

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Variances, Site Plan Review and Preliminary Plat  
BZZ-4422

**Date:** June 22, 2009

**Applicant:** Aeon

**Address of Property:** 718, 720, 722, 726 and 730 East 17<sup>th</sup> Street

**Project Name:** Alliance Apartments Addition

**Contact Person and Phone:** Rosemary Dolata, (612) 341-3148, ext. 229

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

**Date Application Deemed Complete:** May 28, 2009

**End of 60-Day Decision Period:** July 27, 2009

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

**Ward: 7      Neighborhood Organization:** Elliot Park Neighborhood, Inc.

**Existing Zoning:** R6, Multiple-family District and the DP Downtown Parking Overlay District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this development

**Proposed Use:** 61-unit supportive housing development

**Concurrent Review:**

**Conditional use permit:** for a cluster development.

**Conditional use permit:** for a supportive housing facility.

**Conditional use permit:** to increase the height of the building from the 2.5 story/35-foot height limitation to 4 stories/50 feet.

**Variance:** to increase the number of residents within the building from 32 persons to 61 persons.

**Variance:** to reduce the minimum lot size requirement from 339 square feet per dwelling unit to 284 square feet per dwelling unit (16.2 percent variance).

**Variance:** to reduce the off-street parking requirement from 13 spaces to zero spaces (this was noticed as a variance from 23 spaces to zero spaces).

**Variance:** to reduce the front yard setback from the required 15 feet to zero feet.

**Variance:** to reduce the east interior side yard setback from the required 11 feet to three feet.

**Variance:** to reduce the west interior side yard setback from the required 11 feet to six inches.

**Variance:** to reduce the rear yard setback from the required 11 feet to zero feet.

**Variance:** to increase the height of a fence in the front yard from the maximum 4 feet to 4 feet 6 inches.

**Site plan review.**

**Preliminary Plat (PL-235).**

**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 (2) “to vary the lot area or lot width requirements up to thirty percent...”, Section 525.520(6) “to vary the applicable minimum and maximum number of required off-street parking, stacking or lading spaces”, Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” , Section 525.520(5) “to permit an increase in the maximum height of a fence” and Chapter 530, Site Plan Review.

**Background:** Aeon owns the properties located at 1625 Park Avenue, 714, 718, 720, 722, 726 and 730 East 17<sup>th</sup> Street and 715 and 719 East 16<sup>th</sup> Street. The property located at 1625 Park Avenue is the office headquarters for Aeon, the applicant and a non-profit housing developer. The properties located at 714, 718, 720, 726 and 730 East 17<sup>th</sup> Street are currently used as a surface parking lot and the property located at 722 East 17<sup>th</sup> Street is occupied by a vacant multiple-family dwelling. The property located at 715 and 719 East 16<sup>th</sup> Street is occupied by Alliance Apartments, a facility for sober homeless adults.

In 1996 the Minneapolis City Planning Commission approved a conditional use permit for 124 dwelling units for sober homeless adults. This facility, known as Alliance Apartments, is located at 715 and 719 East 16<sup>th</sup> Street. Today, Aeon is proposing to construct a new building that will contain an additional 51 dwelling units for sober homeless adults. The new building will be connected to the existing Alliance Apartments building via a ground level link. In addition to the newly constructed building an existing building that is located on the site will be moved to the eastern boundary of the property, rehabbed and converted into an additional ten dwelling units for sober homeless adults. In addition to the residential component of this development an existing parking lot is being reconfigured which provides parking for Aeon employees that office out of the building located at 1625 Park Avenue.

The development is being reviewed as a cluster development in order to allow more than one residential structure on the zoning lot. Cluster developments are defined as a unified development of three or more dwelling units that are clustered together to preserve common space which benefits all of the residents. Cluster developments are subject to specific development standards. One of the standards requires that 40 percent of the land in the development be designated as common space for all of the residents. Towards the back of this development there is a walkway that connects the two new buildings to the existing building along with two patios for the residents. Surrounding the patios are landscaped areas. Cluster developments require a conditional use permit in the R6 zoning district.

It has been determined that the existing and proposed use is supportive housing. The applicant has indicated that residents within Alliance Apartments reside there 24 hours per day and receive services which are provided by RS Eden, a non-profit organization that provides services to adult men and women with a history or alcohol or drug abuse and criminal behavior. Services provided at the Alliance

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Apartments include case management, solution-oriented counseling, peer support networks, support groups, education and training, linkages to mental health services and work programs, social and recreational activities that build and reinforce a collective community atmosphere and AA and NA groups.

The applicant has said that “when people in recovery are provided strong case management and peer support within a sober living environment, long-term recovery from chemical dependency and addiction, employability, ongoing life stabilization and greater independence and self-determination follow”. All potential residents receive a needs assessment, are required to fill out an application and are subject to a series of interviews. Upon being accepted each resident receives an individualized development plan. The applicant has said that all of the services that are provided on site “embrace a strategy that prevents relapses and promotes a strong sense of community.” Although residents are not required to utilize the services that are provided on-site they are there in case they are needed. In the event of a relapse a resident is not automatically evicted. Rather, the resident is given the choice of leaving or participating in a six-month Relapse Prevention Program

Supportive housing facilities are subject to specific development standards. One of these standards requires that supportive housing facilities be located at least a quarter mile from all other existing supportive housing facilities as well as community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. According to a map generated by the CPED – Planning Division there are several supportive housing facilities and community residential facilities located within a quarter mile of the development site. Because of the site’s proximity to these facilities, the applicant is seeking a reasonable accommodation under the Federal Fair Housing Act of 1988 in order to locate the facility at this location. The zoning administrator, in consultation with the city attorney, considers and acts on requests for reasonable accommodation. It has been determined that the residents have a disability, that the requested accommodation is necessary to afford such persons equal opportunity to use and enjoy the dwelling and that the requested accommodation is reasonable; therefore the request was approved. Supportive housing developments require a conditional use permit in the R6 zoning district.

The zoning code limits the height of cluster developments in all zoning districts to two and a half stories or 35 feet in height. The existing building is two and a half stories in height which meets the standards of the zoning code but the new building is four stories in height so a conditional use permit is required to increase the height of the development. In addition to these land use applications a variance to increase the number of residents within the building, a lot area variance, a parking reduction variance, setback variances, site plan review and a preliminary plat are required.

**CONDITIONAL USE PERMIT** - for a cluster 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 61-unit cluster development will be detrimental to or endanger the public health, safety, comfort or general welfare. The block that the development would be located on has a variety of uses on it including dwellings of varying densities, offices, retail uses and surface parking lots. On the site itself there is a vacant multiple-family dwelling and two surface parking areas. Rehabbing the existing building and constructing additional dwelling units will complement the surrounding uses.

**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 61-unit cluster development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for additional dwellings would provide opportunities for housing within the neighborhood. Specifically, the development will provide opportunities for affordable housing within the neighborhood for sober homeless adults.

**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 East 17<sup>th</sup> Street. Although there is no on-site parking associated with this development residents can use the existing street grid to access the site.

**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. However, in the DP Downtown Parking Overlay District supportive housing facilities are required to provide a minimum of 90 percent of the number of spaces required. For 61 beds the parking requirement is 15 parking spaces. Ninety percent of 15 is 14 spaces. The minimum parking requirement may be reduced an additional ten percent when located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. The site is located within 300 feet of Chicago Avenue which the number 5 bus route runs along. The number 5 bus route has midday service headways of 10 minutes in each direction. With this reduction the parking requirement for the development is 13 parking spaces. The applicant has applied for a variance to reduce the parking requirement to zero.

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

The *Downtown 2010 Plan* is the adopted comprehensive plan for the downtown area. According to the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown

neighborhood as found on the concept plan map. In July of 2008 the Minneapolis City Council approved the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*. This plan, currently under review by the Metropolitan Council, will be the City's primary policy document that guides its planning and development decisions. In *The Minneapolis Plan for Sustainable Growth* the site is designated as Urban Neighborhood. Unlike the *Minneapolis Downtown 2010 Plan*, *The Minneapolis Plan for Sustainable Growth* designates land use features within the downtown area. In *The Minneapolis Plan for Sustainable Growth* the site is located only a few parcels off of Chicago Avenue which is a designated Commercial Corridor. According to the Principles and Policies outlined in the *Minneapolis Downtown 2010 Plan*, the following apply to this proposal:

- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income, owner-occupies units (Downtown Living Policy number 1).
- Capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park, by encouraging medium to high-density housing development (Downtown Living Policy number 2).
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design (Downtown Living Policy number 5).
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is minimizing traffic impacts, maintaining security, and providing and maintaining amenities (Downtown Living Policy number 7).
- Achieve an appropriate balance between market-rate housing and publicly assisted affordable housing and ensure that publicly assisted housing is provide in a way that contributes to the physical appearance and economic and social health of downtown's neighborhoods (Downtown Living Policy number 8).
- Preserve, restore and reuse historic buildings and sites in Downtown (Downtown's Physical Setting Policy number 16).
- Support the retention of historic properties in publicly assisted redevelopment projects in downtown (Downtown's Physical Setting Policy number 17).

The Planning Division believes that the proposed development is in conformance with the above policies of the *Minneapolis Downtown 2010 Plan*. Utilizing the site for additional dwellings would provide opportunities for housing within the neighborhood. In addition, the new development will not only rehabilitate an existing vacant building but it will provide for a new infill building that will complement the surrounding area.

The *Elliot Park Neighborhood Master Plan* was approved by the Minneapolis City Council in April of 2003. The development site is located in what is designated as the residential district within the neighborhood. The residential district guidelines call for infill housing that is between two and four stories in height. The Planning Division believes that the proposed development is in conformance with the above policies of the *Elliot Park Neighborhood Master 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 permits, variances, site plan review and preliminary plat this development will meet the applicable regulations of the R6 zoning district.

**Cluster developments are required to comply with the following criteria in addition to meeting the Conditional use permit standards:**

**1. Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.**

The applicant has submitted a site plan/development plan that addresses all the above listed items.

**2. All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

The applicant has submitted a preliminary plat that complies with all of the applicable requirements contained in Chapter 598, Land Subdivision regulations.

**3. The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.**

The cluster development meets the minimum lot area and lot width requirements of the R6 district. Cluster developments in the R6 District require 5,000 square feet of lot area or 400 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 17,339 square feet of lot area and is situated on a lot greater than 40 feet in width.

**4. Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.**

The proposed development does not meet the above listed requirements of the zoning district as it pertains to yards around the periphery of the cluster development. The applicant has applied for variance to reduce the front, east and west interior side and rear yard setbacks. The two buildings are located ten feet from one another.

**5. Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining**

**such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.**

The proposed development meets the requirements listed above. The majority of the open/common space for the proposed development is located towards the back of the residential buildings. All open/common space on the site is accessible to all of the dwelling units. The applicant is providing approximately 8,436 square feet of open space on the site or approximately 49 percent of the site not occupied by the two buildings. The open/common space contains a walkway that connects the two new buildings to the existing building along with two patios for the residents. Surrounding the patios are landscaped areas.

**6. 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. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.**

The proposed development meets the applicable requirements listed above. For further information regarding the proposed development, see Chapter 530 findings for Site Plan review which is discussed below.

**7. 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 proposed development provides appropriate transition areas between it and adjacent properties.

**8. Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.**

The project does not include manufactured housing.

**CONDITIONAL USE PERMIT** - for a supportive housing facility

**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 61-unit supportive housing facility will be detrimental to or endanger the public health, safety, comfort or general welfare. The development will provide housing for sober homeless adults. The applicant has indicated that there is a need for residents to live in a sober environment in order for them to maintain sobriety. It is also important for those who are in recovery to live with others that are striving to be sober so as to not be influenced by those who are not.

**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 61-unit supportive housing facility would be injurious to the use and enjoyment of other property in the area. The applicant has indicated that the development will be an expansion of the existing Alliance Apartments which has proven to be a successful program. By expanding the existing facility additional dwelling units can be provided without having to duplicate staff, community space and other program resources.

**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 East 17<sup>th</sup> Street. Although there is no on-site parking associated with this development, residents can use the existing street grid to access the site.

**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. However, in the DP Downtown Parking Overlay District supportive housing facilities are required to provide a minimum of 90 percent of the number of spaces required. For 61 beds the parking requirement is 15 parking spaces. Ninety percent of 15 is 14 spaces. The minimum parking requirement may be reduced an additional ten percent when located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. The site is located within 300 feet of Chicago Avenue which the number 5 bus route runs along. The number 5 bus route has midday service headways of 10 minutes in each direction. With this reduction the parking requirement for the development is 13 parking spaces. The applicant has applied for a variance to reduce the parking requirement to zero.

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

The *Downtown 2010 Plan* is the adopted comprehensive plan for the downtown area. According to the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. In July of 2008 the Minneapolis City Council approved the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*. This plan, currently under review by the Metropolitan Council, will be the City's primary policy document that guides its planning and development decisions. In *The Minneapolis Plan for Sustainable Growth* the site is designated as Urban Neighborhood. Unlike the *Minneapolis Downtown 2010 Plan*, *The Minneapolis Plan for Sustainable Growth* designates land use features within the downtown area. In *The Minneapolis Plan for Sustainable Growth* the site is located only a few parcels off of Chicago Avenue which is a designated Commercial Corridor. According to the Principles and Policies outlined in the *Minneapolis Downtown 2010 Plan*, the following apply to this proposal:

- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income, owner-occupies units (Downtown Living Policy number 1).
- Capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park, by encouraging medium to high-density housing development (Downtown Living Policy number 2).
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design (Downtown Living Policy number 5).
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is minimizing traffic impacts, maintaining security, and providing and maintaining amenities (Downtown Living Policy number 7).
- Achieve an appropriate balance between market-rate housing and publicly assisted affordable housing and ensure that publicly assisted housing is provide in a way that contributes to the physical appearance and economic and social health of downtown's neighborhoods (Downtown Living Policy number 8).
- Preserve, restore and reuse historic buildings and sites in Downtown (Downtown's Physical Setting Policy number 16).
- Support the retention of historic properties in publicly assisted redevelopment projects in downtown (Downtown's Physical Setting Policy number 17).

The Planning Division believes that the proposed development is in conformance with the above policies of the *Minneapolis Downtown 2010 Plan*. Utilizing the site for additional dwellings would provide opportunities for housing within the neighborhood. In addition, the new development will not only rehabilitate an existing vacant building but it will provide for a new infill building that will complement the surrounding area.

The *Elliot Park Neighborhood Master Plan* was approved by the Minneapolis City Council in April of 2003. The development site is located in what is designated as the residential district within the neighborhood. The residential district guidelines call for infill housing that is between two and four stories in height. The Planning Division believes that the proposed development is in conformance with the above policies of the *Elliot Park Neighborhood Master 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 permits, variances, site plan review and preliminary plat this development will meet the applicable regulations of the R6 zoning district.

**CONDITIONAL USE PERMIT** - to increase the height of the building from the 2.5 story/35-foot height limitation to 4 stories/50 feet

**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.**

Building height in the R6 zoning district is limited to six stories or 84 feet. However, the zoning code limits the height of cluster developments in all zoning districts to two and a half stories or 35 feet. The existing building is two and a half stories in height which meets the standards of the zoning code but the new building is four stories in height so a conditional use permit is required to increase the height of the development. The Planning Division does not believe that increasing the height of the building from the two and a half story or 35-foot height limitation to four stories or 50 feet will be detrimental to or endanger the public health, safety, comfort or general welfare.

**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 height of the building from two and a half stories or 35 feet to four stories or 50 feet would be injurious to the use and enjoyment of other property in the area. The majority of the buildings in the surrounding area range in height from two and a half stories to four stories although there is a high-rise multiple-family building just one block north of the site that is over ten stories in height.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

The *Downtown 2010 Plan* is the adopted comprehensive plan for the downtown area. According to the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. In July of 2008 the Minneapolis City Council approved the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*. This plan, currently under review by the Metropolitan Council, will be the City's primary policy document that guides its planning and development decisions. In *The Minneapolis Plan for Sustainable Growth* the site is designated as Urban Neighborhood. Unlike the *Minneapolis Downtown 2010 Plan*, *The Minneapolis Plan for Sustainable Growth* designates land use features within the downtown area. In *The Minneapolis Plan for Sustainable Growth* the site is located only a few parcels off of Chicago Avenue which is a designated Commercial Corridor. According to the Principles and Policies outlined in the *Minneapolis Downtown 2010 Plan*, the following apply to this proposal:

- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character (Downtown's Physical Setting Policy number 7).
- Preserve, restore and reuse historic buildings and sites in Downtown (Downtown's Physical Setting Policy number 16).
- Support the retention of historic properties in publicly assisted redevelopment projects in downtown (Downtown's Physical Setting Policy number 17).
- Expand housing opportunities in downtown for all income levels, with an emphasis on providing additional moderate to high income, owner-occupies units (Downtown Living Policy number 1).
- Capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park, by encouraging medium to high-density housing development (Downtown Living Policy number 2).
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design (Downtown Living Policy number 5).
- Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential areas is minimizing traffic impacts, maintaining security, and providing and maintaining amenities (Downtown Living Policy number 7).

The Planning Division believes that the proposed development is in conformance with the above policies of the *Minneapolis Downtown 2010 Plan*. A four story building will be complimentary to the heights of other buildings in the neighborhood.

The *Elliot Park Neighborhood Master Plan* was approved by the Minneapolis City Council in April of 2003. The development site is located in what is designated as the residential district within the neighborhood. The residential district guidelines call for infill housing that is between two and four stories in height. The Planning Division believes that the proposed development is in conformance with the above policies of the *Elliot Park Neighborhood Master 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 permits, variances, site plan review and preliminary plat this development will meet the applicable regulations of the R6 zoning district.

**In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:**

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

Increasing the height of the proposed building should have a minimal impact on the amount of light and air that the surrounding properties receive. The Alliance Apartments building is located to the north side of the proposed building. Not including the ground level link that connects the two buildings there is 35 feet of open yard between the buildings so the amount of light and air that the dwelling units in the existing building receive should not be diminished.

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

The applicant submitted a shadow study showing how the proposed development would shadow adjacent properties on March 22<sup>nd</sup> at 9 am, noon and 2 pm. The shadow study indicates minimal shadowing on the residential building to the north.

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

The majority of the buildings in the surrounding area range in height from two and a half stories to four stories although there is a high-rise multiple-family building just one block north of the site that is over ten stories in height.

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

The Harry F. Legg House, located at 1601 Park Avenue, is an individually designated property and the property located at 728 East 16<sup>th</sup> Street is one of the parcels included in the South Ninth Street Historic District. Given the location of the project site in relation to where these two properties are located the proposed development will not impact the views of the mentioned structures.

**VARIANCE** - to increase the number of residents within the building from 32 persons to 61 persons

**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 61 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.

The existing Alliance Apartments has operated since 1996 and has a total of 124 residents. The Alliance Apartments provides dwellings for independent adults who want to live in a sober environment. 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 61 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 61 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 the Alliance Apartment are independent adults.

**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. The supportive services provided at the Alliance Apartments include case management, solution-oriented counseling, peer support networks, support groups, education and training, linkages to mental health services and work programs, social and recreational activities that build and reinforce a collective community atmosphere and AA and NA groups. Again, the residents who live at the Alliance Apartments are independent adults who want to live in a sober environment. 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 minimum lot size requirement from 339 square feet per dwelling unit to 284 square feet per dwelling unit (16.2 percent variance)

**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.**

**Minimum lot area:** The applicant is seeking a variance to reduce the minimum lot size requirement from 339 square feet per dwelling unit to 284 square feet per dwelling unit (16.2 percent variance). The type of dwelling units being provided within the development are small studio apartments with the exception of two one-bedroom units that will be located in the existing building that is being rehabilitated as part of the project. The lease terms for the units only allow one resident per dwelling. The applicant has indicated that given the size of the units and the lease terms that the density of persons living at the site is much less than what it would most likely be with 51 larger units provided on the site.

**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.**

**Minimum lot area:** The fact that all of the units will be small studio apartments, with the exception of two one-bedroom units, and that the lease terms for the units only allow one resident per dwelling are unique circumstances 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.**

**Minimum lot area:** 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. The surrounding area is primarily made up of high-density dwellings. The *Minneapolis Downtown 2010 Plan* and *The Minneapolis Plan for Sustainable Growth* would both support increased density at this location given its proximity to the downtown core.

**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.**

**Minimum lot area:** 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 off-street parking requirement from 13 spaces to zero spaces

**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.**

**Off-street parking requirement:** The applicant is seeking a variance to reduce the off-street parking requirement from 13 spaces to zero spaces. The applicant has indicated that in their experience most of the residents do not own a vehicle. The existing Alliance Apartments has 124 units in it and only 11 parking spaces that are designated for resident use. The applicant has indicated that most of the residents use alternative forms of transportation to get around and this site is located within walking distance of many bus routes and light rail transit.

**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.**

**Off-street parking requirement:** The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Based on past applications similar in use to this the Planning Division believes that a very low number of the residents will in fact have automobiles that will need to be parked on site.

**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.**

**Off-street parking requirement:** The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance. The Planning Division believes that most of the residents will not have automobiles and instead will use alternative forms of transportation to get around. Please note that along the north side of East 17<sup>th</sup> Street there is a one-hour parking limitation but on the south side of East 17<sup>th</sup> Street there are no parking restrictions.

**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.**

**Off-street parking requirement:** 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 zero feet

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

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

**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 12 feet and zero feet for a window well, four porches and two walkways. Specifically, the window well is located 12 feet from the front property line, the porches are located ten feet from the front property line and the staircases extend up to the 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.

Besides the proposed development there are only two other buildings along East 17<sup>th</sup> Street. The two existing buildings are each located on the corners of the block and are both located up to the front property line along East 17<sup>th</sup> Street. Allowing the window well, porches and walkways 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 besides the development the only two other buildings along East 17<sup>th</sup> Street are each located on the corners of the block and are both located up to the front property line along East 17<sup>th</sup> 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.**

**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.

**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 east interior side yard setback from the required 11 feet to three feet

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

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

**East interior side yard setback:** The applicant is seeking a variance to reduce the east interior side yard setback from the required 11 feet to a distance ranging between six feet and three feet for the building, a condenser and the trash enclosure. Specifically, the condenser is located six feet from the east interior property line, the building is located five feet six inches from the east interior property line and the trash enclosure is located three feet from the east interior property line. The applicant has indicated that in order to fit the proposed new building and the existing building on the site that the interior side yard setbacks needed to be reduced. Please note that since this is a cluster development there is a minimum setback of ten feet required between the two principal buildings. It should also be noted that on each side of the proposed development there are surface parking lots. As for the condenser and the trash enclosure, the applicant has indicated that in order to create as large of a contiguous open space for the residents that these site elements were located closer to the perimeter of the site than the interior.

**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.**

**East interior side yard setback:** The fact that an existing building that is located on the site will be moved to the eastern boundary of the property and rehabbed 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.**

**East interior 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. Although the building, a condenser and the trash enclosure will be located in the required east interior side yard the adjacent use is a surface parking lot. However, if a building were to be constructed on the adjacent lot locating the proposed building five feet six inches from the east interior property line would not be out of character with the neighborhood as historically buildings were constructed closer together.

**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.**

**East interior 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.

**VARIANCE** - to reduce the west interior side yard setback from the required 11 feet to six inches

**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.**

**West interior side yard setback:** The applicant is seeking a variance to reduce the west interior side yard setback from the required 11 feet to a distance ranging between five feet six inches to six inches for the building and a transformer. Specifically, the building is located five feet six inches from the west interior property line and the transformer is located six inches from the west interior property line. The applicant has indicated that in order to fit the proposed new building and the existing building on the site that the interior side yard setbacks needed to be reduced. Please note that since this is a cluster development there is a minimum setback of ten feet required between the two principal buildings. It should also be noted that on each side of the proposed development there are surface parking lots. As for the transformer, the applicant has indicated that in order to create as large of a contiguous open space for the residents that this site element was located closer to the perimeter of the site than the interior.

**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.**

**West interior side yard setback:** The fact that an existing building that is located on the site will be moved to the eastern boundary of the property and rehabbed 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.**

**West interior 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. Although the building and the transformer will be located in the required east interior side yard the adjacent use is a surface parking lot. However, if a building were to be constructed on the adjacent lot locating the proposed building five feet six inches from the west interior property line would not be out of character with the neighborhood as historically buildings were constructed closer together.

**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.**

**West interior 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.

**VARIANCE** - to reduce the rear yard setback from the required 11 feet to zero feet

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

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

**Rear yard setback:** The applicant is seeking a variance to reduce the rear yard setback from the required 11 feet to a distance ranging between one foot six inches to zero feet for the building link, a transformer, two ground level patios and walkways. Specifically, the transformer is located one foot six inches from the rear property line and the building link, patios and walkways extend up to the rear property line.

The applicant has indicated that connecting the existing building to the addition via the link is important because all of the residents that live in the addition will use the front door of the existing building to access their dwellings. By connecting the two buildings via the link staff, community space and other program resources don't have to be duplicated. In addition, once the addition is complete the outdoor spaces that are being created as part of this development will be common space for all of the residents within the development; existing and proposed.

**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.**

**Rear yard setback:** The fact that the residents living in the new building will utilize the existing building to access their dwellings is a unique circumstance of this project. In addition, the fact that the residents living in the existing building and the proposed building will share the common outdoor space 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.**

**Rear 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. Although the variance is to allow the link, a transformer, two ground level patios and walkways to be constructed up to the rear property line they are important shared design elements of this use.

**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.**

**Rear 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 increase the height of a fence in the front yard from the maximum 4 feet to 4 feet 6 inches

**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.**

**Fence height:** The applicant is seeking a variance to increase the height of a fence in the front yard from the maximum four feet to four feet six inches. Please note that the fence itself is four feet in height but the fence piers are four feet six inches in height. The fence has been designed to integrate with the railings of the three staircases that will connect from the building to the public sidewalk along East 17<sup>th</sup> Street. The applicant has indicated that the first floor of the proposed building has been established based on the first floor of the existing Alliance Apartments which will be connected with a ground level link. Given the elevation of the first floor the lower end of the staircase that ties in with the fence piers stands four feet six inches tall.

**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.**

**Fence height:** The fact that the proposed building will link to the existing building which has established floor heights 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.**

**Fence height:** 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 fence that the applicant is proposing to install in the front yard of the site is highly decorative. The majority of the fence will be made out of metal and the fence piers will be made out of brick with a stone cap. The portion of the fence that is greater than four feet in height is minimal compared to the amount of fence that is four feet in height.

**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.**

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

### **SITE PLAN REVIEW**

#### **Findings as Required by the Minneapolis Zoning Code:**

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

#### **Section A: Conformance with Chapter 530 of Zoning Code**

##### **BUILDING PLACEMENT AND 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 buildings reinforce the street wall, facilitate pedestrian access and maximize natural surveillance. The buildings are set close to the front property lines, the principal entrance for the rehabbed building faces East 17<sup>th</sup> Street and two of the dwellings within the new building have principal entrances facing East 17<sup>th</sup> Street, each of the structures have front porches that overlook the street and there are windows along all sides of the building where people can see in and out.
- The first floor of the building is required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The required front yard setback in the R6 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along East 17<sup>th</sup> Street is 15 feet. The required setback along East 17<sup>th</sup> Street is being met.
- The area in between the buildings and the front property line will be occupied with covered porches and landscaping. Each of the front porches will be connected to the public sidewalk with a staircase.
- The principal entrance to the rehabbed building is located along East 17<sup>th</sup> Street. The entrance is emphasized through the use of a large front porch and staircase. The true principal entrance to the new building is the principal entrance of the exiting Alliance Apartments building located along East 16<sup>th</sup> Street. As noted above the existing building along East 16<sup>th</sup> Street and the new building will be connected to one another via a link. This is an important feature of the development because all of the residents that live in the addition will use the front door of the existing building to access their dwellings for security purposes. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to not require a true principal entrance facing the street. It should be noted that there are two dwelling units and an office on the first floor of the new building that will have a front entrance facing East 17<sup>th</sup> Street. These entrances are emphasized through the use of front porches and staircases.
- The overall size of the new building has been minimized through the use of recesses and projections, bay windows, front porches and a mixture of exterior building materials. The size of the rehabbed building is similar to a single-family dwelling.
- There is no on-site accessory parking facility on this development site.

- The exterior materials of the new building include stone veneer, stucco, brick veneer and cement board siding. The applicant is proposing to construct the cornice line of the building using a combination of stucco and EIFS. The applicant has indicated that they are using EIFS because it provides the most flexibility for the cornice profiles and overhang as it is easy to sculpt and relatively lightweight, it doesn't have the inherent challenge of oil canning that one can have with long spans of formed sheet metal and because it is so high off the ground there is not such a concern with high impact resistance or surface texture as there would be if it were being used at ground level. The Planning Division is recommending that the applicant be allowed to use a combination of stucco and EIFS given its location at the roofline of the building. All four sides of the building are similar to and compatible with the front of the building. The exterior material of the rehabbed building is brick.
- There are no areas of either building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to both buildings along the East 17<sup>th</sup> Street facade. 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:
  - New building: the percentage of windows on the first floor is 13 percent and the percentage of windows on the second through fourth floors of the building is greater than 10 percent. The first floor of the new building has been established based on the first floor of the existing Alliance Apartments which will be connected together via a ground level link. Given the elevation of the first floor only a portion of the windows provided count towards the minimum 20 percent. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building.
  - Rehabbed building: the percentage of windows on the first floor is 15 percent and the percentage of windows on the second through sixth floors of the building is greater than 10 percent. The first floor of the building sits approximately five feet off of the ground. Given the elevation of the first floor only a portion of the windows provided count towards the minimum 20 percent. This is an existing condition of the building and has been since it was first constructed.
- The windows in both the new building and the rehabbed building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the new building will be flat and the principal roof line of the rehabbed building is pitched. 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:**

- All of the entrances provided along the East 17<sup>th</sup> Street are connected to the public sidewalk via individual staircases.
- No transit shelters are proposed as part of this development.
- There is no on-site accessory parking facility on this development site.
- The maximum impervious surface requirement in the R6 zoning district is 85 percent. According to the materials submitted by the applicant 67 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 17,339 square feet. The combined footprint of the two buildings is 8,903 square feet. When you subtract the footprint from the lot size the resulting number is 8,436 square feet. Twenty percent of this number is 1,687 square feet. According to the applicant's landscaping plan there is 5,702 square feet of landscaping on the site or approximately 68 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 four and 17 respectively. The applicant is proposing to have two canopy trees and 274 shrubs located on the site. The applicant is also proposing to have 14 ornamental trees and 25 perennials located on the site. The applicant has indicated that given the placement of the buildings and the location of the overhead power lines that additional canopy trees cannot be planted on the site. The applicant has indicated that in lieu of two required canopy trees they are instead providing a wide variety of shrubs and an abundance of ornamental trees on the site. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the required four canopy trees.

**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:**

- There is no on-site accessory parking facility on this development site.
- The Harry F. Legg House, located at 1601 Park Avenue, is an individually designated property and the property located at 728 East 16<sup>th</sup> Street is one of the parcels included in the South Ninth Street Historic District. Given the location of the project site in relation to where these two properties are located the proposed development will not impact the views of the mentioned structures.

- The applicant submitted a shadow study showing how the proposed development would shadow adjacent properties on March 22<sup>nd</sup> at 9 am, noon and 2 pm. The shadow study indicates minimal shadowing on the residential building to the north.
- 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 and there are lights located near all of the pedestrian entrances and the parking garage.
- 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 and cluster developments require a conditional use permit in the R6 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. However, in the DP Downtown Parking Overlay District supportive housing facilities are required to provide a minimum of 90 percent of the number of spaces required. For 61 beds the parking requirement is 15 parking spaces. Ninety percent of 15 is 14 spaces. The minimum parking requirement may be reduced an additional ten percent when located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. The site is located within 300 feet of Chicago Avenue which the number 5 bus route runs along. The number 5 bus route has midday service headways of 10 minutes in each direction. With this reduction the parking requirement for the development is 13 parking spaces. The applicant has applied for a variance to reduce the parking requirement to zero.

**Maximum automobile parking requirement:** The maximum parking requirement for a supportive housing facility is one parking space per every bed. The maximum parking requirement for this development is 61 spaces. The applicant has applied for a variance to reduce the parking requirement to zero.

**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. There will be a bicycle storage area in the basement of both buildings for the residents. There will also be three bike racks provided along the east side of the site for visitors.

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

- **Maximum Floor Area:** The maximum FAR for a supportive housing facility in the R6 zoning district is 3.0. The lot in question is 17,339 square feet in area. The applicant proposes a total of 31,623 square feet of gross floor area, an FAR of 1.82.
- **Building Height:** Building height in the R6 zoning district is limited to six stories or 84 feet. The existing building is two and a half stories or 39 feet in height and the new building is four stories or 50 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R6 zoning district is 400 square feet. With 61 proposed dwelling units on a lot of 17,339 square feet, the applicant proposes 284 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot size per dwelling unit.
- **Dwelling Units per Acre:** The site is .40 acres in size. There are 152 dwelling units per acre proposed on the site.
- **Yard Requirements:** The required front yard setback in the R6 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along East 17<sup>th</sup> Street is 15 feet. The interior side yard and rear yard setbacks in the R6 zoning district are 5+2x, where x equals the number of stories above the first floor. The resulting setback along the east and west interior side yards and rear yard is 11 feet. The applicant has applied for a variance to reduce the front, interior and rear yard setbacks.
- **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 R6 zoning district, multiple-family buildings with five or more dwelling units and on lots smaller than 40,000 square feet are allowed to have one nonilluminated, flat wall sign not exceeding 16 square feet in size and not taller than 12 feet. On a corner lot, two such signs are permitted.

The applicant is not proposing any signage at this time.

- **Refuse storage:** There is a trash and recycling area located in the northeast corner of the site. The enclosure is made out of rock face concrete block on three sides and a metal gate on the fourth side. The height of the enclosure is six 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 *Downtown 2010 Plan* is the adopted comprehensive plan for the downtown area. According to the *Minneapolis Downtown 2010 Plan*, this property is located in an area designated as a downtown neighborhood as found on the concept plan map. In July of 2008 the Minneapolis City Council approved the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*. This plan, currently under review by the Metropolitan Council, will be the City's primary policy document that guides its planning and development decisions. In *The Minneapolis Plan for Sustainable Growth* the site is designated as Urban Neighborhood. Unlike the *Minneapolis Downtown 2010 Plan*, *The Minneapolis Plan for Sustainable Growth* designates land use features within the downtown area. In *The Minneapolis Plan for Sustainable Growth* the site is located only a few parcels off of Chicago Avenue which is a designated Commercial Corridor. According to the Principles and Policies outlined in the *Minneapolis Downtown 2010 Plan*, the following apply to this proposal:

- Promote street-level design of buildings that contribute to downtown's vitality and security encouraging individual entrances to street-level building tenants, windows and architectural detailing (Downtown's Physical Setting Policy number 1).
- Preserve, restore and reuse historic buildings and sites in Downtown (Downtown's Physical Setting Policy number 16).
- Support the retention of historic properties in publicly assisted redevelopment projects in downtown (Downtown's Physical Setting Policy number 17).
- Encourage new buildings adjacent to historic buildings, sites and districts to be compatible in design (Downtown's Physical Setting Policy number 18).
- Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design (Downtown Living Policy number 5).

The Planning Division believes that the proposed development is in conformance with the above policies of the *Minneapolis Downtown 2010 Plan*. A four story building will be complimentary to the heights of other buildings in the neighborhood.

The *Elliot Park Neighborhood Master Plan* was approved by the Minneapolis City Council in April of 2003. The development site is located in what is designated as the residential district within the neighborhood. The residential district guidelines call for infill housing that is between two and four stories in height. The site development guidelines call for new buildings that create clear sight lines to building entries and that buildings be set close to the street. The architecture guidelines call for buildings that reflect the scale of adjacent buildings, layered plantings and plantings for seasonal color should be used, upper floors of building should be balanced between vertical and horizontal elements, porches are encouraged, multiple entrances are preferred, building materials used should be of a high quality and structures with flat roofs should include parapet details.

The Planning Division believes that the proposed development is in conformance with the above policies of the *Elliot Park Neighborhood 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:** The true principal entrance to the new building is the principal entrance of the existing Alliance Apartments building located along East 16<sup>th</sup> Street. As noted above the existing building along East 16<sup>th</sup> Street and the new building will be connected to one another via a link. This is an important feature of the development because all of the residents that live in the addition will use the front door of the existing building to access their dwellings for security purposes. Given this the Planning Division is recommending that the City Planning Commission grant alternative compliance to not require a true principal entrance facing the street. It should be noted that there are two dwelling units and an office on the first floor of the new building that will have a front entrance facing East 17<sup>th</sup> Street.

- **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:** The percentage of windows on the first floor of the new building is 13 percent and the percentage of windows on the second through fourth floors of the building is greater than 10 percent. The first floor of the new building has been established based on the first floor of the existing Alliance Apartments which will be connected together via a ground level link. Given the elevation of the first floor only a portion of the windows provided count towards the minimum 20 percent. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent windows on the first floor of 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 four and 17 respectively. The applicant is proposing to have two canopy trees and 274 shrubs located on the site. The applicant is also proposing to have 14 ornamental trees and 25 perennials located on the site. The applicant has indicated that given the placement of the buildings and the location of the overhead power lines that additional canopy trees cannot be planted on the site. The applicant has indicated that in lieu of two required canopy trees they are instead providing a wide variety of shrubs and an abundance of ornamental trees on the site. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than the required four canopy trees.

### **PRELIMINARY PLAT - PL-235**

#### **Required Findings:**

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

The applicant is proposing to replat five lots into three new lots. Lot 1 is being created for the proposed parking lot, Lot 2 is being created for the new building and Lot 3 is being created for the existing building that will be moved and rehabbed. Lots 2 and 3 are part of a cluster development. Individual lots within cluster developments are exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Given the layout of the proposed development drainage and utility easements are not possible around the rear and interior lot lines. The applicant has indicated that since they own all of the land that drainage easements are not needed. The Pubic Works Department has agreed that drainage easements are not needed for this development. Given this the Planning Division recommends varying the drainage easement requirement to zero. There will be overhead power lines that will connect the proposed development to the existing power poles in the. The exact location is not known at this time. The Planning Division is recommending that the final plat provide five foot wide utility easements along the side lot lines and ten foot wide utility easements along the rear lot lines where determined necessary by the utility companies.

Section 598.260 Planned unit development and cluster design, requires the design of a subdivision for a cluster development to implement the site plan as approved by the Planning Commission and shall include a deed restriction designating the following:

- 1. The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).**

Aeon will own all of the land so this provision is not necessary.

- 2. Provision for access to each lot that does not have frontage on a public street.**

All lots have frontage on a public street.

- 3. A requirement that an owner's association be created. The duties and responsibilities of the owner's association shall include maintaining the elements of the cluster development as authorized under the zoning ordinance or other applicable regulations.**

Aeon will own all of the land so the creation of an owner's association is not necessary.

- 4. A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in**

**the deed restriction and shall provide that such levies shall be a lien against the individual lots.**

Aeon will own all of the land so this provision is not necessary.

- 5. A requirement that any disposition of any of the common property situated within the cluster development shall not be made without the prior approval of the Planning Commission.**

If an amendment is made to the cluster development the proposed amendments shall be reviewed and approved by the City Planning Commission.

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

The applicant is proposing to replat five lots into three new lots. Lot 1 is being created for the proposed parking lot, Lot 2 is being created for the new building and Lot 3 is being created for the existing building that will be moved and rehabbed. Lots 2 and 3 are part of a cluster development.

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

The site is flat and does not present the above hazards.

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

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

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

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

## **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 a cluster development located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street 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

**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 supportive housing facility located in the DP Downtown Parking Overlay District located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street 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 61 dwelling units on the site.
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 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 to increase the height of the building from the 2.5 story/35-foot height limitation to 4 stories/50 feet located in the DP Downtown Parking Overlay District located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street 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

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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.

**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 residents within the building from 32 persons to 61 persons located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the minimum lot size requirement from 339 square feet per dwelling unit to 284 square feet per dwelling unit (16.2 percent variance) located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the off-street parking requirement from 13 spaces to zero spaces located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback from the required 15 feet to zero feet located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to

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reduce the east interior side yard setback from the required 11 feet to three feet located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the west interior side yard setback from the required 11 feet to six inches located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the rear yard setback from the required 11 feet to zero feet located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the height of a fence in the front yard from the maximum 4 feet to 4 feet 6 inches located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located on the easterly 32.00 feet of 718 East 17<sup>th</sup> Street and 720, 722, 726 and 730 East 17<sup>th</sup> Street subject to the following conditions:

1. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
2. 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.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for the property located 718, 720, 722, 726 and 730 East 17<sup>th</sup> Street subject to the following standards:

1. Five foot wide utility easements along the side lot lines and ten foot wide utility easements along the rear lot lines, where determined necessary by the utility companies, shall be provided.

**Attachments:**

1. Preliminary Development Review report from May 13, 2009
2. Code Interpretation and Equivalency Request from Regulatory Services
3. Statement of proposed use and description of the project
4. Supportive housing statement
5. Conditional use permit and variance findings
6. Subdivision information
7. Memo from the Department of Public Works regarding the preliminary plat
8. Statement of historic status
9. May 6, 2009, and May 27, 2009, letters to Council Member Goodman and the Elliot Park Neighborhood, Inc.
10. Community Engagement Agreement between Elliot Park Neighborhood, Inc. and Aeon
11. Zoning Map
12. Aerial photos of the site
13. Civil drawings, site plan and landscaping plan
14. Photographs of the site