

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Variance and Site Plan Review  
BZZ-3610

**Date:** July 16, 2007

**Applicant:** Hope Community, Inc.

**Address of Property:** 1931 Portland Avenue and 612, 616 and 620 East Franklin

**Project Name:** The Wellstone

**Contact Person and Phone:** David Haaland with Urban Works, (612) 455-3100

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

**Date Application Deemed Complete:** June 20, 2007

**End of 60-Day Decision Period:** August 19, 2007

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

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

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

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

**Zoning Plate Number:** 20

**Legal Description (properties to be rezoned):** Not applicable for this development

**Proposed Use:** Mixed-use building including 49 dwelling units and commercial and community space

**Concurrent Review:**

**Conditional use permit:** for Phase III of the Franklin-Portland Planned Unit Development which includes 49 dwelling units, underground parking and approximately 7,100 square feet of commercial and community room space.

**Variance:** to reduce the width of the drive aisle from the required 12 feet to zero feet.

**Site Plan Review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(14) “to reduce the minimum required width of parking aisles...” and Chapter 530, Site Plan Review.

**Background:** The proposed development is located in the Ventura Village Neighborhood. The site is located on the northeast corner of the intersection of Franklin Avenue and Portland Avenue. The site was previously occupied by a gas station but has since been cleared and is now vacant. Located on the same block as the proposed development are several residential buildings, two churches and a parking lot.

The development involves the construction of a four-story, mixed-use building including 49 dwelling units with approximately 7,100 square feet of commercial and community room space. The commercial space occupies approximately 4,000 square feet and is intended to be used as a restaurant. The remaining 3,100 square feet will be used as a community room, restrooms and trash and recycling rooms. The development will have one level of below ground parking for the residents of the building and 10 surface parking spaces located off of the alley. The surface parking spaces will be reserved for the commercial tenant. Also located on the site is an outdoor recreation area for the residents of the building located towards the rear of the site.

The applicant has also indicated that the development is a Minnesota Green Communities award winner and a green demonstration project. The project features a solar thermal domestic hot water system and rain gardens to accommodate stormwater runoff.

**The Bigger Picture:** The Wellstone is the third phase of a multi-phase project that HOPE Community is proposing to construct near and around the intersection of Franklin Avenue and Portland Avenue (see the overall site plan in the report). Children’s Village Center, Phase I of the multi-phase project, was approved by the City Planning Commission in April of 2002, and The Jourdain, Phase II of the multi-phase project, was approved by the City Planning Commission in May of 2003. Both of these developments have been constructed and are now occupied. The Franklin-Portland Gateway is proposed to be developed as one cohesive project even though the individual phases will be funded and constructed at different times. Once completed, the Gateway will contain approximately 200 dwelling units and approximately 25,000 square feet of both office and commercial space.

**Phase One:** Children’s Village Center is a mixed-use building consisting of both office and residential uses. This building is located on the southeast corner of the intersection of Franklin Avenue and Portland Avenue. The building contains 30 dwelling units and approximately 12,000 square feet of office space.

Hope Community Court was also constructed as part of phase one. The development is located on the northwest corner of the intersection of Oakland Avenue and East 22<sup>nd</sup> Street. This development contains 10 dwelling units.

The rehabilitation of the existing Pine Cliff Apartment building was also part of phase one. The building is located on the southeast corner of the intersection of 5<sup>th</sup> Avenue South and East 19<sup>th</sup> Street. The building contains 30 dwelling units.

**Phase Two:** The Jourdain is a mixed-use building consisting of both commercial and residential uses. This building is located on the southwest corner of the intersection of Franklin Avenue and

Portland Avenue. The building contains 41 dwelling units and approximately 4,000 square feet of commercial space.

**Phase Three:** The Wellstone is a mixed-use building consisting of both commercial and residential uses. This building will be located on the northeast corner of the intersection of Franklin Avenue and Portland Avenue. The building will contain 49 dwelling units and approximately 7,100 square feet of commercial and/or community space.

**Phase Four:** Phase IV of the project will be purely residential. This development will be located on the northwest corner of the intersection of Franklin Avenue and Portland Avenue. The development will contain 94 dwelling units and approximately 3,000 square feet of community space.

**CONDITIONAL USE PERMIT** - for Phase III of the Franklin-Portland Planned Unit Development which includes 49 dwelling units, underground parking and approximately 7,100 square feet of commercial and community room space

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

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

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

The Planning Division does not believe that constructing Phase III of the Franklin-Portland Planned Unit Development would be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of uses including religious institutions, office uses, residential developments of varying densities and small-scale commercial establishments. The proposed mixed-use development will complement the existing uses in the area.

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

The Planning Division does not believe that a mixed-use development would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. Constructing a new mixed-use development, including 49 dwelling units, on the site would provide additional opportunities for housing within the neighborhood. The development will complement the existing uses that surround the site both in form and function.

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

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

As for vehicular access, there will be no curb cuts located along either Franklin Avenue or Portland Avenue. The residents will access the below ground parking garage via a driveway along the alley and the surface parking spaces are accessed directly from the alley.

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

In the C1 zoning district the zoning code requires 1.0 parking space per dwelling unit and, for the restaurant use, parking equal to 30 percent of the capacity of persons. There are 49 dwelling units in the building and approximately 3,000 square feet of seating area in the restaurant. This yields a parking requirement of 109 spaces; 49 for the residential portion and 60 for the restaurant use. Per Section 541.200, this development qualifies for a transit incentive. The transit incentive is for constructing a multiple-family development within 300 feet of a transit stop with midday service headways of 30 minutes or less. The transit incentive reduces the parking requirement for the residential portion of the development by ten percent. Given this, the parking requirement for the residential portion of the development is 45 spaces.

As for the restaurant use in the building, the applicant has indicated that a bicycle rack will be provided on the site which reduces the parking requirement by one space. Given this, the parking requirement for the commercial portion of the development is 59 spaces.

The applicant is providing a total of 45 parking spaces in the below ground parking garage which will be for the residents. In addition, there will be 10 surface parking spaces located off of the alley which will be reserved for the restaurant use.

A Travel Demand Management Plan (TDMP) was completed for this development. The findings of the TDMP indicate that there is sufficient parking for the restaurant even though the parking requirement is not being met on the site. The restaurant is intended to be neighborhood-oriented; serving those who live and work in the immediate vicinity. In addition, the site is well serviced by both bus and bicycle transit.

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

According to the *Minneapolis Plan*, the subject site is located on Franklin Avenue, which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).

- Support a mix of uses on Commercial Corridors - such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street (Implementation Step for Policy 4.3).
- Ensure that commercial uses do not negatively impact nearby residential areas (Implementation Step for Policy 4.3).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).
- Minneapolis will grow by increasing its supply of housing (Policy 4.9).
- Improve the availability of housing options for its residents (Policy 4.11).

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

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

**527.120. Exceptions to Zoning Ordinance Standards:** Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

**Placement of Structures:** In a Planned Unit Development there may be more than one principal structure located on a lot. Only one building is proposed to be located on this site.

**Bulk Regulations:**

**Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 41,396 square feet in area. The applicant proposes a total of 69,819 square feet of gross floor area, an FAR of 1.69.

In the C1 zoning district, the maximum floor area of commercial uses cannot exceed 4,000 square feet. If there is no parking between the building and the street the maximum floor area may be increased to 6,000 square feet. And if there is no parking between the building and the street and the building is at least two stories in height the maximum floor area may be increased to 8,000 square feet. The commercial space within the building is proposed to be 4,000 square feet.

**Building Height:** The height requirement in the C1 zoning district is 2.5 stories or 35 feet, whichever is less. The height of the proposed building is four stories or 46 feet. There are solar panels located on a portion of the roof that extend an additional six feet in height; however, these are not included in the overall height of the building.

The Planning Division does not believe that the increased height of the building would be detrimental to the surrounding area. Both Phase I and Phase II of the Planned Unit Development are four stories in height. In addition, there are other tall buildings located in the surrounding area including the churches to both the north and the east and the vacant building to the east. The Planning Division believes that this development does qualify for the height increase given the amenities provided. Such amenities include; below ground parking, an outdoor recreation area for the residents, a series of rain gardens to accommodate stormwater runoff and a solar thermal domestic hot water system.

**Lot Requirements:**

**Generally:** The minimum lot area for a Planned Unit Development in any zoning district is two acres. This site contains 41,396 square feet. However, Planned Unit Developments may be separated by a public right-of-way, a railroad right-of-way, or a stream, except for the Mississippi River. This site, in conjunction with the rest of the Franklin-Portland Gateway development, contains approximately 199,093 square feet or 4.57 acres.

**Density Bonus:** The minimum lot area per dwelling unit in the C1 zoning district is 900 square feet. With 49 proposed dwelling units on a lot of 41,396 square feet, the applicant proposes approximately 844 square feet of lot area per dwelling unit.

Section 548.130 allows a 20 percent increase in the number of dwelling units allowed within a development if all required parking is provided within the building, entirely below grade, or in a parking garage of at least two levels. This development qualifies for this density bonus as all of the required parking is located within the building. When calculated this would allow up to 54 dwelling units on the site each with a minimum lot area of 766 square feet per dwelling unit, which would permit the proposed number of units.

**Yards:** The front yard and corner side yard setback requirement is zero feet and the east interior side yard and rear yard setback requirement is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback along these two sides of the building is 11 feet. All of the setbacks are being met.

**On-Premise Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant has indicated that there will be one 10 square foot sign located above the residential entrance to the building and two 18 square foot signs located near the entrance to the restaurant. All three of the signs are proposed to be adhered to the canopy located above the doors. There are no freestanding signs proposed to be located on the site.

**Off-Street Parking and Loading:**

**Parking:** In the C1 zoning district the zoning code requires 1.0 parking space per dwelling unit and, for the restaurant use, parking equal to 30 percent of the capacity of persons. There are 49 dwelling units in the building and approximately 3,000 square feet of seating area in the restaurant. This yields a parking requirement of 109 spaces; 49 for the residential portion and 60 for the restaurant use. Per Section 541.200, this development qualifies for a transit incentive. The transit incentive is for constructing a multiple-family development within 300 feet of a transit stop with midday service headways of 30 minutes or less. The transit incentive reduces the parking requirement for the residential portion of the development by ten percent. Given this, the parking requirement for the residential portion of the development is 45 spaces.

As for the restaurant use in the building, the applicant has indicated that a bicycle rack will be provided on the site which reduces the parking requirement by one space. Given this, the parking requirement for the commercial portion of the development is 59 spaces.

The applicant is providing a total of 45 parking spaces in the below ground parking garage which will be for the residents. In addition, there will be 10 surface parking spaces located off of the alley which will be reserved for the restaurant use.

A Travel Demand Management Plan (TDMP) was completed for this development. The findings of the TDMP indicate that there is sufficient parking for the restaurant even though the parking requirement is not being met on the site. The restaurant is intended to be neighborhood-oriented; serving those who live and work in the immediate vicinity. In addition, the site is well serviced by both bus and bicycle transit. For these reasons, the Planning Division believes that this development qualifies for the parking reduction.

**Loading:** The loading requirement for this development is zero loading spaces. Multiple-family developments of less than 50 dwelling units are not required to provide loading spaces. Restaurants have a low loading requirement; however, the size of the restaurant is smaller than 10,000 square feet which is the minimum prescribed size which triggers a specific loading requirement. Per Section 541.490, uses that require a loading requirement but are smaller than the minimum prescribed are required to provide adequate shipping and receiving facilities accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot. In this case there is a service entrance to the restaurant provided along the back side of the building which can be accessed via the adjacent alley.

**527.280. Required Findings:** In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

**a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

The proposed mix (size and affordability level) of dwelling units and the restaurant use will fit in well with the surrounding area. The surrounding area includes a mixture of uses including religious institutions, office uses, residential developments of varying densities and small-scale commercial establishments.

**b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.**

The TDMP indicates that the development will not have a negative impact on traffic movement or parking in the area even though the restaurant use is not meeting its parking requirement. The site is well serviced by both bus and bicycle transit. In addition, the site is located within walking distance of downtown Minneapolis. The applicant has indicated that there will be two bicycle racks located near the entrance to the restaurant use and that each dwelling unit will be assigned one bicycle rack within the parking garage.

**c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.**

The site amenities include below ground parking, an outdoor recreation area for the residents, a series of rain gardens to accommodate stormwater runoff, a solar thermal domestic hot water system and in general the mix of uses in the building.

**d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The building will be four stories in height and will be constructed out of brick and pre-cast concrete panels with metal accents. There will also be a large amount of glass incorporated into all four sides of the building. There will be one level of below ground parking for the residents of the building and 10 surface parking spaces located off of the alley for the restaurant use. Both of the parking areas are accessed off of the alley.

**e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development

to ensure that all procedures are followed in order to comply with city and other applicable requirements. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan. The applicant has indicated that to help with stormwater runoff and storage a series of rain gardens will be installed on the site as well as an underground storage container.

**2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

The applicant has indicated that a preliminary plat application will be submitted to the City of Minneapolis for the purpose of platting the entire property into one lot.

**VARIANCE** - to reduce the width of the drive aisle from the required 12 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.**

**Drive aisle width:** The applicant is seeking a variance to reduce the width of the drive aisle from the required 12 feet to zero feet. The applicant has indicated that the site was designed with the building up to both Franklin Avenue and Portland Avenue, adequate outdoor space on the property for the residents to utilize and a minimal amount of parking for the restaurant use in the building. Given the emphasis to make this development consistent with traditional urban form, the parking spaces were located towards the back of the building with direct access off of the alley.

The parking area for the 10 vehicles was designed similarly to how single-family dwellings access their individual garages throughout the City of Minneapolis; directly off of the alley. The parking layout for this development is similar in that cars pull into the parking area directly from the alley and when leaving are required to go one-way down the alley given the angle of the parking space.

**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.**

**Drive aisle width:** The fact that the layout for the surface parking spaces has been designed similar to how the majority of parking spaces for single-family dwellings throughout the City of Minneapolis are designed is a unique feature of this development. In the case of this block there are no single-family dwellings along the alley but there are two large parking lots that are accessed via the alley.

**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.**

**Drive aisle width:** The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. There are thousands of examples throughout the City of Minneapolis that utilize the alley for maneuvering similar to how this development is proposing to. If the alley were part of the site the drive aisle width would be met as the alley is 12 feet wide.

**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.**

**Drive aisle width:** 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. The parking area has been situated on the site so that when the vehicle parked closest to Portland Avenue backs out of the spot it will not have to back out over the public sidewalk or the street to exit.

### **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 FACADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**

- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
      - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
      - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
      - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
  - Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.

- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**PLANNING DEPARTMENT RESPONSE:**

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. Much of the building is set close to the property lines, there are both residential and commercial entrances and exits at street level of the building, there are large windows where people can see in and out along all levels of the building and the individual dwelling units have balconies where people will be able to sit and observe adjacent spaces and public sidewalks.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The building is located between four feet and 50 feet from the front property line along Franklin Avenue and four feet from the corner side property line along Portland Avenue. The Planning Division is recommending that alternative compliance be granted to allow the building to be set back more than eight feet from the property line along Franklin Avenue.
- The area in between the building and the property lines will contain patios, walkways, bicycle racks, rain gardens and landscaping.
- The principal residential entrance to the building is oriented towards Franklin Avenue. In addition, three of the four first floor dwelling units that face Franklin Avenue have individual entrances facing the street. The principal entrance to the restaurant is located on the corner of the building and faces both Franklin Avenue and Portland Avenue. The community space in the building also has an entrance facing Portland Avenue. This space can also be accessed from within the building so residents do not have to go outside to get to it.
- All of the residential parking for the development is located in one level of below ground parking. The parking for the restaurant use is located towards the back of the building and is accessed from the alley.
- The exterior materials of the structure include brick and pre-cast concrete panels with metal accents. All four sides of the building are similar to and compatible with one another.
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor of the building that is commercial, at least 20 percent of the first floor that is residential and at least 10 percent of the upper floors of the Franklin Avenue, Portland Avenue and rear wall of the building facing the on-site parking area are required to be windows. The analysis of the project's compliance with these requirements follows:
  - Franklin Avenue: the percentage of windows on the commercial portion of the first floor is 56 percent and the percentage of windows on the residential portion of the first floor is 20 percent. Each of the upper floors of the building has more than 10 percent glass.
  - Portland Avenue: the percentage of windows on the commercial portion of the first floor is 55 percent and the percentage of windows on the residential portion of the first floor building is 60 percent. Each of the upper floors of the building has more than 10 percent glass.
  - Rear wall of the building facing the on-site parking area: the entire rear wall of the building is dedicated to the residential portion of the building. The percentage of windows on the first

floor building is 16 percent. Each of the upper floors of the building has more than 10 percent glass. The Planning Division is recommending that alternative compliance be granted to allow less than 20 percent windows on the first floor of the rear wall of the building facing the on-site parking area.

- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found.

#### **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 leading into the building are connected to the public sidewalk via a series of walkways that run through the site.
- There is an existing transit stop located in front of the building along Franklin Avenue. No changes to the transit stop are proposed as part of this development.
- Both the below ground parking and the surface parking areas are accessed from the alley. The parking spaces for the restaurant utilize the alley for maneuvering purposes. This parking area has been situated on the site so that when the vehicle parked closest to Portland Avenue backs out of the spot it will not have to back out over the public sidewalk or the street to exit.
- The zoning code does not prohibit the proposed development from utilizing the public alley.
- There is no maximum impervious surface requirement in the C1 zoning district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan 43 percent of the site not occupied by the building is green space.

#### **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 41,396 square feet. The footprint of the building is 19,819 square feet. When you subtract the footprint from the lot size the resulting number is 21,577 square feet. Twenty percent of this number is 4,315 square feet. According to the applicant's landscaping plan there is 9,260 square feet of landscaping on the site or approximately 43 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 nine and 43 respectfully. The applicant is proposing to have six canopy trees and approximately 152 shrubs located on the site. In addition, the applicant is proposing to plant 10 canopy trees in the right-of-way and install a variety of plans in the rain gardens. The Planning Division is recommending that there be a total of nine canopy trees planted on the property.
- A seven-foot wide landscaped yard is required between the parking area and Portland Avenue. Along Portland Avenue there is a landscaped area that is between seven and 19 feet wide.
- Screening equal to 60 percent opacity is required in the landscaped area between Portland Avenue and the parking area. The applicant is proposing to plant several Anthony Waterer Spireas in this area that once grown will screen the parking lot.
- One tree is required to be planted for every 25 linear feet of parking area along Portland Avenue. With 19 feet of frontage one canopy tree is required to be planted in this area. The applicant is proposing to plant one Japanese Lilac tree in the landscaped area between Portland Avenue and the parking area.

- A seven-foot wide landscaped yard is required between the parking area and the alley. The applicant is not proposing to have any landscaping located between the parking area and the alley. The Planning Division is recommending that alternative compliance be granted to allow there to be no landscaped yard between the parking area and the alley.
- Screening equal to 95 percent opacity is required in the landscaped area between the parking area and the alley. The applicant is not proposing to have any landscaping located between the parking area and the alley. The Planning Division is recommending that alternative compliance be granted to allow there to be no landscaped yard between the parking area and the alley.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. Both of these requirements are being met.

**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:**

- Given the location of the parking adjacent to the alley, on-site retention of stormwater is impractical. The surface parking area will be designed so stormwater runoff from this area drains towards Portland Avenue.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are windows where people can see in and out along all levels of the building, the individual dwelling units have balconies where people will be able to

sit and observe adjacent spaces and public sidewalks and there are lights located near all of the pedestrian entrances and throughout the site.

- 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:** Planned Unit Developments require a conditional use permit in the C1 zoning district.
- **Off-Street Parking and Loading:** In the C1 zoning district the zoning code requires 1.0 parking space per dwelling unit and, for the restaurant use, parking equal to 30 percent of the capacity of persons. There are 49 dwelling units in the building and approximately 3,000 square feet of seating area in the restaurant. This yields a parking requirement of 109 spaces; 49 for the residential portion and 60 for the restaurant use. Per Section 541.200, this development qualifies for a transit incentive. The transit incentive is for constructing a multiple-family development within 300 feet of a transit stop with midday service headways of 30 minutes or less. The transit incentive reduces the parking requirement for the residential portion of the development by ten percent. Given this, the parking requirement for the residential portion of the development is 45 spaces.

As for the restaurant use in the building, the applicant has indicated that a bicycle rack will be provided on the site which reduces the parking requirement by one space. Given this, the parking requirement for the commercial portion of the development is 59 spaces.

The applicant is providing a total of 45 parking spaces in the below ground parking garage which will be for the residents. In addition, there will be 10 surface parking spaces located off of the alley which will be reserved for the restaurant use.

- **Maximum Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 41,396 square feet in area. The applicant proposes a total of 69,819 square feet of gross floor area, an FAR of 1.69.
- **Building Height:** The height requirement in the C1 zoning district is 2.5 stories or 35 feet, whichever is less. The height of the proposed building is four stories or 46 feet. There are solar panels located on a portion of the roof that extend an additional six feet in height; however, these are not included in the overall height of the building.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C1 zoning district is 900 square feet. With 49 proposed dwelling units on a lot of 41,396 square feet, the applicant proposes approximately 844 square feet of lot area per dwelling unit.

Section 548.130 allows a 20 percent increase in the number of dwelling units allowed within a development if all required parking is provided within the building, entirely below grade, or in a

parking garage of at least two levels. This development qualifies for this density bonus as all of the required parking is located within the building. When calculated this would allow up to 54 dwelling units on the site each with a minimum lot area of 766 square feet per dwelling unit, which would permit the proposed number of units.

- **Dwelling Units per Acre:** The site is 0.95 acres in size. There are 51.6 dwelling units per acre proposed on the site.
- **Yard Requirements:** The front yard and corner side yard setback requirement is zero feet and the east interior side yard and rear yard setback requirement is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback along these two sides of the building is 11 feet. All of the setbacks are being met.
- **Specific Development Standards:** Restaurants, sit down, are subject to specific development standards:

Restaurants, sit down:

- (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
  - (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation for the restaurant use are 6 am to 10 pm Sunday through Thursday and 6 am to 11 pm Friday and Saturday.
  - **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant has indicated that there will be one 10 square foot sign located above the residential entrance to the building and two 18 square foot signs located near the entrance to the restaurant. All three of the signs are proposed to be adhered to the canopy located above the doors. There are no freestanding signs proposed to be located on the site.

- **Refuse storage:** The residential portion of the building and the restaurant use in the building will each have a trash room located on the first floor of the building. The trash rooms will be directly accessible to the alley via overhead doors.
- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The lighting levels indicated on the plan are in conformance with the requirements of the zoning code.

**MINNEAPOLIS PLAN:**

According to the *Minneapolis Plan*, the subject site is located on Franklin Avenue, which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces (Implementation Step for Policy 9.5).
- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11)
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Promote urban design solutions for automobile parking facilities that reflect principle of traditional urban form (Policy 9.12).
- Require the landscaping of parking lots (Implementation Step for Policy 9.12).
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas (Implementation Step for Policy 9.12).
- Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (policy 9.16).
- Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis 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:**

Alternative compliance is requested by the applicant to meet the following standards:

- **The first floor of the building shall be located not more than eight feet from the front lot line. In the case of a corner lot, the building wall abutting each street shall be located not more than eight feet from the lot line:**

The building is located between four and 50 feet from the front property line along Franklin Avenue. The building has been designed so the commercial portion of the building is set close to the property line and the residential portion is setback from the property line. The area in between the property line and the residential portion of the building will contain patios, walkways, rain gardens and landscaping. In order to provide a residential feel for the building the Planning Division is recommending that alternative compliance be granted to allow the building to be set back more than eight feet from the property line along Franklin Avenue.

- **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 applicant is providing a total of 16 percent windows on the first floor of the rear wall of the building facing the on-site parking area. The back wall of the building is where the “services” area of the building is located. There are trash rooms, restrooms for the restaurant and access doors that lead to the various uses within the building. Because these uses would not be pleasant to look at the Planning Division is recommending that alternative compliance be granted to allow only 16 percent windows on the first floor of the rear wall of the building facing the on-site parking area.

- **Parking and loading facilities abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use shall comply with section 530.170 (c), including providing a seven-foot landscaped yard and screening equal to 95 percent opacity:**

The applicant has indicated that the site was designed with the building up to both Franklin Avenue and Portland Avenue, adequate outdoor space on the property for the residents to utilize and a minimal amount of parking for the restaurant use in the building. Given the emphasis to make this development urban the parking spaces were located towards the back of the building with direct access off of the alley. Located directly across the alley from this site is a large parking area for the church that is located to the north. Given that the parking spaces are accessed directly off of the alley it would be impractical to require landscaping between the parking area and the alley. The Planning Division is recommending that alternative compliance be granted to allow there to be no landscaping between the parking area and the alley.

## **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 Phase III of the Franklin-Portland Planned Unit Development which includes 49 dwelling units, underground parking and approximately 7,100 square feet of commercial and community room space located at 1931 Portland Avenue and 612, 616 and 620 East Franklin subject to the following conditions:

1. There shall be no more than 49 dwelling units located within the building.
2. 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 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 width of the drive aisle from the required 12 feet to zero feet located at 1931 Portland Avenue and 612, 616 and 620 East Franklin.

### **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

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review for the properties located at 1931 Portland Avenue and 612, 616 and 620 East Franklin subject to the following conditions:

1. There shall be a minimum of nine canopy trees planted on the property as required by section 530.160 of the zoning code.
2. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by June 25, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use and description of the project
2. Overall site plan of the development
3. Conditional use permit and variance findings
4. Preliminary Development Review notes from the meeting held on February 21, 2007
5. June 15, 2007, letters to Council Member Lilligren and the Venture Village Neighborhood Association
6. Zoning Map
7. Aerial view of the block
8. Civil drawings, site plan, landscaping plans, floor plans and elevations
9. Photographs of the site