

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances and Site Plan Review
BZZ-5230

Date: August 15, 2011

Applicant: Master Properties Minnesota

Address of Property: 4516-4556 46th Street E

Project Name: N/A

Contact Person and Phone: Don Gerberding, (612) 288236-1460

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 20, 2011

End of 60-Day Decision Period: September 18, 2011

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: OR2, High Density Office Residence district

Proposed Zoning: N/A

Zoning Plate Number: 34

Lot area: 14,715 square feet

Legal Description: Not applicable for this application.

Proposed Use: Construction of a 4-story, residential building with 48 dwelling units.

Concurrent Review:

- Conditional use permit for 48 dwelling units.
- Variance to reduce the minimum lot area per dwelling unit from 602 square feet to 426 square feet, a variance of 29.2 percent.
- Variance to reduce the required front yard setback from 15 feet to 4.5 feet.
- Variance to reduce the required rear yard setback from 11 feet to 9'3".
- Variance to reduce the north side yard setback from 11 feet to 10 feet.
- Variance to reduce the required south side yard setback from 14 feet to 0 feet.
- Variance to reduce the drive aisle width for two surface parking stalls to 0 feet and five enclosed stalls to 16 feet.
- Variance to allow surface parking within 6 feet of a dwelling.
- Variance to increase the maximum lot coverage from 70 percent to 73.2 percent.

- Variance to increase the maximum amount of impervious surface from 85 percent to 87.5 percent.
- Site plan review.

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

Background: Master Properties Minnesota is proposing to construct a four-story building with 48 residential units at the northwest corner of 46th Street E and 46th Avenue S. The site is 20,473 square feet in area and is zoned OR2, High Density Office Residence district. The unit mix includes 39 one-bedroom units and nine two-bedroom units. The proposal includes underground parking in addition to five parking stalls on the first floor and two surface stalls, all accessed from the alley. The building will be four stories and a maximum of 50 feet in height.

The site received land use approvals in 2005 for a 27-unit residential building. Approvals at that time included rezoning from OR1 to OR2, a conditional use permit for 27 units and setback variances to allow the building to encroach into all yards and to allow ground level patios, balconies, and retaining walls higher than three feet to encroach into the front yard on 46th Avenue and the corner yard on 46th Street. Those applications were denied by the City Planning Commission and approved by the City Council on appeal. The foundation of the approved building and approximately 65 percent of the first floor was constructed and at that point the development stalled. The applicant is proposing to re-use the existing foundation as part of this project and the footprint of the building is generally the same as that approved in 2005.

Developments with 5 residential units or more are conditional uses in the OR2 district and a conditional use permit has been applied for accordingly.

Several variances have been requested for the project. Multiple-family developments in the OR2 District require 700 square feet per dwelling unit. The site is eligible for one 20 percent bonus for providing underground/enclosed parking, which reduces the required minimum lot area to 602 square feet per dwelling unit. The subject parcel is 20,473 square feet in size and the applicant is proposing 48 dwelling units, for a minimum lot area of 426.5 square feet per dwelling unit. A variance is being requested to reduce the minimum lot area per dwelling unit from approximately 602 square feet per dwelling unit to 426.5 square feet per dwelling unit, or a variance of approximately 29.15 percent.

Uses in the OR2 district have a minimum front yard setback requirement of 15 feet. The front yard is required to be increased where the established front yard of the closest principal structure originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. The house to the north of the site is 21 feet from the property line so the district minimum of 15 feet is required to be increased to 21 feet along 46th Avenue. The applicant is proposing a wall that extends 7 feet above grade from the underground parking garage within 4.5 feet of the front lot line.

Said wall is not a permitted obstruction and a variance is required. Several patios that exceed 50 square feet are also located in the required front yard, the closest of which is six feet to the front property line. The actual building wall is a minimum of nine feet from the front property line.

The required corner side yard setback in the OR2 district is $8+2x$ where x is equal to the number of stories above the first floor. For this four story building, the required corner side yard setback is 14 feet. The applicant is again proposing a wall that extends 7 feet above grade from the underground parking garage which is directly on the property line in this location. This wall is not a permitted obstruction and a variance is required accordingly. The building wall in this location is set back a minimum of 5.5 feet from this south property line. This proposed setback coincides with the setback variance previously approved for the site and the location of the existing building foundation.

The required north interior side yard setback for the site is $5+2x$ where x is equal to the number of stories above the first floor. For this four story building, the required interior side yard setback is 11 feet. The building wall in this location will have a setback of 10 feet and a variance has been requested accordingly. This proposed setback coincides with the setback variance previously approved for the site and the location of the existing building foundation.

The required rear yard setback for the site is $5+2x$ where x is equal to the number of stories above the first floor. For this four story building, the required rear yard setback is 11 feet. The building wall in this location is proposed 9'3" from the rear property line. A variance has been requested accordingly.

Parallel parking stalls require a drive aisle that is a minimum of 12 feet in width for one-way traffic and 22 feet for two-way traffic. The applicant is proposing a parallel stall adjacent to the alley that does not have a drive aisle. This space will rely on the alley for maneuvering and thus a variance is required. Also, 90-degree parking stalls require a drive aisle that is a minimum of 20 feet in width for one-way traffic and 22 feet in width for two-way traffic. One 90-degree surface stall and five first floor parking stalls are proposed, each with a drive aisle width of 16 feet. This situation also requires a variance to the minimum drive aisle width.

Section 537.80 of the zoning code requires that open parking spaces be located no closer than six feet from a dwelling of any type. The parallel parking stall for the proposed hour car is located approximately 2.5 feet from the west building wall. The handicap surface stall is located directly up to the west building wall with no setback proposed. A variance is required to allow these parking stalls within six feet of the residential structure.

The maximum amount of impervious surface allowed in the OR2 District is 85 percent. The amount of impervious surface proposed as part of this project is equivalent to 87.5 percent of the site. A variance has been requested accordingly. Similarly, the maximum lot coverage in the OR2 district is 70 percent. The applicant is proposing lot coverage equivalent to 73.2 percent of the total site and a variance has been requested.

Staff received a letter from the Longfellow Community Council dated August 1, 2011 in support of the project. Said letter has been attached for reference.

CONDITIONAL USE PERMIT: (to allow 48 dwelling units in the OR2 district)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis Department of Community Planning and 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 48-unit residential development should not have negative impacts on the area. The proposed development complements this busy street corner and is within walking distance of the LRT station at 46th Street and Hiawatha Avenue, eight blocks west of the site. The building previously approved for the site contained 27 units that ranged in size from 1,055 square feet to 2,213 square feet. The proposed building would accommodate 48 smaller units within an almost identical building footprint that range in size from 645 square feet to 1,363 square feet. The number of bedrooms in the proposed building will match the number of bedrooms approved in 2005 and thus the number of residents should be approximately the same. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The site is bordered by single family homes to the north and west. An 11-unit apartment building and two duplexes are located directly across 46th Avenue to the east. The parcel directly south of the site, across 46th Street E, contains a single family home. The opposite corner of this intersection contains parkland that is part of Minnehaha Park. The surrounding area is fully developed and the proposed density of the project should not impede normal and orderly development of the area. Further, utilizing the site for 48 residential units would provide additional opportunities for housing within the neighborhood in a location that is well served by transit.

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

The site is served by existing infrastructure and would be accessed from the alley on the west side of the site. The Public Works Department will review the plan for compliance with standards related to access and circulation, drainage, and sewer/water connections as part of the PDR process. The PDR report will be forwarded to the Commission prior to the public hearing for consideration. The applicant would be required to work 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 should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The Planning Division does not believe that the proposed 48-unit building will contribute to traffic congestion in the adjacent public streets. The applicant is providing adequate vehicle and bicycle parking and many options for public transit are available in the immediate area. Frequent bus service by Metro Transit is provided along 46th Street E going north and south and buses stop one half-block from the site, at the corner of 46th Street E and 45th Avenue S. Bus service is also available along 46th Avenue S with a stop directly in front of the site. While it is not within the boundary of the Transit Station Area, the site is approximately .75 miles to the light rail station at 46th Street E and Hiawatha Avenue. This could be considered walking distance for residents and the bus service provides a connection to the light rail station as well. The site is also in close proximity to major bike trails, including the trails along Hiawatha Avenue and West River Parkway. Other measures that have been taken by the applicant to reduce traffic generated by the use include the provision of a shared vehicle for residents, providing one bicycle parking space for each unit and providing residents with transit passes that are included in monthly rent. Staff has made additional recommendations below for relieving potential congestion in the public alley on the west side of the site.

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

The site is designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation relates to predominantly residential areas with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. That may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses scattered throughout. The site is located just outside of the Transit Station Area for the 46th Street LRT station. The following land use policies apply:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

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.

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

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

Policy 3.1: Grow by increasing the supply of housing.

- 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.

- 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.

The applicant is proposing a 48-unit residential development on a lot that is .499 acres in size. The resulting density is approximately 102 dwelling units per acre. This level of density fits into the high density category per *The Minneapolis Plan for Sustainable Growth*, which

identifies this density category as development with 50-120 dwelling units per acre. This level of density is consistent with the OR2, High Density Office Residence zoning district and is appropriate at this busy intersection that is well served by transit. While the site is not within a Transit Station Area, it is within a reasonable walking distance of the 46th Street light rail station and at the intersection of two bus routes that both provide midday service.

The site is designated as urban neighborhood on the future land use map. The urban neighborhood designation was a new land use designation adopted with the most recent comprehensive plan update. The comprehensive plan states that traditional urban form is the overarching policy that will drive the design of new developments, streets and public realm in the City of Minneapolis. Acknowledgement of traditional urban form was the driving force for the creation of the urban neighborhood designation. While there are several low density residential uses in the area, the proposed building is designed with traditional urban form in mind and is consistent with the comprehensive 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 rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including the conditional use permits, variances and site plan review, the proposal would comply with all provisions of the OR2 District.

VARIANCE: (to reduce the required minimum lot area per dwelling unit from 602 square feet to 426 square feet.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Multiple-family developments in the OR2 District require 700 square feet per dwelling unit. The site is eligible for one 20 percent bonus for providing underground/enclosed parking, which reduces the required minimum lot area to 602 square feet per dwelling unit. The subject parcel is 20,473 square feet in size and the applicant is proposing 48 dwelling units, for a minimum lot area of 426.5 square feet per dwelling unit or a variance of approximately 29.15 percent.

The site is zoned OR2, High Density Office Residential. This zoning district allows for high density residential development. The requested variance would result in a density of 102 dwelling units per acre which is considered high density. The circumstances could be considered unique to the parcel of land as geographically the site is located directly adjacent to a busy intersection and is well served by transit. The site is located just outside of the

Transit Station Area for the 46th Street LRT station and is eight blocks east of said station. Practical difficulties exist due to these unique circumstances.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Allowing the applicant to construct 48 dwelling units on the site is reasonable. A building was previously approved for the site in 2005 that included 27 dwelling units in a building that was 47,628 square feet. The dwelling units proposed at that time were very large, ranging from 1,055 square feet to 2,213 square feet. Exclusive of parking, the proposed building is 47,673 square feet in area. The applicant is proposing to accommodate 48 dwelling units within a nearly identical building footprint. The dwelling units proposed at this time range in size from 645 square feet to 1,363 square feet. While the number of dwelling units is increasing, the number of bedrooms is the same as what was previously approved. The building approved in 2005 and the building proposed at this time both include 57 bedrooms.

Lot area requirements are established to ensure compatibility with surrounding uses. Establishing high density housing on a parcel that is zoned OR2 is consistent with the intent of the ordinance. The site is designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation relates to predominantly residential areas with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. That may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses scattered throughout. The eastern part of site was zoned C1 and the western part was zoned OR1 in 1999 as a part of the general remapping of the City during the adoption of the current zoning code. Before this it was zoned B2-1. The site has historically been non-residential in nature and providing dwelling units on the site at this time would be consistent with the policies of the Comprehensive Plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The variance is not expected to alter the character of the surrounding area or be injurious to the use or enjoyment of other property in the vicinity. While the area is predominantly low density residential, there is an 11-unit building directly across the street from the subject site. As stated above, the corner parcel has historically contained non-residential uses and non-residential zoning. A project that was previously approved for the site in 2005 was partially constructed before the development stalled. The proposed building is nearly identical to that approved in 2005. Allowing the applicant to develop a building on the existing foundation that has the same number of bedrooms as the previous building would not be detrimental to the healthy, safety, or welfare of the general public.

VARIANCE: (to reduce the required front yard setback from 21 feet to 4.5 feet)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Uses in the OR2 district have a minimum front yard setback requirement of 15 feet. The front yard is required to be increased where the established front yard of the closest principal structure originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. The house to the north of the site is 21 feet from the property line so the district minimum of 15 feet is required to be increased to 21 feet along 46th Avenue. The applicant is proposing a wall that extends 7 feet above grade from the underground parking garage within 4.5 feet of the front lot line. Said wall is not a permitted encroachment as it is not retaining natural grade and a variance is required. Several patios that exceed 50 square feet are also located in the required front yard, the closest of which is six feet to the front property line. The actual building wall is a minimum of nine feet from the front property line. A variance was granted in 2005 to reduce the front yard setback from 21 feet to 8 feet for the building and to allow the encroachment of an 11-foot sidewalk in the front yard.

Practical difficulties exist due to the fact that the building that received approvals in 2005 has been partially constructed. The foundation of the building and approximately 65 percent of the first floor were constructed before the land use approvals expired. The applicant is proposing to reuse the existing foundation and first floor with few modifications and the front yard setback has already been established. These circumstances are unique to the parcel.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The foundation of the building and approximately 65 percent of the first floor were constructed per the 2005 approvals before the development stalled. The applicant is proposing to reuse the existing foundation with few modifications. Allowing the applicant to use the existing foundation with the noted encroachments is reasonable. Granting this setback variance would also be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation

of uses. Adequate access to light and air for adjacent properties should be maintained with the proposed building location.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The granting of the variance to allow a reduction to the front yard would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The setback of the front building wall will vary from nine feet to almost 15 feet along 46th Avenue S. The additional encroachments proposed (patio and above grade garage wall) should not impact other properties in the vicinity. The fourth floor of the building will be setback an additional 23 feet to further reduce any impact the building may have on surrounding properties. Adequate access to light and air will be maintained for adjacent properties and the proposed setback should have little impact on the general public.

VARIANCE: (to reduce the required rear yard setback from 11 feet to 9'3" feet)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The required rear yard setback for the site is $5+2x$ where x is equal to the number of stories above the first floor. For this four story building, the required rear yard setback is 11 feet. The building wall in this location is proposed 9'3" from the rear property line. A variance has been requested accordingly. The applicant is proposing one surface parking stall within this required yard as well. The setback requirement for the parking stall is five feet and a parallel stall for a shared vehicle is located directly on the rear property line.

Practical difficulties exist due to the fact that the building that received approvals in 2005 has been partially constructed. The approvals from 2005 included a variance to reduce the rear yard setback from 11 feet to 9 feet. The foundation of the building and approximately 65 percent of the first floor were constructed before the land use approvals expired. While the previous approvals included a courtyard in the rear that faced the alley, this courtyard was not a permitted encroachment and was also subject to setback requirements. The applicant is proposing to reuse the existing foundation and first floor with few modifications and the rear yard setback has already been established. These circumstances are unique to the parcel.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

As stated above, the foundation of the building and a portion of the first floor were constructed before the previous approvals expired. The applicant is proposing to reuse the existing foundation with few modifications. Allowing the applicant to use the existing foundation, which is 9'3" from the rear property line, is reasonable. Granting this setback variance would also be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Adequate access to light and air for adjacent properties should be maintained with the proposed building location. The rear yard of the building abuts an alley which provides for additional separation between the proposed structure and the single family residential properties to the west.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The granting of the variance to allow a reduction to the rear yard would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The building would back up to a public alley and have a minimum setback of 9'3". The proposed setback of the building would be consistent with the character of other buildings along the alley. Several detached accessory structures that serve the adjacent residential uses along this alley are located up to one foot from their rear property lines. Staff has made additional recommendations below related to parking that will diminish any impact on the public health, safety or welfare.

VARIANCE: (to reduce the required south corner side yard setback from 14 feet to 0 feet)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The required corner side yard setback in the OR2 district is $8+2x$ where x is equal to the number of stories above the first floor. For this four story building, the required corner side yard setback is 14 feet. The applicant is again proposing a wall that extends approximately 7 feet above grade from the underground parking garage which is directly on the property line

and encroaches into the public right-of-way in some locations along 46th Street E. This wall is not a permitted obstruction and a variance is required accordingly. The building wall in this location is set back a minimum of 5.5 feet from this south property line. This proposed setback coincides with the setback variance previously approved for the site and the location of the existing building foundation. A variance was granted in 2005 to reduce the setback from 14 feet to five feet for the building wall and to allow patio encroachments in the corner side yard. The fact that the building foundation has already been constructed and the applicant is proposing to reuse it presents practical difficulties. These circumstances are unique to the property.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

As stated above, the foundation of the building and approximately 65 percent of the first floor has been constructed on the site and remain intact. The applicant is proposing to reuse the existing foundation with few modifications. Additional patio space is proposed in the required yard due to the increased number of units. Allowing the applicant to use the existing foundation with the noted patio and garage wall is reasonable. Granting this setback variance would also be in keeping with the spirit and intent of the ordinance and comprehensive plan.

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Adequate access to light and air for adjacent properties should be maintained with the proposed building location. The right-of-way for 46th Street E is 100 feet wide in this location. The closest residential structure south of the site would be more than 150 feet away from the proposed encroachments.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The granting of the variance to allow a reduction to the corner side yard would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The building foundation and portions of the first floor are existing and have been located on the site for several years. The applicant will be utilizing these existing portions of the building with the proposed project. The building wall has a minimum setback of 5.5 feet but the majority of the south building wall will be setback 10 feet from the property line. The additional encroachments proposed (patio and above grade garage wall) should not impact other properties in the vicinity. Adequate access to light and air will be maintained for adjacent properties and the proposed setback should have little impact on the general public.

VARIANCE: (to reduce the required north side yard setback from 11 feet to 10 feet)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The required north interior side yard setback for the site is $5+2x$ where x is equal to the number of stories above the first floor. For this four story building, the required interior side yard setback is 11 feet. The building wall in this location will have a setback of 10 feet and a variance has been requested accordingly. This proposed setback matches the setback variance previously approved for the site in 2005 and the location of the existing building foundation. The fact that the building foundation has already been constructed and the applicant is proposing to reuse it results in practical difficulties. These circumstances are unique to the property.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

As previously stated, the foundation of the building the majority of the first floor has already been installed on the site and remains intact. The applicant is proposing to reuse the existing building elements with no modifications along the north property line. Allowing the applicant to use the existing foundation with a one-foot encroachment into this required yard is reasonable. Granting this setback variance would also be in keeping with the spirit and intent of the ordinance and comprehensive plan.

The setback requirements in the zoning code are established to provide for the orderly development and use of land and insure adequate light, air, open space and separation of uses. The setback granted in 2005 was for a building that was 54 feet in height. The proposed building is only 50 feet in height at the tallest point (due to grade change) and 45 feet adjacent to the north property line. The 4th floor is setback an additional 14.5 feet along the north property line. The single family home directly north of the site would have a 20-foot separation from the north building wall. Adequate access to light and air for adjacent properties should be maintained with the proposed building location and the additional setback on the fourth floor will limit the shadowing of the adjacent residential uses.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The granting of the variance to allow a reduction to the front yard would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The proposed building wall would encroach one foot into the required yard and should not impact other properties in the vicinity. Adequate access to light and air will be maintained for adjacent properties and the proposed setback should have little impact on the general public.

VARIANCE: (Variance to reduce the drive aisle width for two surface stalls to zero feet and five enclosed stalls to 16 feet.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Parallel parking stalls require a drive aisle that is a minimum of 12 feet in width for one-way traffic and 22 feet for two-way traffic. The applicant is proposing a parallel stall for the shared vehicle adjacent to the alley that does not have a drive aisle. This space will rely on the alley for maneuvering and thus a variance is required. Also, 90-degree parking stalls require a drive aisle that is a minimum of 20 feet in width for one-way traffic and 22 feet in width for two-way traffic. One 90-degree surface stall and five first floor parking stalls are proposed, each with a drive aisle width of 16 feet. This situation also requires a variance to the minimum drive aisle width.

Staff does not believe that practical difficulties exist on the site that would prevent the applicant from providing adequate drive aisles. The parking stalls on the first floor are not required parking. The design previously approved for the site had two surface stalls and the remainder of the parking was underground. A drive aisle variance was required for that arrangement in 2005 and staff recommended denial. Several of the underground parking stalls are wider than 8 feet in width and therefore additional underground parking could be accommodated that would not require a variance.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is proposing one surface stall parallel to the alley for the shared vehicle that will not have a drive aisle of any kind, and six additional parking stalls that will have a drive aisle width of 16 feet in lieu of the 22 feet required. Planning Division staff does not believe that the proposed parking layout is a reasonable use of the property nor will it be in keeping with the spirit and intent of the ordinance. The minimum parking requirement for the building is 38 spaces due to two 10 percent reductions; one for providing a shared vehicle and

one for proximity to transit. The proposed plan shows 44 parking stalls plus the parking stall for the shared vehicle. Therefore, the parking stalls that require reductions to the drive aisle width are not required parking stalls. The proposed layout has two surface stalls and three overhead doors for the five first floor stalls, all of which would utilize the alley for maneuvering. The frequency of movement in a public alley that also serves single family homes will likely create traffic conflicts.

The intent of the ordinance as it relates to minimum drive aisle width is to provide adequate maneuvering areas for parking vehicles. For the shared vehicle stall, all maneuvering will occur within the alley because no drive aisle is provided. For the handicap stall and five parking stalls within the first floor garage, 16 feet of drive aisle is proposed. The 16 feet provided is still not adequate room for all maneuvering to occur on site and there are single family homes with garages that also utilize the alley for access. Therefore, granting this variance may circumvent the intent of the ordinance.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the proposed variance would result in frequent vehicle movements and maneuvering in the public alley. This public alley primarily serves single family homes with garages that are accessed from the alley. Granting the variance may be injurious to the use and enjoyment of other property in the vicinity because it could result in traffic conflicts in the alley that negatively impact the adjacent single family homes.

VARIANCE: (Variance to allow surface parking within six feet of a dwelling.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Section 537.80 of the zoning code requires that open parking spaces be located no closer than six feet from a dwelling of any type. The parallel parking stall for the proposed hour car is located approximately 2.5 feet from the west building wall. The handicap surface stall is located directly up to the west building wall with no setback proposed. A variance is required to allow these parking stalls within six feet of the residential structure.

Staff does not believe that practical difficulties exist on the site that would prevent the applicant from complying with this requirement. The applicant is providing 6 parking stalls in excess of the minimum requirement. Therefore, it is possible for these two surface stalls to

be incorporated into the building in a manner that would not require a variance. As stated above, several parking stalls within the underground parking garage exceed the 8-foot minimum width requirement and additional stalls could be accommodated underground.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The applicant is proposing one surface stall parallel to the alley for the shared vehicle that is 2.5 feet from the west building wall and one surface handicap stall that directly abuts the building. The location of the parallel stall places it directly in front of three windows that are within the southwest, corner dwelling unit. The location of this parking stall in relationship to this corner dwelling unit is not reasonable. Furthermore, the handicap stall is proposed to be enclosed on three sides but open to the west, making it a surface parking stall. It is possible for the applicant to enclose this stall with an overhead door or within the building and eliminate the need for the variance. Allowing this stall to be treated differently than all other stalls for the residential units is not reasonable.

The intent of the ordinance is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the type, size, location and operational characteristics of accessory uses and structures. Allowing surface parking so close to a dwelling would not be in keeping with the spirit and intent of the ordinance. The operational characteristics of surface parking, particularly surface parking for a shared vehicle, would have a detrimental impact on the livability of the adjacent dwelling.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Granting the proposed variance would be detrimental to the health, safety and welfare of those utilizing the property. Specifically, staff is concerned about the shared vehicle stall and its close proximity to the windows in the corner dwelling unit. The nature of the use of this vehicle will result in frequent short trips that may impact the livability of this dwelling unit. In addition, frequent idling in this location, particularly in winter months, will have a detrimental impact on the residents of this adjacent unit. While the handicap stall would not have as great of an impact on the property overall, allowing it to be the only surface stall that serves the residential units may be detrimental to the health and safety of handicap individuals that rely on this parking stall.

VARIANCES: (to increase the maximum lot coverage from 70 percent to 73.2 percent and to increase the impervious surface from 85 percent to 87.5 percent.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Impervious Surface: The maximum amount of impervious surface allowed in the OR2 District is 85 percent. The site is 20,473 square feet and the applicant is proposing 17,918 square feet of impervious surface, equivalent to 87.5 percent of the site. A variance has been requested accordingly. In addition to the building footprint, impervious surfaces include patios, surface parking and drive aisles. Practical difficulties exist in complying with the impervious surface requirement due to the fact that the building foundation and a majority of the first floor have already been constructed. The amount of impervious surface proposed is generally consistent with what was previously approved for the site in 2005 and the layout of the existing building elements. These circumstances are unique to the property.

Lot coverage: The maximum lot coverage permitted in the OR2 district is 70 percent. The applicant is proposing lot coverage equivalent to 73.2 percent of the total site and a variance has been requested. The site is 20,473 square feet and the building footprint is 14,995 square feet. The footprint of the first floor is only 14,139 square feet, or 69 percent of the site area. However, the upper floors of the building protrude out an additional seven feet in the rear and that additional square footage counts toward the lot coverage. Practical difficulties exist in complying with the maximum lot coverage requirement due to the fact that the building foundation and a majority of the first floor have already been constructed. While the previous building included a courtyard in the rear of the site that is now being filled in, that courtyard was primarily impervious. The lot coverage proposed is generally consistent with what was previously approved for the site in 2005 and the layout of the existing building elements. These circumstances are unique to the property.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Impervious Surface: Allowing the applicant to exceed the maximum impervious surface requirements due to the existing site conditions is reasonable. The maximum impervious surface requirements are established to provide benefits from landscaping including buffers between uses, on-site retention of stormwater, and preserving the residential character of an area. The applicant is exceeding the minimum landscaping requirements per the Site Plan Review chapter by landscaping 40.4 percent of the site that is not occupied by buildings. The site plan shows a 10-foot landscaped buffer between the subject site and the single family residential home to the north. Landscaping is also proposed along the south and east property lines and a portion of the west property line. Stormwater management will be reviewed further by the Surface Waters and Sewers division of Public Works as part of the PDR process. PDR comments will be available prior to the public hearing.

Lot Coverage: Allowing the applicant to exceed the maximum lot coverage requirements due to the existing site conditions is also reasonable and would be in keeping with the intent of the ordinance. The maximum lot coverage requirements are established to preserve open space in residence and office residence districts. The site is on a corner lot and a ten-foot landscaped yard is provided between the proposed building and the common property line with the closest residential use to the north. Additional landscaping is proposed along the south and east property lines in locations that will be visible to the general public. The surrounding area has sufficient open space due to the close proximity to Minnehaha Park.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The proposed variance should not alter the character of the surrounding area or be injurious to the use and enjoyment of other property in the vicinity. Although providing the required amount of pervious surfaces has many benefits, granting the variance would likely have little effect on the health, safety or welfare of the general public or the surrounding properties and the site will be adequately landscaped.

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 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.
- 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 531.20 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. 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.

The building setback will vary along the 46th Street E and 46th Avenue S frontages. The required setback along the 46th Street E frontage is 14 feet and the building setback will vary from 5.5 feet to 10 feet. The required setback along the 46th Avenue S frontage is 21 feet due to the established setback of the adjacent residential structure. The proposed building setback varies from 9 feet to nearly 15 feet. The areas between the building wall and the public sidewalk include patios, landscaping and planters. The placement of the building and the building design will promote natural surveillance and visibility of the surrounding area.

The primary building entrance will be located in the center of the east elevation facing 46th Avenue S. The entrance is approximately 14 feet from the front lot line. This primary entrance will be emphasized with a canopy, large patio, glass and a building identification sign. Several of the dwelling units have individual walk-up entrances facing 46th Avenue S. Secondary entrances into the building are located on the west side facing the alley.

The majority of the parking proposed for the use would be located underground or within an enclosed structure. The two surface stalls proposed are located on the back side of the building adjacent to the alley. Staff has made additional recommendations for eliminating those surface stalls as noted in the variance findings above.

The first floor of the north elevation contains a blank wall that exceeds 25 feet in length. The blank wall in this particular location is 43.5 feet in length. The material proposed in this location is identified on the plans as “masonry base.” This wall faces the single family home to the north and staff does not recommend granting alternative compliance for this requirement. As a condition of approval, the applicant shall be required to provide a material change, recess, projection or other architectural element to break up the length of this wall and provide visual interest. Furthermore, the masonry base proposed shall not consist of plain face CMU. The remainder of the building is articulated with material changes, recesses and projections.

The primary exterior materials would be durable and include brick, cement lap board siding, cement panel siding, stucco, corrugated metal and glass. With the exception of the masonry base on the north wall noted above, all sides of the building would be similar and compatible. To meet this requirement entirely, staff recommends that the masonry base on the north elevation be replaced with one of the other primary materials that are used on the remainder

of the building. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

The building is residential only and the window requirement for the first floor of the building is 20 percent on all sides that face a public street, public sidewalk or public pathway. This requirement applies to the 46th Avenue S elevation and the 46th Street E elevation. For the east elevation, facing 46th Avenue S, windows are provided for 28.4 percent of the first floor as measured between two feet and ten feet above grade. Additional windows are provided at a height above ten feet. On the south elevation, facing 46th St., glazing is provided for 25.6 percent of the façade with additional glass provided at a height above ten feet. The window requirement for the upper floors that face a public street, public sidewalk, public pathway, or on-site parking lot is 10 percent. Again, this applies to the east and south elevations only. The upper floors on the east elevation range from 24 percent to 29 percent in terms of glazing provided. The upper floors on the south elevation range from 28.8 percent to 36.7 percent of each floor. The proposed windows are more or less evenly distributed and vertical in proportion.

The first floor of the building contains active functions for 100 percent of each street-facing elevation.

The proposed roofline is flat. The rooflines of other buildings in the area vary due to the fact that it is primarily low-density residential. The 11-unit apartment building directly across the street has a flat roof. The roofline proposed would be compatible with the character of the surrounding 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.**

All building entrances are connected to the public sidewalk with walkways to clearly direct pedestrian movements. The primary building entrance will open onto a patio that is connected to the public sidewalk on 46th Avenue S with a stairway that is approximately six feet in width. The entrance on the back side of the building will be connected to the public sidewalk on 46th Street E with a 4-foot sidewalk. This sidewalk also provides access to the shared vehicle stall.

No transit shelters are proposed or adjacent to the site. There is a Metro Transit bus stop directly in front of the site at the corner of 46th Street E and 46th Avenue S.

Vehicles will access the parking garage and two surface stalls from the alley on the west side of the site. The development minimizes vehicle/pedestrian conflicts by not incorporating additional curb cuts to the streets. As evaluated above in the variance findings, staff has concerns with the proposed parking layout and the need to utilize the alley for maneuvering. Two surface stalls and five stalls on the first floor will rely on the alley for maneuvering and require variances to the minimum drive aisle width. The access to the underground parking is also from the alley. This alley serves single family residential uses and the frequency of movements in the alley generated by the proposed design may result in traffic conflicts. Staff is recommending denial of the variances to reduce the drive aisle width. As a result, all maneuvering for the parking will be required to occur on site. Modifying the parking layout accordingly will reduce the activity in the alley and reduce the potential for traffic conflicts.

While a variance to the impervious surface requirement has been requested, the applicant is providing landscaping for 40.4 percent of the site not occupied by buildings to limit the impact of the proposed impervious surface.

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.**

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 20,473 square feet. The building

footprint is 14,139 square feet. The net lot area is 6,334 square feet, of which at least 20 percent (1,269 square feet) must be landscaped. The applicant is proposing a landscaped area of 2,557 square feet, or 40.4 percent of the net site area. The majority of the green space will be along the north and east sides of the building.

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 13 respectively. The applicant is proposing eight Birch trees along the north property line and ten additional canopy trees in the right-of-way. Five ornamental trees are also proposed along the front property line. A total of 135 shrubs and 207 perennials are proposed throughout the site. The majority of the shrub planting are proposed along the east and south property lines. Shrubs and perennials are also proposed on the back side of the building adjacent to the hour car stall. A living wall is proposed along the south property line where the wall for the underground parking garage extends up to seven feet above grade. The remainder of the site not covered by the building, driveways, walkways, and the like would be covered with perennials and sod.

Only two surface parking stalls are proposed and no additional landscaping standards apply.

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.**
- **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.**

Continuous concrete curbing would be provided for the two surface parking stalls. On-site retention of stormwater may not be practical due to the size and layout of the site. Provisions for stormwater will be reviewed by Public Works as part of the PDR process and that report will be forwarded to the Commission for review prior to the public hearing.

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

The building should not produce any significant shadows on public spaces or adjacent properties. The proposed building will be four stories, 50 feet in height and the fourth floor steps back to reduce the impact on neighboring properties. Due to the grade change on the property, the building will be 45 feet in height on the north where it is adjacent to a single family home. The height proposed is within the parameters allowed in the OR2 District.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage facing both adjacent streets to provide opportunities for tenants and patrons to observe adjacent spaces. Walkways are provided to guide pedestrian movement in and around the site and the proposed patios and wall encroachments will help to distinguish between public and private spaces.

The site is not historically designated.

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 proposed 48-unit mixed use building is a conditional in the OR2 District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple-family dwelling in the OR2 District is one space per dwelling unit. A total of 48 dwelling units are proposed and the base parking requirement is 48 stalls. The site qualifies for a ten percent reduction in parking for providing a shared vehicle and an additional ten percent reduction for proximity to transit with midday service headways of less than 30 minutes in each direction. The reduced parking requirement for the use is 38 stalls. The applicant is providing 44 parking stalls plus a stall for the shared vehicle. As stated above, staff is recommending denial of two parking-related variances, including a variance to the drive aisle width and a variance to allow surface parking within six feet of a dwelling. In order for the applicant to comply with these requirements, a reduction in the number of proposed parking stalls may result.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. Only two surface stalls are proposed, within the parameters allowed.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. For the 48 units proposed a total of 24 bicycle parking stalls are required. The applicant is proposing 48 bicycle parking

spaces. All of the proposed bike parking spaces will be located within the building on the first floor.

Loading: The use is not subject to a minimum loading requirement.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is included within the proposed structure.

Signs: The elevations show an address sign facing 46th Avenue S. All signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum floor area ratio for properties in the OR2 district is 2.5. The site qualifies for one 20 percent bonus by enclosing all of their parking. The bonus increases the maximum floor area ratio to 3.0. The applicant is proposing a 51,027 square foot building on a 20,473 square foot. Of the total building area, approximately 3,354 square feet is dedicated to parking and not included in the floor area. Therefore, the floor area of the building is 47,673 square feet for an FAR of 2.33. The proposed FAR is within the parameters allowed.

Minimum Lot Area: Multiple-family developments in the OR2 District require 700 square feet per dwelling unit. The site is eligible for one 20 percent bonus for providing underground/enclosed parking, which reduces the required minimum lot area to 602 square feet per dwelling unit. The subject parcel is 20,473 square feet in size and the applicant is proposing 48 dwelling units, for a minimum lot area of 426.5 square feet per dwelling unit. A variance is being requested to reduce the minimum lot area per dwelling unit from approximately 602 square feet per dwelling unit to 426.5 square feet per dwelling unit, or a variance of approximately 29.15 percent. Staff is recommending approval of said variance, as evaluated above.

Dwelling Units per Acre: The applicant is proposing a 48-unit residential development on a lot that is .499 acres in size. The resulting density is approximately 102 dwelling units per acre. This level of density fits into the high density category per *The Minneapolis Plan for Sustainable Growth*, which is identified as development with 50-120 dwelling units per acre. This level of density is consistent with the OR2, High Density Office Residence zoning district and is appropriate at this busy intersection on a lot that is well served by transit.

Height: Maximum building height for principal structures located in the OR2 District is 4 stories or 56 feet, whichever is less. The applicant is proposing a building that is 4 stories, 50 feet in height, within the parameters allowed.

Yard Requirements: The required yards are as follows:

Front (increased due to established yard of adjacent structure): 21 feet

Interior side yards (5+2x): 11 feet

Corner side yard (8+2x): 14 feet

Rear Yard (5+2x): 11 feet

The applicant has applied for variances to all of the required yards. Staff is recommending approval of said variances, as evaluated above.

Building coverage: The maximum lot coverage permitted in the OR2 district is 70 percent. The applicant is proposing lot coverage equivalent to 73.2 percent of the total site and a variance has been requested. The site is 20,473 square feet and the building footprint is 14,995 square feet. A variance has been requested for this requirement and staff is recommending approval as evaluated above.

Impervious surface area: The maximum amount of impervious surface allowed in the OR2 District is 85 percent. The site is 20,473 square feet and the applicant is proposing 17,918 square feet of impervious surface, equivalent to 87.5 percent of the site. A variance has been requested accordingly and staff is recommending approval as evaluated above.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

Please refer to the conditional use permit section of this report.

SMALL AREA PLANS

There are no adopted small area plans for the subject site. The site is located one block east of the study area of the *46th & Hiawatha Station Area Master Plan*.

ALTERNATIVE COMPLIANCE

The Planning Commission 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:

Alternative compliance is requested to allow blank, uninterrupted walls in excess of 25 feet. The first floor of the north elevation contains a blank wall that exceeds 25 feet in length. The blank wall in this particular location is 43.5 feet in length. This wall faces the single family home to the north and staff does not recommend granting alternative compliance for this requirement. As a condition of approval, the applicant shall be required to provide a material change, recess, projection or other architectural element to break up the length of this wall and provide visual interest.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow 48 dwelling units:

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 48 dwelling units for the properties located at 4516-4556 46th Street E, 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.
2. A shared vehicle shall be provided for common use by residents and said vehicle shall be available for use year-round.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the minimum lot area per dwelling unit from 602 square feet to 426 square 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 allow a reduction in the minimum lot area per dwelling unit from approximately 602 square feet per dwelling unit to 426 square feet per dwelling unit, or a variance of approximately 29.2 percent for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the required front yard setback from 15 feet to 4.5 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 required front yard setback from 15 feet to 4.5 feet for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the required rear yard setback from 11 feet to 9’3”:

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 required rear yard setback for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the required north side yard setback from 11 feet to 10 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 required north side yard setback from 11 feet to 10 feet for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the south corner side yard setback from 14 feet to 0 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 required south corner side yard setback from 14 feet to 0 feet for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the drive aisle width for two surface parking stalls 0 feet and for five enclosed stalls to 16 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the drive aisle width for two surface stalls and five enclosed stalls for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to allow surface parking within six feet of a dwelling:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to allow surface parking within six feet of a dwelling for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to increase the maximum lot coverage from 70 percent to 73.2 percent:

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 increase the maximum lot coverage from 70 percent to 73.2 percent for the properties located at 4516-4556 46th Street E.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to increase the maximum amount of impervious surface from 85 percent to 87.5 percent:

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 increase the maximum amount of impervious surface from 85 percent to 87.5 percent for the properties located at 4516-4556 46th Street E.

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 **approve** the site plan review application for a 48-unit residential development on the properties 4516-4556 46th Street E, subject to the following conditions:

1. All site improvements shall be completed by August 15, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The first floor of the north elevation shall be revised to include a material change, recess, projection or other architectural element to eliminate any blank walls in excess of 25 feet, in compliance with Section 530.120 of the zoning code.
4. The masonry base on the north elevation shall be replaced with one of the primary materials used on the remainder of the building so that all sides of the building will be compatible with each other and similar in appearance, in compliance with Section 530.120 of the zoning code.
5. A living wall shall be provided for the 7-foot wall on the south property line to provide visual relief, in accordance with Section 530.120 of the zoning code.
6. Plain face CMU shall not be permitted as a primary building material.

Attachments:

1. Statement of findings and project description
2. Zoning map
3. Correspondence
4. August 1, 2011 letter from Longfellow Community Council
5. Site plan, floor plans and elevations
6. Photos