

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review
BZZ-3197

Date: September 18, 2006

Applicant: Toni Crockett

Address of Property: 1514 W Lake St

Project Name: 1514 W Lake St

Contact Person and Phone: Andrew Dull, (612) 823-6025

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: August 23, 2006

End of 60-Day Decision Period: October 22, 2006

End of 120-Day Decision Period: N/A.

Ward: 10

Neighborhood Organization: East Isles Residents Association,
adjacent to East Calhoun Community Organization

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: N/A

Zoning Plate Number: 24

Lot area: 5,534 square feet

Proposed Use: Retail on the 1st floor and three dwelling units above

Concurrent Review:

- Conditional Use Permit to increase the permitted height of the new building from 3 stories to 4 ½ stories
- Variance to reduce the west interior side setback from 11 ft to 5 ft
- Variance to reduce the required drive aisle width in the underground parking garage from 22 ft to 18 ft
- Variance to reduce the required parking for the retail space from 4 to 0 spaces
- Site Plan Review

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

Background: The existing building on the site is a six-dwelling-unit rental building. The applicant would like to demolish the existing building and build a new mixed-use building with only three dwelling units (for-sale) with ground floor commercial and underground residential parking. The new building would be narrower but taller than the existing building.

A mixed use building in the C1 district allows 3 stories of height; the applicant is proposing a four story building with an additional half-story underneath the gabled roof. The proposed height and residential use of the building requires 11 foot interior side yard setbacks. The proposed building is quite narrow (27 ft. wide) and would need to be reduced to 19 ft. wide (which is not permitted by the zoning code) to meet both interior setbacks. The applicant is proposing to exceed the east side yard setback at 13 feet and reduce the west side yard setback to 5 ft. This maximizes the distance between the new building and the residential building to the east and minimizes the side yard setback to the west which faces an office building.

The narrow nature of the proposed building results in an underground parking floor that does not provide the required minimum drive aisle width. Twenty-two feet are required, 18 ft are provided. Furthermore, only parking for the residential use is provided. While the parking provided exceeds the residential requirement, there are security concerns for allowing access to the underground parking to commercial employees or customers. Therefore the applicant is requesting a reduction in the required commercial off-street parking from 4 to 0 spaces. A site plan review is also required.

Because the project is located in the Lake and Hennepin area of a Pedestrian Overlay (PO) district, a Travel Demand Management (TDM) plan is required. The applicant's submitted TDM is attached to this report and is at the time of the writing of this report being reviewed by Public Works staff. Final approval of the TDM must be given by both Public Works and Planning before final plans can be approved.

At the time of the writing of this report staff has not received any written comments from the neighborhood or any individuals.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to increase the permitted height to 4 ½ stories at 1514 W Lake St:

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

The building's total height would be equal to that of the adjacent office building to the west: just under 50 ft. The increase in height should not endanger the public.

- 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 new building would be narrower than the existing building which allows more sunlight between the buildings despite the building's height. The proposed height would have the most impact on shadowing in the alley. Surrounding properties should not be adversely affected and orderly development and improvements should not be impeded.

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

Access to the underground residential parking will be off the alley; a car lift will take the cars to the underground garage. There is no commercial parking proposed. Site drainage is directed through landscaping on all four corners of the site.

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

The applicant is requesting a parking variance to reduce the number of off-street parking spaces for the commercial use from 4 to 0. See the variance findings for analysis of this variance on traffic congestion. The reduction in residential units indicates that alley traffic to the residential parking will be less than the current needs.

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

The project site is within the Uptown Small Area Plan scope which is currently underway. In *The Minneapolis Plan*, W Lake St is a commercial corridor, and the following specific sections apply:

Chapter 4.3 of *The Minneapolis Plan* states: "Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered." One of the implementation strategies for this policy is to "support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street." The mixed use building proposed will replace a residential building in an area well suited for mixed use buildings.

Chapter 9.5 of *The Minneapolis Plan* states: "Minneapolis will support the development of residential dwellings of appropriate form and density." One of the implementation strategies for this policy is to "promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers." At 24 dwelling units per acre, the proposed building is a moderately dense development on a commercial corridor and within an Activity Center.

Chapter 9.11 of *The Minneapolis Plan* states: "Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas." One of the implementation

strategies for this policy is to “orient new buildings to the street to foster safe and successful commercial nodes and corridors.” The building façade offers large views and balconies from the residential units. Another implementation strategy is to “require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.” The first floor façade is almost entirely glass and is closer to the street than the residential footprints, which creates natural surveillance and storefront transparency.

Chapter 9.15 of *The Minneapolis Plan* states: “Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.” One of the implementation strategies for this policy is to “provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.” The proposed building maximizes the distance between it and the adjacent residential to use to the east, rather than the office building to the west.

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.

In addition to a Conditional Use Permit to increase height, the proposed project requires a variance to reduce an interior side yard setback, a variance to reduce the minimum drive aisle width, and a variance to reduce the parking required for the commercial use, as well as site plan review.

At the time of the printing of this report, the applicant has not been scheduled for Preliminary Development Review (PDR). PDR must take place before final plans will be accepted.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

(1) Access to light and air of surrounding properties.

As mentioned before, the property to the west is the same height as the proposed building. Furthermore, the windows that do exist on the adjacent building that face the proposed building are located on the bottom half of that elevation, so even a building of the permitted height of three stories would shade those windows’ access to light.

Because of that factor, and the fact that the property to the east is residential, the applicant has proposed a larger setback on the east. The proposed setback and the orientation of the buildings (they all face south) is such that the increased height should not have a significant impact on the access to light and air of surrounding properties.

(2) Shadowing of residential properties or significant public spaces.

No significant public spaces would be shadowed by the proposed building. The residential properties to the east would experience some shadowing toward the end of day. The front yard setback requirement, which is being met, and will be a few feet further back from the front lot line than the existing building, will allow more sunlight to the adjacent residential building in the

middle part of the day. In the morning, the adjacent building will cast shadows on the proposed building.

(3) The scale and character of surrounding uses.

As mentioned before, the proposed height is the same as the office building to the west. The residential building to the east is approximately 35 feet tall, with three floors. The height of buildings in the greater surrounding area varies, with some buildings at or higher than 4 ½ stories and more buildings closer to 2 and 3 stories high.

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

No significant views should be compromised by the proposed height of the new building. Views of Lake Calhoun are most likely blocked by other existing buildings regardless of the increased height of the proposed building.

VARIANCES

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the interior (west) side yard setback from 11 to 5 feet.

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.

To meet both interior yard setbacks at the proposed height the applicant would have to build a structure too narrow to approve. The office use, fewer windows, and low height of the windows on the building to the west supports the idea that the variance would be requested for the west interior yard. However, the applicant is proposing to provide 2 more feet than required for the east side yard setback. Staff feels that the west yard setback should be maximized as much as possible without requiring a variance for the eastern setback. Therefore staff recommends approving this variance to 7 feet rather than 5 feet.

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

The width of the parcel was not created by the applicant. The new building would provide equal or more distance from both adjacent buildings than the current building's footprint. However, the applicant is contributing to the need for the variance by proposing an increase in height (side yard variances for residential uses are determined in part by building height).

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.

Setbacks are set in part to protect access to air and light. The conditional use permit findings for an increase in height indicate that air and light will be mostly preserved and meeting both interior side yard setbacks would do little to prevent the shadowing the does and would occur on the building to the west.

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

The proposed western setback would put the new building more than 9 feet from the adjacent office building, or 11 feet per staff's recommendation. The area between the buildings would be fenced off to prevent pedestrian traffic between the buildings. Reducing the interior yard setback should not be detrimental to the public.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the required drive aisle width from 22 to 18 ft.

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

The applicant is already widening the underground garage from the building's above-ground footprint. Further widening toward the west would create structural problems for the building that could be solved by further reducing the side yard setback, which is not desirable. Further widening to the east is unlikely as it is already 2 feet from the property line.

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

The width of the parcel that limits the width of the underground garage was not created by the applicant.

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

The narrower drive aisle will only affect private residents of the proposed building and will not be detrimental to other property in the vicinity.

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

The proposed variance has no impact on the public realm.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the required parking for the commercial use from 4 to 0 spaces.

- 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.**

Although a mixed-use building is desirable on the site, providing separated parking (as is required) for both residents and commercial tenants/customers would take up too much of the relatively small site.

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

The size of the property was not created by the applicant. The number of dwelling units and the size of the retail space is modest and is not responsible for escalating the parking requirement.

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

The required TDM asserts that metered on-street parking on W Lake street will be sufficient to support the proposed commercial use. The small scale of the commercial use, the availability of parking facilities in the area, the supply of high- and moderate- density housing in the area and the multiple bus routes in and out of the area indicates that other modes of transportation to the site are likely. The applicant has indicated that bicycle parking will be provided but as it is not shown on the site plan staff is recommending it as a condition of approval.

- 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.**

Street parking in the area is usually close to full at peak hours, but generally spaces are available. The parking reduction should not harm the public welfare.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for 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 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.

- 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.**

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.**

Conformance:

- The placement of the building reinforces the street wall on W Lake St and pedestrian access is clearly understood through walkways and site design.
- The existing building is more than 8 feet from the front lot line in order to meet the required front yard setback.
- The area between the building and the front lot line is landscaped. Staff is recommending that bicycle parking also be provided in this area.
- Principal entrances to both the retail use and a residential lobby face the lot frontage.
- All off street parking is proposed entirely underground.
- Windows are calculated below and materials and other architectural details are used to create visual interest.
- The building is separated into smaller sections with architectural features such as balconies and materials, although it is not large.
- One section of the building has more than 25 feet without windows or architectural features. This is located at the rear of the west elevation on the first floor. Staff recommends requiring a window or architectural detail be provided in this location to be in compliance with this requirement.
- The building's exterior materials include stucco, brick, metal and glass. Brick is used on all elevations except the rear, which is entirely stucco and glass. No plain faced concrete block is proposed as an exterior material.
- Windows are required on 30% of the first floor and 10% of each floor above the first floor for the front of the building as it faces a public street and sidewalk and has a nonresidential use on the first floor. Windows on the façade are proposed as follows:
 - 1st floor: 30% required, 41% provided
 - 2nd floor: 10% required, 51% provided
- Windows are distributed in a more or less even manner and are generally vertical in nature.
- The roof is gabled, similar to some nearby residential buildings. Many buildings in the area have flat roofs, as well. A flat roof would increase the height of the building and would cause the ½ story to be considered a full story.

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:

- Walkways greater than 4 feet wide connect the sidewalk to the building entrances.
- There are no transit shelters on or adjacent to the site.
- Vehicular access is via the alley to the rear of the site. There should be no conflicts with pedestrian traffic and surrounding residential uses which use the same alley.
- A small walkway from the alley to the trash room on the east side of the building is provided for trash pick-up. Vehicular access to the building, however, will occur via a concrete drive off the alley.
- All areas not needed for buildings, access, loading, or trash and recycling, will be landscaped.

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:

- The lot area (5,534 sq. ft.) less the building footprint (2,509 sq. ft.) yields a net site of 3,025 sq. ft. The Code requires a minimum of 605 sq. ft. of landscaping, 2 trees and 7 shrubs. The total landscaping proposed by the applicant is 1,545 sq. ft. This equals 51% of the net site. The proposed project includes 2 trees and 8 shrubs.
- No screening is required as all parking is underground.
- All areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

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.

Conformance:

- The driveway shows site drainage moving toward the alley in the rear.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- Headlights should not cause a problem with any nearby residential uses as the parking is underground.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.

- The site design and landscape plan allows views from the public sidewalk into the site. Fencing will be provided between the proposed building and the building to the west to prevent cut through pedestrian traffic.

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.

Conformance: Staff is not recommending alternative compliance for this project.

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: Retail and residential uses are permitted in the C1 district.

Off-Street Parking and Loading: Based on the number of dwelling units proposed, a minimum of 3 parking spaces must be provided for the residential units on site. Five are provided. Based on a general retail use, 4 spaces are required for the commercial space. None are provided; see variance findings for reducing the required commercial parking.

Maximum Floor Area: The maximum floor area ratio for the C1 district is 1.7. The proposal is eligible for a density bonus of 20% because it is a mixed commercial-residential building, or a floor area ratio of 2.0. The floor area ratio proposed by the applicant is 1.97.

Building Height: Building height in the C1 District for mixed use buildings is limited to 3 stories or 42 feet, whichever is less, when at least 50 percent of the ground floor is devoted to commercial use. The proposed building is 4 ½ stories and just under 50 feet. See the conditional use permit findings for increasing the maximum height.

Minimum Lot Area: A dwelling unit as part of a mixed use building must have a minimum of 900 sq. ft. of lot area per dwelling unit. The applicant is providing more than 1,800 sq. ft. of lot area per dwelling unit.

Yard Requirements: The front yard setback is equal to the established front yard of the residential use to the east, or approximately 23 feet, for the first 40 feet of the property. The applicant has indicated that the building will be moved back to accommodate this requirement, although it is shown slightly in front of the setback line in the attached drawings. The side yard setbacks are both 11 feet; see the variance findings for the reduction of the western side yard setback to 5 feet. There are walkways in both side yards, but they are no more than 4 feet wide and are thus permitted obstructions. There is no rear yard setback.

Specific Development Standards: Not applicable.

Hours of Operation: There is currently not a tenant for the retail space. If the future tenant wants hours of operation more than what is permitted by section 548.60 of the code, a conditional use permit will be required.

Signs: No signs are proposed at this time. Any signs proposed will need a sign permit and a public hearing if not in compliance with Chapter 543 of the zoning code.

Refuse storage: All storage of refuse and recyclable materials will be located in a trash room inside the building.

Minneapolis Plan: See finding #5 of the conditional use permit.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a parking lot at 2841 16th Ave S:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an increase in height to 4 ½ stories and 50 feet at 1514 W Lake St.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the west interior side yard setback from 11 to 5 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the west interior side yard setback from 11 to 7 feet at 1514 W Lake St.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the drive aisle width from 22 to 18 feet:

The Department of Community Planning and Economic Development – Planning Division recommends

that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the drive aisle width from 22 to 18 feet at 1514 W Lake St.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the commercial parking requirement from 4 to 0 spaces:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the parking requirement from 4 to 0 spaces for the commercial use at 1514 W Lake St.

1. Bicycle parking will be provided for the retail use.

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 application for a site plan review at 1514 W Lake St, subject to the following conditions:

1. The Travel Demand Management Plan will be completed and approved by the Planning Director prior to the applicant receiving a building permit.
2. A window or architectural detail will be provided so that the blank wall on the first floor of the rear of the west elevation does not exceed 25 feet as required by section 530.120 of the code.
3. Any changes to site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.
4. CPED Planning staff review and approval of the final site and landscaping plans.
5. All site improvements shall be completed by September 18, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Travel Demand Management Plan draft
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos