings Phase I is located on the northwest corner of Minnehaha Avenue and East 53<sup>rd</sup> Street. Similar to that development, the applicant is proposing to construct the public sidewalk on the property and convert the existing public sidewalk to a green boulevard. There will be a gradual shift in the pavement where the sidewalk transitions from the applicant’s property to the adjacent property to the north so as to not make it too difficult to traverse for those who are visually impaired.

This development was continued from the June 12, 2006, City Planning Commission meeting in order to allow for the applicant to redesign the East 54<sup>th</sup> Street side of the building. The applicant was asked to look at the East 54<sup>th</sup> Street side of the building in order to make it more pedestrian friendly. As a result, the internal layout of the building was rearranged.

**CONDITIONAL USE PERMIT** - for 43 dwelling units

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

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

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

The Planning Division does not believe that a multiple-family development will be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development complements other uses in the area and should increase ridership of the light rail line.

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

The Planning Division does not believe that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood. 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, all of the parking associated with this development is located within the building and has been divided into two areas; one at-grade and one underground. The at-grade parking area will be utilized by both residents and commercial users and the underground parking area will be utilized by residents only. Both of the parking levels will be accessed off of the alley.

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

**The residential portion of the development has a parking requirement of 43 spaces. The applicant proposes to have 57 parking spaces for the residents of the building; 12 of them will be located at-grade and the remaining 45 will be located underground. Both of the parking levels will be accessed off of the alley.**

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

The site is located within the 50<sup>th</sup> Street/Minnehaha Park Transit Station Area (TSA) and the VA Medical Center TSA. The site is located along Minnehaha Avenue. The entire Hiawatha/Minnehaha Corridor is a designated Major Housing Site. In addition, the site is located in the designated VA Hospital/Airport Potential Growth 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 housing development that supports a variety of housing types at designated Major Housing Sites throughout the city (Policy 9.34).
- Encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users (Policy 9.36).

The applicant is proposing to demolish an existing automobile repair garage and construct a 43-unit condominium development. The site is located within the 50<sup>th</sup>

Street/Minnehaha Park TSA and the VA Medical Center TSA where the plan calls for moderate-density housing to be located. The proposed development site is located four blocks south of the East 50<sup>th</sup> Street Light Rail Station and one block north of the VA Medical Center Light Rail Station.

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

**VARIANCE** - to increase the floor area ratio of the building from 2.04 to 2.51 (19 percent increase)

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

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

**Floor area ratio increase:** The applicant is seeking a variance to increase the floor area ratio of the building from 2.04 to 2.51 (19 percent increase). The maximum FAR in the C2 District is 1.7. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.04. The applicant is proposing to construct a building with an FAR of 2.51; therefore a FAR variance is required.

The City of Minneapolis recently approved PO Pedestrian Oriented Overlay District standards for four of the Transit Station Areas (TSA) along the light rail line; Cedar-Riverside, Lake Street/Midtown, 38<sup>th</sup> Street and 46<sup>th</sup> Street. One of the approved standards allows for a 30 percent density bonus where the primary zoning district provides for a density bonus. This site is located within the 50<sup>th</sup> Street/Minnehaha Park TSA and the VA Medical Center TSA, however PO Overlay standards were not adopted for these TSAs. If they had been it would be reasonable to assume that the same density bonus standard would have been approved and may be approved in the near future. If that had been the case, an FAR of 2.21 would be allowed. Under this scenario a 12 percent variance increase would still be required.

Section 547.130 also allows a 20 percent density bonus for mixed commercial-residential buildings, where residential uses are located above a ground floor in which at least 50 percent of the gross floor area is devoted to commercial uses. The applicant is proposing to have 2,200 square feet of commercial space in the building or approximately 23 percent of the gross floor area of the ground floor. Although less than 50 percent of the gross floor area of the ground floor will be commercial uses the Planning Division believes that providing some commercial space in the building is

equivalent to the percent of the variance that is being requested and therefore unique to this 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.**

**Floor area ratio increase:** The fact that the site is located in two TSAs is a unique characteristic of this parcel of land.

**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.**

**Floor area ratio increase:** The granting of the variance to allow a floor area ratio of 2.51 should not significantly affect the essential character of the area given that the applicant would be constructing a building with approximately 12 thousand more square feet in it than allowed as of right. If the density bonus were 30 percent for this site then the applicant would be constructing a building with approximately 7,600 more square feet than allowed as of right.

**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.**

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

**VARIANCE** - to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease)

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

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

**Lot area decrease:** The applicant is seeking a variance to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease). The lot area requirement in the C2 District is 900 square feet of lot area per dwelling unit. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 763 square feet per dwelling unit. With this lot area requirement the applicant would be able to construct up to 33 dwelling units

on the site. The applicant is proposing to construct 43 dwelling units on the site; therefore a lot area variance is required.

The City of Minneapolis recently approved PO Pedestrian Oriented Overlay District standards for four of the Transit Station Areas (TSA) along the light rail line; Cedar-Riverside, Lake Street/Midtown, 38<sup>th</sup> Street and 46<sup>th</sup> Street. One of the approved standards allows for a 30 percent density bonus where the primary zoning district provides for a density bonus. This site is located within the 50<sup>th</sup> Street/Minnehaha Park TSA and the VA Medical Center TSA, however PO Overlay standards were not adopted for these TSAs. If they had been it would be reasonable to assume that the same density bonus standard would have been approved and may be approved in the near future. If that had been the case, 36 dwelling units could be built on this site. Under this scenario a 16 percent variance increase would still be required.

Section 547.130 also allows a 20 percent density bonus for mixed commercial-residential buildings, where residential uses are located above a ground floor in which at least 50 percent of the gross floor area is devoted to commercial uses. The applicant is proposing to have 2,200 square feet of commercial space in the building or approximately 23 percent of the gross floor area of the ground floor. Although less than 50 percent of the gross floor area of the ground floor will be commercial uses the Planning Division believes that providing some commercial space in the building is equivalent to the percent of the variance that is being requested and therefore unique to this 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.**

**Lot size:** The fact that the site is located in two TSAs is a unique characteristic of this parcel of land.

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

**Lot size:** The granting of the variance to allow up to 43 dwelling units will not significantly affect the essential character of the area given that the applicant would be constructing only ten more dwelling units on the site than allowed as of right. If the density bonus were 30 percent for this site then the applicant would be constructing a building with approximately seven more dwelling units on the site than allowed as of right.

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

**Lot size:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed lot area 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 FAÇADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street. 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 Minnehaha Avenue and East 54<sup>th</sup> Street. 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 unless subject to a greater required setback. Because there are residential dwelling units in the building to the north a setback similar to the setback of the building to the north must be maintained for the first 40 feet south of the north property line. The building is proposed to be setback 13.5 feet for the first 40 feet south of the north property line along Minnehaha Avenue. This is the established setback of the building to the north. The remainder of the building wall along Minnehaha Avenue is setback between two and 18 feet. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building wall along Minnehaha Avenue to be setback more than eight feet from the property line. Along Minnehaha Avenue the applicant is proposing to construct the public sidewalk on the property and convert the existing public sidewalk to a green boulevard. This change would be consistent with the City Council's resolution which supports the development of green boulevards throughout the City of Minneapolis. Along East 54<sup>th</sup> Street the building is setback between zero and 25 feet. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building wall along East 54<sup>th</sup> Street to be setback more than eight feet from the property line. Where the building is setback more than eight feet the applicant is proposing to have an outdoor patio which would be associated with the commercial space in the building.
- In between the building and the front and corner side property lines the applicant is proposing to have a commercial patio, individual patios and landscaping.
- The principal residential entrance which serves the majority of the dwelling units in the building faces Minnehaha Avenue. In addition, there are four first floor dwelling units located along the Minnehaha Avenue side of the building each with their own principal entrance facing the street. The commercial tenant space has a principal entrance facing the intersection of Minnehaha Avenue and East 54<sup>th</sup> Street.
- All of the parking associated with this development is located within the building.
- The exterior materials of the building include brick, cement based siding and metal.
- 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 of the building that is residential and at least 10 percent of the upper floors of the building along both Minnehaha Avenue and East 54<sup>th</sup> Street are required to be windows. The analysis of the project's compliance with these requirements follows:
  - Minnehaha Avenue: the percentage of windows on the first floor is 37 percent, the percentage of windows on the second and third floor is 20 percent and the percentage of windows on the fourth floor is 22 percent.
  - East 54<sup>th</sup> Street: the percentage of windows on the commercial portion of the first floor is 46 percent and the percentage of windows on the residential portion of the first floor is 35 percent, the percentage of windows on the second and third floor is 20 percent and the percentage of windows on the fourth floor is 23 percent.
- For non-residential uses, the zoning code requires that at least 30 percent of the walls on the first floor facing a public street, public sidewalk, public pathway or on-site parking lot, be windows and 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. 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 building 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 via walkways along both Minnehaha Avenue and East 54<sup>th</sup> Street.
- No transit shelters are proposed as part of this development.
- All of the parking associated with this development is located within the building and has been divided into two areas; one at-grade and one underground. The at-grade parking area will be utilized by both residents and commercial users and the

underground parking area will be utilized by residents only. Both of the parking levels will be accessed off of the alley.

- 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 53 percent of the site not occupied by the building is green space.

#### **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 25,202 square feet. The footprint of the building is 17,533 square feet. When you subtract the footprint from the lot size the resulting number is 7,669 square feet. Twenty percent of this number is 1,540 square feet. The applicant has a total of 4,081 square feet green space, or 53 percent of the site.
- 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 3 and 15 respectfully. The applicant is providing a total of 5 canopy trees and 72 shrubs on the site. The applicant is also providing 3 ornamental trees and 217 perennials on the site. In addition, the applicant is providing 6 canopy trees in the right-of-way.

**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 cast minimal shadows on surrounding properties.
- **This building should have minimal wind effects on the surrounding area.**
- **The site plan complies with crime prevention design elements as there are large windows and balconies where people can see in and out along all levels of the building, there are lights located near all of the pedestrian and vehicular entrances and walkways direct visitors directly to the building entrances.**
- This site is neither historic nor located in a historic district.

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

**ZONING CODE:**

- **Use:** Residential uses over five dwelling units require a conditional use permit in the C2 zoning district.
- **Off-Street Parking and Loading:** The zoning code requires 1.0 parking space per dwelling unit and a minimum of four parking spaces for general retail sales and services uses under 4,000 square feet. The resulting parking requirement for this development is 47 spaces; 43 spaces for the residential portion and 4 spaces for the general retail sales and services portion.
- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.04. The lot in question is 25,202 square feet in area. The applicant proposes a total of 63,330 square feet of gross floor area, an FAR of 2.51. The applicant has applied for a variance to increase the allowed FAR.
- **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 48 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 763 square feet per dwelling unit. With 43 proposed dwelling units on a lot of 25,202 square feet, the applicant proposes 586 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.

- **Yard Requirements:** This development is located in the C2 zoning district. The front yard setback requirement for this building is zero feet. However, because there are residential dwelling units in the building to the north a setback similar to the setback of the building to the north must be maintained for the first 40 feet south of the north property line. The building is proposed to be setback 13.5 feet for the first 40 feet south of the north property line along Minnehaha Avenue. This is the established setback of the building to the north. 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. All of these setbacks are being met.
- **Specific Development Standards:** There are no specific development standards for residential uses. The applicant has not identified a general retail sales and services use that is subject to any specific development standards.
- **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.
- **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 then there shall not be any projecting signs on the building.

The applicant is proposing to have one wall sign located over the entrance to the commercial space. The sign measures 9 square feet and is located 12 feet above the ground. The applicant is also proposing to have a freestanding sign on the site located near the principal residential entrance along East 54<sup>th</sup> Street. The sign measures 16 square feet and is 5 feet 4 inches tall.

- **Refuse storage:** The applicant is proposing to have two refuse storage areas inside the building. Both are located on the at-grade parking level. One of the refuse storage areas will be for the commercial portion of the building and the other will be for the residential portion of the building.

### **MINNEAPOLIS PLAN:**

The site is located within the 50<sup>th</sup> Street/Minnehaha Park Transit Station Area (TSA) and the VA Medical Center TSA. The site is located along Minnehaha Avenue. The entire Hiawatha/Minnehaha Corridor is a designated Major Housing Site. In addition, the site is located in the designated VA Hospital/Airport Potential Growth 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).
- 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).

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, all of the parking has been designed to be located within the building.

### **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 the building wall along Minnehaha Avenue to be setback more than eight feet from the property line. Along Minnehaha Avenue the applicant is proposing to construct the public sidewalk on the property and convert the existing public sidewalk to a green boulevard. This change would be consistent with the City Council's resolution which supports the development of green boulevards throughout the City of Minneapolis. Moving the sidewalk onto the applicant's property would also provide for a buffer between the street and the pedestrian walk.
- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building wall along East 54<sup>th</sup> Street to be setback more than eight feet from the property line. Where the building is setback more than eight feet the applicant is proposing to have an outdoor patio which would be associated with the commercial space in the building. Providing outdoor seating for the commercial space will provide for more eyes on the street and will help foster pedestrian activity.

## RECOMMENDATIONS

### **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 43 dwelling units located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue.

### **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 increase the floor area ratio of the building from 2.04 to 2.51 (19 percent increase) located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue subject to the following conditions:

1. Not less than 2,200 square feet of non-residential space shall be included in the building.

### **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 minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease) located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue subject to the following conditions:

1. Not less than 2,200 square feet of non-residential space shall be included in the building.

**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 43 dwelling units space located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue subject to the following conditions:

1. The development shall comply with the window requirements as required per section 530.120.
2. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.
3. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by June 26, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use and description of project
2. Conditional use permit and variance findings
3. June 19, 2006, letter to Council Member Colvin Roy
4. June 19, 2006, letter to Nokomis East Neighborhood Association
5. Preliminary Development Review notes
6. Comments from surrounding residents

7. Zoning map
8. Survey, site plan, floor plans, elevations
9. Photographs of the site and the surrounding area