

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ-4390

Date: June 22, 2009

Applicant: Basim Sabri with Karmel Village, LLC

Address of Property: 2848 Pleasant Avenue and 2825 Grand Avenue South

Project Name: Karmel Village

Contact Person and Phone: Scott Nelson with DJR, Inc., (612) 676-2714

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

Date Application Deemed Complete: May 27, 2009

End of 60-Day Decision Period: July 26, 2009

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

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R5, Multiple-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Legal Description: Not applicable for this application

Proposed Use: 77-unit multiple-family residential development with enclosed parking

Concurrent Review:

Conditional Use Permit: to increase the size of the building by approximately 26,000 square feet compared to the building addition that was approved by the City Council in March of 2008.

Site Plan Review.

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

Background: In January of 2008 the Minneapolis City Council approved a conditional use permit for a 77-unit multiple-family development located at 2848 Pleasant Avenue and 2825 Grand Avenue South. At that time the site plan review application was denied. In April of 2008, the Minneapolis City Council

approved the site plan review application for a 77-unit multiple-family development located at 2848 Pleasant Avenue and 2825 Grand Avenue South.

Since receiving its approvals the development has been under construction. At this time the applicant is proposing to increase the size of the building by an additional 26,000 square feet. The additional square footage would be located on the fourth floor of the building facing the Midtown Greenway. Please note that this portion of the building would be set back approximately 40 feet from the southerly wall of the building. The additional square footage does not result in more dwelling units being added to the building. Instead the additional square footage will allow the applicant to make the size of the dwelling units larger, increase the width of the common hallways and combine all of the community spaces within the building to two locations.

In the previously approved plans there were dwelling units on the first floor of the building facing Grand Avenue South. In the revised plans the dwelling units have been replaced with common laundry facilities, a workout room and two community rooms. Additionally, there is a community room on the fourth floor of the building facing Pleasant Avenue.

The unit count ranges between one and four bedroom units. There will be seven one bedroom units, 27 two bedroom units, 40 three bedroom units and three four bedroom units. The total number of bedrooms within the development is 193. In the previously approved plans the total number of bedrooms was 209. -For the 77 dwelling units there will be a total of 102 parking spaces provided on the site (1.32 spaces per unit).

CONDITIONAL USE PERMIT - to increase the size of the building by approximately 26,000 square feet compared to the building addition that was approved by the City Council in March of 2008

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that increasing the size of the building by approximately 26,000 square feet will be detrimental to or endanger the public health, safety, comfort or general welfare. The additional square footage does not result in more dwelling units being added to the building. The unit count will remain at 77 as approved by the Minneapolis City Council in January of 2008. Instead the additional square footage will allow the applicant to make the size of the dwelling units larger, increase the width of the common hallways and combine all of the community spaces within the building to two locations.

2. The conditional use 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 increasing the size of the building by approximately 26,000 square feet would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The additional square footage would be located on the fourth floor of the building facing the Midtown Greenway. Please note that this portion of the building would be set back approximately 40 feet from the southerly wall of the building.

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

The applicant has been working 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, there are two ways to get into and out of the site. One access point is located along Pleasant Avenue and the other is located along Grand Avenue South.

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

In the R5 zoning district the zoning code requires 1.0 parking space per dwelling unit. For 77 dwelling units the parking requirement would be 77 spaces. The applicant is proposing to provide a total of 102 parking spaces on the site or 1.32 spaces per dwelling unit.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The site is located on the designated Midtown Greenway and one block north of West Lake Street which is a designated Commercial Corridor. The land use features in the update to *The Minneapolis Plan* are the same as they are in the current comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will grow by increasing its supply of housing (Policy 4.9)
- Minneapolis will maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Minneapolis will increase citizen awareness of preservation and the important role it plays in fostering community revitalization and civic pride (Policy 9.14).

The Planning Division believes that this development is in compliance with the above policies of *The Minneapolis Plan*.

In the *Midtown Greenway Land Use and Development Plan* the site is called out as a high-density housing site ranging between 40 and 120 dwelling units per acre. In addition, the site is located in an Urban-Oriented development district which permits apartment buildings between three and five stories. Seventy-seven dwelling units equates to 48 dwelling units per acre and the building is four stories tall.

The Planning Division believes that the proposed development is in conformance with the *Midtown Greenway Land Use and Development Plan*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit and site plan review this development will be in conformance with the applicable regulations of the R5 zoning district.

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 DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**

- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. Portions of the existing building will remain after the building renovation is complete. Although there will be an addition added to the structure the existing building walls along both Pleasant Avenue and Grand Avenue South will remain. The principal entrance leading into the building will be directly connected to the public sidewalk and there will be windows and balconies located along all levels of the building.
- The zoning code requires that the building be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. In this case the properties to the north of the site along both Pleasant Avenue and Grand Avenue South are zoned residential and require a minimum setback of 15 feet and 16 feet respectively. The building addition along Pleasant Avenue South will be setback 15 feet and the building along Grand Avenue South is located at the property line. This is an existing condition of the building.
- The area in between the building addition and the front property line along Pleasant Avenue will be landscaped.
- The principal entrance to the building is oriented towards Pleasant Avenue.
- The majority of the parking for this development is located on the first floor of the building and is enclosed. However, there are six parking spaces located in the courtyard of the building that are for visitors.
- The exterior materials of the building will include a combination of existing brick, new brick, stucco and cement board siding.
- The western most portion of the south building wall is over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements. This is an existing condition of the building. No other portion of the building is over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor of the building and at least 10 percent of the upper floors of the Pleasant Avenue, Grand Avenue South and the Midtown Greenway sides of the building are required to be windows. The analysis of the project's compliance with these requirements follows:
 - Pleasant Avenue: the percentage of windows on the first floor is 11 percent and the percentage of windows on the second through fourth floors of the building is greater than 10 percent. On the first floor, the percentage of windows in the original portion of the building is 27 percent and the percentage of windows in the new portion of the building is zero percent. Please note that there are glass block windows located in the new portion of the building but they do not count towards the minimum window requirement as they do not allow for natural surveillance of the adjacent street and sidewalk. The new portion of the building will be located in back of an eight-foot two-inch brick columned fence with decorative wrought iron in it. Because of this the Planning Division is recommending that the City Planning Commission grant alternative compliance.
 - Grand Avenue South: the percentage of windows on the first floor is 16 percent and the percentage of windows on the second through fourth floors of the building is greater than 10 percent. There are additional glass windows on the first floor along Grand Avenue South but they are part of the sliding glass doors which are not counted towards the minimum window requirement. If these glass doors were counted there would be 23 percent windows on the first floor of the building. Because of this the Planning Division is recommending that the City Planning Commission grant alternative compliance.

- Midtown Greenway: the percentage of windows on the first floor is 18 percent and the percentage of windows on the upper levels of the building is greater than 10 percent. The western side of the lower two levels of the building facing the Midtown Greenway have been backfilled with dirt and other debris. This was a condition of the building when the applicant purchased it. Because of this windows cannot be installed in this portion of the building. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will have a low pitch. There are both pitched and flat roofed buildings in the neighborhood. The proposed roof pitch will blend in with the roof lines of other buildings in the area.

ACCESS AND CIRCULATION:

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

PLANNING DEPARTMENT RESPONSE:

- The principal entrance to the building will be connected to the public right-of-way via a walkway.
- No transit shelters are proposed as part of this development.
- The majority of the parking for this development is located on the first floor of the building and is enclosed. However, there are six parking spaces located in the courtyard of the building that are for visitors.
- As part of the approvals in 2004 a portion of the public alley was vacated and a new leg of the alley was approved to be built leading out towards Grand Avenue South. The alley was never reconfigured per the approvals of the City Council. As part of this development the alley needs to be rebuilt per the City Council approvals in order for there to not be a dead-end alley on the block. Although the applicant will own land on both the north and south sides of the new east-west alley there will not be direct access from the site to the public alley.
- The maximum impervious surface requirement in the R5 zoning district is 85 percent. According to the applicant's submittal materials 77 percent of the site is impervious.

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 plant, 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 69,551 square feet. The footprint of the building 47,690 square feet. When you subtract the footprint from the lot size the resulting number is 21,861 square feet. Twenty percent of this number is 4,372 square feet. According to the applicant's landscaping plan there is 16,174 square feet of landscaping on the site or approximately 34 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The minimum tree and shrub requirement for this site is nine and 44 respectfully. According to the applicant's submittal materials there will be 25 canopy trees and 164 shrubs planted on the site.

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.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff will be directed to the green spaces located on the site including the open yards north of the building and the interior courtyard.
- The development should not block views of important elements in the city.
- The development should cast minimal shadows on surrounding properties. Please note that this building will not cast shadows on the Midtown Greenway as it is located on the north side of the trench.
- The development should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the principal entrance will be connected to the public right-of-way via a walkway, there are windows located along all sides of the building where people can see in and out and there will be lights located near all of the building entrances.
- This site is neither historically designated nor located in a historic district. Please note that the Midtown Greenway is a nationally designated landmark.

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.
- **Off-Street Parking and Loading:** In the R5 zoning district the zoning code requires 1.0 parking space per dwelling unit. For 77 dwelling units the parking requirement would be 77 spaces. The applicant is proposing to provide a total of 102 parking spaces on the site.

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- **Maximum Floor Area:** The maximum FAR in the R5 zoning district is 2.0. The lot in question is 69,551 square feet in area. The applicant proposes a total of 135,281 square feet of gross floor area, an FAR of 1.95.
- **Building Height:** Building height in the R5 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is four stories or 45 feet in height, when measured to the midpoint of the principal roof. The building is 52 feet when measure to the peak of the principal roof.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 900 square feet. With 77 proposed dwelling units on a lot of 69,551 square feet, the applicant proposes 903 square feet of lot area per dwelling unit.
- **Dwelling Units per Acre:** The site is 1.6 acres in size. There are 48 dwelling units per acre proposed on the site.
- **Yard Requirements:** The front yard setback along Pleasant Avenue is 15 feet and the front yard setback along Grand Avenue South is 16 feet. The north and south interior side yard setbacks are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these two sides of the building is 11 feet. All of the setbacks for this development are being met. Please note that the building is located at the south property line. Because this is an existing condition no variance is required.
- **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. Multiple-family buildings on sites larger than 40,000 square feet are allowed to have one wall sign not exceeding 32 square feet in size. The top of the sign can not be located more than 12 feet above the ground. On corner lots there may be two wall signs allowed. In addition to the wall sign, one freestanding sign not exceeding 32 square feet in size and not taller than 8 feet is allowed on the site. Either the wall sign or the freestanding sign, but not both, may be illuminated.

The applicant did not submit any sign information as part of the project submittal.

- **Refuse storage:** The applicant is proposing to locate a trash and recycling room on the first floor of the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the project submittal.

MINNEAPOLIS PLAN:

The site is located on the designated Midtown Greenway and one block north of West Lake Street which is a designated Commercial Corridor. The land use features in the update to *The Minneapolis Plan* are

the same as they are in the current comprehensive plan. 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 (Policy 9.5).
- Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces (Implementation Step for Policy 9.5).
- 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 urban design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (policy 9.16).
- Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

The Planning Division believes that this development is in compliance with the above policies of *The Minneapolis Plan*.

In the *Midtown Greenway Land Use and Development Plan* the site is called out as a high-density housing site ranging between 40 and 120 dwelling units per acre. In addition, the site is located in an Urban-Oriented development district which permits apartment buildings between three and five stories. The Planning Division believes that the proposed development is in conformance with the *Midtown Greenway Land Use and Development Plan*.

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:

- **At least 20 percent of the first floor of the building and at least 10 percent of the upper floors of the Pleasant Avenue, Grand Avenue South and the Midtown Greenway sides of the building are required to be windows.**
 - Pleasant Avenue: the percentage of windows on the first floor is 11 percent. On the first floor, the percentage of windows in the original portion of the building is 27 percent and the percentage of windows in the new portion of the building is zero percent. Please note that there are glass block windows located in the new portion of the building but since they do not allow views into and out of the building they do not count towards the minimum window requirement. The new portion of the building will be located in back of an eight-foot two-inch brick columned fence with decorative wrought iron in it. Because of this the Planning Division is recommending that the City Planning Commission grant alternative compliance.
 - Grand Avenue South: the percentage of windows on the first floor is 16 percent. There are additional glass windows on the first floor along Grand Avenue South but they are part of the sliding glass doors which are not counted towards the minimum window requirement. If these glass doors were counted there would be 23 percent windows on the first floor of the building. Because of this the Planning Division is recommending that the City Planning Commission grant alternative compliance.
 - Midtown Greenway: the percentage of windows on the first floor is 18 percent. The western side of the lower two levels of the building facing the Midtown Greenway have been backfilled with dirt and other debris. This was a condition of the building when the applicant purchased it. Because of this windows cannot be installed in this portion of the building. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance.

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 77 dwelling units located at 2848 Pleasant Avenue and 2825 Grand Avenue South 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. There shall be no more than 77 dwelling units located within the building.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a 77-unit residential building located at 2848 Pleasant Avenue and 2825 Grand Avenue South subject to the following conditions:

1. The alley shall be reconfigured per the approvals from the 2004 City Council resolution.
2. Approval of the final site, landscaping, lighting and elevation plans by the Community Planning and Economic Development Department – Planning Division.
3. All site improvements shall be completed by June 22, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project description
2. Conditional use permit findings
3. May 13, 2009, letter to Council Member Lilligren and the Whittier Alliance
4. May 11, 2009, letter from the Whittier Alliance
5. Zoning Map
6. Site plan, landscaping plan, floor plans and elevations
7. Approved fence plans
8. Photographs of the site and surrounding area