

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

Conditional Use Permit, Variances and Site Plan Review  
BZZ-3115  
Preliminary Plat  
PL-201

**Date:** July 31, 2006

**Applicant:** Swami Palanisami, Gateway Commons, LLC, 5661 International Parkway,  
Minneapolis, MN 55428, (763)533-9403

**Address of Property:** 110 East 18<sup>th</sup> Street

**Project Name:** Fusion Flats

**Contact Person and Phone:** Swami Palanisami, Gateway Commons, LLC, 5661  
International Parkway, Minneapolis, MN 55428, (763)533-9403

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** June 26, 2006

**End of 60-Day Decision Period:** August 24, 2006

**End of 120-Day Decision Period:** Not applicable for this application

**Ward:** 6     **Neighborhood Organization:** Stevens Square Community Organization

**Existing Zoning:** OR3 (Institutional Office Residence) District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 20

**Lot area:** 39,027 or .89 acres

**Legal Description:** Not applicable for this application.

**Proposed Use:** Construction of a new 82 unit condominium development.

**Concurrent Review:**

- Conditional Use Permit for 82 residential dwelling units in the OR3 district.
- Variance of the front yard setback requirement along the east property line adjacent to Stevens Avenue South.
- Variance of the corner side yard setback requirement along the south property line adjacent to East 18<sup>th</sup> Street.

- Variance of the rear and interior side yard setback requirement for the existing Abbott/Janney buildings, due to the proposed platted lot line.
- Site Plan review for 82 residential dwelling units in a 4-story structure.
- Preliminary and final plat.

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

**Background:** Gateway Commons, LLC, intends to demolish the 1938, 1957 and 1962 additions to the Historic Abbott Hospital site at the corner of East 18<sup>th</sup> Street East and Stevens Avenue South in order to construct a new L-shaped building containing 82 residential condominiums. The building would also include the construction of 2 levels of underground parking to support the parking requirements for the residents as well as the potential parking needs for the historic Abbott and Janney buildings whose redevelopment is currently pending. The property is zoned OR3 which allows residential uses over 5-units with a conditional use permit. Site plan review is also required. Several variances are required based on the proposal which include: a variance of the front yard setback requirement along the east property line adjacent to Stevens Avenue South; a variance of the corner side yard setback requirement along the south property line adjacent to East 18<sup>th</sup> Street; and a variance of the rear and interior side yard setback requirement for the existing Abbott/Janney buildings, due to the proposed platted lot line. Based on the configuration of the proposed structure, a preliminary and final plat is also required.

In October of 2005, the Heritage Preservation Commission (HPC) adopted the findings and approved the demolition of the three structures and the design of the new Fusion Flats building. The actions from the HPC meeting have been attached to the staff report.

Staff has received official correspondence from the Stevens Square Community Organization (SSCO) which has been attached for reference. The SSCO Board of approved the application requests as denoted in the letter. Additional neighborhood letters which have been received have also been attached for reference.

**CONDITIONAL USE PERMIT** – for 82 residential dwelling units.

**Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:**

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.**

Development of an 82-unit residential condominium development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units will strengthen the commercial base within the neighborhood. The proposal is under the allowable density for the site as 162 dwelling units are permitted with a density bonus for enclosed parking. 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 currently occupied by 1938, 1957 and 1962 additions to the Historic Abbott Hospital site which have been approved for demolition by the HPC. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for 82 units of for-sale condominiums would provide additional opportunities for housing within the neighborhood.

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

The site would be accessed off of Stevens Avenue South. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue 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 applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements.

The applicant is in the process of confirming with the Public Works Department that the TDM (Travel Demand Management) Plan completed as part of a larger development and EAW encompassing the proposed development does not need to be modified. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications required by the Public Works Department.

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

As stated in Section 541.410 of the zoning code, in the OR districts .9 spaces are required per dwelling unit. Based on the 82 residential units proposed within the

development, a total of 74 parking spaces would be required. The applicant proposes to provide a total of 170 parking spaces for the proposed development in a two-story underground parking garage which exceeds the requirement. The additional parking created as part of this proposed development would be to provide parking for the future rehabilitation of the Abbott Hospital and Janney buildings which are proposed to also house residential units. The proposal includes parking for 35 bicycles as well.

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

The conditional use permit to allow 82-units of housing in a condominium development is generally consistent with the following provisions of the Minneapolis Plan; however, the subject parcel is located within an area that is between the boundaries of the *Minneapolis Downtown 2010 Plan* and the *Minneapolis Plan*. The parcel is in close proximity to Nicollet Avenue which is a designated commercial corridor in this area. Staff believes that the following provisions are generally relevant to the proposed development.

*Policy 4.9 Minneapolis will grow by increasing its supply of housing.*

- *Relevant Implementation Step:*  
Support the development of new medium and high-density housing in appropriate location throughout the City.

*Policy 4.11 Minneapolis will improve the availability of housing options for its residents.*

- *Relevant Implementation Step:*  
Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.

*Policy 9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.*

*Policy 9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.*

*Policy 9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.*

*Policy 9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.*

The proposal is in conformance with the above noted policies and implementation steps of the *Minneapolis 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 a conditional use permit, variances, site plan review and preliminary and final plat, the proposal would comply with all provisions of the OR3 District.

**VARIANCE** – (1) Variance of the front yard setback requirement along the east property line adjacent to Stevens Avenue South from 15 feet to 3 feet; (2) Variance of the corner side yard setback requirement along the south property line adjacent to East 18<sup>th</sup> Street from 14 feet to 2.5 feet; (3) Variance of the rear and interior side yard setback requirement for the existing Abbott/Janney buildings, due to the proposed platted lot line. A variance from 11 feet to 3 feet is required for the interior side yard and from 11 feet to 10 feet for the rear yard.

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

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

**Front yard setback along the east property line from 15 feet to 3 feet:** The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning code would cause undue hardship. The proposed location of the L-shaped structure has been approved by the HPC in an attempt to maintain a consistent character and alignment with the neighboring buildings; specifically the buildings located at 1700 and 1706 Stevens Avenue. Granting a variance from the required 15 feet to 3 feet is reasonable and creates a consistent building wall along Stevens Avenue South.

**Corner side yard setback along the south property line from 14 feet to 2.5 feet:** The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning code would cause undue hardship. The proposed location of the L-shaped structure has been approved by the HPC in an attempt to maintain a consistent character and alignment with the neighboring buildings. Granting a variance from the required 14 feet to 2.5 feet is reasonable and creates a consistent building alignment with the 128 East 18<sup>th</sup> Street structure and throughout the neighborhood.

**Rear and interior side yard setbacks for the existing Abbott/Janney buildings from 11 feet to 10 feet and 3 feet:** The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning code

would cause undue hardship. The location of the proposed lot lines attempts to balance two issues, the configuration of the existing Abbott and Janney buildings as well as the approved location of the proposed L-shaped structure which has been approved by the HPC in an attempt to maintain a consistent character and alignment with the neighboring buildings. Granting a variance for the existing structures along the interior and rear property lines from the required 11 feet to 10 feet and 3 feet is reasonable.

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

**Front yard setback along the east property line from 15 feet to 3 feet:** The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that a portion of the site is already developed and is proposed to be rehabilitated in the future. It is Staff's position that because some of the site is already developed and the proposed location of the structure has been previously approved by the HPC, the circumstances are unique. A modification of the layout of the structure relative to the property line would require further review by the HPC.

**Corner side yard setback along the south property line from 14 feet to 2.5 feet:** The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that a portion of the site is already developed and is proposed to be rehabilitated in the future. It is Staff's position that because some of the site is already developed and the proposed location of the structure has been previously approved by the HPC, the circumstances are unique. A modification of the layout of the structure relative to the property line would require further review by the HPC.

**Rear and interior side yard setbacks for the existing Abbott/Janney buildings from 11 feet to 10 feet and 3 feet:** The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that a portion of the site is already developed and is proposed to be rehabilitated in the future. The location of the proposed lot lines attempts to balance two issues, the configuration of the existing Abbott and Janney buildings as well as the approved location of the proposed L-shaped structure which has been approved by the HPC in an attempt to maintain a consistent character and alignment with the neighboring buildings. It is Staff's position that because much of the site is already developed and the proposed location of the structure has been previously approved by the HPC, the circumstances are unique. A modification of the layout of the proposed structure relative to the property line would require further review by the HPC.

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

**Front yard setback along the east property line from 15 feet to 3 feet:** The granting of a variance to allow a setback along the east property line of 3 feet would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the proposed location of the structure along the east property line adjacent to Stevens Avenue South has been approved by the HPC and is consistent with the very small front yard setbacks provided on the block and in the surrounding area.

**Corner side yard setback along the south property line from 14 feet to 2.5 feet:** The granting of a variance to allow a setback variance along the south property line to 2.5 feet would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the proposed location of the structure along the south property line adjacent to East 18<sup>th</sup> Street has been approved by the HPC and is consistent with the established corner side yard on the block.

**Rear and interior side yard setbacks for the existing Abbott/Janney buildings from 11 feet to 10 feet and 3 feet:** The granting of a variance to allow a setback variance along the rear and interior side yards for the existing Abbott/ Janney buildings from 11 feet to 10 feet for the rear yard and to 3 feet for a portion of the interior side yard would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned, the location of the proposed lot lines attempts to balance two issues, the configuration of the existing Abbott and Janney buildings as well as the approved location of the proposed L-shaped structure which has been approved by the HPC in an attempt to maintain a consistent character and alignment with the neighboring buildings. As much of the existing buildings conforms with the required yards, Staff believes that granting the variance is reasonable.

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

**Front yard setback along the east property line from 15 feet to 3 feet:** The proposed variance to allow a decrease in the setback adjacent to the east property line would likely not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

**Corner side yard setback along the south property line from 14 feet to 2.5 feet:** The proposed variance to allow a decrease in the setback adjacent to the south property line

would likely 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.

**Rear and interior side yard setbacks for the existing Abbott/Janney buildings from 11 feet to 10 feet and 3 feet:** Provided the project complies with relevant provisions of the building code, the proposed variance to allow a decrease in the setbacks for existing structures along the interior and rear property lines due to the proposed platting would likely 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.

## **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 531.20 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.**

A total of 82 condominium units are proposed for the site. The location of the proposed L-shaped building along both Stevens Avenue South and E. 18<sup>th</sup> Street are as approved by the HPC. The property is subject to a required front and corner side yard. The front yard setback requirement along Stevens Avenue South is 15 feet and the applicant proposes to vary that requirement to remain consistent with the HPC

recommendation to 3 feet. The corner side yard setback requirement along E. 18<sup>th</sup> Street East is 14 feet and the applicant proposes to vary that requirement to remain consistent with the HPC recommendation to 2.5 feet. The building would be oriented towards both of the streets. The principal entry to the main lobby of the proposed structure would be off of Stevens Avenue South. A secondary entry would be located off of the rear of the structure. The use of progressive design and street-oriented building alignments is reinforced with the proposed development. The design also maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along both frontages. The area between the building and the public streets will have new tree and shrub plantings along both street frontages. Based on the active uses proposed for the development, Staff considers this to be a pedestrian oriented development along both frontages.

The elevations of the building along both Stevens Avenue South and East 18<sup>th</sup> Street incorporate windows that meet the 20% window requirement. Approximately, 54% of the elevation facing East 18<sup>th</sup> Street is windows or doors between 2 and 10 feet. Approximately, 47% of the elevation facing Stevens Avenue South is windows or doors between 2 and 10 feet. Both the north and west interior elevations of the structure also require compliance with the 20% window requirement as they face an on-site visitor surface parking lot. The north interior elevation is providing approximately, 50% windows or doors between 2 and 10 feet. The interior west elevation is providing approximately, 56% windows or doors between 2 and 10 feet. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active residential uses at the street level along Stevens Avenue South and East 18<sup>th</sup> Street. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The windows are distributed in a more or less even manner.

There are no blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements. The exterior materials would be compatible as different types of brick would be utilized with decorative metal elements. The final color and material samples are subject to approval by HPC staff.

The proposed building form and pitch of the roof line would be considered compatible with other buildings in the area as the proposed roof line is flat and the form of the structure is proposed to be 4-stories in height.

An underground 2-level parking ramp is proposed as part of the development and all required parking for the development would be located in the ramp. Additionally, the applicant proposes to include 6 surface visitor parking stalls at the interior of the site. All parking for the site including underground and visitor surface parking would be accessed off of Stevens Avenue South. The parking ramp has been designed so that

sloped floors do not dominate the appearance of the façade as the ramp is completely underground.

**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.

The principal entry to the residential structure is located off of Stevens Avenue South. There is a secondary ingress/egress at the rear of the proposed building. There is a walkway that connects the entrance of the residential structure to the public sidewalk. Walkways throughout the site foster pedestrian access.

There are no transit shelters within the development, however, the site is located one block from a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic.

There is no public alley adjacent to the site. The site would be accessed off of Stevens Avenue South.

The site has been somewhat designed to minimize the use of impervious surfaces through the use of landscaping, as the proposal meets the 20% landscaping requirement.

**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.

According to the applicant, once the project is complete approximately 34 percent of the site not occupied by buildings or 6,652 square feet of the site would be landscaped. The site is approximately 39,027 square feet in size with a building occupying 19,777 square feet. Based on the site information, approximately 3,850 square feet of landscaping would be required. The zoning code requires that there be at least 8 trees and 39 shrubs planted on the site. The applicant is proposing to have 25 trees, 271 shrubs and 209 perennials on the site. The proposal is meeting the minimum landscape quantity requirements. The proposal is also required to comply with the screening requirement between the surface parking and the adjacent residential properties.

**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.**

All required parking is being provided in an enclosed 2-story parking ramp with access via Stevens Avenue South. The water drainage on site has been designed so as not to drain onto any adjacent lots.

The applicant is proposing to install lighting at the principal entries and pedestrian lighting adjacent to the walkways. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. Staff would concur with this recommendation.

The parking facilities have been designed to avoid headlights from shining on adjacent properties.

Staff would not expect the proposal to result in the blocking of views.

The proposed structure would not be expected to have impacts on light, wind and air in relation to the surrounding area.

The proposed project is located adjacent to the Historic Abbott Hospital and Janney buildings. In October of 2005, the Heritage Preservation Commission (HPC) adopted the findings and approved the demolition of the three structures and the design of the new Fusion Flats building. Both the Historic Abbott and Janney buildings will be rehabilitated. The rehabilitation efforts are pending HPC approval.

**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 use is conditional in the OR3 District

With the approval of the conditional use permit, variances, site plan review, and preliminary and final plat this development would meet the requirements of the OR3 zoning district.

**Parking and Loading:** As stated in Section 541.410 of the zoning code, in the OR districts .9 spaces are required per dwelling unit. Based on the 82 residential units proposed within the development, a total of 74 parking spaces would be required. The applicant proposes to provide a total of 170 parking spaces for the proposed development in a two-story underground parking garage which exceeds the requirement. The additional parking created as part of this proposed development would be to provide

parking for the future rehabilitation of the Abbott Hospital and Janney buildings which are proposed to also house residential units. The proposal includes parking for 35 bicycles as well.

**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:** Signage is proposed at this time, however, no signage is being approved as part of this application. A full sign package for the development must be submitted for HPC review as required based on the actions of the HPC. Further, all new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

**Maximum Floor Area:** The maximum F.A.R. for multiple-family dwelling units in the OR3 District is the gross floor area of the building which is 79,600 square feet divided by the area of the lot which is 39,027 square feet. The outcome is 2.04 which is less than the maximum of 3.5 that is permitted in the OR3 District. Additionally, the project is eligible for a 20% (.7) bonus for enclosed parking. Therefore, overall the project would be allowed an F.A.R. of 4.2. The proposed development is meeting this requirement without the inclusion of the density bonus.

**Minimum Lot Area:** The project would meet the minimum lot area requirement of the OR3 District. There is no minimum lot width requirement in the OR3 district. The lot has 39,027 square feet of lot area. For multiple-family dwellings 5,000 square feet or 300 square feet per dwelling unit is required, whichever is greater. Based on the proposal to include 82 residential units, 24,600 square feet of lot area would be required. The proposal meets the minimum lot area requirement without the inclusion of a density bonus for enclosed parking which would have allowed a total of 162 dwelling units on the site.

**Dwelling Units per Acre:** Based on the lot area of 39,027 or .89 acres and a total of 82 units provided, 73 dwelling units per acre are being provided based on the proposal.

**Height:** Maximum building height for principal structures located in the OR3 District is 6 stories or 84 feet, whichever is less. The proposal would conform with this requirement as the development is proposed to be 4 stories or 50 feet in height.

**Yard Requirements:** The required yards are as follows:

*Front (along Stevens Avenue South):* 15 feet

*Corner Side (along E. 18<sup>th</sup> Street):*  $(8+2x)= 14$  feet

*Rear/Interior side yard:*  $(5+2x)= 11$  feet

The proposal requires variances for the front and corner side yards.

**Building coverage:** The maximum building coverage in the OR3 District is 70 percent. Buildings would cover approximately 51 percent of the lot.

**Impervious surface area:** The maximum impervious surface coverage in the OR3 District is 85 percent. Impervious surfaces would cover approximately 83 percent of the site.

### **MINNEAPOLIS PLAN**

See the above listed response to finding #5 in the conditional use permit application.

### **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

No small area plans for this area of Minneapolis have been adopted by the City Council.

### **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 not necessary based on the proposal.

### **PRELIMINARY PLAT –**

#### **Required Findings:**

**1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The subdivision is in conformance with the design requirements of the land subdivision regulations. The site would be a fully developed property should the land use applications be approved.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The plat will create three lots for the proposed development. There are various conditions of approval on the site plan that should address any negative impacts of the development.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site is flat and does not present the above hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for a 82-unit residential development on property located at 110 E. 18<sup>th</sup> Street.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the application for a variance of the front yard setback requirement along the east property line adjacent to Stevens Avenue South from 15 feet to 3 feet for property located at 110 E. 18<sup>th</sup> Street.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the corner side yard setback requirement along the south property line adjacent to East 18<sup>th</sup> Street South from 14 feet to 2.5 feet for property located at 110 E. 18<sup>th</sup> Street.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the rear and interior side yard setback requirement for the existing Abbott/Janney buildings, due to the proposed platted lot line from 11 feet to 10 feet for the rear yard setbacks and to 3 feet for the interior side yard setback for property located at 110 E. 18<sup>th</sup> Street.

**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 property located at 110 E. 18<sup>th</sup> Street subject to the following conditions:

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1. CPED Planning Staff review and approval of the final site, elevation and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by July 31, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Compliance with all HPC requirements as applicable.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary plat:**

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for property located at 110 E. 18<sup>th</sup> Street.

**Attachments:**

1. Statement of use and description of the project
2. Findings
3. Correspondence
4. HPC information
5. Zoning map
6. Plans, site, elevations, photos
7. PDR notes