

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review
BZZ-1857

Date: September 13, 2004

Applicant: Gesco Construction

Address of Property: 1829 Park Avenue

Project Name: Not applicable

Contact Person and Phone: Scott Nelson with DJR Architecture, Inc., (612) 676-2700

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

Date Application Deemed Complete: August 9, 2004

End of 60-Day Decision Period: October 8, 2004

End of 120-Day Decision Period: Not applicable

Ward: 6 **Neighborhood Organization:** Ventura Village Neighborhood

Existing Zoning: R6

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: 8 for-sale condominium units

Concurrent Review:

Conditional use permit: for eight dwelling units.

Variance: to increase the maximum permitted floor area of an accessory structure from 910 square feet to 1,380 square feet.

Variance: to increase the height of a stairway from the maximum 4 feet to 5 feet 6 inches located in the required front yard setback.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(4) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use” and Section 525.520(1) “to vary the yard requirements,

including permitted obstructions into required yards not allowed by the applicable regulations”; and Chapter 530 Site Plan Review.

Background: The applicant owns both of the properties located at 1829 and 1835 Park Avenue. There is an existing four-unit condominium building on the property located at 1835 Park Avenue which the applicant recently remodeled. This building is occupied. The applicant is now proposing to construct a new eight-unit condominium building on the property located at 1829 Park Avenue. As part of the development a new garage will be built over both properties and will be utilized by residents in both of the buildings. There is an existing cross easement over the properties for access purposes.

The proposed building is a three story building with a garden level. There will be two dwelling units on each floor of the building with shared stairways in both the front and back of the building. There will also be an elevator in the building which all of the residents can utilize. The style of the building is similar to that of many other buildings in the neighborhood.

The overall parking requirement for both of the residential buildings is twelve parking spaces. The applicant is building a twelve car garage; however, one of the double garage spaces must be accessible and therefore the garage can only accommodate up to eleven vehicles. The zoning code allows a parking space reduction of one for providing a bicycle rack which can accommodate up to four bicycles. To reduce the overall parking requirement the applicant is providing a bicycle rack on the back side of the building on the property located at 1835 Park Avenue.

CONDITIONAL USE PERMIT – for eight dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that eight dwelling units will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. According to the 2000 Census, approximately 78 percent of the dwellings in the Phillips neighborhood (please note that when the 2000 Census was taken, the Phillips neighborhood had not been divided into the four smaller neighborhoods) are rental. The for-sale condominiums will increase the owner-occupied base and add a stabilizing element to the neighborhood.

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

The Planning Division does not believe that this development will be injurious to the use and enjoyment

of surrounding property nor will it impede the normal development of the surrounding area. The site is currently vacant and constructing an eight-unit residential development on the site will only foster new development in the area, increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for this development is one parking space per dwelling unit or 26 spaces. There are 25 parking spaces located in one level of enclosed parking below the building that is accessed via a driveway off of East 29th Street. There is also one enclosed accessible parking space located at street level which is also accessed via the driveway off of East 29th Street.

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

The site is designated as undeveloped/unused land in the comprehensive plan. East Franklin Avenue, which is located one block south of the site, is a designated Commercial Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city's various residential areas.
- Use both infill development and new development opportunities to increase housing in the city.
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.
- Reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Orient new housing to the street to foster safe neighborhoods.

The site is currently vacant. Constructing eight for-sale condominiums on the site will increase the owner-occupied base and add a stabilizing element to the neighborhood. The proposed building is a three story building with a garden level. The style of the building is similar to that of many other buildings in the neighborhood.

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.

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

VARIANCE - to increase the maximum permitted floor area of an accessory structure from 910 square feet to 1,380 square feet

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

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

Accessory structure size: The applicant is seeking a variance to increase the maximum permitted floor area of an accessory structure from 910 square feet to 1,380 square feet. The applicant has indicated that combined, the buildings located at 1829 and 1835 Park Avenue contain a total of twelve dwelling units. Complying with the maximum floor area for an accessory structure would prohibit the applicant from providing one enclosed parking space per dwelling unit. Please note that although there are twelve dwelling units within the two buildings one of the double garage spaces must be accessible and therefore the garage can only accommodate up to eleven vehicles.

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.

Accessory structure size: The applicant's parcel of land is zoned R6. The zoning ordinance allows multiple-family structures to have accessory structures that equal ten percent of the lot area. However, in this case ten percent of the lot area would allow for a 20-foot by 45-foot garage which would only allow up to 5 parking spaces within the garage.

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.

Accessory structure size: Although staff is generally concerned about accessory structures of the size that is proposed, the principal structures are relatively large and include a total of twelve dwelling units. The garage would clearly be subordinate to the two principal structures in size.

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.

Accessory structure size: Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed size of the accessory structure be detrimental to welfare or public safety.

VARIANCE – to increase the height of a stairway from the maximum 4 feet to 5 feet 6 inches located in the required front yard setback

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

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

Stairway height in the required front yard: The applicant is seeking a variance to increase the height of a stairway from the maximum 4 feet to 5 feet 6 inches located in the required front yard setback. The applicant has indicated that in order to have dwelling units in the lower level of the building the building itself has to be raised out of the ground five feet six inches to allow for proper egress windows. Given this and that the elevation of the site slopes slightly towards the west the front stairway will be higher than four feet when measured from natural grade.

- 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.**

Stairway height in the required front yard: The need for proper egress windows and the existing elevations of the site are unique circumstances of this parcel of land.

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

Stairway height in the required front yard: The granting of the variance would not significantly affect the essential character of the area given that both of the adjacent buildings have stairways leading up to their front entrances.

- 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.**

Stairway height in the required front yard: Staff believes that the granting of the variance would have little impact on fire safety, nor would the height of the front stairway be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The building will be located 15 feet from the front property line along Park Avenue. There will be a six-foot deep open porch constructed on the front of the building which is a permitted obstruction. In the area between the building and the front property line there will be a decorative metal fence and landscaping.
- The principal entrance to the building is located on the Park Avenue side of the building and is located 15 feet from the front property line.
- The exterior materials of the building include brick, stucco and Hardi-Plank lap siding. The percentage of windows and/or doors required between two and ten feet on the side of the building facing Park Avenue is 20 percent. According to the submitted drawings, there will be approximately 14 percent windows and/or doors located between two and ten feet on the side of the building facing Park Avenue.

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 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The principal entrance to the building is connected to the public sidewalk via a walkway.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan provided by the applicant.
- A snow maintenance plans was not submitted as part of this application. Staff is recommending that a snow maintenance plan be submitted as part of the final plans.

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- 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.
- 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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.

- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant has indicated that approximately 45 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 4 trees and 20 shrubs. According to the plant schedule there will be a total of 2 trees and 52 shrubs planted on the site. Staff is recommending that two additional trees be planted on the site in order to meet the landscaping requirement.
- The applicant is proposing to install a three-foot high decorative metal fence along the front of the property with an automatic gate located at the entrance to the driveway. Please note that the majority of the fence is located in the right-of-way. The applicant will need to obtain an encroachment permit prior to installing the fence in the right-of-way.
- Staff is recommending that there be no automatic gate installed as part of the fence as it would fully enclose the site. Enclosing the property could significantly affect the essential character of the area as “gated communities” within the City are not looked upon favorably in the middle of an existing residential area. In addition, installing a gate in this location may cause traffic problems and could cause conflicts with pedestrians as vehicles will have to wait either in the street or on the sidewalk for the gate to open prior to entering the driveway.
- The decorative metal fence is proposed to enclose the front yards of both properties. The way that the fence is shown on the site plan it appears that there will be a gap between the proposed decorative fence and the adjacent fence to the south. Staff is recommending that the decorative fence be installed so there is no “gap” created as it will become a place where trash and debris will collect.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent**

properties.

- 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.
- 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.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan showing footcandles was not submitted as part of the application. Staff is recommending that a lighting plan showing footcandles be submitted as part of the final plans.
- This development should not block views of important elements within the city.
- This development should not cast shadows on public spaces or adjacent properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, sufficient lighting needs to be located near all entrances and exits, the area wells on the south side of the building need to be protected so vehicles cannot drive into them and there should be a fence provided along the front property line to delineate between public and private property.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

See conditional use permit finding number six.

THE MINNEAPOLIS PLAN

See conditional use permit finding number five.

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

There are no small area plans adopted by the city for this particular location.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major 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, 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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Staff is recommending that the City Planning Commission grant alternative compliance to allow there to be less than twenty percent windows located between two and ten feet on the side of the building facing Park Avenue. Given that this building is being designed with a garden level there are not a lot of windows located between two and ten feet. However, with the number of windows that are on the Park Avenue side of the building staff believes that the intent of the ordinance is being met.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for eight dwelling units located at 1829 Park Avenue subject to the following conditions:

1. There shall be no more than eight dwelling units located within the building.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to increase the maximum permitted floor area of an accessory structure from 910 square feet to 1,380 square feet for the property located at 1829 Park Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to increase the height of a stairway from the maximum 4 feet to 5 feet 6 inches located in the required front yard setback for the property located at 1829 Park Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for eight dwelling units located at 1829 Park Avenue subject to the following conditions:

1. A snow maintenace plan shall be submitted as part of the final plans
2. Two additional trees shall be planted on the site in order to meet the landscaping requirement.
3. There shall be no automatic gate installed as part of the fence.
4. The decorative fence shall be installed so there is no gap created between it and the fence to the south.
5. A lighting plan showing footcandles shall be submitted as part of the final plans.
6. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
7. All site improvements shall be completed by September 13, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
8. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Attachments:

1. Statement of proposed use
2. CUP and variance findings
3. July 12, 2004 letter to CM Zimmerman and the Ventura Village Neighborhood
4. Zoning Map
5. Site plan, floor plans and elevations
6. Photographs of the site and surrounding area