

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-3619

Date: July 16, 2007

Applicant: MDI Limited Partnership #64

Address of Property: 5341, 5345 and 5359 Minnehaha Avenue

Project Name: Vantage Flats

Contact Person and Phone: Randy Schold, (6512) 523-1244

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

Date Application Deemed Complete: June 15, 2007

End of 60-Day Decision Period: August 14, 2007

End of 120-Day Decision Period: October 13, 2007, extension letter sent on June 29, 2007

Ward: 12 **Neighborhood Organization:** Nokomis East

Existing Zoning: C1, Neighborhood Commercial District and MR, Mississippi River Overlay District

Proposed Zoning: OR2, High Density Office Residence District and MR, Mississippi River Overlay District

Zoning Plate Number: 40

Legal Description: Lot 8, except the North 40 feet thereof, and all of Lot 7, Block 2, Haas Addition to Minneapolis, Hennepin County, Minnesota. Lot 8, Block 1, Minnehaha Parkview Addition to Minneapolis, Hennepin County, Minnesota. The North 40 feet of Lot 8, Block 2, Haas Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Multiple-family dwelling

Concurrent Review:

Rezoning: of the properties from C1 to OR2

Conditional use permit: for 37 dwelling units

Variance: of the front yard setback from the required 23 feet to 15 feet for the building and to zero feet for an eight-foot wide walkway

Variance: of the south interior side yard setback from the required 11 feet to three feet for an electrical transformer

Variance: of the rear yard setback from the required five feet to zero feet for a loading space and from the required 11 feet to three feet for an electrical transformer

Site plan review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review.

Background: The development site is located along the east side of Minnehaha Avenue between East 53rd Street and East 54th Street. This site is located directly on the Hiawatha Light Rail Transit (LRT) line as it is at East 50th Street that the LRT jogs from Hiawatha Avenue to Minnehaha Avenue. Because of this situation the site cannot be accessed from Minnehaha Avenue; therefore, the only way to access this site via an automobile is from the public alley.

The site is currently occupied by one single-family dwelling, a mixed-use building and its parking lot. The applicant is proposing to demolish both of the existing structures on the site and construct a new four-story, 37-unit residential building. The dwelling units will be rented at affordable levels; twenty-three of the units will be rented out to households at or below 50 percent of the area median income and the remainder will be rented out to households at or below 60 percent of the area median income.

The development will consist of four levels of dwelling units over one and a half levels of structured parking below the building. Also located within the building there will be a community room with outdoor space, a work-out facility and storage rooms for the individual units. Within the parking area the applicant is also providing space for bicycle storage. The parking garage is divided into two separate floors each with their own access drive. Access to the garage will be provided through the alley. Given that automobiles cannot park on Minnehaha Avenue the applicant has designed the site with a loading space along the alley. The loading space is located between the two access drives to the parking area.

REZONING - petition to change the zoning of the properties from C1 to OR2

Findings as Required by the Minneapolis Zoning Code:

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

This site is located in the designated 50th Street/Minnehaha Park Transit Station Area (TSA) and the designated VA Medical Center TSA. The site is also located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers (Implementation Step for 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).
- Maintain and strengthen the character of the city’s various residential areas (Policy 9.8).
- Encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users (Policy 9.36).

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

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

The amendment will allow the applicant to construct a multiple-family development on the site. City policymakers have identified the 50th Street/Minnehaha Park and the VA Medical Center as designated TSAs. Approving this rezoning supports the City’s decision to increase housing in TSAs.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by R1 zoning to the north and east, C2 zoning to the south and a mixture of C2, C1 and R1A zoning to the west. On the north end of the block and just north of East 53rd Street there are parcels of land zoned C1, R5 and OR2 (see Minneapolis Zoning Plate 40 in report). Uses within the surrounding area include single-family dwellings, multiple-family dwellings or varying densities and a motel. Given the mixture of surrounding zoning classifications and uses the Planning Division believes that the OR2 zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the C1, Neighborhood Commercial District. Permitted uses in the C1 zoning district include the following:

- General retail sales and services
- Offices
- Coffee shop, with limited entertainment
- Sports and health facility, minor
- Clinic, medical or dental
- Preschool
- Place of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

In May of 2003 the property located at 5247 Minnehaha Avenue was rezoned from C2 to OR2. This site was combined with the property located at 4820-24 East 53rd Street. At the same time as the rezoning approval, the City Council also approved a series of applications to allow for the construction of a 91-unit residential development. Then in August of 2005 the properties located at 5236 and 5238 Minnehaha Avenue were rezoned from R1A to OR2 and the property located at 5248 Minnehaha Avenue was rezoned from C2 to OR2. At the same time as the rezoning approval, the City Planning Council also approved a series of applications to allow for the construction of a 48-unit residential development.

CONDITIONAL USE PERMIT - for 37 dwelling units

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 multiple-family development will be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development complements other uses in the area and should increase ridership of the LRT line.

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 multiple-family development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a multiple-family development would provide additional opportunities for housing within the neighborhood. Specifically, the development will provide opportunities for affordable housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to increased ridership along the LRT line.

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.

This site is located directly on the LRT line. Because of this situation the site cannot be accessed from Minnehaha Avenue; therefore, the only way to access this site via an automobile is from the public alley. In addition, there is no parking lane on Minnehaha Avenue so vehicles cannot stop along Minnehaha Avenue or use the street for loading purposes. The parking garage is divided into two separate floors each with their own access drive. Access to the garage will be provided through the alley. In addition, the applicant has designed the site with a loading space along the alley. The loading space is located between the two access drives to the parking area.

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

The zoning code requires 0.9 parking spaces per dwelling unit in the OR2 District, resulting in a requirement of 33 spaces for a 37-unit building. The applicant proposes to have 40 parking spaces located in one and a half levels on structured parking below the building.

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

This site is located in the designated 50th Street/Minnehaha Park Transit Station Area (TSA) and the designated VA Medical Center TSA. The site is also located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers (Implementation Step for 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).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings (Implementation Step for Policy 9.8).
- Encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users (Policy 9.36).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis 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 rezoning, conditional use permit, variances and site plan review this development will be in conformance with the applicable regulations of the OR2 zoning district.

VARIANCE - of the front yard setback from the required 23 feet to 15 feet for the building and to zero feet for an eight-foot wide walkway

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 of the front yard setback from the required 23 feet to 15 feet for the building. The required front yard setback in the OR2 District is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback is increased because the adjacent single-family dwelling to the north is setback 23 feet from the front property line. The applicant has indicated that the property has an unusual shape due to the alignment of Minnehaha Avenue. Instead of the properties intersecting with Minnehaha Avenue at a 90-degree angle the properties along this block intersect with Minnehaha Avenue at a 45-degree angle. In addition, because the site cannot be accessed from Minnehaha Avenue the building has to be located closer to the front property line in order to be able to design the garage access ramps with appropriate grades from the alley. The applicant has pointed out that the adjacent single-family dwelling to the north is located six feet from the shared interior property line. The subject building would be located 11 feet from the shared interior property line. Therefore there would be 17 feet of open space between the proposed building and the adjacent single-family dwelling.

Also, the applicant is seeking a variance of the front yard setback from the required 23 feet to zero feet for an eight-foot wide walkway. Walkways six feet in width are allowed as a permitted obstruction in a required front yard. Eight-foot wide walkways require a variance. The applicant has said that in order to accommodate the volume of people coming and going from the entrance that the wider walkway would be more fitting.

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 alignment of Minnehaha Avenue and the unique way the properties along the block intersect with it and the fact that the property cannot have vehicle access from the public street are unique circumstances of this parcel of land.

As for the walkway, the Planning Division believes that a six-foot wide walkway can accommodate the amount of traffic coming and going from the building just as well as an eight-foot wide walkway.

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 granting of the variance will not significantly affect the essential character of the area given that there would be 17 feet between the subject building and the adjacent single-family dwelling to the north. The applicant proposes to have a rain garden and other plantings between the building and the interior property line. In addition, the multiple-family building on the north end of the block is located up to the front property line along Minnehaha Avenue.

As for the walkway, the intent of limiting the width of walkways is to prevent someone from paving over a substantial portion of their yard and calling it a walkway. In addition to the main entrance to the building there are five other first floor units that have individual walkways leading to them. Given this the Planning Division believes that none of the walkways should exceed six feet in width.

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 fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - of the south interior side yard setback from the required 11 feet to three feet for an electrical transformer

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.

South interior side yard setback: The applicant is seeking a variance of the south interior side yard setback from the required 11 feet to three feet for an electrical transformer. The applicant has indicated that the transformer has been located on the site so it is in close proximity to the utility pole in the alley which will be used to provide electricity to 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.

South interior side yard setback: The Planning Division believes that the circumstances are unique to warrant the granting of the variance as the utility pole exists in its current location and is not being moved as part of this development.

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.

South 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 would be in keeping with the intent of the zoning code. Although the transformer will be located in the required open yard the applicant is proposing to landscape around all four sides of it for screening purposes.

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.

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

VARIANCE - of the rear yard setback from the required five feet to zero feet for a loading space and from the required 11 feet to three feet for an electrical transformer

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 of the rear yard setback from the required five feet to zero feet for a loading space. The applicant has indicated that this site is located directly on the LRT line. Because of this situation the site cannot be accessed from Minnehaha Avenue; therefore, the only way to access this site via an automobile is from the public alley. In addition, there is no parking lane on Minnehaha Avenue so vehicles cannot stop along Minnehaha Avenue or use the street for loading purposes. Therefore, the applicant has designed the site with a loading space along the alley.

Also, the applicant is seeking a variance of the rear yard setback from the required 11 feet to three feet for an electrical transformer. The applicant has indicated that the transformer has been located on the site so it is in close proximity to the utility pole in the alley which will be used to provide electricity to 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.

Rear yard setback: The Planning Division believes that not having a parking lane on Minnehaha Avenue is a unique circumstance of the parcel of land to warrant the granting of the variance.

As for the transformer, the Planning Division believes that the circumstances are unique to warrant the granting of the variance as the utility pole exists in its current location and is not being moved as part of this development.

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 loading space has been designed so it is parallel with the alley. Given this, it will look similar in appearance to a driveway leading to a garage which is common throughout alleys in the City of Minneapolis.

As for the transformer, the Planning Division believes that the granting of the variance would be in keeping with the intent of the zoning code. Although the transformer will be located in the required open yard the applicant is proposing to landscape around all four sides of it for screening purposes.

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 fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**

- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances 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. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows where people can see in and out along all levels of the building.
- 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. In the OR2 zoning district the front yard setback is 15 feet. However, in this case the established front yard setback is 23 feet given the setback of the single-family dwelling to the north. The applicant is seeking a variance to locate the building 15 feet from the front property line.
- The area in between the building and the front property line will contain walkways, landscaping and the public sidewalk.
- The principal entrance to the building is located along Minnehaha Avenue. In addition, there are five other first floor units that have their own entrances located along Minnehaha Avenue.
- All of the on-site parking associated with this development is located in one-and-a-half levels of structured parking below the building.
- The exterior materials of the structure include rock face concrete block, cement board siding and metal. The sides and rear of the building are similar to and compatible with the front of the building. The Planning Division believes the top of the building looks unfinished due to a lack of architectural detail at the roofline. The Planning Division encourages the applicant to consider adding a cornice or other architectural element at the top of the exterior elevations.
- 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 20 percent of the first floor and at least 10 percent of the upper floors of the Minnehaha Avenue side of the building is required to be windows. The analysis of the project's compliance with these requirements follows:

- Minnehaha Avenue: the percentage of windows on the first floor of the building is 16 percent and the percentage of windows on the second and third floors of the building is 11 percent. The Planning Division is recommending alternative compliance for the percentage of windows on the first floor.
- 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.
- No transit shelters are proposed as part of this development.
- All of the on-site parking associated with this development is located in one-and-a-half levels of structured parking below the building. The parking garage is divided into two separate floors each with their own access drive. Access to the garage will be provided through the alley as access to the site from Minnehaha Avenue is prohibited.
- The zoning code does not prohibit the proposed development from utilizing the public alley.
- The maximum impervious surface requirement in the OR2 zoning district is 85 percent. According to the materials submitted by the applicant 75 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 19,650 square feet. The footprint of the building is 12,378 square feet. When you subtract the footprint from the lot size the resulting number is 7,272 square feet. Twenty percent of this number is 1,454 square feet. According to the applicant's landscaping plan there is 4,953 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 three and 15 respectfully. The applicant is proposing to have 10 canopy tree and 100 shrubs located on the site. The applicant is also proposing to have perennials located throughout the site.
- A seven-foot wide landscaped yard is required between the loading space and the alley. Because of how the loading space has been designed there is no landscaping proposed for the area between the loading space and the alley. The Planning Division is recommending that alternative compliance be granted to allow there to be no landscaped yard between the loading space and the alley.
- Screening equal to 95 percent opacity is required in the landscaped area between the loading space and the alley. The applicant is not proposing to have any landscaping located between the loading space and the alley. The Planning Division is recommending that alternative compliance be granted to allow there to be no landscaped yard between the loading space and the alley.
- The applicant is proposing to install a three-foot high decorative metal fence along the front property line.

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 loading space adjacent to the alley, on-site retention of stormwater from this area is impractical. There will be six-inch by six-inch curbing around the perimeter of the loading space.
- 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 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:** Residential uses over five dwelling units require a conditional use permit in the OR2 zoning district.
- **Off-Street Parking and Loading:** The zoning code requires 0.9 parking spaces per dwelling unit in the OR2 District, resulting in a requirement of 33 spaces for a 37-unit building. The applicant proposes to have 40 parking spaces located in one and a half levels on structured parking below the building.

- **Maximum Floor Area:** The maximum FAR in the OR2 zoning district is 2.5. The lot in question is 19,650 square feet in area. The applicant proposes a total of 37,630 square feet of gross floor area, an FAR of 1.92.
- **Building Height:** Building height in the OR2 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is four stories or 46 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the OR2 zoning district is 700 square feet. With 37 proposed dwelling units on a lot of 19,650 square feet, the applicant proposes 531 square feet of lot area per dwelling unit.

Section 547.130 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. In addition, Section 547.130 allows a 20 percent increase in the number of dwelling units allowed within a development if at least 20 percent of the dwelling units meet the definition of affordable housing. This development qualifies for both of these density bonuses as all of the required parking is located in one-and-a-half levels of structured parking below the building and all of the units are going to be rented as affordable levels. When calculated this would allow up to 38 dwelling units on the site each with a minimum lot area of 517 square feet per dwelling unit, which would permit the proposed number of units.

- **Dwelling Units per Acre:** The site is .45 acres in size. There are 82.2 dwelling units per acre proposed on the site.
- **Yard Requirements:** The required front yard setback in the OR2 District is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback is increased because the adjacent single-family dwelling to the north is setback 23 feet from the front property line. The interior side yards and rear yard setback requirements for this development are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these three sides of the building is 11 feet.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. Multiple-family buildings with five or more dwelling units located in the OR2 zoning district area allowed to have one nonilluminated, flat wall sign not exceeding 16 square feet in size and not taller than 12 feet.

At this time the sign plan has not been developed.

- **Refuse storage:** There is a trash and recycling room located in the lower level of the parking garage.

- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

This site is located in the designated 50th Street/Minnehaha Park Transit Station Area (TSA) and the designated VA Medical Center TSA. The site is also located in the designated VA Hospital/Airport Potential Growth Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- 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).
- 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:

- **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 building facing Minnehaha Avenue is 16 percent. Although this is less than the required 20 percent the elevations do not look like they are short on windows. After looking over the floor plans and the elevations it would be difficult to locate additional windows along the first floor of the building given the layout. Therefore, the Planning Division is recommending alternative compliance to allow only 16 percent windows on the first floor of the building facing Minnehaha Avenue.

- **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:**

A seven-foot wide landscaped yard is required between the loading space and the alley. In addition, the landscaped yard is required to have screening equal to 95 percent opacity. Given that the loading space is accessed directly off of the alley it would be impractical to require landscaping between it and the alley. The Planning Division is recommending that alternative compliance be granted to allow there to be no landscaping between the loading space and the alley.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning petition to change the zoning of the properties from C1 to OR2 located at 5341, 5345 and 5359 Minnehaha Avenue.

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 37 dwelling units located at 5341, 5345 and 5359 Minnehaha Avenue 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 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 23 feet to 15 feet for the building and **deny** the variance application to reduce the front yard setback from the required 23 feet to zero feet for an eight-foot wide walkway located at 5341, 5345 and 5359 Minnehaha Avenue.

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 south interior side yard setback from the required 11 feet to three feet for an electrical transformer located at 5341, 5345 and 5359 Minnehaha Avenue.

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 five feet to zero feet for a loading space and from the required 11 feet to three feet for an electrical transformer located at 5341, 5345 and 5359 Minnehaha Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 5341, 5345 and 5359 Minnehaha Avenue subject to the following conditions:

1. The applicant is encouraged to consider adding a cornice or other architectural element at the top of the exterior elevations.
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 July 16, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Project narrative
2. Conditional use permit and variance findings
3. Preliminary Development Review report from June 27, 2007
4. June 6, 2007, letter from Erik Carlson in regard to the sites historical status
5. June 4, 2007, letters to Council Member Colvin Roy and the Nokomis East Neighborhood Association
6. Zoning Map
7. Minneapolis Zoning Plate 40
8. Civil drawings, site plan, floor plans and elevations
9. Photographs of the site