Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variance and Site Plan Review
BZZ-3177

Date: September 18, 2006

Applicant: Randy Noecker

Address of Property: 806 and 822 West 62nd Street

Project Name: Lucca Park

Contact Person and Phone: Randy Noecker, (763) 786-6387

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

Date Application Deemed Complete: August 21, 2006

End of 60-Day Decision Period: October 20, 2006

End of 120-Day Decision Period: A 60-day extension letter was mailed on September 8, 2006, extending the 120-day decision period to December 19, 2006

Ward: 11 **Neighborhood Organization:** Windom Community Council

Existing Zoning: R1, Single-family District

Proposed Zoning: R5, Multiple-family District

Zoning Plate Number: 36

Legal Description: Lots 18, 19, 20, 21 and 22, Block 2, Eckberg First Addition.

Proposed Use: 42-unit condominium building

Concurrent Review:
Rezoning: of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning district
Conditional use permit: for 42 dwelling units
Variance: to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed
Site plan review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IV, Variances, specifically Section

525.520(1) "to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations" and Chapter 530, Site Plan Review

Background: The site located at 806 West 62nd Street is occupied by Minneapolis Meeting Rooms, Inc. and the site located at 822 West 62nd Street is occupied by a single-family dwelling. The applicant has entered into a purchase agreement with both of the property owners. The applicant intends to demolish both of the existing structures and in their place construct a new three-story, 42-unit condominium building with one level of enclosed parking. Also within the building would be a community room, a fitness center and a storage room that would be broken into smaller spaces for the individual owners. Within the building there would be a mix of one and two-bedroom units and each dwelling unit would have their own outdoor patio or balcony.

The site is currently zoned R1, Single-family District. In order to achieve the desired density the applicant is proposing to rezone the site to R5, Multiple-family District. The applicant has also applied for a conditional use permit to permit up to 42 dwelling units, a front yard setback variance and site plan review.

The Windom Community Council reviewed the project at a meeting held on August 10, 2006. There were 43 residents in attendance. The neighborhood has indicated that in general the project meets the guidelines of the recently adopted South Lyndale Corridor Master Plan in terms of design guidelines for multiple-family housing and the development would also serve as a buffer to the commercial uses on Lyndale Avenue South. However, the neighborhood has indicated that the proposed rezoning to the R5 zoning district would not fit with the guidelines of the master plan as the master plan does not propose to rezone this site. Please see the attached letter from the neighborhood for their complete comments.

REZONING - of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning district

Findings as Required by the Minneapolis Zoning Code:

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

This site is located on the northwest corner of West 62nd Street and Aldrich Avenue South. The site is located one block west of Lyndale Avenue South and directly north of Highway 62. Lyndale Avenue South is a designated Community Corridor. Between Lyndale Avenue South and the site is Peter's Billiards and a 50-unit senior apartment building. To the north and west of the site is a pocket of single-family dwellings. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).

- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Minneapolis will grow by increasing its supply of housing (Policy 4.9).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Provide and maintain areas that are predominately developed with single and two family structures (Implementation Step for Policy 4.11).

The Planning Division believes that rezoning the site from the R1 zoning district to the R5 zoning district would not be in conformance with the above policies of *The Minneapolis Plan*. The R5 zoning district allows for higher density housing which would not be appropriate in this location given that the site is not located on a designated Community Corridor. Although a higher-density residential development would serve as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 a higher-density residential development would be out of character with the single-family dwellings to the north and west.

The site is also located within the boundaries of the South Lyndale Corridor Master Plan which was adopted by the Minneapolis City Council in January of 2006. Please note that the Master Plan has not yet been adopted by the Met Council. The adopted Master Plan did not make any changes to the existing land use designation of the site and did not suggest that the site be rezoned as part of a future rezoning study. Therefore, the Planning Division believes that rezoning the site to the R5 zoning district would not be in conformance with the policies of the Master Plan.

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

The amendment would allow the property owner to construct a multiple-family residential development on the site. Through the adoption of the City's comprehensive plan and the South Lyndale Corridor Master Plan, City stakeholders have identified this site for low-density development. Approving this rezoning would be in the sole interest of the applicant.

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 site is bordered by R1 zoning to the west and north, R5 and C2 zoning to the east and Highway 62 to the south. Adjacent uses include single-family dwellings, a multiple-family development and a commercial establishment. Although the R5 zoning may be compatible with the zoning classifications and the uses to the west, the site is not located along a designated Community or Commercial corridor where the City's comprehensive plan calls for medium- and high-density housing.

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.

There are reasonable uses of the property permitted under the R1, Single-family District. Permitted uses in the R1 zoning district include, but are not limited to, the following:

- Single-family dwellings
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

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.

In July of 2004, the former nursing home to the east was converted to a 50-unit senior apartment building. This site was zoned R5, Multiple-family District and did not require a rezoning. Then, in February of 2005, Peter's Billiards purchased land to the west of their existing site on Lyndale Avenue South for an expansion project. As part of the redevelopment project the acquired parcel of land was rezoned to the C2, Neighborhood Corridor Commercial District.

CONDITIONAL USE PERMIT - for 42 dwelling units

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that a multiple-family development would be detrimental to or endanger the public health, safety, comfort or general welfare. A multiple-family development would provide for a housing type not typical of the area and in this case would provide as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 and the single-family dwellings to the north and west.

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 believes that a multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would disrupt the existing pattern of development that has occurred on the west side of Aldrich Avenue South which is single-family dwellings.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. As for vehicular access, the applicant proposes to have one approach into the enclosed parking below the building located off of West 62nd Street. Public Works has indicated that there are no problems using West 62nd Street as an access point.

It should be noted that in the future the State of Minnesota will be conducting an I35W/Highway 62 reconstruction project to accommodate the new freeway mainline, freeway ramps and Lyndale Avenue South. As part of the reconstruction project, access into the neighborhood from Lyndale Avenue South will be limited to West 61st Street as West 62nd Street, between Lyndale Avenue South and Aldrich Avenue South, will be closed.

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

The parking requirement for the development is 1.0 parking space per dwelling unit, or 42 parking spaces. The applicant is proposing to have 63 parking spaces. However, 20 of these parking spaces are tandem parking spaces so per the zoning code there are technically only 43 parking spaces. All of the parking will be located in one level of enclosed parking below the building. Access to the enclosed parking is located off of West 62nd Street.

Again, it should be noted that access into the neighborhood from Lyndale Avenue South will be limited to West 61st Street as West 62nd Street, between Lyndale Avenue South and Aldrich Avenue South, will be closed. A 42-unit residential development will increase the number of vehicles on the public streets and therefore will create more traffic congestion.

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

This site is located on the northwest corner of West 62nd Street and Aldrich Avenue South. The site is located one block west of Lyndale Avenue South and directly north of Highway 62. Lyndale Avenue South is a designated Community Corridor. Between Lyndale Avenue South and the site is Peter's Billiards and a 50-unit senior apartment building. To the north and west of the site is a pocket of single-family dwellings. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on theses streets (Policy 4.2).
- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Minneapolis will grow by increasing its supply of housing (Policy 4.9).
- Support the development of new medium- and high-density housing in appropriate locations throughout the City (Implementation Step for Policy 4.9).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Provide and maintain areas that are predominately developed with single and two family structures (Implementation Step for Policy 4.11).

The Planning Division does not believe that a 42-unit development would in conformance with the policies of *The Minneapolis Plan*. Higher density housing would not be appropriate in this location given that the site is not located on a designated Community Corridor. Although a higher-density residential development would serve as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 a higher-density residential development would be out of character with the single-family dwellings to the north and west.

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

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

VARIANCE - to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed

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.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed. The applicant has indicated that the variance is needed due to the narrowness of the property. The property is 119 feet deep. Along this block face all of the single-family dwellings to the west of the site maintain a similar setback to one another.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic

considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. A 119-foot deep property is not an unusual depth for properties in the City of Minneapolis.

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

Front yard setback: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. Constructing a three-story building closer to the front property line than the remainder of the single-family homes on the block will cause those existing property owners to lose their sight lines up and down the block.

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

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

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**

- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      a. Windows shall be vertical in proportion.
      b. Windows shall be distributed in a more or less even manner.
  - **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      a. Windows shall be vertical in proportion.
      b. Windows shall be distributed in a more or less even manner.
      c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
      d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
      e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7)

feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- Buildings are to be located within eight feet of the front property line unless subject to a greater required setback. The front yard setback requirement for this development is 29 feet. The applicant has applied for a variance to locate the building 17 feet from the front property line.
- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building does not exceed the required setback, there is an entrance facing the street and there are windows and decks on all sides of the building where people can see in and out.
- In between the building and the front property line the applicant is proposing to have landscaping.
- The principal residential entrance faces West 62nd Street.
- All of the parking associated with this development is located in one level of enclosed parking below the building.
- The exterior materials of the building include brick, stone and four-inch vinyl siding. Vinyl siding is not considered to be a durable material. If this development were to be approved the Planning Division would recommend that the proposed vinyl siding be removed and instead a cement base material be used.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building.
- There are no blank, uninterrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building wall facing West 62nd Street and Aldrich Avenue South are required to be windows. The analysis of the project's compliance with this requirement follows:
  - West 62nd Street: the percentage of windows on the first floor of the building is 21 percent and the percentage of windows on the second and third floors of the building is 15 percent.
  - Aldrich Avenue South: the percentage of windows on the first floor of the building is 21 percent and the percentage of windows on the second and third floors of the building is 15 percent.
- The windows on the building are vertical in nature and are evenly distributed along the building walls.

- The roof line of the building is proposed to be pitched, similar to the roof lines of the single-family homes in the area. Please note that the commercial and multiple-family buildings across Aldrich Avenue South from the site have flat roofs.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- The principal entrance is directly connected to the public sidewalk along West 62nd Street via a walkway.
- No transit shelters are proposed as part of this development.
- As for vehicular access, the applicant proposes to have one approach into the enclosed parking below the building located off of West 62nd Street. Public Works has indicated that there are no problems using West 62nd Street as an access point.
- The R5 zoning district requires that no more than 85 percent of the site be impervious. Approximately 23,265 square feet of the site, or 74 percent, is covered by the building, driveway and sidewalks.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped**

yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 31,561 square feet. The footprint of the building is 20,824 square feet. When you subtract the footprint from the lot size the resulting number is 10,737 square feet. Twenty percent of this number is 2,147 square feet. The applicant has a total of 2,300 square feet, or 21 percent of the site not occupied by the building is landscaped.
- 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 four and 21, respectively. The applicant is proposing to have one tree and 75 shrubs located on the site. The applicant is also providing six ornamental trees, 36 evergreen trees and 51 perennials on the site. If this development were to be approved the Planning Division would recommend that the canopy tree requirement be met on site.
- The landscape beds on the site are proposed to be covered with rock mulch. Rock mulch can be used as weapons to break windows or throw at people. If this development were to be approved the Planning Division would recommend that wood mulch be used in the landscape beds instead of rock mulch.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**

- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff from the roof will be directed to the green spaces on the site.
- A lighting plan showing footcandles was not submitted as part of the application materials. If this development were to be approved the Planning Division would recommend that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct visitors directly to the building entrances, there are large windows and balconies where people can see in and out along all levels of the building and there are lights located near all of the pedestrian and vehicular entrances.
- This site is neither historic nor located in a historic district.

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

ZONING CODE:

- **Use:** Residential uses over five dwelling units require a conditional use permit in the R5 zoning district. Staff is recommending denial of the proposed rezoning. The proposed use is not allowed in the existing R1 District.

- **Off-Street Parking and Loading:** The parking requirement for the development is 1.0 parking spaces per dwelling unit, or 42 parking spaces. The applicant is proposing to have 63 parking spaces. However, 20 of these parking spaces are tandem parking spaces so per the zoning code there are technically only 43 parking spaces.

- **Maximum Floor Area:** The maximum FAR in the R5 zoning district is 2.5. The lot in question is 31,561 square feet in area. The applicant proposes a total of 54,102 square feet of gross floor area, an FAR of 1.71.

- **Building Height:** The height requirement in the R5 zoning district is four stories or 56 feet, whichever is less. The applicant is proposing to construct a three-story building that measures 42.5 feet in height.

- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 900 square feet. Section 546.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 720 square feet per dwelling unit. With 42 proposed dwelling units on a lot of 31,561 square feet, the applicant proposes 751 square feet of lot area per dwelling unit.

- **Dwelling Units Per Acre:** The site is .725 of an acre. There are 57.9 units per acre proposed on the site.

- **Yard Requirements:** This development is located in the R5 zoning district. The front yard setback requirement for this building is 29 feet. The interior side yard and rear yard setback requirements for this building are 5+2x, where x equals the number of stories above the first floor. The resulting setback along these two sides of the building is 9 feet. The interior side yard setback requirement for this building is 8+2x, where x equals the number of stories above the first floor. The resulting setback along this side of the building is 12 feet. The applicant has applied for a variance to reduce the front yard setback. All of the other setbacks are being met.

- **Specific Development Standards:** There are no specific development standards for residential uses.

- **Hours of Operation:** Residential uses are not subject to hours of operation.

- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. For a residential use in the R4 zoning district one can have one nonilluminated, wall identification sign not exceeding 16 square feet and no taller than 12 feet. On a corner lot there may be one additional sign on the building of the same size requirements.

- **Refuse storage:** The applicant is proposing to have a refuse storage area inside the building. It is located on the parking level of the garage.

MINNEAPOLIS PLAN:

This site is located on the northwest corner of West 62nd Street and Aldrich Avenue South. The site is located one block west of Lyndale Avenue South and directly north of Highway 62. Lyndale Avenue South is a designated Community Corridor. Between Lyndale Avenue South and the site is Peter's Billiards and a 50-unit senior apartment building. To the north and west of the site is a pocket of single-family dwellings. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

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

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The Planning Division does not believe that a 42-unit development would in conformance with the policies of *The Minneapolis Plan*. Higher density housing would not be appropriate in this location. Although a higher-density residential development would serve as a buffer between the adjacent uses on Lyndale Avenue South and Highway 62 a higher-density residential development would be out of character with the single-family dwellings to the north and west.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- Alternative compliance is not warranted for this development.

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 the City Council adopt the above findings and **deny** the rezoning of the properties located at 806 and 822 West 62nd Street from the R1 zoning district to the R5 zoning 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 **deny** the conditional use permit application for 42 dwelling units located at 806 and 822 West 62nd Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed located at 806 and 822 West 62nd Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review for the properties located at 806 and 822 West 62nd Street.

Attachments:

1. Project overview, conditional use permit and variance findings
2. August 7, 2006, letter to CM Benson and the Windom Community Council
3. August 31, 2006, letter from the Windom Community Council

4. Preliminary Development Review Report
5. Zoning map
6. Survey, site and civil plans, floor plans, elevations
7. Photographs of the site and the surrounding area