

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, Variance, Site Plan Review, and Plat  
BZZ-4975 & PL-247

**Date:** November 1, 2010

**Applicant:** United Properties

**Address of Property:** 1611 46<sup>th</sup> Street East

**Project Name:** Applewood Pointe of Minneapolis at Northrop

**Contact Person and Phone:** Mark Nelson, (952) 820-8727

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** October 7, 2010

**End of 60-Day Decision Period:** December 6, 2010

**End of 120-Day Decision Period:** On October 12, 2010, staff sent the applicant a letter extending the decision period no later than February 4, 2011.

**Ward:** 11     **Neighborhood Organization:** Northrop

**Existing Zoning:** R1A Single-family Residential

**Proposed Zoning:** R3 Multiple-family Residential

**Zoning Plate Number:** 32

**Legal Description:** All of Block 2, HARRIET-MINNEHAHA PARKWAY ADDITION TO MINNEAPOLIS, together with the vacated alley which accrued thereto by reason of the vacation thereof, Hennepin County, Minnesota.

**Proposed Use:** two multiple-family residential buildings with a total of 107 units

**Concurrent Review:**

**Rezoning** from R1A to R3.

**Conditional use permit** to allow a planned unit development with 107 dwelling units.

**Variance** to allow parking between the principal structure and the front lot line.

**Site plan review.**

**Plat,** preliminary.

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**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, Specifically Section 525.520 (8) “To permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.”; Chapter 530 Site Plan Review; and Chapter 598 Land Subdivision Regulations.

**Background:** The applicant is proposing to construct two multiple-family residential structures with a total of 107 units at the property of 1611 46<sup>th</sup> Street East. The site is the former Minneapolis Public School’s Northrop site. The former school building still exists on-site. On July 13, 2010, the Minneapolis Heritage Preservation Commission approved the application to demolish the existing building. The development would be constructed in two phases, with the south building and surface parking area being the first phase. Each building has enclosed parking under the building. Guest parking would be available in the surface parking area.

The site is currently zoned R1A. A multiple-family dwelling is not a permitted use in the R1A district. The applicant is requesting that the City Council rezone the property to R3, where a planned unit development (PUD) with multiple-family residential of 5 or more units is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

In the residence and office residence districts, off-street parking is not allowed to be located between a principal structure and a front lot line. Both lot lines adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue South are front lot lines. Surface parking is proposed between the north building and 17<sup>th</sup> Avenue South. The applicant is requesting a variance of the parking location requirement.

Site plan review is required for any new use with 5 or more dwelling units.

As part of any application for a PUD, any land proposed for the development is required to be platted into one or more lots suitable for the PUD. The applicant has submitted the preliminary plat as part of this application. Before final City approvals can be obtained, the final plat will need to be approved by the planning commission.

Correspondence from the Field Regina Northrop Neighborhood Group was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**REZONING:** from the R1A district to the R3 district.

**Findings as required by the Minneapolis Zoning Code for the rezoning petition:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The future land use designation of the site is urban neighborhood<sup>1</sup> in *The Minneapolis Plan for Sustainable Growth*. One block west of the site, Bloomington Avenue is designated as a community corridor. A designated neighborhood commercial node is also located at Bloomington Avenue and 46<sup>th</sup> Street East. Two blocks east of the site, Cedar Avenue is designated as a community corridor. The area between 47<sup>th</sup> Street and 48<sup>th</sup> Street East on Cedar Avenue is designated as a neighborhood commercial node as well. According to the principles and policies outlined in the plan, the following apply to this proposal:

**Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

**Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.**

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

**Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.**

1.11.6 Encourage the development of medium-density housing<sup>2</sup> immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low-density residential areas.

*Staff comment:* The R3 district would allow medium density. Medium density is appropriate at this location because it is in close proximity to two community corridors and two commercial nodes and it occupies a full city block. The rezoning would allow the city to increase its supply and diversity of long-term housing types by redeveloping a former school site. The proposed rezoning to R3 is consistent with the comprehensive plan.

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<sup>1</sup> Urban Neighborhood — Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

<sup>2</sup> Medium-density residential – Primarily smaller scale multi-family residential, with 20-50 units/acre

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

Because of the property's close proximity to two community corridors and a commercial node where medium density is encouraged, a multi-family development would be an appropriate use of the land. Also, there are four nearby bus routes that traverse Bloomington Avenue, Cedar Avenue and 46<sup>th</sup> Street that would be accessible to future residents of this development. Increased density would support the existing public transportation. The amendment is in the public interest and not solely in the interest of the property owner.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The primary zoning classification in the immediate area is R1A. Primarily single-family dwellings are located directly across the street from the site with the exception of the place of the assembly to the north. Higher density zoning exists along the community corridors with some commercial zoning in the commercial nodes. Along the community corridors, low to medium-density exists. Although this site is not on a community corridor, it occupies an entire block. Any adverse impacts should be minimized because a development would be separated from adjacent properties by streets. The R3 district is the first zoning district that would allow more density than the existing zoning classification without a lot area variance. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

Primarily single-family dwellings are allowed in the R1A district. Under the existing zoning, not more than 31 dwelling units could be established without a variance to reduce the minimum lot area requirement. Because of the property's proximity to two community corridors and two commercial nodes and that it occupies an entire city block, medium density residential would be an appropriate use of the land. The R3 district is the first zoning district that would allow more density than the existing zoning classification without a lot area variance.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Within this immediate area of Minneapolis, there generally has not been a change in zoning or in the type of development. Although not recently, some down-zoning has occurred on the community corridors.

**CONDITIONAL USE PERMIT:** to allow a planned units development with 107 dwelling units.

**Findings as Required by the Minneapolis Zoning Code for Conditional Use Permits:**

The 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 establishment of a planned unit development with 107 dwelling units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

**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.**

Primarily single-family dwellings are located directly across the street from the site with the exception of the place of the assembly to the north. Along the community corridors, Bloomington Avenue and Cedar Avenue, low to medium-density exists. Commercial uses are located in the commercial nodes at 46<sup>th</sup> Street and Bloomington Avenue and on Cedar Avenue between 47<sup>th</sup> and 48<sup>th</sup> Street. A multiple family residential development of medium density should have little impact to the surrounding residential uses because it would occupy its own block. Also, existing and future development of uses allowed in the area should not be negatively affected by the proposed development.

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

The site is served by existing infrastructure. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The use would comply with all minimum parking and loading requirements. For each dwelling unit, one automobile parking space is required (107 total). The applicant would provide 128 on-site spaces, of which 21 would be available for guest parking. For every two dwelling units, one bicycle parking space is required (54 total). The applicant would provide 54 spaces. One small loading space is required and one small loading space would be provided. The residents would have access to four nearby bus routes that traverse Bloomington Avenue, Cedar Avenue and 46<sup>th</sup> Street. Three curb cuts currently exist: one on 16<sup>th</sup> Avenue, one on 46<sup>th</sup> Street and one on 47<sup>th</sup> Street. All vehicle access for the proposed development would occur through two curb cuts: one on 47<sup>th</sup> Street and one on 17<sup>th</sup> Avenue. Unused curb cuts will be closed. The use should have little effect on congestion in the public streets.

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

In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply:

**Policy 3.1: Grow by increasing the supply of housing.**

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

**Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.**

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

**Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.**

3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.

3.6.3 Maintain a healthy supply of multifamily ownership and rental housing, and promote the development of alternative forms of homeownership such as cooperative housing and cohousing.

3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

**Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.**

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

*Staff comment:* The applicant would provide enclosed bicycle storage for the residents. To further reduce the potential of street congestion, bicycle parking could be provided for guests. The

applicant has requested points for the design and location of the automobile parking on-site. Staff is recommending that additional bicycle parking is provided near the entrances of each building to obtain the full number of points requested.

**Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.**

10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

*Staff comment:* Public Works is requiring that the unused boulevard walks in the 16<sup>th</sup> Avenue boulevard are removed and replaced with landscaping or sod. The landscape plans do not indicate what will be provided in these areas. The removal of the boulevard walks provides an opportunity for boulevard trees to be planted. With the removal of the 17<sup>th</sup> Avenue curb cut there will also be an opportunity to provide more trees in the 17<sup>th</sup> Avenue boulevard. Approximately 7 boulevard trees total could be added. Please note: Tree selection and spacing would need to be determined by the Park Board staff. For the applicant's additional points request for landscaped open space, staff is recommending that trees are planted in the boulevards as appropriate.

**Policy 10.18: Reduce the visual impact of automobile parking facilities.**

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.3 Locate parking lots to the rear or interior of the site.

**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 use of the site for a planned unit development with 107 dwelling units will conform to the applicable regulations upon the approval of the rezoning petition, conditional use permit, variance, site plan review, and plat applications.

**Findings Required for Planned Unit Developments:**

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. Additional uses. (See Section B Below for Evaluation)**
- C. The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)**

**Section A: Authorized Alternatives and Amenities Provided**

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.**

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- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

*Alternatives requested:*

- **Placement and number of principal residential structures.** – No alternative requested.
- **Bulk regulations.**

**Maximum Floor Area:** The lot area is 155,098 square feet. The maximum FAR allowed in the R3 District is 1.2 when all of the required parking is provided within the building. The buildings would have a total of 197,443 square feet, which is an FAR of approximately 1.28.

**Building Height<sup>3</sup>:** In the R3 district, the maximum height is limited to 2.5 stories or 35 feet, whichever is less. The height of the north building would be 3 stories and 43.1 feet. The height of the south building would be 4 stories and 62.8 feet.

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

**1. Access to light and air of surrounding properties.**

The buildings would be separated from surrounding properties by public streets and should not have any affect on access to light and air.

**2. Shadowing of residential properties or significant public spaces.**

The applicant did not submit a shadow study as part of this application. The buildings would not be adjacent to any significant public spaces. The north building and the south half of the south building would be three stories in height. The north building would be similar in size to the existing building. Residential properties are located to the north, east and west, but are separated from the subject site by streets. With the proposed setbacks, the north building should not significantly increase the shadowing impacts on adjacent properties than the existing building. A

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<sup>3</sup> Height in feet is measured as the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building to the top of the highest point of the structure including parapets. Both lot lines adjacent to 16<sup>th</sup> Ave and 17<sup>th</sup> Ave are front lot lines, therefore the “front center” is measured from those elevations. Because grade change is significantly different on each street, the greater of the two front center measurements are referenced in this report for each building.

building does not currently exist on the south end of the site. Some shadowing of adjacent properties would result with the construction of the south building. Adjacent properties are located to the east, west, and south of the south building. The fourth story frontage along 16<sup>th</sup> and 17<sup>th</sup> Avenue is approximately 70 feet wide, or approximately one-third of the building frontage closest to the adjacent streets. On the 16<sup>th</sup> Avenue side, the height would be approximately 51 feet. On the 17<sup>th</sup> Avenue side, the height would be 62.8 feet. At 80 feet wide, the 17<sup>th</sup> Avenue right-of-way is wider than most residential streets (e.g. 16<sup>th</sup> Avenue is 60 feet wide). Although there is greater height on the east side, the wider street right-of-way should lessen the effects of shadowing created by the grade change. And with the four story portion of the south building located towards the middle of the site, it should mostly shadow the subject development. Shadowing of residential properties should not be significant.

### **3. The scale and character of surrounding uses.**

Primarily single-family dwellings one to two-stories in height are located directly across the streets from the site with the exception of the place of the assembly to the north. The development would occupy an entire city block and would be separated from surrounding properties by streets. The proposed buildings would be similar to the scale and character of the existing building on-site.

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

The buildings would not impede views of landmark buildings, significant open spaces or water bodies.

- **Lot area requirements.** – No alternative requested.
- **Yards.**

**Front Yard Requirements:** Front lot lines are adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue South. The minimum front yard requirement in the R3 district is 20 feet unless an adjacent residential structure on the same block face is set back more. Because the subject site occupies the entire block and there are no existing structures that will remain, the minimum required front yard is 20 feet. The building, 10 foot wide walkways, balconies, benches and patios would project into the required yard adjacent to 17<sup>th</sup> Avenue, but are not permitted obstructions. The building, 10 foot wide walkways, balconies, benches, patios, and a plaza would project into the required yard adjacent to 16<sup>th</sup> Avenue, but are not permitted obstructions. An art feature(s) could also potentially be located in a required yard as an amenity, but is not a permitted obstruction.

**Corner Side Yard Requirements:** Corner side yards are required adjacent to 46<sup>th</sup> Street and 47<sup>th</sup> Street East. The minimum corner side yard requirement is equal to  $8+2x$ , where  $x$  is equal to the number of stories above the first floor, or 20 feet (the applicable front yard requirement), whichever is less. The north building would have three stories and the south building would have four stories. The corner side yard requirements are 12 feet and 14 feet respectively. The plaza would project into the required yard adjacent to 46<sup>th</sup> Street, but is not a permitted obstruction. Eight foot wide walkways and stairs, compost bins, and a transformer would project into the required yard adjacent

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to 47<sup>th</sup> Street, but are not permitted obstructions. An art feature(s) could also potentially be located in a required yard as an amenity, but is not a permitted obstruction.

**Interior Side Yard Requirements:** Through the plat, a new interior lot line would be created. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. The north building would have three stories and the south building would have four stories. The interior side yard requirements are 9 feet and 11 feet respectively for the buildings. Unless a permitted obstruction, all other structures or paved surfaces are subject to a 5 foot interior side yard requirement. The link between the two buildings and a 13 foot wide walkway would project into the side yards, but are not permitted obstructions.

- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

**Points required:**

- Minimum required amenity(ies) – **10 points.**
- Bulk regulations, maximum FAR – **5 points.**
- Bulk regulations, height – **5 points.**
- Yards – **5 points.**
- **Total – 25 points.**

**Amenities provided:** The applicant has provided a supplemental table (attached to this report) describing all of the amenities proposed. Staff believes 25 points worth of amenities are proposed as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1: Outdoor Open Space, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Enhanced Stormwater Management, Recycling Storage Areas, Tree Islands, Pet Exercise Area, and Water Feature.

*Outdoor open space* – The required standards for outdoor open space are:

- **Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs.** Large areas of contiguous open space that would be landscaped with trees and shrubs are proposed.
- **Rain gardens, where appropriate, are encouraged.** Two rain gardens are proposed.
- **Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials.** Walkways would be paved with concrete. Seating areas and the plazas would have colored and stamped concrete.
- **A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous.** 68.6 percent of the site not occupied by buildings would be landscaped. All of the open space would be contiguous.
- **The open space must be immediately accessible from the principal structure.** The open space would be immediately accessible from both structures.

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- **Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.** Areas of the open space are sheltered by the buildings. Snow and ice removal on walkways will need to be provided as is required for public sidewalks. All walkway materials are seasonally appropriate.

This provision is worth 5 points.

*Decorative fencing* – The required standards for decorative fencing are:

- **Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway.** Fencing would primarily be installed above the retaining walls on the south half of the site and around the pet exercise area. Where fencing is proposed, decorative aluminum fencing would be installed.
- **The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site.** The aluminum fencing would also be installed around the pet exercise area.
- **In no case shall chain-link fencing be considered decorative fencing.** No chain link fencing is proposed.

This provision is worth 1 point.

*Enhanced exterior lighting* – **Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.** Decorative bollard and street lights would be provided at walkway intersections and seating areas. The lighting would comply with Chapter 535 standards. This provision is worth 1 point.

*Enhanced landscaping* – The required standards for enhanced landscaping are:

- **A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review.** The Chapter 530 tree and shrub requirement for this site is 38 and 189 respectively. The applicant would provide 80 deciduous trees (of which, at least 50 would be canopy trees), 23 coniferous trees, and 846 shrubs. Sixteen different types of trees would be provided. Twenty-four different types of shrubs would be planted. The remainder of the site not covered by the buildings, parking area, driveways, walkways, plazas, patios, trees and shrubs would be covered with perennials, native grasses and sod. The perennials and grasses would include 30 different types. The varieties of plants proposed would provide seasonal interest.
- **The landscaped areas shall have a resource efficient irrigation system.** Two rain gardens are proposed. The use of sod would be limited to reduce the amount of irrigation needed. The applicant has indicated that they have not finalized the details of the proposed irrigation system, but are pursuing a system that uses technology to evaluate irrigation needs and conserve water.
- **The landscaping plan shall be prepared by a licensed landscape architect.** The landscape plan has been prepared by a licensed architect.

This provision is worth one point.

*Enhanced stormwater management* – The required standards for enhanced stormwater management are:

- **Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity.** Both rain gardens would be visible from adjacent streets and on-site residences. The rain gardens would be landscaped with trees, shrubs and perennials. Stormwater runoff from the buildings would be directed to the rain gardens. An underground retention system would also be provided.
- **Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design.** A maintenance plan that identifies regular inspection and maintenance activities was provided.
- **The design shall conform to requirements of the stormwater management plan approved by public works.** The Public Works Department will review the project for appropriate drainage and stormwater management.

This provision is worth one point.

*Recycling storage area* – **Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.** Recycling areas would be located at each trash chute on each floor of each building. A cardboard recycling center would also be provided in the garages. This provision is worth one point.

*Tree islands* - **The inclusion of additional or larger tree islands in the interior of parking lots that exceed the requirements of Chapter 530, Site Plan Review. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.** The tree island in the parking area would be 10 feet by 80 feet. It would be landscaped with trees, shrubs and perennials. This provision is worth one point.

*Water feature* - **A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** A drinking fountain would be provided in the mid-block seating area adjacent to 17<sup>th</sup> Avenue. This provision is worth one point.

*Pet exercise area* – The required standards for pet exercise area are:

- **A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet.** The pet exercise area would be tear-drop shaped. The proposed size is approximately 1,900 square feet. The narrowest dimension would be 15 feet. The longest dimension would be 70 feet.
- **It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste.** Decorative fencing would surround the area. Accommodations for proper disposal of animal waste will need to be provided.
- **The pet exercise area shall not be located in a required yard.** It would not be located in a required yard.

This provision is worth one point.

Amenities that significantly exceed standards described in Table 527-1

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The commission may consider up to an additional five (5) points to the point value listed for any amenity in Table 527-1, Amenities, where the commission finds the proposed amenity substantially exceeds the standards required in Table 527-1, Amenities, for the amenity. The applicant is requesting an additional 5 points for the outdoor open space amenity. Staff does not believe an additional 5 points are warranted for just the amount of landscaped open space proposed. Although the amount of landscaped open space greatly exceeds the standards identified in Table 527-1, the amount of impervious surface proposed is not far below the maximum allowed. The maximum impervious surface coverage allowed in the R3 district is 65 percent, or 100,814 square feet. The proposed amount of impervious surface is approximately 90,327 square feet, which covers approximately 58.2 percent of the site. The landscape plan includes enhanced landscaping that substantially exceeds the Chapter 530 and Table 527-1 standards (see description on page 10). Four mature oak trees located in the landscaped area between the surface parking area and 17<sup>th</sup> Avenue would be retained. Public Works is requiring that the unused boulevard walks in the 16<sup>th</sup> Avenue boulevard are removed and replaced with landscaping or sod. The landscape plans do not indicate what will be provided in these areas. The removal of the boulevard walks provides an opportunity for boulevard trees to be planted. With the removal of the 17<sup>th</sup> Avenue curb cut there will also be an opportunity to provide more trees in the 17<sup>th</sup> Avenue boulevard. Approximately 7 boulevard trees total could be added. Please note: Tree selection and spacing would need to be determined by Park Board staff. For the additional open space, enhanced landscaping, preservation of select on-site trees, restoration of a green boulevard on 16<sup>th</sup> Avenue, and infill of gaps in the boulevards with trees, staff believes an additional 4 points are warranted.

Amenities proposed by the applicant

The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign 1, 3, 5, or 10 points based on the proportionality. The applicant is proposing three other amenities:

*Natural features* – The buildings are located to conform to the existing grades on the site. Improvements were planned around the mature, significant trees on the property. The applicant also intends to save most of the on-site perimeter trees as well. The applicant is requesting 1 point for this amenity. In Table 527-1, natural features (site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment) is worth 3 points. Staff believes this amenity has already been accounted for in the additional points requested for the landscaped open space amenity. Section 527.120(4) of the zoning code does not allow an item to be counted as an amenity for an alternative if it is utilized to qualify for any other amenity in Table 527-1 Amenities.

*Underground parking and guest parking* – The applicant would enclose all required parking (107 spaces) in below-grade parking garages. Twenty-one surface parking spaces would be provided for guests. The applicant is requesting 3 points for this amenity. In Table 527-1, underground parking is worth 10 points when all of the following standards (bolded) are met:

- **All parking shall be located underground.** Although all required parking would be located in the building, the guest parking would not be enclosed. Further, section 527.120(4) does not allow any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district. The density bonus for enclosing required parking has been used to increase the allowed floor area ratio and reduce the minimum lot area requirements.

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- **Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story.** The parking garage levels do not meet the definition of a story.
- **Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level.** On both the north and south buildings, portions of the parking garage walls adjacent to the public streets would extend more than three feet above the adjacent grade.

For the reasons described above, staff does not believe any points are warranted for the enclosed parking. Staff does agree with the applicant that the location of the surface parking will have minimal visibility from adjacent streets and residences because of the grade changes, landscape buffer, and large setback between the parking and street. The availability of guest parking should also help to reduce parking congestion in the adjacent streets. To further reduce the potential of street congestion, bicycle parking could be provided for guests. At a minimum, four short-term bicycle parking spaces (as defined by section 541.180 of the zoning code) should be provided for each building in addition to the enclosed bicycle parking proposed. With the additional bicycle parking, staff believes 3 points are warranted for this amenity.

*Plazas, art feature, and on-site gardens* – The applicant is proposing a combination of amenities and requesting that the planning commission authorize 5 points for them. Table 527-1 defines standards for each of these amenities.

For plazas, the following standards in Table 527-1 are required for 5 points: **Plazas shall have a minimum area equivalent to ten (10) percent of the site not occupied by buildings, but not less than two thousand (2,000) square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.** Ten percent of the site not occupied by buildings is equal to approximately 9,400 square feet. The applicant would provide approximately 3,800 square feet of on-site space available for use by the general public in total. These plazas/seating areas are proposed at the corner of 16<sup>th</sup> Avenue and 46<sup>th</sup> Street and mid-block adjacent to 16<sup>th</sup> and 17<sup>th</sup> Avenue. These areas would fully comply with the Chapter 535 Plaza standards, with the exception of providing trash receptacles.

For art features, the following standards in Table 527-1 are required for 3 points: **Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.** The applicant has indicated that they will coordinate with the Minneapolis Cultural Arts Coordinator to locate a local artist to create art for the site. Images of potential landscape art have been provided by the applicant and are attached to this report.

For gardens, the following standards in Table 527-1 are required for 5 points: **Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar**

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access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment. For this size of development, 5,000 square feet of garden space would be required for the residents. Approximately 960 square feet is proposed. The location faces south with adequate solar access. Secured tool storage would be provided in the garage. Irrigation, pedestrian access, and compost bins would also be provided.

These amenities have direct proportionality to building height, building FAR, and yards by providing semi-public gathering spaces and enhancements for use and enjoyment by the community. For this combination of amenities, staff believes they are worth 5 points.

**Points Summary**

<i>Amenity</i>		<i>Points Requested by Applicant</i>	<i>Points Recommended by Staff</i>
Amenities from Table 527-1	Outdoor Open Space	5	5
	Decorative Fencing	1	1
	Enhanced Exterior Lighting	1	1
	Enhanced Landscaping	1	1
	Enhanced Stormwater Management	1	1
	Recycling Storage Areas	1	1
	Tree Islands	1	1
	Pet Exercise Area	1	1
	Water Feature	1	1
Amenities that significantly exceed standards described in Table 527-1	Landscaped Outdoor Open Space	5	4
Amenities proposed by the applicant	Underground Parking and Guest Parking	3	3
	Natural Features	1	0
	Plazas/Art Features/On-site Gardens	5	5
<b>Total</b>		<b>27</b>	<b>25</b>

**Phasing plan.** – Two phases are proposed. The first phase includes constructing the south building and the surface parking area. Two alternatives are needed for the first phase: building height and yards. Not until the second phase is constructed would the alternatives for floor area ratio be needed. The applicant expects construction on phase II would not begin until 2013 or 2014. The applicant has indicated that all of the amenities on Lot 2 (south building) would be implemented with the first phase. On Lot 1, the surface parking area, all improvements between the parking area and 17<sup>th</sup> Avenue, and the walkway leading from the south building to 16<sup>th</sup> Avenue would also be implemented with the first phase. In the area where the north building would later be built, the applicant will plant seed in the interim. Phase II will include the construction of the north building and the plaza at the intersection of 16<sup>th</sup> Avenue and 46<sup>th</sup> Street and the installation of the remainder of the landscaping. Because the open space and landscaping amenities overlap both phases and it would not be practical to implement the amenities adjacent to the north building, specifically the plaza, the landscaping between the public

sidewalks and the building, and additional bicycle parking, until the north building is constructed, staff is recommending that the planning commission require all amenities except those adjacent to the north building to be implemented with the first phase.

### **Section B: Additional Uses**

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

Additional uses are not proposed.

### **Section C: Conformance with Required Planned Unit Development Findings**

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

- a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

A senior housing cooperative with 107 dwelling units is proposed. The mix of units includes one- to two-bedrooms with dens. The development would include semi-public areas adjacent to the public sidewalks to create community gathering areas around the site.

- b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.**

The use would comply with all minimum parking and loading requirements. For each dwelling unit, one automobile parking space is required (107 total). The applicant would provide 128 on-site spaces, of which 21 would be available for guest parking. For every two

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dwelling units, one bicycle parking space is required (54 total). The applicant would provide 54 spaces. The availability of guest parking should also help to reduce parking congestion in the adjacent streets. To further reduce the potential of street congestion, bicycle parking could be provided for guests. Staff is recommending that at a minimum, four short-term bicycle parking spaces (as defined by section 541.180 of the zoning code) should be provided for each building in addition to the enclosed bicycle parking proposed. One small loading space is required and one small loading space would be provided. The residents would have access to four nearby bus routes that traverse Bloomington Avenue, Cedar Avenue and 46<sup>th</sup> Street. All vehicle access would occur through two curb cuts: one on 47<sup>th</sup> Street and one on 17<sup>th</sup> Avenue.

**c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.**

The site amenities include more or less evenly distributed landscaped open space, preserving mature trees, rain gardens, community gathering spaces (plazas/seating areas), enhanced landscaping and exterior lighting, decorative fencing, recycling areas, a drinking fountain, guest parking, pet exercise area, plaza/seating areas, art feature(s), and on-site gardens.

**d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

Design features of the existing building were incorporated into the design of the new buildings. An abundant amount of windows would be provided on all sides of the buildings. The north building and the south half of the south building would be three stories in height. With the proposed setbacks, the north building should not significantly increase the shadowing impacts on adjacent properties than the existing building. The fourth story frontage along 16<sup>th</sup> and 17<sup>th</sup> Avenue is approximately 70 feet wide, or approximately one-third of the building frontage closest to the streets. The buildings would not impede views of landmark buildings, significant open spaces or water bodies.

The location of the parking area also minimizes its visibility from adjacent streets and properties. The loading space, which is the closest part of the parking area to 17<sup>th</sup> Avenue, is set back over 50 feet. The closest parking spaces would be set back over 70 feet. The north building is L-shaped and the parking sits in the middle of the L at the interior of the site. Where the L extends to 17<sup>th</sup> Avenue, the building is set back 27 feet. The south building, grade changes and proposed landscaping further minimize visibility from the adjacent streets.

**e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

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Although the buildings will be larger in scale and massing than surrounding development, appropriate transition areas would be provided. In addition to the yards provided on all sides, the buildings would be separated from surrounding properties by public streets and should not have any affect on access to light and air. On the 16<sup>th</sup> Avenue side, the height of the south building would be approximately 51 feet. On the 17<sup>th</sup> Avenue side, the height would be 62.8 feet. At 80 feet wide, the 17<sup>th</sup> Avenue right-of-way is wider than most residential streets (e.g. 16<sup>th</sup> Avenue is 60 feet wide). Although there is greater height on the east side, the wider street right-of-way should lessen the effects of shadowing created by the grade change. And with the four story portion of the south building located towards the middle of the site, it should mostly shadow the subject development.

- f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

- g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

As practical, the applicant will use material recycling during the demolition process.

- 2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary plat section of this report.

**VARIANCE:** to allow parking between a principal structure and the front lot line (17<sup>th</sup> Avenue) in a residential district.

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

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

In the residence and office residence districts, off-street parking is not allowed to be located between a principal structure and a front lot line. Parking is proposed between the north building and 17<sup>th</sup> Avenue South. Given that the site is a through lot and has frontage on four streets, the applicant may not have reasonable use of the property without the requested variance. Both lot lines adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue South are front lot lines. The average grade change from the north end of the site to the south end is approximately 16 feet. Between the proposed parking location and 17<sup>th</sup> Avenue, the existing grades change approximately 12 feet. The proposed buildings and parking are located on the flatter areas of the site leaving the sloped areas available for landscaped, open space. Maintaining a steep slope that is visually consistent with the existing natural features and providing adequate provision for stormwater runoff and erosion control is

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consistent with adopted comprehensive plan policies and the standards of section 535.300 of the zoning code. The location of the parking area also minimizes its visibility from adjacent streets and properties, which is the intent of the parking location provisions. The loading space, which is the closest part of the parking area to 17<sup>th</sup> Avenue, is set back over 50 feet. The closest parking spaces would be over 70 feet from 17<sup>th</sup> Avenue. The north building is L-shaped and the parking sits in the middle of the L at the interior of the site. Where the L extends to 17<sup>th</sup> Avenue, the building is set back 27 feet. The south building, grade changes and proposed landscaping further minimize visibility from the adjacent streets. Changing the location of the buildings and/or parking to bring the proposal into compliance with this provision would likely result in more parking fronting adjacent streets, which would be inconsistent with adopted policies and other ordinances.

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

The site is a through lot and has frontage on four streets. Both lot lines adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue South are front lot lines. The average grade change from the north end of the site to the south end is approximately 16 feet. Between the proposed parking location and 17<sup>th</sup> Avenue, the existing grades change approximately 12 feet. These circumstances are unique to the property and have not been created by the applicant.

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

Restrictions on the location of parking areas in residential areas are established to ensure compatibility between parking areas and residential uses and maintain the residential character of the districts by locating surface parking at the interior of sites and minimizing frontage on streets. The site is a through lot, has frontage on four streets, and has significant grade changes. The proposed buildings and parking are located on the flatter areas of the site leaving the sloped areas available for landscaped, open space. Maintaining a steep slope that is visually consistent with the existing natural features and providing adequate provision for stormwater runoff and erosion control is consistent with adopted comprehensive plan policies and the standards of section 535.300 of the zoning code. The location of the parking area also minimizes its visibility from adjacent streets and properties. The loading space, which is the closest part of the parking area to 17<sup>th</sup> Avenue, is set back over 50 feet. The closest parking spaces would be over 70 feet from 17<sup>th</sup> Avenue. The north building is L-shaped and the parking sits in the middle of the L at the interior of the site. Where the L extends to 17<sup>th</sup> Avenue, the building is set back 27 feet. The south building, grade changes and proposed landscaping further minimize visibility from the adjacent streets. Changing the location of the buildings and/or parking to bring the proposal into compliance with this provision would likely result in more parking fronting adjacent streets. The granting of the variance should have little effect on the surrounding properties and is in keeping with the 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.**

The granting of the variance should not affect public safety or increase congestion in the public streets.

### **SITE PLAN REVIEW**

#### **Findings as Required by the Minneapolis Zoning Code for the 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 the 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, windows, and active functions:
  - 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:

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- 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.
    - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.
  - Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- Ground floor active functions:
  - Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

*Conformance with above requirements:*

The R3 district requires a minimum front yard of 20 feet. Front yards are required adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue. A 12 foot wide corner side yard is also required adjacent to 46<sup>th</sup> Street and a 14 foot corner side yard is required adjacent to 47<sup>th</sup> Street. The setbacks of the buildings vary.

Amenities located between the building and the adjacent streets include landscaping, patios, plazas, a dog exercise area, and gardens.

On the north building, a main entrance would face the intersection of 46<sup>th</sup> Street and 16<sup>th</sup> Avenue. Adjacent to both streets, several residences would have individual entrances from the street. On the south building, the main entrance would face the surface parking area located at the interior of the site. The proposal incorporates other entrance options on both the east and west sides of the building facing the adjacent streets.

Most of the parking would be located within the building below-grade. A surface parking area with 21 spaces and a loading space would be located between the proposed buildings in the interior of the block.

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It would also be located between a portion of the north building and 17<sup>th</sup> Avenue South. In the residence and office residence districts, off-street parking is not allowed to be located between a principal structure and a front lot line. The lot line adjacent to 17<sup>th</sup> Avenue is a front lot line. The applicant is requesting a variance of the parking location requirement. Staff is recommending approval of the variance because site conditions, including grade changes and frontage on four streets, limit where parking could be provided and the visibility of the parking area would be minimized by a large setback from the street, grade change, and landscaping. For these reasons, staff is also recommending that the planning commission grant alternative compliance to allow parking between the building and the street.

The building would include recesses and projections and windows on all sides to divide the building into smaller identifiable sections.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on the south building. On the north building, all walls would contain sufficient architectural elements with the exception of the garage level of the east building elevation. This requirement applies where the wall would be exposed six feet or more as measured from the finished grade level to the first floor level. The two areas of the wall with insufficient architectural elements span approximately 40 feet and 49 feet (excludes balcony columns). This wall faces the interior parking area and would have minimal visibility from 17<sup>th</sup> Avenue. The upper floors contain an abundant amount of windows, and rows of shrubs would be planted in a six to eight foot wide planting bed with several trees installed in front of the wall. For these reasons, staff is recommending that the planning commission grant alternative compliance and allow fewer architectural elements on this wall.

The primary exterior materials would include brick, pre-cast concrete, stucco, and rock-faced block. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of the building would be compatible to each other and similar in appearance.

Plain face concrete block would not be used as a primary exterior building material.

Multiple entrances would be provided. The main entrances would be sheltered and would project from the building to emphasize their importance.

On the north building, the amount of windows provided on all of the walls subject to the window requirements would exceed the minimum required, except the first floor walls facing the parking area. Measured between two and ten feet, the south wall would contain approximately 100 square feet of windows, or 9.3 percent (216 square feet are required). Measured between two and ten feet, the east wall would contain approximately 179 square feet, or 13.1 percent (274 square feet are required). The site slopes down from 46<sup>th</sup> Street to 47<sup>th</sup> Street and from 16<sup>th</sup> Avenue to 17<sup>th</sup> Avenue. With these grade changes, more of the parking garage level is exposed at the interior of the site. Measured between the top of the floor to the floor above, each floor of the walls facing the parking area contain over 25 percent windows. The wall of the south building facing the parking area also contain an abundant amount of windows. Adding windows in the garage level to comply with the minimum window requirement would not likely increase surveillance of the parking area. For these reasons, staff is recommending that

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the planning commission grant alternative compliance for the first floor wall of the south elevation window requirements from 20 percent to 13.1 percent and for the first floor wall of the east elevation window requirement from 20 percent to 9.3 percent.

On the south building, the amount of windows provided on all of the walls subject to the window requirements would exceed the minimum required. Where windows are required on the first floor, the amount of windows proposed would range from 24.3 percent to 38.2 percent. On the upper floors where windows are required, the amount of windows proposed would range from 14.5 percent to 29.6 percent.

All required windows would be vertical in proportion and distributed in a more or less even manner.

More than 70 percent of the linear frontage of each ground floor building wall facing a public street would accommodate spaces with active functions.

A flat roof is proposed. The nonresidential buildings in the immediate area, which are generally larger than the single-family homes in the area, have flat roofs.

The enclosed parking would be located below grade.

**ACCESS AND CIRCULATION:**

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

***Conformance with above requirements:***

Walkways 4 feet in width or greater would connect the public sidewalk to the main entrances.

A transit shelter is not proposed or adjacent to the site.

Vehicle access to the site would be from one curb cut on 17<sup>th</sup> Avenue for the surface parking area and north building and from one curb cut on 47<sup>th</sup> Street for the south building. The curb cuts would be 24 feet wide. The proposed access and circulation should have minimal impact on pedestrians and surrounding residential properties.

The site is not adjacent to an alley.

Most of the parking would be enclosed in the building. The surface parking area provides guest parking, a loading area, and is intended to be wide enough for emergency vehicles to turn around. The amount of impervious surface proposed is not excessive.

**LANDSCAPING AND SCREENING:**

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

*Conformance with above requirements:*

The zoning code requires that a least 20 percent of the site not occupied by building be landscaped. The lot area of the site is approximately 155,098 square feet. The building footprints would be approximately 60,673 square feet. The lot area minus the building footprint therefore consists of approximately 94,425 square feet. At least 20 percent of the net site area (18,885 square feet) must be landscaped. Approximately 64,771 square feet of the site would be landscaped. That is equal to 68.6 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 38 and 189 respectively. The applicant would provide 80 deciduous trees (of which, at least 50 would be canopy trees), 23 coniferous trees, and 846 shrubs. The remainder of the site not covered by the buildings, parking area, driveways, walkways, plazas, and patios would be covered with perennials, native grasses, and sod.

The surface parking area would have frontage on 17<sup>th</sup> Avenue. The 17<sup>th</sup> Avenue front yard requirement is 20 feet. The parking area would be set back over 50 feet. The parking area would be adequately screened by landscaping and by the change of grade.

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All corners of the parking area unavailable for parking would be landscaped.

All parking spaces would be within 50 feet of an on-site deciduous tree. The tree island would be more than seven feet in width measured in all directions.

**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.

***Conformance with above requirements:***

All stormwater from the parking area would be collected and routed to either a rain garden or the underground StormTECH infiltration system.

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

The north building and the south half of the south building would be three stories in height. The north building would be similar in size to the existing building. With the proposed setbacks, the north building should not significantly increase the shadowing impacts of the streets or adjacent properties than the existing building. A building does not exist currently on the south end of the site. Some shadowing of adjacent properties would result. Adjacent properties are located to the east, west, and south of the south building. With the four story portion of the south building located towards the middle of the site, it should mostly shadow the subject development.

Wind currents should not be major concern.

The development would include crime prevention through environmental design. Windows would be provided on all sides of the building to allow natural surveillance and visibility. The placement and type of landscaping should not significantly impede views to and from the site. Lighting would be provided throughout the site. Information submitted by the applicant indicates that lighting levels would enhance security without creating glare or excessive lighting. Landscaping and fencing would be provided to guide pedestrian movement in and around the site and to distinguish between public and private spaces.

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The existing structure will be demolished. On July 13, 2010, the Minneapolis Heritage Preservation Commission approved the application to demolish the existing building.

**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 site is currently zoned R1A. A multiple-family dwelling is not a permitted use in the R1A district. The applicant is requesting that the City Council rezone the property to R3, where a planned unit development with multiple-family residential of 5 or more units is a conditional use.

The south building includes two guest rooms with full baths. The rooms are 350 square feet or larger. If in the future these rooms are proposed to be converted to dwelling units, the conditional use permit will need to be amended and all applicable zoning regulations, such as parking, will need to be met.

**Parking and Loading:**

*Minimum automobile parking requirement:* The minimum parking requirement for a multiple-family dwelling in the R3 district is one space per dwelling unit. A total of 107 units are proposed, therefore the minimum parking requirement is 107 spaces. The applicant is proposing to provide 128 spaces.

*Maximum automobile parking requirement:* There is not a maximum parking requirement for dwellings except for parking that is not enclosed. Not more than two parking spaces per dwelling unit can be unenclosed. The surface parking area would contain 21 spaces. All other parking spaces would be enclosed.

*Bicycle parking requirement:* The minimum bicycle parking requirement is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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. The total minimum requirement is 54 spaces, of which at least 49 must meet the long-term parking requirements. The applicant would provide at least 54 long-term spaces.

*Loading:* One small loading space is required for a multiple-family dwelling with 100 to 250 dwelling units. One small space would be provided.

*Parking location:* In the residence and office residence districts, off-street parking is not allowed to be located between a principal structure and a front lot line. Both lot lines adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue South are front lot lines. Parking is proposed between the north building and 17<sup>th</sup> Avenue South. The applicant is requesting a variance of the parking location requirement.

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**Maximum Floor Area:** The lot area is 155,098 square feet. The maximum FAR allowed in the R3 District is 1.2 when all of the required parking is provided within the building. The buildings would have a total of 197,443 square feet, which is an FAR of approximately 1.28. Through the PUD, the applicant is requesting an alternative of this ordinance by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

**Minimum Lot Area:** The minimum lot area requirement in the R3 district is 1,500 square feet per dwelling unit. The development qualifies for a bonus to increase the number of dwelling units by providing enclosed parking. This reduces the required lot area per dwelling unit to 1,261 square feet. The proposed lot size is 155,098 square feet; therefore, the applicant is proposing approximately 1,450 square feet of lot area per dwelling unit.

**Dwelling Units per Acre:** The proposed density would be approximately 30 dwelling units per acre.

**Building Height<sup>4</sup>:** In the R3 district, the maximum height is limited to 2.5 stories or 35 feet, whichever is less. The height of the north building would be 3 stories and 43.1 feet. The height of the south building would be 4 stories and 62.8 feet. Through the PUD, the applicant is requesting an alternative of this ordinance by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

**Yard Requirements:** Front lot lines are adjacent to 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue South. The minimum front yard requirement in the R3 district is 20 feet unless an adjacent residential structure on the same block face is set back more. Because the subject site occupies the entire block, the minimum required front yard is 20 feet. The building, 10 foot wide walkways, balconies, benches and patios would project into the required yard adjacent to 17<sup>th</sup> Avenue, but are not permitted obstructions. The building, 10 foot wide walkways, balconies, benches, patios, and a plaza would project into the required yard adjacent to 16<sup>th</sup> Avenue, but are not permitted obstructions.

Corner side yards are required adjacent to 46<sup>th</sup> Street and 47<sup>th</sup> Street East. The minimum corner side yard requirement is equal to  $8+2x$ , where  $x$  is equal to the number of stories above the first floor, or 20 feet (the applicable front yard requirement), whichever is less. The north building would have three stories and the south building would have four stories. The corner side yard requirements are 12 feet and 14 feet respectively. The plaza would project into the required yard adjacent to 46<sup>th</sup> Street, but is not a permitted obstruction. Eight foot wide walkways and stairs, compost bins, and a transformer would project into the required yard adjacent to 47<sup>th</sup> Street, but are not permitted obstructions.

Through the plat, a new interior lot line would be created. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. The north building would have three stories and the south building would have four stories. The interior side yard requirements are 9 feet and 11 feet respectively for the buildings. Walls with principal entrances are subject to a 15 foot set back. Principle entrances on the south building would be 20 feet from the site lot

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<sup>4</sup> Height in feet is measured as the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building to the top of the highest point of the structure including parapets. Both lot lines adjacent to 16<sup>th</sup> Ave and 17<sup>th</sup> Ave are front lot lines, therefore the "front center" is measured from those elevations. Because grade change is significantly different on each street, the greater of the two front center measurements are referenced in this report for each building.

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line. Unless a permitted obstruction, all other structures or paved surfaces are subject to a 5 foot interior side yard requirement. The link between the two buildings and a 13 foot wide walkway would project into the side yards, but are not permitted obstructions.

Through the PUD, the applicant is requesting an alternative of the yard requirements by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

**Building Lot Coverage:** The maximum lot coverage allowed in the R3 district is 50 percent, or 77,549 square feet. The proposed total foot print is approximately 60,673 square feet, which covers 39.1 percent of the site.

**Impervious Surface:** The maximum impervious surface coverage allowed in the R3 district is 65 percent, or 100,814 square feet. The proposed amount of impervious surface is approximately 90,327 square feet, which covers approximately 58.2 percent of the site.

**Specific Development Standards:** Not applicable.

**Overlay District Requirements:** Because the site is located in the Airport Overlay District, the development is subject to the standards found in Article XV of Chapter 551 including:

**551.1150. Noise attenuation.** It is in the best interests of the city and of current and future residents that the integrity of all residential structures which have received a five (5) dB or other sound insulation package from the Metropolitan Airports Commission be maintained subject to the following:

- (2) *Noise attenuation required --Infill or tear down/rebuild residential construction.* Infill construction or rebuilding of residential structures after tearing down the original structure which takes place within blocks or between structures that have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall utilize building materials with a sound transmission class (STC) rating of at least forty (40) and shall include installation of central air conditioning or mechanical ventilation throughout the habitable areas of the structure.

The applicant has indicated that these standards would be met.

**Hours of Operation:** Not applicable.

**Refuse Screening:** Refuse storage containers would be stored in the buildings.

**Screening of Mechanical Equipment:** All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

- 535.70. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

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- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
  - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
  - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
  - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Transformers would be located adjacent to 17<sup>th</sup> Avenue and 47<sup>th</sup> Street. The transformers would be screened sufficiently by fencing.

**Lighting:** Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

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The applicant has submitted lighting information that indicates the proposed lighting will comply with the above standards.

**Fences:** Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. The fencing proposed would comply with these requirements.

**Protection of Natural Features:** The site contains slopes of 18 percent or greater. Where slopes of 18 percent or greater are disturbed, the conditions of section 535.300(4) apply. The proposed development would meet these conditions.

**Signs:** A monument sign facing 46<sup>th</sup> Street and a wall sign on the north building is proposed. The applicant has indicated that all signage would comply with the applicable zoning regulations. Any proposed signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

**MINNEAPOLIS PLAN:** Please refer to the rezoning and conditional use permit sections of this report.

**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.

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

- On-site accessory parking facilities shall be located to the rear of interior of the site

Most of the parking would be located within the building below-grade. A surface parking area with 21 spaces and a loading space would be located between the proposed buildings in the interior of the block. It would also be located between a portion of the north building and 17<sup>th</sup> Avenue South. In the residence and office residence districts, off-street parking is not allowed to be located between a principal structure and a front lot line. The lot line adjacent to 17<sup>th</sup> Avenue is a front lot line. The applicant is requesting a variance of the parking location requirement. Staff is recommending approval of the variance because site conditions, including grade changes and frontage on four streets, limit where parking could be provided and the visibility of the parking area would be minimized by a large setback from the street, grade change, and landscaping. For these reasons, staff is also recommending that the planning commission grant alternative compliance to allow parking between the building and the street.

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- Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

On the north building, all walls would contain sufficient architectural elements with the exception of the garage level of the east building elevation. This requirement applies where the wall would be exposed six feet or more as measured from the finished grade level to the first floor level. The two areas of the wall with insufficient architectural elements span approximately 40 feet and 49 feet (excludes balcony columns). This wall faces the interior parking area and would have minimal visibility from 17<sup>th</sup> Avenue. The upper floors contain an abundant amount of windows, and rows of shrubs would be planted in a six to eight foot wide planting bed with several trees installed in front of the wall. For these reasons, staff is recommending that the planning commission grant alternative compliance and allow fewer architectural elements on this wall.

- 20 percent window requirement

On the north building, the amount of windows provided on all of the walls subject to the window requirements would exceed the minimum required, except the first floor walls facing the parking area. Measured between two and ten feet, the south wall would contain approximately 100 square feet of windows, or 9.3 percent (216 square feet are required). Measured between two and ten feet, the east wall would contain approximately 179 square feet, or 13.1 percent (274 square feet are required). The site slopes down from 46<sup>th</sup> Street to 47<sup>th</sup> Street and from 16<sup>th</sup> Avenue to 17<sup>th</sup> Avenue. With these grade changes, more of the parking garage level is exposed at the interior of the site. Measured between the top of the floor to the floor above, each floor of the walls facing the parking area contain over 25 percent windows. The wall of the south building facing the parking area also contain an abundant amount of windows. Adding windows in the garage level to comply with the minimum window requirement would not likely increase surveillance of the parking area. For these reasons, staff is recommending that the planning commission grant alternative compliance for the first floor wall of the south elevation window requirements from 20 percent to 13.1 percent and for the first floor wall of the east elevation window requirement from 20 percent to 9.3 percent.

## **PRELIMINARY PLAT**

### **Findings as required by the Minneapolis Zoning Code for the preliminary plat:**

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

The land is proposed to be platted into two lots. The subdivision is in conformance with the applicable design requirements of the land subdivision and applicable zoning code regulations for a planned unit development with the inclusion of a deed restriction as required by section 598.260 of the subdivision ordinance.

**598.260. Planned unit development and cluster design.** Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

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- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

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

The plat should have no impact on the surrounding area.

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

The site has significant grade changes; however, the grade changes would not prevent the proposed lots from being developed. The site does not present the other noted hazards or conditions.

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

Each lot is buildable with minimal alterations and with frontage on multiple streets.

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

The Public Works Department will review the project for appropriate drainage and stormwater management.

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 1611 46<sup>th</sup> Street East from the R1A district to the R3 district.

### **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 to allow a planned unit development with 107 dwelling units located at the property of 1611 46<sup>th</sup> Street East, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) As required by section 527.120 of the zoning code, the development shall comply with the standards for the following amenities from Table 527-1, Amenities: Outdoor Open Space, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Enhanced Stormwater Management, Recycling Storage Areas, Tree Islands, Pet Exercise Area, and Water Feature.
- 3) As required by section 527.120 of the zoning code, the development shall include the amenities proposed by the applicant including all of the outdoor open space, enhanced landscaping, guest parking, plazas/seating areas, art feature(s), and on-site gardens.
- 4) To qualify for additional amenity points for outdoor open space and enhanced landscaping as authorized by Table 527-1 in section 527.120 of the zoning code, the applicant shall infill gaps in the 16<sup>th</sup> Avenue and 17<sup>th</sup> Avenue boulevard with trees.
- 5) At least four short-term bicycle parking spaces shall be provided for each building in addition to the enclosed parking proposed by the applicant as required by section 527.120 of the zoning code for an amenity proposed by the applicant.
- 6) The applicant shall implement all amenities as part of Phase I by December 10, 2012 with the exception of the plaza at the intersection of 16<sup>th</sup> Avenue and 46<sup>th</sup> Street and the landscaping and additional bicycle parking in between the north building and the adjacent public sidewalks and parking area.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow parking between a principal structure and the front lot line (17<sup>th</sup> Avenue) in a residential district for the property located at 1611 46<sup>th</sup> Street East.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review located at the property of 1611 46<sup>th</sup> Street East, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission for phase I shall be completed by December 10, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) With the completion of the first phase, site improvements required by Chapter 530 or by the City Planning Commission for phase II shall be completed by December 10, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance. If the approvals for the first phase expire, then the approvals for the second phase shall also expire at that time.
- 4) The buildings shall comply with the noise attenuation requirements of the Airport Overlay District as required by section 551.1150 of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the property located at 1611 46<sup>th</sup> Street East, subject to the following condition:

- 1) The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

**Attachments:**

- 1) PDR report
- 2) Applicant's statement of proposed use
- 3) Applicant's timeline for phased development
- 4) Applicant's responses to findings and site amenities table

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- 5) Correspondence received
- 6) Zoning map
- 7) Zoning district comparison
- 8) Plans
- 9) Photos