

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-4616

Date: December 14, 2009

Applicant: Clare Housing

Address of Property: 3105 23rd Avenue South

Project Name: Clare Midtown

Contact Person and Phone: Michelle Baltus Pribyl with Cermak Rhoades Architects, (651) 556-8634

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

Date Application Deemed Complete: November 12, 2009

End of 60-Day Decision Period: January 11, 2010

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

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Organization

Existing Zoning: R5, Multiple-family District and the PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 27

Legal Description: Not applicable for this development

Proposed Use: 45-unit supportive housing development

Concurrent Review:

Conditional use permit: for a 45-unit supportive housing development

Variance: to increase the number of persons served from the maximum 32 to 45

Variance: to reduce the front yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards

Variance: to reduce the corner side yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards

Site plan review

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...”, 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: Clare Housing, the applicant, is proposing to construct a new supporting housing development on the southeast corner of 23rd Avenue South and East 31st Street. The development would serve persons living with HIV/AIDS. Twenty of the units will be for homeless individuals living with HIV/AIDS. The applicant has indicated that the majority of the units will be available to those with an income level at or below 30 percent of the area median income. The model for this development is similar to the Clare Apartments development that was constructed in 2005 on Central Avenue in Northeast Minneapolis.

All residents within the development will have access to a resident services coordinator (RSC). The RSC will provide information, support, referrals and advocacy as needed. The RSC will also coordinate programming within the building for the residents. There will also be a front desk that is staffed 24 hours a day, seven days a week.

The building will be three stories in height with a basement. There will be a total of 27 one-bedroom units and 18 efficiency units. On the first floor of the building there will be approximately 2,800 square feet of accessory office space for the service provider. In the lower level of the building there will be shared common space and 15 enclosed parking spaces. There will be an additional four surface parking spaces outside. Towards the back of the building there will be an outdoor patio area and extensive gardens.

CONDITIONAL USE PERMIT - for a 45-unit supportive housing development

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 a 45-unit supportive housing facility will be detrimental to or endanger the public health, safety, comfort or general welfare. The development will provide housing for persons living with HIV/AIDS. The applicant estimates that there are between 194 and 907 homeless people living with HIV/AIDS in the seven county metro area. While not all of the residents will be homeless twenty will be and will benefit from having a stable living environment. All of the residents will benefit from having support services provided on site that they can take advantage of while living at Clare Midtown.

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 a 45-unit supportive housing facility will 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 applicant has indicated that the development will be similar to the Clare Apartments development that was constructed in 2005 on Central Avenue in Northeast Minneapolis which has proven to be a successful program. The building will have a front desk person on site 24 hours a day, seven days a week.

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

The applicant would 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. The site is located on the southeast corner of 23rd Avenue South and East 31st Street. The on-site parking areas will be accessed from the public alley.

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

The minimum parking requirement for a supportive housing facility is one parking space per every four beds. For 45 beds the parking requirement is 11 parking spaces. There will be a total of 19 parking spaces provided on site. Fifteen of them will be located in the lower level of the building and four will be located outside.

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

The site is located on the southeast corner of 23rd Avenue South and East 31st Street. The site is located one block south of Lake Street and one block west of Hiawatha Avenue. Lake Street is designated as a Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. In addition, the intersection of Lake Street and Hiawatha Avenue is a designated Transit Station and is the center of a designated Activity Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Implementation Step for Land Use Policy 1.8).
- Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors (Implementation Step for Land Use Policy 1.10).

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- Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas (Implementation Step for Land Use Policy 1.12).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).
- Increase housing that is affordable to low and moderate income households (Housing Policy 3.3).
- Support policies and programs that create long-term and perpetually affordable housing units (Implementation Step for Housing Policy 3.3).
- Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, and substance abuse challenges (Implementation Step for Housing Policy 3.3).
- Preserve and increase the supply of safe, stable, and affordable supportive housing opportunities for homeless youth, singles and families (Housing Policy 3.4).
- Support the creation of additional supportive housing units for homeless youth, singles and families (Implementation Step for Housing Policy 3.4).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The proposed development will provide supportive housing units for 45 persons living with HIV/AIDS. In addition, twenty of the units will be for homeless individuals living with HIV/AIDS.

The *Hiawatha/Lake Station Area Master Plan* was approved by the Minneapolis City Council in May of 2001. The development site is located in what is designated as the Corcoran Residential Infill area. The guidelines call for a townhouse development of two or three stores. When the plan was written the development site was larger as it included the vacant land on the east side of the public alley. Since the adoption of the plan the larger development site has been divided into two different development sites with two different owners. Although the proposed development is not townhouses the Planning Division believes that the proposed development is in conformance with the above policies of the *Hiawatha/Lake Station Area Master Plan* since the development is only three stories in height.

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, variances and site plan review this development will meet the applicable regulations of the R5 zoning district.

VARIANCE - to increase the number of persons served from the maximum 32 to 45

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.

Number of residents: Supportive housing facilities are subject to specific development standards. One of these standards limits the number of persons served to 32. The applicant is seeking a variance to increase the number of residents within the building from 32 persons to 45 persons.

Up until 1995 supportive housing was not a use that was recognized in the Minneapolis Zoning Code. In 1995 the use “supportive housing” was added to the list of definitions in the code in order to allow a housing program for adults who were considered chronically chemically dependent. The supportive housing amendments were adopted in 1995 as a means of achieving the goal of deinstitutionalization of mentally handicapped persons. In addition to a spacing requirement supportive housing facilities were limited to serving 32 persons in the facility. The limit on the number of persons who could reside in such a facility reflected the city's concern about the undue concentration of disabled populations and the belief that smaller populations of people provided the most benefit for the residents as the scale was less institutional. Thirty-two was the maximum number of people that were allowed to reside in a Community Residential Facility (CRFs) so when the use “supportive housing” was added to the code the maximum capacity of persons was adopted too. However, unlike CRFs, an authorized variance to increase the maximum number of persons served in a supportive housing facility was provided because of the belief that some supportive housing populations may consist of higher functioning persons for whom the limit would be less beneficial or practical. In 1996, the term “supportive housing” was redefined to include a variety of program types such as board and lodging facilities, emergency housing, shelters for battered persons and some types of transitional housing programs.

Clare Midtown will provide dwellings for independent persons living with HIV/AIDS. The applicant has indicated that there are services provided on site but residents are not required to utilize them. The Planning Divisions believes that increasing the number of persons served within the facility to 45 is a reasonable use of the property.

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.

Number of residents: The Planning Division believes that increasing the number of persons served within the facility to 45 is a reasonable use of the property. Although the zoning code sets a limitation on the number of persons who can be served in a supportive housing facility at 32 the population of persons living at Clare Midtown will be independent persons.

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.

Number of residents: The Planning Division believes that the granting of the variance would 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. All residents living at Clare Midtown will have access to a resident services coordinator (RSC). The RSC will provide information, support, referrals and advocacy as needed. The RSC will also coordinate programming within the

building for the residents. Again, the residents who live at Clare Midtown are independent persons living with HIV/AIDS. The residents are not required to utilize the services as a condition of their lease.

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.

Number of residents: 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.

VARIANCE - to reduce the front yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards

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 required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards. Specifically, the patio is located six feet from the front property line and the staircase is located one-foot from the front property line. The building itself is not located in the required front yard. All of the elements are permitted obstructions but exceed the zoning code dimensional requirements that would allow them to be constructed without a variance.

The staircase and front patio are located on the northwest corner of the building. Because of how the site slopes both of the elements that need a variance will be screened from the properties located on the south side of the block. Allowing the staircase and front patio to encroach into the required front yard would be a reasonable use of the property.

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 fact that the site is not flat is a unique condition 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.

Front yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that 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. The elements in need of the variance are permitted obstructions but exceed the zoning code dimensional requirements that would allow them to be constructed without a variance. The closest residential property on the block is located 180 feet south of the staircase and front patio.

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 setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the corner side yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards

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.

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards. Specifically, the patio is located six feet from the corner side property line and the staircase is located one-foot from the corner side property line. The building itself is not located in the required corner side yard. All of the elements are permitted obstructions but exceed the zoning code dimensional requirements that would allow them to be constructed without a variance.

Besides the proposed development there are no other buildings located along East 31st Street. These elements will not be visible even when the property located on the east side of the public alley is developed given the location of Hiawatha Avenue. Allowing the staircase and front patio to encroach into the required corner side yard would be a reasonable use of the property.

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.

Corner side yard setback: The fact that there are no other buildings on this block that front along East 31st Street is a unique circumstance of this project.

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.

Corner side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that 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. The elements in need of the variance are permitted obstructions but exceed the zoning code dimensional requirements that would allow them to be constructed without a variance.

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.

Corner side 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 setback 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 DESIGN:

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

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

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

- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. In the R5 zoning district the front yard setback is 15 feet and the corner side yard setback is 12 feet. The building will be constructed 15 feet from the front property line and 12 feet from the corner side property line.
- The area in between the building and the front and corner side property lines will contain a front patio and staircase and landscaping.
- The site is located on a corner lot which requires that the principal entrance face the front lot line. In this case the front lot line is oriented towards 23rd Avenue South. Although the principal entrance to the building can be accessed from both 23rd Avenue South and East 31st Street it faces East 31st Street. There is a ten foot grade change between the southwest corner of the site and the northeast corner of the site. To accommodate for the grade change the lobby of the building sits four and a half feet below the first floor of the building and six and a half feet above the basement level of the building. In order to provide an accessible route to the front lobby the principal entrance to the

building has been oriented towards East 31st Street. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the principal entrance to face the corner side property line instead of the front lot line.

- There will be a total of 19 parking spaces provided on site. Fifteen of them will be located in the lower level of the building and four will be located outside. The parking spaces that are located outside are located to the rear of the building.
- The exterior materials of the building will include brick, stucco, cement board siding and glass. The sides and rear of the building are similar to and compatible with the front of the building.
- There is one area of the building that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The area is 29 feet in width and located on the first level of the building facing the south property line. Inside the building the area is occupied by a hallway and a staircase. The applicant has indicated that Xcel Energy now requires that the building's electrical panel be located on the outside of the building. In this case the electrical panel will be located in this area and that is why an additional window cannot be added to the wall. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow this area of the building to be over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. To screen the electrical panel from the adjacent residential building and the public right-of-way the Planning Division is recommending that additional landscaping be planted along the south property line.
- At least 20 percent of the first or ground floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to the 23rd Avenue South, East 31st Street and rear walls of the building. Please note that the minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements follows:
 - 23rd Avenue South: the percentage of windows on the first floor is 41.6 percent and the percentage of windows on the upper floors of the building is 22 percent.
 - East 31st Street: the percentage of windows on the ground floor is nine percent and the percentage of windows on the upper floors of the building is 15.5 percent. There is a ten foot grade change between the southwest corner of the site and the northeast corner of the site. To accommodate for the grade change the basement level of the building is partially exposed along East 31st Street. Given this the percentage of windows located between two and ten feet is minimal since the first floor of the building actually sits between four and a half and 11 feet above the adjacent grade. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent windows on the ground floor of the building. To screen the partially exposed basement level from the public right-of-way the Planning Division is recommending that additional landscaping be planted along the north property line.
 - Rear building wall: the percentage of windows on the first floor is 20 percent and the percentage of windows on the upper floors of the building ranges between 18 and 22 percent.
- The windows are vertical in nature and are evenly distributed along the building walls.
- The entire building frontage along 23rd Avenue South contains active functions. However, along East 31st Street only forty percent of the ground floor contains active functions. There is a ten foot grade change between the southwest corner of the site and the northeast corner of the site. To accommodate for the grade change only a portion of the basement level of the building is partially

exposed. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow more than 30 percent of the building wall along East 31st Street to incorporate non-active functions. To screen the partially exposed basement level from the public right-of-way the Planning Division is recommending that additional landscaping be planted along the north property line.

- The principal roof line of the building will be flat. Both flat roofed buildings and pitched roofed buildings can be found throughout the neighborhood.

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 is connected to the public sidewalk via a staircase and an accessible ramp.
- No transit shelters are proposed as part of this development.
- There will be a total of 19 parking spaces provided on site. Fifteen of them will be located in the lower level of the building and four will be located outside. The on-site parking areas will be accessed from the public alley, which minimizes conflicts between vehicles and pedestrians by minimizing curb cuts. Residential developments are permitted to utilize public alleys for access purposes.
- The maximum impervious surface requirement in the R5 zoning district is 85 percent. According to the materials submitted by the applicant 56 percent of the site will be 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 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 33,217 square feet. The footprint of the building is 13,186 square feet. When you subtract the footprint from the lot size the resulting number is 20,031 square feet. Twenty percent of this number is 4,006 square feet. According to the applicant's landscaping plan there is 14,775 square feet of landscaping on the site or approximately 74 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 tree and shrub requirement for this site is eight and 40 respectively. The applicant is proposing to have 11 canopy trees and 118 shrubs located on the site. The applicant is also proposing to have 16 evergreen trees, 21 ornamental trees and 280 perennials located on the site.
- The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district. There will be a 23-foot wide landscaped yard provided along the south property line and a 33-foot wide landscaped yard provided along the rear property line. Please note that the trash and recycling enclosure will be located in the landscaped yard along the rear property line in addition to landscaping.
- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district. For screening purposes there will be a lilac hedge and four evergreen trees planted along the south property line and the trash and recycling enclosure will be located in the landscaped yard along the rear property line.
- Tree islands in parking lots must have a minimum width of seven feet in any direction. The parking lot includes only four spaces, so no tree islands are proposed in this parking area.

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:

- The surface parking area will be defined with continuous concrete curbing. However, the parking area will be constructed of pervious pavers which will capture stormwater runoff.
- This building should not impede any views of important elements of the city.
- This building should not significantly shadow public spaces and adjacent 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 people to the building entrances, there are windows where people can see in and out along all levels of the building, the patio area located towards the back of the building is defined with dense landscaping around its perimeter and there are lights located near all of the entrances and throughout the grounds.
- This site is neither historically designated 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: Supportive housing facilities require a conditional use permit in the R5 zoning district.
- Off-Street Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a supportive housing facility is one parking space per every four beds. For 45 beds the minimum parking requirement is 11 parking spaces. There will be a total of 19 parking spaces provided on site.

Maximum automobile parking requirement: The maximum parking requirement for a supportive housing facility is one parking space per every bed. For 45 beds the maximum parking requirement is 45 spaces. There will be a total of 19 parking spaces provided on site.

Bicycle Parking: The bicycle parking requirement for a supportive housing development is one space per four beds, not to exceed eight spaces. The bicycle parking requirement for this development is eight. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units.

There will be a total of ten bicycle parking spaces provided on site. Each bicycle parking space can accommodate two bicycles. Seven of the bicycle parking spaces need to be enclosed. The plans indicate that eight will be located inside the building, four will be located near the front entrance and eight will be located near the outside parking area.

Loading: There is no loading space required for this development.

- **Maximum Floor Area:** The maximum FAR for a supportive housing facility in the R5 zoning district is 2.0. The lot in question is 33,217 square feet in area. The applicant proposes a total of 50,602 square feet of gross floor area, an FAR of 1.52.
- **Building Height:** Building height in the R5 zoning district is limited to four stories or 56 feet. The building will be three stories or 39 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. With 45 proposed dwelling units on a lot of 33,712 square feet, the applicant proposes 749 square feet of lot area per dwelling unit.
- **Dwelling Units per Acre:** The site is 33,217 square feet or .76 acres in size. There are 59 dwelling units per acre proposed on the site.
- **Yard Requirements:** The required front yard setback in the R5 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along 23rd Avenue South is 15 feet. The corner side yard setback in the R5 zoning district is $5+2x$, where x equals the number of stories above the first floor. The resulting setback along East 21st Street is 12 feet. The interior side yard and rear yard setbacks in the R5 zoning district are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along the south interior side yard and east rear yard is nine feet. The applicant has applied for a variance to reduce the front and corner side yard setbacks to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards.

- **Specific Development Standards:** Supportive housing facilities are subject to specific development standards:

Supportive housing

- Supportive housing shall be located at least one-fourth (1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:
 - Community correctional facility.
 - Community residential facility.
 - Inebriate housing.
 - Motel.
 - Overnight shelter.
 - The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
 - On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
 - To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
 - An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
 - The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- **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. In the R5 zoning district, supportive housing facilities are allowed to have one nonilluminated, flat wall sign not exceeding 32 square feet in size and not taller than 14 feet or top of wall, whichever is less. On a corner lot, two such signs are permitted. The applicant is not proposing any signage at this time.
 - **Refuse storage:** The trash and recycling area will be located in an enclosure along the east side of the site. The enclosure will be directly accessible from the alley for pick-up purposes. The enclosure will be primarily made out of brick and will have metal and wood gates. The height of the enclosure will range between six and nine feet.
 - **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan is in compliance with the standards of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

The site is located on the southeast corner of 23rd Avenue South and East 31st Street. The site is located one block south of Lake Street and one block west of Hiawatha Avenue. Lake Street is designated as a Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. In addition, the intersection of

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Lake Street and Hiawatha Avenue is a designated Transit Station and is the center of a designated Activity Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support the development of residential dwellings that are of high quality design and compatible with surrounding development (Urban Design Policy 10.4).
- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis (Implementation Step for Urban Design Policy 10.5).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks (Implementation Step for Urban Design Policy 10.6).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Implementation Step for Urban Design Policy 10.6).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Implementation Step for Urban Design Policy 10.6).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Implementation Step for Urban Design Policy 10.6).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

The *Hiawatha/Lake Station Area Master Plan* was approved by the Minneapolis City Council in May of 2001. The development site is located in what is designated as the Corcoran Residential Infill area. The guidelines call for a townhouse development of two or three stories. When the plan was written the development site was larger as it included the vacant land on the east side of the public alley. Since the adoption of the plan the larger development site has been divided into two different development sites with two different owners. Although the proposed development is not townhouses the Planning Division believes that the proposed development is in conformance with the above policies of the *Hiawatha/Lake Station Area Master Plan* since the development is only three stories in height.

The development regulations call for infill development with a maximum height of six stories, buildings that are set close to the property line, increased amounts of green space, enhanced building materials, large amounts of windows and clearly defined entrances. The Planning Division believes that the proposed development is in conformance with the above policies of the *Hiawatha/Lake Station Area Master 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:

- **The building shall be oriented so that at least one principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line:** The site is located on a corner lot which requires that the principal entrance face the front lot line. In this case the front lot line is oriented towards 23rd Avenue South. Although the principal entrance to the building can be accessed from both 23rd Avenue South and East 31st Street it faces East 31st Street. There is a ten foot grade change between the southwest corner of the site and the northeast corner of the site. To accommodate for the grade change the lobby of the building sits four and a half feet below the first floor of the building and six and a half feet above the basement level of the building. In order to provide an accessible route to the front lobby the principal entrance to the building has been oriented towards East 31st Street. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the principal entrance to face the corner side property line instead of the front lot line.
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length:** There is one area of the building that is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The area is 29 feet in width and located on the first level of the building facing the south property line. Inside the building the area is occupied by a hallway and a staircase. The applicant has indicated that Xcel Energy now requires that the building's electrical panels be located on the outside of the building. In this case the electrical panel will be located in this area and that is why an additional window cannot be added to the wall. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow this area of the building to be over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. To screen the electrical panel from the adjacent residential building and the public right-of-way the Planning Division is recommending that additional landscaping be planted along the south property line.

- **For residential uses, twenty percent of the walls on the first floor and ten 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:** Along East 31st Street the percentage of windows on the ground floor is nine percent. There is a ten foot grade change between the southwest corner of the site and the northeast corner of the site. To accommodate for the grade change the basement level of the building is partially exposed along East 31st Street. Given this the percentage of windows located between two and ten feet is minimal since the first floor of the building actually sits between four and a half and 11 feet above the adjacent grade. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent windows on the ground floor of the building facing East 31st Street. To screen the partially exposed basement level from the public right-of-way the Planning Division is recommending that additional landscaping be planted along the north property line.
- **The first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than 30 percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway:** Along East 31st Street only forty percent of the ground floor contains active functions. There is a ten foot grade change between the southwest corner of the site and the northeast corner of the site. To accommodate for the grade change only a portion of the basement level of the building is partially exposed. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow more than 30 percent of the building wall along East 31st Street to incorporate non-active functions. To screen the partially exposed basement level from the public right-of-way the Planning Division is recommending that additional landscaping be planted along the north property line.

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 for a 45-unit supportive housing development located at 3105 23rd 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 45 dwelling units in the building.
3. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the number of persons served from the maximum 32 to 45 located at 3105 23rd Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards located at 3105 23rd Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the corner side yard setback from the required 15 feet to a distance ranging between six feet and one-foot to allow a staircase and front patio that exceed the dimensional requirements for permitted obstructions in required yards located at 3105 23rd Avenue South.

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 application for the property located at 3105 23rd Avenue South subject to the following conditions:

1. Additional landscaping shall be planted along the south property line in order to screen the electrical panel from the adjacent residential building and the public right-of-way.
2. Additional landscaping shall be planted along the north property line in order to screen the partially exposed basement level from the public right-of-way.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.

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4. All site improvements shall be completed by December 14, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Preliminary Development Review report from October 7, 2009
2. Statement of proposed use and description of the project
3. Conditional use permit and variance findings
4. November 6, 2009, e-mail to Council Member Schiff and the Corcoran Neighborhood
5. March 7, 2009, e-mail from the Corcoran Neighborhood stating support for the development
6. October 7, 2009, e-mail from Council Member Schiff
7. Zoning Map
8. Civil drawings, site plan, landscaping plan, floor plans and elevations
9. Architectural renderings of the building
10. Photographs of the site