

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

Conditional Use Permits, Variance and Site Plan Review
BZZ-4410

Date: June 8, 2009

Applicant: Lowry Apartments Limited Partnership, Attn: Randy Schold, 1600 University Avenue, Suite 212, St. Paul, MN 55104, (651) 646-7848

Address of Property: 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE

Project Name: Lowry Apartments

Contact Person and Phone: DJR Architecture Inc., Attn: Sheldon Berg, 333 Washington Avenue North, Suite 210, Union Plaza, Minneapolis, MN 55401, (612) 676-2700

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

Date Application Deemed Complete: May 12, 2009

End of 60-Day Decision Period: July 10, 2009

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

Ward: 1 **Neighborhood Organization:** Audobon Neighborhood Association and Windom Park Citizens in Action

Existing Zoning: C1 (Neighborhood Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 10

Lot area: 24,426 square feet or approximately .56 acres

Legal Description: Not applicable for this application

Proposed Use: Construction of a 3-story, 30-unit residential development.

Concurrent Review:

- Conditional Use Permit to allow 30 residential dwelling units.
- Conditional Use Permit to allow an increase in the maximum allowable height to 3 stories or 38 feet.

- Variance to reduce the required interior side yard setback along the west property line adjacent to the alley from 9 feet to 3 feet.
- Site Plan Review for a 3-story, 30 unit residential development in the C1 (Neighborhood Commercial) district.

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

Background: The applicant proposes to construct a new 3-story, 30-unit residential structure on the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE. The properties are zoned C1 (Neighborhood Commercial) and in order to develop the site as proposed several land use applications would be required. Developments with 5 residential units or more are conditional uses in the C1 district. An additional conditional use permit is required in order to allow an increase in height from 2.5 stories or 35 feet to 3 stories or 38 feet. A variance is required along the west interior side yard adjacent to the alley from 9 feet to 3 feet and site plan review is also required for the proposed development.

The proposed affordable housing development would include 30 dwelling units with one to three bedrooms, 38 secure underground parking spaces and 3 at grade visitor spaces. The majority of the ground floor units feature walk-up entries. The development also offers additional amenities including community and fitness rooms, on-site management, an exterior children's play area and community patio.

The development is a collaboration between MetroPlains and Families Moving Forward. This group was brought together by the neighborhood need for re-development, a non-profit developer (Northeast CDC), and the City's task force for Central Avenue Redevelopment. The proposed housing will include a range of rents and four units will be set aside for households that have experienced long term homelessness.

A similar proposal (BZZ-4296), for a mixed-use development on the site was recently approved by the Planning Commission on February 17, 2009, and included the following approvals: petition to rezone the subject parcels from the R5 (Multiple-family) district to the C1 (Neighborhood Commercial) district.; conditional use permit to allow 31 residential dwelling units; conditional use permit to allow an increase in the maximum allowable height to 4 stories or 44 feet; variance to reduce the required interior side yard setback along the west property line adjacent to the alley from 11 feet to 2 feet; and site plan review for a 4-story, mixed-use development with 31 dwelling units and approximately 6,500 square feet of ground level commercial space fronting on Lowry Avenue NE. The new proposal, which does not include a commercial component, would replace the project previously approved by the Planning Commission.

Staff has not received official correspondence from the Audobon Neighborhood Association prior to the printing of this report. Any correspondence received will be forwarded on to the Planning Commission for further consideration.

CONDITIONAL USE PERMIT – to allow 30 residential dwelling units

Findings as required by the Minneapolis Zoning Code:

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

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

Construction of a 30-unit residential development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units would strengthen the existing commercial base within the neighborhood. The proposal would be in conformance with the allowable density for the site as a total of 32 units are permitted with the application of a density bonus for enclosed/underground 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.

There are existing residential structures on the premises; some that are quite dilapidated. 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 30 dwelling units would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the broader vicinity.

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

The site would be accessed off of the adjacent one-way public alley from Lowry Avenue NE. Residents of the development would utilize the alley to access the underground parking garage as well as the associated visitor parking which is located at grade. The Public Works Department shall review the preliminary and 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 aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Adequate measures are proposed in regard to minimizing traffic congestion in the public streets. All required automobile and bicycle parking is being provided on the premises. The requirements are further detailed below in the site plan review section of the staff report.

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

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including retail and services commercial uses as well as various types of residential uses. Further, the subject site is located along Lowry Avenue NE which is a Community Corridor and a half block off of Central Avenue NE which is a Commercial Corridor. The intersection of Lowry Avenue NE and Central Avenue NE is a designated Activity Center as well as a Major Housing Site. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

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

Implementation Steps:

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

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

Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

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

Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land

use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

- 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.
- 9.23 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

The proposal to construct a 30- unit residential development is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including the conditional use permits, variance and site plan review, the proposal would comply with all applicable provisions of the C1 District.

CONDITIONAL USE PERMIT - to increase the maximum permitted height from 2.5 stories or 35 feet to 3 stories or 38 feet.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – 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 be detrimental to or endanger the public health, safety, comfort or general welfare.**

Staff does not believe that allowing a new 3-story structure on the premises would prove detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development accommodates the residential density that is desired in similarly situated properties. Additionally, there are developments of comparable height located within close proximity to the subject site.

- 2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

This property is located within a fully developed area and allowing a development three feet taller than what would be permitted based on the underlying zoning designation would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development.

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

As previously mentioned, the site would be accessed off of the adjacent one-way public alley from Lowry Avenue NE. Residents of the development would utilize the alley to access the underground parking garage and the associated visitor surface parking provided for the development. The Public Works Department shall review the preliminary and final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing all required off-street parking for the proposed development.

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

See the above listed response to finding #5 in the conditional use permit application pertaining to number of dwelling units.

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 permits, variances and site plan review this development would be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

1. Access to light and air of surrounding properties.

This development would not be expected to have significant impacts on the amount of light and air that surrounding properties receive. Staff would expect minimal effects on the adjacent non-residential and residential uses.

2. Shadowing of residential properties or significant public spaces.

There are adjacent residential uses to the north, south and east of the site; however, there are no significant adjacent public spaces. Staff would expect some minor shadowing on residential structures to the north and east during the winter solstice, however, the majority of the shadowing appears to affect the public right-of-ways adjacent to the site which varies depending on the time of day. Further, the massing of the structure should help to limit the impacts of shadowing as the majority of the building bulk is oriented towards the Lowry Avenue NE frontage and lessens or steps down toward the residential structure to the north along Polk Street NE. Allowing one additional story or 3 additional feet beyond what is typically permitted would not be expected to have any significant shadowing effects.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Staff believes that the proposal is compatible with the scale and character of other buildings in the neighborhood. The subject site is surrounded by structures that vary from 2-stories to 3-stories in height. The design and allocation or distribution of height on site would be compatible with the surrounding uses as well.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

VARIANCES – (1) Variance to reduce the required interior side yard setback along the west property line adjacent to the alley from 9 feet to 3 feet.

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.

Variance to reduce the required interior side yard along the west property line adjacent to the alley: Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The necessity for the interior side yard setback requirement in this location is due to residential windows facing the interior side yard along the west side of the proposed building adjacent to the alley. The first floor of the structure at the closest point is setback approximately 3.9 feet from the property line adjacent to the alley. The upper floors (2-3) are recessed up to approximately 7.9 feet from the property line depending on location. Planning Staff would argue that the proposed setback at the ground level and correspondingly, the upper floors, is a reasonable and appropriate request. Further, if there were no windows, or if an office or commercial use were proposed on the site, there would be no applicable setback requirement.

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.

Variance to reduce the required interior side yard along the west property line adjacent to the alley: The circumstances could be considered unique to the parcel of land as only approximately half of the site along the west property line would be developed with a building wall. The ground floor of the structure would be located approximately 3.9 feet from the property line at the closest point. The upper floors of the structure (2-3) would be further recessed from the property line up to approximately 7.9 feet depending on the location along the west elevation of the structure. Further, the subject site abuts a surface parking lot not a structure, which is a component of a development located within the designated Activity Center. Allowing a reduction in the required interior side yard setback from 9 feet to 3 feet structure is a reasonable request.

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.

Variance to reduce the required interior side yard along the west property line adjacent to the alley: The granting of the variance to allow a reduction in the interior side yard setback requirement due to the residential windows facing the interior side yard

adjacent to the public alley would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Essentially there is articulation in the building wall that results in a portion of the ground floor of the development being located approximately 3 feet from the property line. As previously mentioned the upper floors are further recessed and pulled back from the property line. Due to the fact that the adjacent property on the west side of the alley is utilized as a surface parking, Staff believes that the request is in keeping with the spirit and intent of the ordinance.

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.

Variance to reduce the required interior side yard along the west property line adjacent to the alley: Staff believes that the granting of the setback variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or 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 DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.

- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The development is subject to a required front yard of 15 feet along Polk Street NE for the first 40 feet (from north to south) but not along Lowry Avenue NE. The first 40 feet of the structure along Polk Street NE from north to south meets this requirement. The remaining structure facing Polk Street NE is located approximately 3 feet from the property line. The elevation of the structure along Lowry Avenue NE is located approximately 6 feet from the property line. Therefore, the building meets the applicable setback requirement as well as complies with the standard which mandates that the first floor of the building be located within 8 feet of the front lot lines along both street frontages.

A total of 30 residential dwelling units are proposed for the site. The majority of the first floor units have walk-out entries and the units on the upper floors have balconies. The primary residential entrance/lobby would be located off the Lowry Avenue NE frontage. The principal entries to the structure are clearly defined and emphasized. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along both street frontages. The area between the building and the public streets would have new tree, shrub and perennial plantings along both street frontages as well.

The entire south elevation of the building along Lowry Avenue NE incorporates windows that exceed the 20% window requirement as approximately 28% are provided according to the submitted elevations. 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 windows on this elevation are more or less vertical in proportion and evenly distributed.

The east elevation of the structure along Polk Street NE incorporates windows that exceed the 20% window requirement as approximately 23% are provided according to the submitted elevations. The windows on this elevation are more or less vertical in proportion and evenly distributed.

The development is also subject to a 20% window requirement on the ground floor north and west building elevations due to the on-site visitor surface parking lot located at the rear of the site. Based on the submitted elevations, approximately 28% are provided facing the on-site parking lot on the north elevation and approximately 24% are provided on the west elevation. The windows are more or less evenly distributed and vertical in proportion.

The proposed development also exceeds the 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot.

There are no blank, uninterrupted walls greater than 25 feet in width on any of the proposed elevations that do not include windows, entries, recesses or projections, or other architectural elements.

The exterior materials would be compatible on all sides of the proposed building as brick veneer, fiber cement panel siding with a stucco finish and wood lap siding as well as some metal panel elements, including balconies and canopies would be utilized. The proposed building form and flat roof would be considered compatible with other buildings in the area.

An underground parking ramp is proposed as part of the development which provides all required parking for the project. The parking ramp is accessed off of the one-way public alley via Lowry Avenue NE. A small 3-space visitor surface parking lot is located on the site and is also accessed off the public alley via the same curb cut off of Lowry Avenue NE.

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 majority of the first floor units have walk-out entries. The primary residential entrance/lobby would be located off the Lowry Avenue NE frontage off of the public sidewalk. The principal entries to the structure are clearly defined and emphasized. Further, walkways connect the parking facilities with the building entries.

There are no transit shelters within the development, however the site is located within close proximity to a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts has been minimized and all access to the site would be off of the public alley.

There is a one-way public alley adjacent to the site which will be utilized for access to both the visitor parking as well as the underground parking provided for the residential development. Vehicles will enter the site off of Lowry Avenue NE via the one-way alley, and will exit on 26th Avenue NE.

The proposed development minimizes the use of impervious surfaces as approximately 5,500 square feet or 50% of the site not occupied by buildings will be landscaped.

LANDSCAPING AND SCREENING:

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

According to the applicant, once the project is complete approximately 5,500 square feet or approximately 50% of the site not occupied by buildings will be landscaped on the premises; this would exceed the 20% landscaping requirement. The site is approximately 24,426 square feet in size with a building occupying a footprint of 13,375 square feet. Based on the site information, approximately 2,210 square feet of landscaping would be required. The zoning code requires that there be at least 5 trees and 22 shrubs planted on the site. The applicant is proposing to have 5 canopy trees and 5 ornamental tree as well as 95 deciduous and evergreen shrubs on the site. A total of 247 perennials are also proposed for the site. The proposal is meeting the minimum landscape quantity requirements.

The proposed 3-space visitor surface parking lot located at the rear of the site is subject to landscaping and screening standards. This is due to the parking being located across an alley from residential uses which are located in the upper floors of the adjacent buildings to the west of the site which front on Lowry Avenue NE. A landscaped yard of at least 7 feet wide must be provided along the alley except where a greater yard is required. In

this circumstance, a 7-foot wide landscaped yard must be provided (accessory parking is not subject to the 5+2x requirement). Screening is also required which must be 6 feet in height and at least 95% opaque throughout the year. An approximate 15 foot perimeter yard exists for a portion of the requirement; however, the dumpster enclosure is located within this area as well. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require compliance with this provision in the location that is noncompliant without moving the dumpster. The proposal also partially meets the screening requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance as it is possible that requiring compliance with this provision could affect sightlines for vehicles entering and exiting the site due to the proximity to the alley as well as the adjacent property to the west which contains a busy surface parking lot. Further, based on the configuration of the site, the dumpster is placed in a practical and functional location.

There is no interior landscaping within the parking lot and no tree islands; however, all parking spaces are within 50 feet of an on-site deciduous tree.

ADDITIONAL STANDARDS:

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

All parking for the residential development is being provided in a single story underground parking garage which is accessed off of the one-way public alley via Lowry Avenue NE. Additional visitor parking is provided at grade and accessed via the same curb cut. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is encouraged to explore on-site retention and filtration.

The City’s CPTED officer had no comments on the proposed development as the plan met the City of Minneapolis requirements for police safety. Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

Staff would not expect the proposal to result in significant blocking of views. The proposed structure would be expected to have some minor shadowing impacts on adjacent properties, however, not on public spaces (see the conditional use permit findings as listed above). The proposed structure would also be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

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 of the site for 30 dwelling units is a conditional use in the C1 District. With the approval of the conditional use permits, yard variance and site plan review, this development would meet the requirements of the C1 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 requires a total of 30 off-street parking spaces for the proposed residential development or one off-street parking space per dwelling unit. Further, the site is also in close proximity to a bus line with midday headways that are less than 30 minutes apart in each direction, which would qualify for the 10 percent reduction in Section 541.200(1) of the Zoning Code resulting in a reduction of 3 spaces. Therefore, with reductions for proximity to a transit stop, the residential parking requirement would be reduced to 27 required spaces. The applicant is proposing to provide 38 off-street parking spaces in an underground parking garage for the residential development; and a total of 3 visitor parking spaces are proposed at grade. Therefore, a total of 41 off-street parking spaces are being provided for the development.

Maximum automobile parking requirement: This provision is not applicable for the proposed development as there is no maximum parking requirement for the residential development.

Bicycle parking requirement: Multiple-family dwellings with 5 or more units have a minimum bicycle parking requirement of 1 space per 2 dwelling units. Based on the proposed 30 dwelling units, a total of 15 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- “Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking

spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”

The applicant is in compliance with the requirement as a total of 20 bicycle parking spaces are located within the underground parking garage.

Loading: There is no loading requirement for the residential development.

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 dumpster enclosure is proposed adjacent to the public alley (however, not in a required yard) adjacent to the visitor surface parking.

Signs: No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

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

Maximum Floor Area: The maximum F.A.R. for all structures in the C1 District is the gross floor area of the building which is 36,933 square feet divided by the area of the lot which is 24,426 square feet. The outcome is 1.51 which is less than the maximum of 1.7 that is permitted in the C1 District. Further, the proposed development is eligible for one 20% density bonus for enclosed/underground parking which would allow the applicant a maximum F.A.R. of 2.04. The project complies with the allowable F.A.R.

Minimum Lot Area: The project would meet the minimum lot width requirements of the C1 District as the development is situated on a lot greater than 40 feet in width. The project would also meet the minimum lot area requirement per dwelling unit as multiple-family developments in the C1 District require 900 square feet per dwelling unit. A 30-unit development with one 20% bonus for mixed-use would require a lot having an area of no less than 21,600 square feet. The subject parcel is 24,426 square feet in size.

Dwelling Units per Acre: With 30 dwelling units on a site having 24,426 square feet of lot area, the proposal would include approximately 54 dwelling units per acre.

Height: The maximum building height for principal structures located in the C1 District is 2.5 stories or 35 feet, whichever is less. The proposal would not conform to this requirement as the structure is proposed to be 3 stories or 38 feet tall. The conditional use permit application for the proposed increase in height has been evaluated above.

Yard Requirements: The required yards are as follows:

Front – (adjacent to Lowry Avenue NE): 0 feet

Front – (adjacent to Polk Street NE): Due to the adjacent residential use to the north as well as the R5 zoning designation, a setback is required for the first 40 feet from north to south: 15 feet

Interior side yards (5+2x): 11 feet (a variance has been submitted for the west side yard adjacent to the alley and has been evaluated above)

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application pertaining to number of dwelling units.

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

There is an additional plan that must be considered when evaluating the proposal. The *Audobon Park Neighborhood Small Area Plan* was adopted by the City Council on May 16, 2008. The Audobon Park Neighborhood's proposed future land use for the subject site is mixed-use. The land use map identifies the direction that the neighborhood would like for the site which is to increase residential density via mixed-use developments and medium density housing along the Central Avenue Commercial Corridor. The plan further states that transition areas should be created between Central Avenue and the neighborhood by encouraging medium density housing. The proposed residential development, with 30 units of affordable housing fits well in terms of context, scale and massing for a medium density infill development within the neighborhood.

Another plan that must be evaluated is the *Central Avenue Small Area Plan* which was adopted by the City Council on June 20, 2008. This plan identifies a portion of the subject site for future mixed-use development and the other portion of the site for medium density housing. The proposed residential development provides the level of desired density as well as blends into the existing fabric of the surrounding neighborhood.

It is Planning Staff's opinion that the proposed medium density, residential development is in conformance with the adopted *Audobon Park Neighborhood Small Area Plan* and the *Central Avenue Small Area Plan*.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

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

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

Landscaping and screening requirements: The proposed 3-space visitor surface parking lot located at the rear of the site is subject to landscaping and screening standards. This is due to the parking being located across an alley from residential uses which are located in the upper floors of the adjacent buildings to the west of the site which front on Lowry Avenue NE. A landscaped yard of at least 7 feet wide must be provided along the alley except where a greater yard is required. In this circumstance, a 7-foot wide landscaped yard must be provided (accessory parking is not subject to the 5+2x requirement). Screening is also required which must be 6 feet in height and at least 95% opaque throughout the year. An approximate 15 foot perimeter yard exists for a portion of the requirement; however, the dumpster enclosure is located within this area as well. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require compliance with this provision in the location that is noncompliant without moving the dumpster. The proposal also partially meets the screening requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance as it is possible that requiring compliance with this provision could affect sightlines for vehicles entering and exiting the site due to the proximity to the alley as well as the adjacent property to the west which contains a busy surface parking lot. Further, based on the configuration of the site, the dumpster is placed in a practical and functional location.

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 30 dwelling units on the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE subject to the following condition:

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

Recommendation of the 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 an increase in height to 3 stories or 38 feet for the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE subject to the following condition:

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

Recommendation of the 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 to reduce the required interior side yard along the west property line adjacent to the alley from 9 feet to 3 feet at the closest point for the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a 30-unit, residential development on the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE subject to the following conditions:

1. All site improvements shall be completed by June 8, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Separate permits are required for any signage that may be proposed on site. No signage is approved as part of this application.

Attachments:

1. PDR Report
2. Statement of use / description of the project
3. Findings – CUPs and Variance
4. Correspondence
5. Zoning map
6. Plans – Site, landscape, elevations, floor plans, shadow studies, etc.
7. Photos
8. Oblique aerial