

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits and Site Plan Review
BZZ – 4996

Date: December 13, 2010

Applicant: Bii Gain Dash Anwebi Elder Housing

Address of Property: 2400-2406 Bloomington Avenue

Project Name: Bii Gain Dash Anwebi Elder Housing West

Contact Person and Phone: Paula Merrigan, (612) 676-2730

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: November 12, 2010

End of 60-Day Decision Period: January 11, 2011

Ward: 9 **Neighborhood Organization:** Midtown Phillips (adjacent to East Phillips and Ventura Village)

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 18 units.

Concurrent Review:

Conditional use permit to allow 18 dwelling units.

Conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 4 stories and 35 feet to 51 feet.

Site plan review for a multiple family dwelling with 18 units.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a multiple family dwelling with 18 units located at the properties of 2400-2406 Bloomington Avenue South. The site is located on the southwest corner of Bloomington Avenue and 24th Street East. No structures exist on the site. The proposed building would

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have four stories and enclosed parking on the ground floor. This building is proposed in conjunction with a proposal for a 4-story, 29 unit multiple-family dwelling on the southeast corner of the intersection.

A similar project was approved for this site in 2006. The previous approvals are attached for reference. Those approvals, with the exception of the rezoning, have since expired. The previous project included commercial on the ground floor and fewer dwelling units. Most of the building was 3 stories with a 4-story tower element at the corner of 24th Street and Bloomington and not all of the parking was enclosed. It also required a front yard variance to allow the building to encroach in the required front yard. The footprint of the current building proposal has been adjusted to eliminate the need for the variance.

In the C1 district, a multiple family dwelling with 5 or more units is a conditional use. The building would have 4 stories and would be 51 feet tall. In the C1 district, the maximum height is limited to 2.5 stories or 35 feet, whichever is less. A conditional use permit is required to increase the height. (Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.) Site plan review is required for any new use with 5 or more dwelling units.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow 18 dwelling units.

Findings as required by the Minneapolis Zoning Code:

The 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.

Construction of a multifamily residential building with 18 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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

The surrounding area is partially developed. The southeast corner of the Bloomington Avenue and 24th Street intersection is also vacant. The development of this corner with a residential use should have a positive effect on surrounding properties.

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

The site would be served by existing infrastructure. Vehicle access would be from the alley. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The minimum parking requirement for the proposed development is 16 spaces. The applicant is proposing 16 vehicle parking spaces. Secure bicycle parking would be provided for the residents as well as guests. Residents would have access to a bus route on Bloomington Avenue. The development should have little effect on congestion in the streets.

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

The future land use designation of the site is urban neighborhood¹ in *The Minneapolis Plan for Sustainable Growth*. The site is located on a community corridor, Bloomington Avenue, and is within ½ mile of the Franklin LRT Station Area. The following principals and policies apply to this proposal:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

Applicable Implementation Step

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

Applicable Implementation Step

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

Applicable Implementation Step

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

¹ Urban Neighborhood — Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

Policy 3.1: Grow by increasing the supply of housing.

Applicable Implementation Step

- 3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

Applicable Implementation Step

- 3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

Applicable Implementation Step

- 3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

Applicable Implementation Steps

- 10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.
- 10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

Applicable Implementation Steps

- 10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.
- 10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.
- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

Applicable Implementation Step

10.16.1 Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Applicable Implementation Step

10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

The *Franklin-Cedar/Riverside Transit Oriented Development Master Plan* was adopted by the City Council on December 28, 2001. The plan states that “land uses within ½ mile of the station should provide opportunities for higher density housing, high employment work places, and other high activity uses which maximize the benefits of the LRT system.” The proposal is consistent with the comprehensive plan and adopted small area plan.

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

The proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits and site plan review.

CONDITIONAL USE PERMIT: to increase the maximum height of a principal structure from 2.5-stories to 4-stories and 35 feet to 51 feet.

Findings as required by the Minneapolis Zoning Code:

The 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.

Construction of a four story building on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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.

Residences are located to the south, west and north of the site. The properties to the east and north are separated from the subject site by streets. The dwellings to the west would be over 70 feet from the proposed building location. The proposed building would comply with all yard requirements.

Most of the building would be 45 feet tall. The taller portions of the building would be located on the north side of the building near the 24th Street and Bloomington Avenue intersection. A 4-story multiple-family dwelling is proposed to the east of the subject site, which also includes a tower element at the street corner. The building “tower” elements would act as focal points in the intersection. The increased height should have little effect on surrounding properties.

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

The site would be served by existing infrastructure. Vehicle access would be from the alley. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The minimum parking requirement for the proposed development is 16 spaces. The applicant is proposing 16 vehicle parking spaces. Secure bicycle parking would be provided for the residents as well as guests. Residents would have access to a bus route on Bloomington Avenue. The development should have little effect on congestion in the streets.

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

Please see the dwelling units conditional use permit section of this staff report.

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

The proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

1. Access to light and air of surrounding properties.

The building would comply with all yard requirements. Most of the building would be 45 feet tall. The taller portions of the building would be located on the north side of the building near the 24th Street and Bloomington Avenue intersection. The increased height should have little effect on surrounding properties access to air and light.

2. Shadowing of residential properties or significant public spaces.

The applicants did not submit a shadow study as part of this application. The site is not adjacent to any significant public spaces. Residences are located to the south, west and north of the site. The properties to the east and north are separated from the subject site by streets. The dwellings to the

west would be over 70 feet from the proposed building location. The shadowing effects should not be significant.

3. The scale and character of surrounding uses.

The height of other residential and commercial buildings in the area is one, two or three stories. The adjacent property to the south is a 2-story residence. Most of the proposed building would be 45 feet in height. The taller portions, including a tower element, would be oriented toward the street corner. A 4-story multiple-family dwelling is proposed to the east of the subject site, which also includes a tower element at the street corner. The applicant has indicated that the paired towers would anchor the corner and create a unifying element for the community corridor.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- 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.

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- 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, windows, and active functions:
 - 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.
 - f. 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.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
 - Ground floor active functions:

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
 - 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

Along Bloomington Avenue, a 20 foot front yard setback for first 40 feet from the residential property to the south is required. In that area, the building would be set back 20 feet. Outside of the required front

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yard, the building would be set back 4 to 12 feet. Along 24th Street, the building would be set back between 7.5 feet and 44 feet from the corner side lot line. The ground floor would include enclosed parking and common spaces, including the lobby, community room and fitness room. The spaces with active functions would be located where the walls are closest to the streets adjacent to the 24th Street and Bloomington Avenue intersection. Where parking would be located, the walls are set back further from the street. Some walls have been set back more than 8 feet in part to accommodate a wider public sidewalk on Bloomington Avenue and 24th Street. The increased setbacks also allow landscaping and a patio area to be provided in the areas between the building and the streets. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow the building wall set backs as proposed.

Landscaping would be provided between the area between the building and the adjacent streets. The applicant is also providing an extension of the public sidewalks onto the site on both Bloomington Avenue and 24th Street. A patio would also be provided between the building and 24th Street.

The main entrance would face Bloomington Avenue.

All parking would be enclosed.

The building design includes recesses and projections, windows, and changes in materials to divide the building into smaller identifiable sections.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length, except on the north and south walls of the parking garage. The part of the north wall without sufficient architectural detail would be 53 feet wide. This wall is set back 44 feet from the 24th Street corner side lot line. In this area, landscaping, including trees, and a patio are proposed. Only a door would break up the 96 foot length of the south wall. This wall faces a residential property. To the west of the door, shrubs with a mature height of approximately 5 feet would abut the wall. The primary exterior material of both walls would be brick with rowlock and stock bond coursing incorporated to create a pattern. However, these patterns do not meet the intent of this standard, which includes graffiti prevention, because they are not projecting or recessed, they are not a change of material, and they are not an opening. Additional architectural elements, such as glass block windows, could be incorporated. Staff is recommending that the planning commission not grant alternative compliance.

The primary exterior materials would include brick, metal, cementitious, and stucco siding, and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of the building would be compatible.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance would be clearly defined by a canopy, projection from the building, and a wide sidelight window to emphasize its importance.

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The walls facing Bloomington Avenue and 24th Street are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed the minimum requirements, except the first floor of the 24th Street (north) elevation. Windows equaling 20 percent of the first floor wall (180.8 square feet) are required. Approximately 18.8 percent (170 square feet) of the first floor north elevation would be windows. The enclosed parking garage would occupy almost half of this wall, but would be set back 44 feet from the corner side lot line. On the upper levels facing 24th Street, approximately 17 percent of each wall would be windows that allow views from spaces with active functions. Because excess windows that could provide additional opportunities for natural surveillance are proposed on the upper floors, staff is recommending that the planning commission grant alternative compliance to the 24th Street first floor window requirement from 20 percent to 18.8 percent.

All windows would be vertical in proportion and distributed in a more or less even manner.

Along Bloomington Avenue, 70 percent of the first floor building frontage would have active functions. Along 24th Street, approximately 53 percent of the first floor building frontage would have active functions. The remainder of the frontage would be the enclosed parking and a trash room. This part of the building would be set back 44 feet from the corner side lot line. In between this wall and the street, landscaping and a patio are proposed. With the alternatives proposed, staff is recommending that the planning commission grant alternative compliance to allow parking and storage to occupy 47 percent of the 24th Street building frontage.

A flat roof is proposed. Most of the nonresidential buildings in the area also have flat roofs.

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.**

Conformance with above requirements:

The building entrances would be connected to the public sidewalks with walkways that exceed four feet in width.

No transit shelters are proposed.

Vehicle access would be from the alley. The proposed access should have little effect on the surrounding residential properties and should have minimal impact on pedestrians.

All parking would be enclosed. An 11 foot long driveway would connect the parking to the alley. The amount of impervious surface proposed for vehicles is not excessive.

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.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 14,913 square feet. The building footprint would be approximately 8,248 square feet. The lot area minus the building footprint therefore consists of approximately 6,665 square feet. At least 20 percent of the net site area (1,333 square feet) must be landscaped. Approximately 4,050 square feet of the site would be landscaped. That is equal to 60.8 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 14 respectively. The applicant would provide 3 canopy trees, 7 ornamental trees, and 117 shrubs on-site and 3 trees in the proposed Bloomington Avenue boulevard. The remainder of the landscaped area would be covered with plants including perennials, sod, and native grass.

ADDITIONAL STANDARDS:

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- 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.
- 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.

Conformance with above requirements:

The driveway would be defined by 6 inch by 6 inch concrete curbing.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site includes crime prevention design elements. The building would be oriented to the street with windows on the ground level. A decorative fence would separate private from public areas. To prevent glare from negatively affecting the pedestrians on the adjacent sidewalk, staff is recommending that the applicant shield ceiling lights in the parking garage.

No structures exist on the site.

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: The site is zoned C1. A multifamily dwelling with 5 or more units in the C1 district is a conditional use.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement is one parking space per dwelling unit, or 18 spaces. The proposal qualifies for a 10 percent reduction of the minimum requirement because it is located within 300 feet of a transit stop with midday service headways of thirty minutes or less in each direction. This reduces the parking requirement to 16 spaces. Sixteen spaces would be provided. Of the spaces provided, at least one must be accessible. One space will be accessible. Up to 4 spaces can be compact. Two compact spaces are proposed.

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Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. All parking would be enclosed.

Bicycle parking requirement: The minimum bicycle parking requirement is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 9 spaces, of which at least 8 must meet the long-term parking requirements. The applicant would provide at least 8 long-term spaces and 2 short-term spaces.

Loading: A loading space is not required for multiple family dwellings with less than 100 units.

Maximum Floor Area: The lot area is 14,913 square feet. The maximum FAR allowed in the C1 District is 2.04 when all of the required parking is provided within the building. The building would have a total of 21,000 square feet, which is an FAR of 1.4.

Minimum Lot Area: The lot area is 14,913 square feet. The minimum lot area requirement in the C1 district is 700 square feet per dwelling unit, or 12,600 square feet for 18 units. The applicant qualifies for a 20 percent density bonus for locating all required parking within the building. With the density bonus, the minimum lot size is 596.5 square feet per unit, or approximately 10,737 square feet for 18 units.

Dwelling Units per Acre: The applicant proposes a density of 52.5 dwelling units per acre.

Building Height: In the C1 district, the maximum height is limited to 2.5 stories or 35 feet, whichever is less. The building would have 4 stories and would be 51 feet tall. A conditional use permit is required to increase the height.

Yard Requirements: The front lot line is adjacent to Bloomington Avenue. A front yard is only required in the C1 district where an adjacent property is either zoned residential or contains a residential use. The property to the south of the subject site is zoned R2B and contains a residential structure. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the R2B district is 20 feet. The adjacent residence is set back more than 20 feet; therefore a 20 foot front yard is required to be provided on the subject site for the first 40 feet from the adjacent residential property. The building would comply with this requirement.

An interior side yard is required along the south lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A four-story building is

proposed, therefore the minimum requirement is 11 feet. The building would comply with this requirement.

Specific Development Standards: Not applicable.

Hours of Operation: Not applicable.

Refuse screening: Refuse storage containers would be stored in the building.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

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- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Signs: A non-illuminated wall sign 12 square feet in area and 7 feet above grade is proposed next to the main entrance. The sign would comply with the standards for C1 signage. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: Please see the dwelling units conditional use permit section of this staff report.

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.

Alternative compliance is requested by the applicant to meet the following standards:

- Building placement within 8 feet of the lot line adjacent to a street
Along Bloomington Avenue, a 20 foot front yard setback for first 40 feet from the residential property to the south is required. In that area, the building would be set back 20 feet. Outside of the required front yard, the building would be set back 4 to 12 feet. Along 24th Street, the building would be set back between 7.5 feet and 44 feet from the corner side lot line. The ground floor would include enclosed parking and common spaces, including the lobby, community room and

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fitness room. The spaces with active functions would be located where the walls are closest to the streets adjacent to the 24th Street and Bloomington Avenue intersection. Where parking would be located, the walls are set back further from the street. Some walls have been set back more than 8 feet in part to accommodate a wider public sidewalk on Bloomington Avenue and 24th Street. The increased setbacks also allow landscaping and a patio area to be provided in the areas between the building and the streets. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow the building wall set backs as proposed.

- Blank, uninterrupted walls that exceed 25 feet in length

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length, except on the north and south walls of the parking garage. The part of the north wall without sufficient architectural detail would be 53 feet wide. This wall is set back 44 feet from the 24th Street corner side lot line. In this area, landscaping, including trees, and a patio are proposed. Only a door would break up the 96 foot length of the south wall. This wall faces a residential property. To the west of the door, shrubs with a mature height of approximately 5 feet would abut the wall. The primary exterior material of both walls would be brick with rowlock and stock bond coursing incorporated to create a pattern. However, these patterns do not meet the intent of this standard, which includes graffiti prevention, because they are not projecting or recessed, they are not a change of material, and they are not an opening. Additional architectural elements, such as glass block windows, could be incorporated. Staff is recommending that the planning commission not grant alternative compliance.

- Twenty percent first floor window requirement

The walls facing Bloomington Avenue and 24th Street are subject to the minimum window requirements. The amount of windows on all walls of all levels would exceed the minimum requirements, except the first floor of the 24th Street (north) elevation. Windows equaling 20 percent of the first floor wall (180.8 square feet) are required. Approximately 18.8 percent (170 square feet) of the first floor north elevation would be windows. The enclosed parking garage would occupy almost half of this wall, but would be set back 44 feet from the corner side lot line. On the upper levels facing 24th Street, approximately 17 percent of each wall would be windows that allow views from spaces with active functions. Because excess windows that could provide additional opportunities for natural surveillance are proposed on the upper floors, staff is recommending that the planning commission grant alternative compliance to the 24th Street first floor window requirement from 20 percent to 18.8 percent.

- Ground floor active functions

Along 24th Street, approximately 53 percent of the first floor building frontage would have active functions. The remainder of the frontage would be the enclosed parking and a trash room. This part of the building would be set back 44 feet from the corner side lot line. In between this wall and the street, landscaping and a patio are proposed. With the alternatives proposed, staff is recommending that the planning commission grant alternative compliance to allow parking and storage to occupy 47 percent of the 24th Street building frontage.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 18 dwelling units for the properties located at 2400-2406 Bloomington Avenue South, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 4 stories and 35 feet to 51 feet for the properties located at 2400-2406 Bloomington Avenue South, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a mixed use building with 18 dwelling units for the properties located at 2400-2406 Bloomington Avenue South, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, floor, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 13, 2011, or the permit may be revoked for non-compliance.
3. There shall not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length as required by section 530.120 of the zoning code to prevent graffiti.

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4. Ceiling lights in the parking garage shall be shielded to prevent glare on the adjacent sidewalk.

Attachments:

1. City Planning Commission and City Council approvals from 2006
2. PDR comments
3. Applicants statement of use and findings
4. Zoning map
5. Plans
6. Photos