

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances, Site Plan Review  
BZZ-2923

**Date:** June 26, 2006

**Applicant:** Olin 4, LLC

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

**Project Name:** Olin Crossing Phase II

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

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

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

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

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

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

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

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

**Zoning Plate Number:** 40

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

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

**Concurrent Review:**

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

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

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

**Site plan review**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IV, Variances, specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...” and Section 525.520(3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use” and Chapter 530, Site Plan Review.

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

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

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

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

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

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

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

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

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

The Planning Division does not believe that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. As for vehicular access, all of the parking associated with this development is located within the building and has been divided into two areas; one at-grade and one underground. The at-grade parking area will be utilized by both residents and commercial users and the underground parking area will be utilized by residents only. Both of the parking levels will be accessed off of the alley.

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

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

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

The site is located within the 50<sup>th</sup> Street/Minnehaha Park Transit Station Area (TSA) and the VA Medical Center TSA. The site is located along Minnehaha Avenue. The entire Hiawatha/Minnehaha Corridor is a designated Major Housing Site. In addition, the site is located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city (Policy 9.34).
- Encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users (Policy 9.36).

The applicant is proposing to demolish an existing automobile repair garage and construct a 43-unit condominium development. The site is located within the 50<sup>th</sup> Street/Minnehaha Park TSA and the VA Medical Center TSA where the plan calls for moderate-density housing to be located. The proposed development site is located four blocks south of the East 50<sup>th</sup> Street Light Rail Station and one block north of the VA Medical Center Light Rail Station.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Lot area decrease:** The applicant is seeking a variance to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease). The lot area requirement in the C2 District is 900 square feet of lot area per dwelling unit. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 763 square feet per dwelling unit. With this lot area requirement the applicant would be able to construct up to 33 dwelling units on the site. The applicant is proposing to construct 43 dwelling units on the site; therefore a lot area variance is required.

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

Section 547.130 also allows a 20 percent density bonus for mixed commercial-residential buildings, where residential uses are located above a ground floor in which at least 50 percent of the gross floor area is devoted to commercial uses. The applicant is proposing to have 2,200 square feet of

commercial space in the building or approximately 23 percent of the gross floor area of the ground floor. Although less than 50 percent of the gross floor area of the ground floor will be commercial uses the Planning Division believes that providing some commercial space in the building is equivalent to the percent of the variance that is being requested and therefore unique to this development.

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

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

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

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

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

**Lot size:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed lot area variance be detrimental to welfare or public safety.

## **SITE PLAN REVIEW**

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

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

### **Section A: Conformance with Chapter 530 of Zoning Code**

### **BUILDING PLACEMENT AND FAÇADE:**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
  - **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**

- c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**PLANNING DEPARTMENT RESPONSE:**

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access along both Minnehaha Avenue and East 54<sup>th</sup> Street. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line unless subject to a greater required setback. Because there are residential dwelling units in the building to the north a setback similar to the setback of the building to the north must be maintained for the first 40 feet south of the north property line. The building is proposed to be setback 13.5 feet for the first 40 feet south of the north property line along Minnehaha Avenue. This is the established setback of the building to the north. The remainder of the building wall along Minnehaha Avenue is setback between two and 18 feet. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building wall along Minnehaha Avenue to be setback more than eight feet from the property line. Along Minnehaha Avenue the applicant is proposing to construct the public sidewalk on the property and convert the existing public sidewalk to a green boulevard. This change would be consistent with the City Council's resolution which supports the development of green boulevards throughout the City of Minneapolis. Along East 54<sup>th</sup> Street the building is setback between zero and 25 feet. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the building wall along East 54<sup>th</sup> Street to be setback more than eight feet from the property line. Where the building is setback more than eight feet the applicant is proposing to have an outdoor patio which would be associated with the commercial space in the building.
- In between the building and the front and corner side property lines the applicant is proposing to

have a commercial patio, individual patios and landscaping.

- The principal residential entrance which serves the majority of the dwelling units in the building faces Minnehaha Avenue. In addition, there are four first floor dwelling units located along the Minnehaha Avenue side of the building each with their own principal entrance facing the street. The commercial tenant space has a principal entrance facing the intersection of Minnehaha Avenue and East 54<sup>th</sup> Street.
- All of the parking associated with this development is located within the building.
- The exterior materials of the building include brick, cement based siding and metal.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor of the building that is commercial, at least 20 percent of the first floor of the building that is residential and at least 10 percent of the upper floors of the building along both Minnehaha Avenue and East 54<sup>th</sup> Street are required to be windows. The analysis of the project's compliance with these requirements follows:
  - Minnehaha Avenue: the percentage of windows on the first floor is 37 percent, the percentage of windows on the second and third floor is 20 percent and the percentage of windows on the fourth floor is 22 percent.
  - East 54<sup>th</sup> Street: the percentage of windows on the commercial portion of the first floor is 46 percent and the percentage of windows on the residential portion of the first floor is 35 percent, the percentage of windows on the second and third floor is 20 percent and the percentage of windows on the fourth floor is 23 percent.
- For non-residential uses, the zoning code requires that at least 30 percent of the walls on the first floor facing a public street, public sidewalk, public pathway or on-site parking lot, be windows and allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building. The Planning Division is recommending that the applicant comply with this requirement.
- The roof line of the building is proposed to be flat, similar to roof lines of other building in the area.

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

**PLANNING DEPARTMENT RESPONSE:**

- All of the entrances are directly connected to the public sidewalks via walkways along both Minnehaha Avenue and East 54<sup>th</sup> Street.
- No transit shelters are proposed as part of this development.
- All of the parking associated with this development is located within the building and has been divided into two areas; one at-grade and one underground. The at-grade parking area will be utilized by both residents and commercial users and the underground parking area will be utilized by residents only. Both of the parking levels will be accessed off of the alley.
- There is no maximum impervious surface requirement in the C2 zoning district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan 53 percent of the site not occupied by the building is green space.

**LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

**PLANNING DEPARTMENT RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 25,202 square feet. The footprint of the building is 17,533 square feet. When you subtract the footprint from the lot size the resulting number is 7,669 square feet. Twenty percent of this number is 1,540 square feet. The applicant has a total of 4,081 square feet green space, or 53 percent of the site.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 15 respectfully. The applicant is providing a total of 5 canopy trees and 72 shrubs on the site. The applicant is also providing 3 ornamental trees and 217 perennials on the site. In addition, the applicant is providing 6 canopy trees in the right-of-way.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**PLANNING DEPARTMENT RESPONSE:**

- The site will be graded so stormwater runoff runs into the green spaces on the site.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.

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

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

**ZONING CODE:**

- **Use:** Residential uses over five dwelling units require a conditional use permit in the C2 zoning district.
- **Off-Street Parking and Loading:** The zoning code requires 1.0 parking space per dwelling unit and a minimum of four parking spaces for general retail sales and services uses under 4,000 square feet. The resulting parking requirement for this development is 47 spaces; 43 spaces for the residential portion and 4 spaces for the general retail sales and services portion.
- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.04. The lot in question is 25,202 square feet in area. The applicant proposes a total of 63,330 square feet of gross floor area, an FAR of 2.51. The applicant has applied for a variance to increase the allowed FAR.
- **Building Height:** The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing to construct a four-story building that measures 48 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 763 square feet per dwelling unit. With 43 proposed dwelling units on a lot of 25,202 square feet, the applicant proposes 586 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.
- **Yard Requirements:** This development is located in the C2 zoning district. The front yard setback requirement for this building is zero feet. However, because there are residential dwelling units in the building to the north a setback similar to the setback of the building to the north must be maintained for the first 40 feet south of the north property line. The building is proposed to be setback 13.5 feet for the first 40 feet south of the north property line along Minnehaha Avenue. This is the established setback of the building to the north. The interior side yard and rear yard setback requirements for this building are  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback along these two sides of the building is 11 feet.

The corner side yard setback requirement for this building is zero feet. All of these setbacks are being met.

- **Specific Development Standards:** There are no specific development standards for residential uses. The applicant has not identified a general retail sales and services use that is subject to any specific development standards.
- **Hours of Operation:** Residential uses are not subject to hours of operation. However, commercial uses are subject to hours of operation. The hours of operation for the C2 District are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall.

Wall signs are limited to 180 square feet in size and projecting signs are limited to 16 square feet in size and shall not project outward from the building by more than four feet. The maximum height for both wall signs and projecting signs is 24 feet and wall signs are not permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. Finally, if there is a freestanding sign on the site than there shall not be any projecting signs on the building.

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

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

#### **MINNEAPOLIS PLAN:**

The site is located within the 50<sup>th</sup> Street/Minnehaha Park Transit Station Area (TSA) and the VA Medical Center TSA. The site is located along Minnehaha Avenue. The entire Hiawatha/Minnehaha Corridor is a designated Major Housing Site. In addition, the site is located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).

- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The development is traditional in its siting on the property, has large storefront windows along the street frontages and has access doors into the individual uses at the street. In addition, all of the parking has been designed to be located within the building.

#### **ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

#### **PLANNING DEPARTMENT RESPONSE:**

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

#### **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 43 dwelling units located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the floor area ratio of the building from 2.04 to 2.51 (19 percent increase) located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue subject to the following conditions:

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

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum lot size requirement from 763 square feet per dwelling unit to 586 square feet per dwelling unit (23 percent decrease) located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue subject to the following conditions:

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

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for 43 dwelling units space located at 4912 East 54<sup>th</sup> Street, 5363, 5367 and 5371 Minnehaha Avenue subject to the following conditions:

1. The development shall comply with the window requirements as required per section 530.120.
2. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.

Department of Community Planning and Economic Development – Planning Division  
BZZ-2923

3. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by June 26, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use and description of project
2. Conditional use permit and variance findings
3. June 19, 2006, letter to Council Member Colvin Roy
4. June 19, 2006, letter to Nokomis East Neighborhood Association
5. Preliminary Development Review notes
6. Comments from surrounding residents
7. Zoning map
8. Survey, site plan, floor plans, elevations
9. Photographs of the site and the surrounding area