

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review, Re-plat
BZZ-2815

Date: February 21, 2006

Applicant: Greater Metropolitan Housing Corporation

Address of Property: 812 & 816 Main St NE

Project Name: Bungalow Court

Contact Person and Phone: Ron Korsh, GMHC Housing Resource Center, 909 Main St NE,
Minneapolis MN 55413, 612-378-7985 ext. 13

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: January 20, 2006

End of 60-Day Decision Period: March 21, 2006

End of 120-Day Decision Period: Not applicable

Ward: 3 **Neighborhood Organization:** St. Anthony West Neighborhood Organization

Existing Zoning: R5 Multiple Family District

Zoning Plate Number: 14

Lot area: 13,728 square feet

Proposed Use: The construction of a six-unit cluster development.

Concurrent Review:

- Conditional Use Permit to allow a cluster development
- Variance to increase the permitted garage size from 1,372 to 1,760 square feet
- Variance to reduce the required front yard setback from 15 feet to 10 feet
- Site Plan Review
- Re-plat

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Article IX Variances; Chapter 530 Site Plan Review Chapter 546: R5 Multiple-family District.

Background: The applicant, Greater Metropolitan Housing Corporation, has submitted multiple land use applications to create a six-unit cluster development on two lots in the St. Anthony West neighborhood. Each house contains 1,280 square feet of finished space with two bedrooms and 1 ½

baths. Two three car garages off the rear alley provide one off-street, 13' X 22', parking stall per unit. The cluster includes common space in the center of the lot, on site stormwater filtration, and craftsman style exteriors.

In addition to a conditional use permit to allow the cluster development, the applicant is seeking a variance because the total proposed garage square footage is more than is permitted. Ten percent of the lot, or 1,372 square feet, is permitted; 1,760 square feet are requested (the permitted amount was noticed at 1,404 square feet due to a site size calculation error), resulting in a 28% increase.

A variance is also required to allow the open porches of the street-fronting units to encroach the front setback; a 15 foot front setback is required and only 10 feet is provided because of the 5 foot wide front porches that are proposed. A Site Plan Review is also required and PL-193 has been submitted for preliminary approval to combine the two original lots into one.

Staff has received written correspondence from St. Anthony West Neighborhood Organization that they are in full support of the project. This letter is attached to this report.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow a Cluster Development:

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

There is no evidence that creating 6 new units will adversely affect the public health, safety, comfort or general welfare. The site can sustain the six units and garages and still have 40% of the site for common area, and it is zoned R5, which indicates a desired density greater than single or two-family homes on the site.

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.

The proposed cluster development would cause living quarters to dominate the length of the side yards, which are both adjacent to duplexes. However, careful site design (including window placement, central air conditioning units, and privacy fences) and the site's zoning indicate that this should not have a negative impact on surrounding properties.

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

Each of the six units would be accessed from a single front site entrance or from the rear garages off the alley. The applicant has worked with the Public Works Department to ensure drainage and other utilities are adequate. Please see the Preliminary Development Review (PDR) comments attached to this report for more information.

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

All parking is provided off street and no curb cuts would be added to the site. All parking is accessed via the alley west of the site.

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

812 & 816 Main St NE is not specially designated by *The Minneapolis Plan* and is shown as residential area of mixed densities not far from the two community corridors of University Ave NE and Broadway St NE; furthermore, at their intersection is a neighborhood commercial node. There are no adopted small-area plans that include this project, but the chapters of *The Minneapolis Plan* that pertain to this project are as follows:

The Minneapolis Plan, Chapter 4.11 states: “Minneapolis will improve the availability of housing options for its residents.” Implementation of this section includes increasing “the variety of housing styles and affordability levels available to prospective buyers and renters.” The unique design of this cluster development including the shared center outdoor space and a homeowners association allows for an alternative to traditional single-family home ownership. The units will be market rate but as they are being developed by a non-profit entity the development fees will be considerable lower as will the land costs because of the density requested, which indicates that the units will be reasonable priced and more affordable than a brand new single family home on its own lot in the same area.

Another implementation plan of Chapter 4.11 is to “provide and maintain moderate and high-density residential areas.” Although the area this project is in is zoned R5, there are many single family houses and duplexes in the area. The zoning indicates that ultimately a higher density would be preferred. Allowing a cluster development would allow more units than would otherwise be allowed on a site of this size, but it would still be of a size and scale that is compatible with the existing surrounding development.

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.

In addition to a Conditional Use Permit to allow a cluster development, the proposal for Bungalow Courts requires a Variance to increase the maximum permitted size of accessory structures and a front setback Variance. The applicant is also applying to re-plat the two properties into one lot for the development.

In addition to the findings above, there are eight specific development standards for cluster developments:

- 1. Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas,**

vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

See attachments for this information.

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

The applicant has applied for a replat and has submitted a preliminary plat concurrently with other land use applications. The replat would combine two smaller lots (7,020 and 6,708 square feet) into one larger lot.

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

The minimum lot area requirement in the R5 District is 5,000 or 900 square feet per dwelling unit, whichever is greater. The proposed development would have six units thus 5,400 square feet of lot area is required. Over 14,000 square feet are provided. The parcel also meets the minimum lot width requirement of 40 feet.

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

The minimum front yard setback along Main St NE is 15 feet; the proposal shows that the front facing structures are 16 feet from the front property line, but an open porch encroaches to 10 feet from the front property line. An open porch is not a permitted obstruction in a cluster development and therefore the applicant is applying for a front setback variance. The periphery of the development meets the required yard setbacks in the R5 District if the air conditioning condensers shown on the site plan are relocated outside the required interior side yards (the applicant has agreed to do this). All buildings are at least 10 feet apart.

- 5. Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways, and private roadways. The city planning commission may approve alternatives to this requirement**

where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

6,419 square feet of the 13,728 square foot site (or 47%) is landscaping or shared walkways, including a raingarden to provide on-site stormwater filtration. 2,268 square feet of the landscaping on the site (or 17%) is grouped in a large open area adjacent to all six proposed buildings. This area would include a central focal point with a sculpture or some other amenity, and walkways connecting all units.

- 6. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (5) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternatives meets the intent of the section.**

The proposed development would provide craftsman style bungalows that are compatible with the overall area, although adjacent homes are taller, simpler, farmhouse type structures that probably pre-date the craftsman style. Two of the six homes are oriented such that the building's width is only 20 feet. Because these units do not front the street and have significant architectural detail, staff recommends the city planning commission approve this alternative.

This project does require Site Plan Review; a detailed analysis can be found further in this report.

- 7. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.**

A five foot high privacy fence will be provided between the development and adjacent uses for a middle portion of both interior lot lines. The adjacent houses have interior setbacks of 8 and 21 feet. Other than one egress window well, the entire side setback will be landscaped.

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

The proposed cluster development does not include a manufactured home park.

Findings Required by the Minneapolis Zoning Code for the Variance to increase the maximum permitted size of accessory structures from 1,372 to 1,760 square feet

- 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.**

The applicant could provide 6 garage stalls greater than the minimum size required (8.5 feet by 18 feet) without exceeding the permitted size of 1,372 square feet. However, given that each space will be allocated to a separate household, space for separating walls and bikes or other storage 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.**

Garage stalls larger than the minimum permitted square footage would be desirable to the applicant and future residents and provide more reasonable space for accessory use. The size of the lot is what limits the permitted size of accessory buildings.

- 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.**

The granting of the variance will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. Garages are a common use off alley right-of ways. However, the surrounding uses have garages for only one or two cars. Granting this variance would only increase the impact of two large three-car garages on the character of the surrounding uses.

- 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.**

Increasing the maximum size of the garage that is permitted could further reduce visibility for traffic in the alley. However, staff does not feel that the proposed variance would substantially increase congestion, fire danger, or endanger public safety.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the front yard setback from 15 to 10 feet

- 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.**

The two front buildings would have to be set back either 15 feet or meet the “string test,” whichever is greater. The “string test” results in a diagonal line that ranges from less than 15

feet to greater than 15 feet. The fronts of the two front-facing structures are 16 feet from the front property line; however, these units have open porches 6 feet deep that encroach in the front setback and are not permitted obstructions in a cluster development. Moving the front facing units back 5 feet to meet the front setback would cause the cluster development's buildings (as designed) to be closer than 10 feet apart. It is reasonable to propose open porches off the front of single family homes within a cluster development, especially when facing a public street.

- 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.**

The depth of the lot is not a circumstance that has been created by the applicant. The circumstances leading to the variance request are unique to the site's proposed use as a cluster development and the spacing requirements that are related to that use.

- 2. 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.**

Open front porches are permitted obstruction in front yard setbacks for single family homes. Because this proposal is a cluster development, the obstruction is no longer permitted, but the design of the cluster is such that two single-family units, side by side but not attached, face the public street. An open porch is not as imposing as an enclosed structure and permitting them in the setback should not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Front porches in fact improve the relationship of the structures to the rest of the neighborhood.

- 3. 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.**

Decreasing the required front setback to allow an open porch should not increase traffic congestion, the danger of fire, or endanger the public.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for 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 FAÇADE:

- 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 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.**

Conformance:

- The front facing units reinforce the street wall, and the site provides clear pedestrian paths from the public sidewalk to common areas and individual dwelling units. Staff recommends requiring that no gates or fences be located across or along the interior walkway of the development.
- The front facing units are 10 feet from the lot line, which requires a variance to reduce the front yard setback.
- There is landscaping between the buildings and the property line.
- The two front units have principal entrances facing Main St NE.
- Two three-car parking garages will be located in the rear of the site.
- Windows are required on 20% of the first floor of the front façade of the two front units because they face a public street – 17% is provided. Windows are required on 10% of the second floor of the front façade of the two front units because they face a public street – 9% is provided. Open front porches and architectural detail provide for visibility and visual interest. Staff recommends requiring the applicant to increase the windows on the first and second floors of the two front facing unit facades to be in compliance with the zoning code.
- Each unit is 20 feet by 32 feet. There are no uninterrupted walls over 25 feet in length.
- All sides of each building will have matching exterior materials Hardi fiber-cement siding.
- Plain-face concrete block is not proposed as an exterior material for any of the buildings.
- Only one entrance is provided for each unit. Staff encourages the applicant to consider secondary entrance/exits for the units.
- The windows are generally vertical in nature and are distributed in a more or less even manner. The second story windows on the front of each unit are square, but the nature of the gabled roof covering most of the second story is such that vertical orientation is impossible.
- The gabled roof is slightly less pitch than adjacent properties, but not incompatible with the neighborhood.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance:

- The walkway from the public sidewalk to the property is only 3 feet wide. Staff recommends requiring the applicant to provide a walkway a minimum of 4 feet wide from the sidewalk to the property line. Interior walkways may remain 3 feet in width.
- There are no transit shelters on or adjacent to the site.
- All parking would be accessed from the rear alley.
- Adjacent properties also have parking access off the alley.
- All areas not needed for buildings, access, or trash and recycling, 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.**

Conformance:

- The lot area (13,728 sq. ft.) less the building footprint (5,139 sq. ft.) yields a net site of 8,589 sq. ft. The Code requires a minimum of 1,718 sq. ft. of landscaping, 4 trees and 17 shrubs. The total landscaping proposed by the applicant is 7,247 sq. ft. This equals 84% of the net site. The proposed project includes 4 trees and 51 shrubs.

- No screening is required on this site.
- All areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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.

Conformance:

- Drainage on the site will filter to a raingarden toward the rear of the site.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- Headlights should not cause a problem with any nearby residential uses.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site.

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 is permitted with a Conditional Use Permit in the R5 District.

Off-Street Parking and Loading: Chapter 541 requires not less than one parking space per dwelling unit. There are six dwelling units proposed, thus six parking spaces are required. The applicant proposes two three-car garages off the alley. All parking stalls exceed the standard size requirements and the applicant is requesting a variance to allow for an increase in the maximum garage space required.

Maximum Floor Area: There is no maximum floor area requirement for a cluster development in the

R5 district.

Building Height: Building height in the R5 District is limited to 4 stories or 56 feet, whichever is less. The proposed dwelling units will be two stories and 23.5 feet high. The garages will be one story and 12.5 feet high.

Minimum Lot Area: The minimum lot area in the R5 District is 5,000 square feet or 900 square feet per dwelling unit, whichever is greater. The lot area for this project is 13,728, or 2,288 square feet per dwelling unit.

Yard Requirements: The R5 District requires a front setback of 15 feet and side and rear setbacks of 5 feet. The applicant is requesting a variance to decrease the front setback to 10 feet.

Specific Development Standards: See finding #6 in the Conditional Use Permit analysis.

Hours of Operation: Not applicable.

Signs: No signs are proposed at this time.

Refuse storage: All storage of refuse and recyclable materials will be located in city-provided receptacles between the garage and the alley. Such storage will not block any garage doors.

Minneapolis Plan: According to other principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

The Minneapolis Plan Chapter 9.18 states that “Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.” One of the implementation plans of this chapter is to “broaden site plan review to promote development that is compatible with nearby properties, neighborhood character, and natural features, to minimize pedestrian and vehicular conflict, to promote street life and activity, to reinforce public spaces, and to visually enhance development.” This proposal takes advantage of the flexibility of the cluster development to provide natural features, architectural detail, and encourage community interaction.

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.

Conformance: Staff has not found any conditions that might require alternative compliance. Although the applicant is not meeting the minimum window requirements, we are recommending that they be required to do so.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations. Staff recommends requiring a copy of the deed restriction described in 598.260 (1-5) be provided prior to planning staff approval of final plans.

ZONING CODE

With the approval of both conditional use permits, site plan review, variances, preliminary and final plat this development would meet the applicable requirements of the R5 zoning district.

THE MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit applications.

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

Staff does not believe that the proposed plat for a six-unit cluster development would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets.

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

The site does not have any conditions that would endanger the residents or the surrounding area.

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

The lot being created by this plat presents no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

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

Public Works has reviewed and will approve drainage and sanitary system plans before issuance of building permits. The majority of the projects stormwater runoff will be filtered on-site.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a cluster development:

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 a six-unit cluster development at 812 & 816 Main St NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to increase the maximum permitted square footage for accessory structures from 1,378 to 1,760 square feet:

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 in the maximum square footage of accessory structures at 812 & 816 Main St NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to decrease the front yard setback from 15 to 10 feet:

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 decrease the front yard setback from 15 to 10 feet at 812 & 816 Main St NE subject to the following condition:

1. The principal buildings will meet the 15 foot setback; the front porch will be permitted up to a 10 foot setback.

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 application for a Site Plan Review at 812 & 816 Main St NE subject to the following conditions:

1. The two units facing the public street will comply with the window requirements of 20% on the first floor and 10% on the second floor.
2. No gates or fences will be located across or along the interior walkway of the development.

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

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 subdivision to combine two parcels at 812 & 816 Main St NE into one subject to the following conditions:

1. As required by section 598.260, the applicant will provide a copy of a deed restriction designating the following to planning staff prior to approval of final plans:
 - a. The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
 - b. Provisions for access to each lot that does not have frontage on a public street.
 - c. A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the cluster development as authorized under the zoning ordinance or other applicable regulations.
 - d. A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
 - e. A requirement that any disposition of any of the common property situated within the cluster development shall not be made without the prior approval of the planning commission.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos