

**Department of Community Planning and Economic Development – Planning  
Division**

Rezoning, Conditional Use Permits, Variance and Site Plan Review  
BZZ-4296

**Date:** February 17, 2009

**Applicant:** Lowry Apartments Limited Partnership, Attn: Randy Schold, 1600 University Avenue, Suite 212, St. Paul, MN 55104, (651) 646-7848

**Address of Property:** 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE

**Project Name:** Lowry Apartments

**Contact Person and Phone:** DJR Architecture Inc., Attn: Sheldon Berg, 333 Washington Avenue North, Suite 210, Union Plaza, Minneapolis, MN 55401, (612) 676-2700

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** January 8, 2009

**End of 60-Day Decision Period:** March 8, 2009

**End of 120-Day Decision Period:** On February 3, 2009, Staff sent a letter to the applicant extending the decision period to no later than May 7, 2009.

**Ward:** 1      **Neighborhood Organization:** Audobon Neighborhood Association and Windom Park Citizens in Action

**Existing Zoning:** R5 (Multiple-family) District

**Proposed Zoning:** C1 (Neighborhood Commercial) District

**Zoning Plate Number:** 10

**Lot area:** 24,426 square feet or approximately .56 acres

**Legal Description:** Lot 11, the East 37 feet of Lots 12 and 13, the East 35 feet of the West 140 feet of Lots 12 and 13, the East 35 feet of the West 105 feet of Lots 12 and 13, the East 35 feet of the West 70 feet of Lots 12 and 13, the West 35 feet of Lots 12 and 13, Block 10 Manages Supplement to East Side Addition to Minneapolis, Hennepin County, Minnesota (Abstract Property).

**Proposed Use:** Construction of a 4-story, mixed-use development with a total of 31 residential units and approximately 6,500 square feet of ground level commercial space.

**Concurrent Review:**

- Petition to rezone the subject parcels from the R5 (Multiple-family) district to the C1 (Neighborhood Commercial) district.
- Conditional Use Permit to allow 31 residential dwelling units.
- Conditional Use Permit to allow an increase in the maximum allowable height to 4 stories or 44 feet.
- Variance to reduce the required interior side yard setback along the west property line adjacent to the alley from 11 feet to 2 feet.
- Site Plan Review for a 4-story, mixed-use development with 31 dwelling units and approximately 6,500 square feet of ground level commercial space fronting on Lowry Avenue NE.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525: Article VII Conditional Use Permits, Article IX, Variances and Chapter 530 Site Plan Review.

**Background:** The applicant proposes to construct a new 4-story, mixed-use, 31-unit residential structure with approximately 6,500 square feet of ground level commercial space on the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE. The development site is currently occupied by several dilapidated residential structures. The properties are zoned R5 (Multiple-family district) and the applicant proposes to rezone the properties to the C1 (Neighborhood Commercial) District in order to develop the site as proposed. In order to change the zoning classification of the property from R5 to C1 the applicant had to obtain signatures from two-thirds of the property owners within 100 feet of the property. On December 29, 2008, the City Attorney's Office sent a letter indicating that all requirements had been met. Developments with 5 residential units or more are conditional uses in the C1 district; the ground level commercial spaces which are proposed are permitted uses. An additional conditional use permit is required in order to allow an increase in height from 3 stories or 42 feet to 4 stories or 44 feet. Typically, in the C1 district the height of principal structures is limited to 2.5 stories or 35 feet, whichever is less. However, because the project qualifies for a density bonus for mixed commercial-residential buildings, the maximum height allowed is increased to 3 stories or 42 feet, whichever is less. A variance is required along the west interior side yard adjacent to the alley from 11 feet to 2 feet. Site plan review is also required for the proposed development.

The proposed development would include 31 dwelling units with one to three bedrooms, four commercial tenant spaces totaling approximately 6,500 square feet, surface parking provided at the interior of the site for the commercial component and underground parking provided for the residential component. The development is a collaboration between Holyland Bakery and Deli, MetroPlains and Families Moving Forward. The

proposed housing will include a range of rents and four units will be set aside for households that have experienced long term homelessness.

Staff has received correspondence from the Audobon Neighborhood Association which has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

## **REZONING**

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

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

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including retail and services commercial uses as well as various types of residential uses. Further, the subject site is located along Lowry Avenue NE which is a Community Corridor and a half block off of Central Avenue NE which is a Commercial Corridor. The intersection of Lowry Avenue NE and Central Avenue NE is a designated Activity Center as well as a Major Housing Site. According to the Principles and Polices outlined in the *Minneapolis Plan*, the following apply to this proposal:

#### 4.9 *Minneapolis will grow by increasing its supply of housing.*

##### Implementation Steps:

- Support the development of new medium and high-density housing in appropriate locations throughout the city.

#### 4.11 *Minneapolis will improve the availability of housing options for its residents.*

##### Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

#### 9.5 *Minneapolis will support the development of residential dwellings of appropriate form and density.*

##### Implementation Steps:

- 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.

- 9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.
- 9.23 Minneapolis will 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.

The proposal to rezone the parcels from the R5 district to the C1 district in order to construct a mixed-use development with 31 dwelling units and approximately 6,500 square feet of ground level commercial space is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

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

A rezoning to the C1 district would be considered in the interest of both the property owner and the public insofar as it would allow a level of density and a mix of uses that support the other commercial and residential uses within the larger geographic neighborhood.

**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 subject site is currently zoned R5. The site is located along Lowry Avenue NE which is a Community Corridor and a half block off of Central Avenue NE which is a Commercial Corridor. The intersection of Lowry Avenue NE and Central Avenue NE is a designated Activity Center and Major Housing Site. The subject site is located within a vicinity that has a mixture of uses and zoning classifications. The properties to the north and south are zoned R5, to the east are zoned R2B, and the properties to the west are zoned C1. Adjacent uses include a mixture of commercial and residential uses. Given the surrounding zoning classifications and uses in the area, Staff believes that the C1 zoning district would be appropriate and compatible in this location.

**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 R5 zoning district; however, it would not allow a mixed-use development which is appropriate in this location along a Community Corridor, within a half block of a Commercial Corridor and designated Activity Center. The residential density allowed in the R5 district is equal to the residential density allowed in the C1 district on a minimum lot area per dwelling unit basis and the allowable FAR in the R5 district actually exceeds that which is allowed in the C1 district. The rezoning allows for a development that incorporates and encourages ground level commercial uses. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

**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.**

Under the 1963 Zoning Code, the subject property and the surrounding area to the north, south and west were zoned differently than what they are zoned today. The majority of the properties including the subject properties, but excluding those to the east (which were zoned R5), were zoned B3-4 (Community Retail District). There has been an ongoing change in the character and trend of development within the general area. Staff believes that the rezoning request is reasonable, appropriate and is consistent with adopted policy.

**CONDITIONAL USE PERMIT** –to allow 31 residential dwelling units

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

The Minneapolis Department of Community Planning and 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.**

Construction of a mixed-use, 31-unit residential development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units would strengthen the existing commercial base within the neighborhood. The proposal would be in conformance with the allowable density for the site as a total of 32 units are permitted with the application of a density bonus for mixed-use. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

- 2. 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.**

There are existing residential structures on the premises; some that are quite dilapidated. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for 32 dwelling units would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would be accessed off of the adjacent one-way public alley from Lowry Avenue NE. Residents of the development would utilize the alley to access the underground parking garage and the surface parking provided for the commercial component of the development would also utilize the alley. The Public Works Department shall review the preliminary and final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue to work 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Adequate measures are proposed in regard to minimizing traffic congestion in the public streets. All required automobile and bicycle parking is being provided on the premises. The requirements are further detailed below in the site plan review section of the staff report.

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

See the above listed response to finding #1 in the rezoning application.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including the rezoning, conditional use permits, variance and site plan review, the proposal would comply with all provisions of the C1 District.

**CONDITIONAL USE PERMIT** - to increase the maximum permitted height from 3 stories or 42 feet to 4 stories or 44 feet.

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

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

**1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.**

Staff does not believe that allowing a new 4-story structure on the premises would be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development accommodates the mixed-use and residential density that is desired in similarly situated properties. Further, under the existing zoning classification of R5, a multiple-family development could be constructed to a height of 4 stories or 56 feet. Additionally, there are developments of relative comparable height located within close proximity to the subject site.

**2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

This property is located in a fully developed area and allowing a development two feet taller than what would be permitted based on the underlying zoning designation would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development.

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

As previously mentioned, the site would be accessed off of the adjacent one-way public alley from Lowry Avenue NE. Residents of the development would utilize the alley to access the underground parking garage and the surface parking provided for the commercial component of the development would also utilize the alley. The Public Works Department shall review the preliminary and final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work 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 should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing all required off-street parking for the proposed development.

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

See the above listed response to finding #1 in the rezoning application.

**6. And, does 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 permits, variances and site plan review this development would be in conformance with the applicable regulations of the zoning code.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

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

This development would not be expected to have significant impacts on the amount of light and air that surrounding properties receive. Staff would expect minimal effects on the adjacent non-residential and residential uses according to the attached shadow survey.

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

There are adjacent residential uses to the north, south and east of the site; however, there are no significant adjacent public spaces. Based on the submitted shadow study, Staff would expect some shadowing on residential structures to the

north and east during the winter solstice, however, the majority of the shadowing appears to affect the public right-of-ways adjacent to the site which varies depending on the time of day. Further, the massing of the structure should help to limit the impacts of shadowing as the majority of the building bulk is oriented towards the Lowry Avenue NE frontage and lessens or steps down toward the residential structure to the north along Polk Street NE.

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

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Staff believes that the proposal is compatible with the scale and character of other buildings in the neighborhood. The subject site is surrounded by structures that vary from 2-stories to 3-stories in height. The design and allocation or distribution of height on site would be compatible with the surrounding uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

**VARIANCES** – (1) Variance to reduce the required interior side yard setback along the west property line adjacent to the alley from 11 feet to 2 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.**

**Variance to reduce the required interior side yard along the west property line adjacent to the alley:** Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The necessity for the interior side yard setback requirement in this location is due to residential windows facing the interior side yard along the west side of the proposed building adjacent to the alley. The first floor of the structure is recessed adjacent to the alley to allow for a ground floor covered walkway with access to the front doors of the commercial spaces and is setback approximately 9 feet from the property line. The upper floors (2-4) overhang the walkway and are located approximately 2 feet from the property line. Planning Staff would argue that the proposed setback at the ground level and correspondingly, the upper floors, is a reasonable request.

**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.**

**Variance to reduce the required interior side yard along the west property line adjacent to the alley:** The circumstances could be considered unique to the parcel of land as only half of the site along the west property line would be developed with a building wall and the applicant proposes to recess the ground floor of the building 9 feet from the property line which would result in a two foot encroachment. The upper floors of the structure would overhang the ground floor recess. Further, the subject site abuts a surface parking lot which is a component of a development located within the designated Activity Center. Allowing a reduction in the required interior side yard setback from 11 feet to 2 feet on the upper floors of the proposed structure is a reasonable request.

**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.**

**Variance to reduce the required interior side yard along the west property line adjacent to the alley:** The granting of the variance to allow a reduction in the interior side yard setback requirement due to the residential windows facing the interior side yard adjacent to the public alley would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The ground floor of the structure is setback approximately 9 feet; the upper floors of the structure overhang the recessed ground floor and are located within 2 feet of the property line.

**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.**

**Variance to reduce the required interior side yard along the west property line adjacent to the alley:** Staff believes that the granting of the setback variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

## **SITE PLAN REVIEW**

### **Required Findings for Site Plan Review**

**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.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

**Minimum window area shall be measured as indicated in section 531.20 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.**

The development is subject to a required front yard of 15 feet along Polk Street NE for the first 40 feet (from north to south) but not along Lowry Avenue NE. In total approximately 53 linear feet of the structure along Polk Street NE is recessed; the structure is approximately 126 feet long on this elevation. When accounting for the interior side yard setback of 11 feet along the north property (which the proposal is meeting) basically, the building is recessed in a linear fashion along Polk Street NE an additional 24 feet beyond what is required for the setback. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance. The majority of the structure along Polk Street NE, approximately 70 feet, is located within 8 feet of the property line. The subject development, although integrated accommodates the majority of the overall height, bulk and pedestrian oriented portion of the development towards Lowry Avenue NE, and for approximately half of the frontage along Polk Street NE. The portion of the structure requiring alternative compliance is recessed mid-block to better transition and fit into the context of the residential neighborhood to the north. The structure is located within 8 feet of the property line along the entire frontage of Lowry Avenue NE.

A total of 31 residential dwelling units are proposed for the site along with approximately 6,500 square feet of ground level commercial space which would be divided into 4 separate tenant spaces. The commercial component of the development is oriented towards the Lowry Avenue NE frontage. The primary residential entrance/lobby would be located off the Polk Street NE frontage. The principal entries to the structure are clearly defined and emphasized. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and

circulation along both street frontages. The area between the building and the public streets would have new tree, shrub and perennial plantings along both street frontages.

The entire south elevation of the building along Lowry Avenue NE incorporates windows that meet the 30% window requirement as approximately 49% are provided according to the submitted elevations. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. Planning Staff will recommend that that no shelving, signage, merchandise, newspaper racks or other mechanisms be placed in front of the required transparent window area. The windows on this elevation are vertical in proportion and are more or less evenly distributed.

The east elevation of the structure is subject to both a 30% window requirement for the commercial portion of the ground floor facing Polk Street NE, and also a 20% window requirement for the residential portion of the development. The 30% window requirement is being met for the commercial portion as approximately 60% are provided. Planning Staff will recommend that that no shelving, signage, merchandise, newspaper racks or other mechanisms be placed in front of the required window areas of the commercial tenant spaces. The 20% window requirement is being met for the residential portion of the elevation as approximately 26% are provided. The windows on this elevation are vertical in proportion and are more or less evenly distributed.

The development is also subject to a 30% window requirement on the ground floor north elevation and a 20% window requirement on the ground floor west elevation due to the on-site surface parking lot located at the interior of the site. Based on the submitted elevations, approximately 37% are provided facing the on-site parking lot on the north elevation and approximately 31% are provided on the west elevation. The windows are more or less evenly distributed and vertical in proportion. Planning Staff is concerned that future tenants may block or obstruct the windows on these interior elevations facing the surface parking lot. Planning Staff will recommend that the required window openings remain unobstructed on the north elevation.

The proposed development also exceeds the 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot.

There are no blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements.

The exterior materials would be compatible on all sides of the proposed building as masonry, fiber cement panel siding and lap siding as well as some metal elements would be utilized. The proposed building form and flat roof would be considered compatible with other buildings in the area.

An underground parking ramp is proposed as part of the development which provides parking for the residential component of the project. The parking ramp is accessed off of the one-way public alley via Lowry Avenue NE. Parking for the commercial component is provided at the interior of the site in a surface parking lot also accessed off the public alley via Lowry Avenue NE.

**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.

The principal entrances to the commercial uses would be located directly off of the public sidewalk along Lowry Avenue NE. The lobby to the residential portion of the structure would be located off of the public sidewalk adjacent to Polk Street NE. Further, walkways connect the parking facilities with the building entries.

There are no transit shelters within the development, however the site is located within close proximity to a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts has been minimized and all access to the site would be off of the public alley.

There is a one-way public alley adjacent to the site which will be utilized for access to both the surface parking provided at the interior of the site as well as the underground parking provided for the development. Vehicles will enter the site off of Lowry Avenue NE via the one-way alley, and will exit on 26<sup>th</sup> Avenue NE.

The proposed development somewhat minimizes the use of impervious surfaces as approximately 3,788 square feet or 28% of the site not occupied by buildings will be landscaped.

**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.**

According to the applicant, once the project is complete approximately 3,788 square feet or approximately 28% of the site not occupied by buildings will be landscaped on the premises; this would exceed the 20% landscaping requirement. The site is approximately 24,426 square feet in size with a building occupying a footprint of 11,283 square feet. Based on the site information, approximately 2,629 square feet of landscaping would be required. The zoning code requires that there be at least 6 trees and 27 shrubs planted on the site. The applicant is proposing to have 6 canopy trees and 1 ornamental tree as well as 96 deciduous and evergreen shrubs on the site. A total of 216 perennials are also proposed for the site. The proposal is meeting the minimum landscape quantity requirements.

The proposed 18-space commercial surface parking lot located at the interior of the site is subject to landscaping and screening standards. This is due to the parking being located across an alley from residential uses which are located in the upper floors of the adjacent buildings to the west of the site which front on Lowry Avenue NE. A landscaped yard of at least 7 feet wide must be provided along the alley except where a greater yard is required. In this circumstance, a 7-foot wide landscaped yard must be provided (accessory parking is not subject to the 5+2x requirement). Screening is also required which must be 6 feet in height and at least 95% opaque throughout the year. The perimeter landscaping proposed by the applicant varies from 12 feet to 2.5 feet. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require compliance with this provision in the location that is noncompliant.

The proposal also partially meets the screening requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance as it is possible that requiring compliance with this provision could affect sightlines for vehicles entering and exiting the site due to the proximity to the alley as well as the adjacent property to the west which contains a busy surface parking lot.

There is no interior landscaping within the parking lot and no tree islands; however, all parking spaces are within 50 feet of an on-site deciduous tree.

**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.**

All parking for the residential component of the development is being provided in a single story underground parking garage which is accessed off of the one-way public alley via Lowry Avenue NE. The parking for the commercial component of the development is provided at the interior of the site within a surface parking lot and would also be accessed off of the public alley. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is encouraged to explore on-site retention and filtration.

The project has not been to the Preliminary Development Review (PDR) meeting prior to the printing of this report. The applicant understands that they will be required to incorporate all applicable comments. Planning Staff would expect to review a detailed lighting plan upon submission of final plans. Planning Staff is also concerned about the dual entries on opposing elevations for the commercial spaces and the possibility that tenants may block windows that are required to remain unobstructed. While the principal entries will be expected to be unobstructed and maintained off of Lowry Avenue NE, the tenants will also be expected to maintain adequate window openings facing the commercial surface parking lot.

Staff would not expect the proposal to result in the significant blocking of views. The proposed structure would be expected to have some shadowing impacts on adjacent properties, however, not on public spaces (see the attached shadow survey and conditional use permit findings as listed above). The proposed structure would also be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

**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** - The proposed use of the site for 31 dwelling units is a conditional use in the C1 District and the proposed approximate 6,500 square feet of ground level commercial/retail space is a permitted use.

With the approval of the rezoning, conditional use permits, variance and site plan review, this development would meet the requirements of the C1 zoning district.

**Parking and Loading:**

*Minimum automobile parking requirement:* Chapter 541 requires a total of 31 off-street parking spaces for the proposed residential component of the project or one off-street parking space per dwelling unit. An additional 16 off-street parking spaces would be required for the 4 proposed commercial tenant spaces (each tenant space is greater than 1,000 square feet in size but less than 4,000 square feet in size). A total of 47 off-street parking spaces are required for the entire development prior to consideration of permitted reductions. The applicant proposes to include a bicycle rack in lieu of one commercial space for each tenant (a total of 4) adjacent to the building. The bike racks must accommodate four spaces for each use that is having its parking requirement reduced by one space. Additionally, the site is also in close proximity to a bus line with midday headways that are less than 30 minutes apart in each direction, which would qualify for the 10 percent reduction in Section 541.200(1) of the Zoning Code resulting in a reduction of 3 spaces only for the residential component. Therefore, with reductions for proximity to a transit stop, the residential parking component would be reduced to 28 required spaces and with the reductions for bicycle parking the commercial component

would be reduced to 12 parking spaces for a total of 40 required parking spaces. The applicant is proposing to provide 35 off-street parking spaces in the underground parking garage for the residential component and 18 off-street parking spaces for the commercial component. A total of 53 parking spaces are being provided for the development.

*Maximum automobile parking requirement:* There is no maximum parking for the residential component of the development. The maximum parking requirement for the commercial component is 1 space per 200 square feet of gross floor area. The gross floor area of the ground level commercial uses is 6,497 square feet. Therefore, the maximum parking requirement would be 32 off-street parking spaces. The project is in compliance with this requirement.

*Bicycle parking requirement:* Multiple-family dwellings with 5 or more units have a minimum bicycle parking requirement of 1 space per 2 dwelling units. Based on the proposed 31 dwelling units, a total of 16 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 16 bicycle parking spaces are located within the underground parking garage.

For the commercial component of the development, a total of 3 bicycle parking spaces are required for each tenant space, for a total of 12 bicycle parking spaces. Bicycle racks that are provided as part of the bicycle incentive as listed above in the minimum automobile parking requirement can also fulfill the minimum bicycle parking requirement. Not less than 50% of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

Based on the location requirement listed above, some of the proposed outdoor commercial bicycle racks will need to be relocated to meet this stipulation.

*Loading:* There is no loading requirement for the residential or commercial components of the development.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A dumpster enclosure is proposed adjacent to the public alley (however, not in a required yard) within the surface parking lot.

**Signs:** No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum F.A.R. for all structures in the C1 District is the gross floor area of the building which is 44,202 square feet divided by the area of the lot which is 24,426 square feet. The outcome is 1.81 which is greater than the maximum of 1.7 that is permitted in the C1 District. However, the proposed development is eligible for one 20% density bonus for mixed-use which would allow the applicant a maximum F.A.R. of 2.04. The project complies with the allowable F.A.R.

**Minimum Lot Area:** The project would meet the minimum lot width requirements of the C1 District as the development is situated on a lot greater than 40 feet in width. The project would also meet the minimum lot area requirement per dwelling unit as multiple-family developments in the C1 District require 900 square feet per dwelling unit. A 31-unit development with one 20% bonus for mixed-use would require a lot having an area of no less than 22,320 square feet. The subject parcel is 24,426 square feet in size.

**Dwelling Units per Acre:** With 31 dwelling units on a site having 24,426 square feet of lot area, the proposal would include approximately 55 dwelling units per acre.

**Height:** Typically, the maximum building height for principal structures located in the C1 District is 2.5 stories or 35 feet, whichever is less. However, because the project qualifies for a density bonus for a mixed commercial-residential building, the maximum height shall be increased to 3 stories or 42 feet, whichever is less. The proposal would not conform with this requirement as the structure is proposed to be 4 stories or 44 feet tall. The conditional use permit application for the proposed increase in height has been evaluated above.

**Yard Requirements:** The required yards are as follows:

*Front – (adjacent to Lowry Avenue NE):* 0 feet

*Front – (adjacent to Polk Street NE):* Due to the adjacent residential use to the north as well as the R5 zoning designation, a setback is required for the first 40 feet from north to south: 15 feet

*Interior side yards (5+2x):* 11 feet

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

### **MINNEAPOLIS PLAN**

See the above listed response to finding #1 in the rezoning application.

### **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

There is an additional plan that must be considered when evaluating the proposal. The *Audobon Park Neighborhood Small Area Plan* was adopted by the City Council on May 16, 2008. The Audobon Park Neighborhood's proposed future land use for the subject site is mixed-use. The land use map identifies the direction that the neighborhood would like for the site which is to increase residential density via mixed-use developments and medium density housing along the Central Avenue Commercial Corridor. The plan further states that transition areas should be created between Central Avenue and the neighborhood by encouraging medium density housing. The proposed mixed-use development, with 31 units of affordable housing and 6,500 square feet of ground level commercial fits well in terms of context, scale and massing for a medium density infill development within the neighborhood.

Another plan that must be evaluated is the *Central Avenue Small Area Plan* which was adopted by the City Council on June 20, 2008. This plan identifies a portion of the subject site for future mixed-use development and the other portion of the site for medium density housing. The proposed development merges both recommendations into a unified structure that supports ground level, small scale commercial uses along Lowry Avenue NE with predominantly residential uses along Polk Street NE to blend into the existing fabric of the surrounding neighborhood.

It is Planning Staff’s opinion that the proposed medium density, mixed-use development is in conformance with the adopted *Audobon Park Neighborhood Small Area Plan* and the *Central Avenue Small Area Plan*.

### **ALTERNATIVE COMPLIANCE**

**The Planning Commission 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.**

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

*Building placement within 8 feet of the front lot line:* The development is subject to a required front yard of 15 feet along Polk Street NE for the first 40 feet (from north to south) but not along Lowry Avenue NE. In total approximately 53 linear feet of the structure along Polk Street NE is recessed; the structure is approximately 126 feet long on this elevation. When accounting for the interior side yard setback of 11 feet along the north property (which the proposal is meeting) basically, the building is recessed in a linear fashion along Polk Street NE an additional 24 feet beyond what is required for the setback. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance. The majority of the structure along Polk Street NE, approximately 70 feet, is located within 8 feet of the property line. The subject development, although integrated accommodates the majority of the overall height, bulk and pedestrian oriented portion of the development towards Lowry Avenue NE, and for approximately half of the frontage along Polk Street NE. The portion of the structure requiring alternative compliance is recessed mid-block to better transition and fit into the context of the residential neighborhood to the north.

Landscaping and screening requirements: The proposed 18-space commercial surface parking lot located at the interior of the site is subject to landscaping and screening standards. This is due to the parking being located across an alley from residential uses which are located in the upper floors of the adjacent buildings to the west of the site which front on Lowry Avenue NE. A landscaped yard of at least 7 feet wide must be provided along the alley except where a greater yard is required. In this circumstance, a 7-foot wide landscaped yard must be provided (accessory parking is not subject to the 5+2x requirement). Screening is also required which must be 6 feet in height and at least 95% opaque throughout the year. The perimeter landscaping proposed by the applicant varies from 12 feet to 2.5 feet. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require compliance with this provision in the location that is noncompliant. The proposal also partially meets the screening requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance as it is possible that requiring compliance with this provision could affect sightlines for vehicles entering and exiting the site due to the proximity to the alley as well as the adjacent property to the west which contains a busy surface parking lot.

### **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 City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE from the R5 district to the C1 district.

#### **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 application for a conditional use permit to allow 31 dwelling units on the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an increase in height to 4 stories or 44 feet for the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE subject to the following condition:

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 application for a variance to reduce the required interior side yard along the west property line adjacent to the alley from 11 feet to 2 feet at the closest point for the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE.

**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 **approve** the site plan review application for a mixed-use development with 31 residential dwelling units and approximately 6,500 square feet of ground level commercial on the properties located at 2500 and 2510 Polk Street NE, and 947, 949, 953, and 955 Lowry Avenue NE subject to the following conditions:

1. All site improvements shall be completed by March 27, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The bicycle racks for the commercial component of the development shall be installed consistent with the bicycle parking location requirements as stated in Section 541.180(b)(1).
4. All commercial ground level windows must be transparent (non-reflective) as required by section 530.120 of the zoning code. No shelving, signage,

- merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows on the north, south and east elevations of the structure.
5. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the Zoning Code.

**Attachments:**

1. Rezoning Matrix
2. PDR Report
3. Statement of use / description of the project
4. Findings – Rezoning, CUPs and Variance
5. Correspondence
6. Zoning map
7. Plans – Site, landscape, elevations, floor plans, shadow studies, etc.
8. Photos
9. Oblique aerial