

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ 4533

Date: September 28, 2009

Applicant: Dennis Kroll

Addresses of Property: 631, 633 and 635 Ontario Street SE

Project Name: Eagle Crossing Apartments

Contact Person and Phone: Dennis Kroll, (612) 925-3830

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 21, 2009

End of 60-Day Decision Period: October 20, 2009

Ward: 2 Neighborhood Organization: Prospect Park & East River Road Improvement Association

Existing Zoning: R5 Multiple Family Residence District, MR Mississippi River Critical Area Overlay District and UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Legal Description: Not applicable for this application

Proposed Use: Fourteen-unit multiple family residential structure

Concurrent Review:

- **Conditional use permit** to allow for fourteen dwelling units
- **Site Plan Review**

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 530 Site Plan Review; Chapter 541 Off-Street Parking and Loading; Chapter 546 Residence Districts and Chapter 551 Overlay Districts

Background: This application was continued from the September 14, 2009, City Planning Commission meeting due to changes in the proposed building and the number of dwelling units. The applicant, Dennis Kroll, on behalf of Patrick Burns, is now proposing to construct a fourteen-unit residential building located at 631, 633 and 635 Ontario Street SE. The subject property includes three parcels, and

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the present uses include two single family homes and one duplex. The property is located in a high density residential area North of Interstate 94 and northeast of East River Parkway and the Mississippi River. A multiple-family dwelling with more than 5 units requires a conditional use permit in the R5 Multiple Family District. Similarly, a site plan review application is required for any new use containing five or more dwelling units.

The subject property was rezoned to add the UA University Area Overlay District on August 22, 2009. The UA University Area Overlay District was established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment. This new zoning district introduced two new ordinances that pertain to the proposed project; the definition of *bedroom* and new parking requirements for vehicles and bicycles.

551.1310. Definitions. As used in this article, the following definitions shall mean:

Bedroom. For the purpose of the UA University Area Overlay District, a bedroom shall be defined as any space that can operate as a sleeping area within a dwelling unit that is separated from open areas of the dwelling unit by interior walls, is greater than seventy (70) square feet, and is located along an exterior wall. Areas dedicated to other functions may be classified as bedrooms as determined by the Zoning Administrator. Studio and efficiency units, which have no internal walls separating living and sleeping spaces, will be considered to have one bedroom.

The minimum vehicle parking requirement for multiple family dwellings is one-half space per bedroom. And the minimum bicycle parking space requirement for multiple family dwellings is one space per bedroom. There are a total of 44 rooms that meet the definition of bedroom per 551.1310 of the zoning code. The applicant is proposing to provide 15 standard spaces, 4 compact spaces, 1 van-accessible handicapped stall and a shared vehicle in the first floor parking garage. The use of a shared vehicle reduces the required parking by 10%. Therefore, the proposed parking plan meets the required 22 parking stalls. The minimum bicycle parking requirement is 44 spaces; the applicant is providing all 44 spaces in the first floor parking garage.

Staff has not yet received any correspondence from the PPERRIA neighborhood organization. Staff will forward any comments, if received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

There are a total of four dwelling units on the subject properties. The applicant is proposing to demolish the two existing single family dwelling and one duplex to construct a fourteen-unit

building. Based on the density allowed in the R5 District, the maximum number of units allowed on the property would be seventeen. A new fourteen-unit building on the site should not prove detrimental to public health, safety, comfort or general welfare provided the building complies with all applicable building codes and life safety ordinances.

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 surrounding area is fully developed and is located within the University Area Overlay District, which was established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment. The proposed development would replace three existing 2.5 story, low density structures with a 3.5 story, medium density structure. Staff believes that the proposed use will not 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 with compliance with the site plan review standards and parking requirements for vehicles and bicycles.

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

The site is served by existing infrastructure. Ontario Street SE is a one-way street traveling north. The vehicle access for the proposed use is to the rear of the site via a one-way alley accessed from Fulton Street SE and exits onto Erie Street SE.

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

The minimum vehicle parking requirement for multiple family dwellings is one-half space per bedroom. And the minimum bicycle parking space requirement for multiple family dwellings is one space per bedroom. There are a total of 44 rooms that meet the definition of bedroom per 551.1310 of the zoning code. The applicant is proposing to provide 15 standard spaces, 4 compact spaces, 1 van-accessible handicapped stall and a shared vehicle in the first floor parking garage. The use of a shared vehicle reduces the required parking by 10%. Therefore, the proposed parking plan meets the required 22 parking stalls. The minimum bicycle parking requirement is 44 spaces; the applicant is providing all 44 spaces in the first floor parking garage.

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

According to Map 9.10, as found in *The Minneapolis Plan*, this site is designated as both multiple and single and two-family residential. In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.9 states that, “Minneapolis will grow by increasing its supply of housing.” One of the implementation steps of this policy states that the City should “support the development of new medium- and high-density housing in appropriate locations throughout the

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City.” The sites proximity to several universities could make it appropriate for medium density and could be in compliance with the goals of *The Minneapolis Plan*.

The site is also located within a designated growth center. The University of Minnesota campus, located on the east and west banks of the Mississippi River southeast of downtown, is another growth center of statewide significance. The University was created with a land grant from the territorial legislature in 1851, predating the founding of the State of Minnesota by seven years. Its long history and its preeminence in the post-secondary educational system within the state allows it to thrive as one of the top universities in the country. The University of Minnesota employs close to 64,000 full-time or part-time staff, including students who are also employees. Approximately 27,000 of those employees work at the Twin Cities campus in Minneapolis. The University of Minnesota has a tremendous impact on the city, not only as a prestigious educational institution but also as a magnet for jobs in other related fields.

Surrounding uses that border the University campus to the east and west provide a wide range of amenities to employees and students. Housing is a significant component of this mix in the Dinkytown and Marcy Holmes neighborhoods on the east bank of the river, and in Cedar-Riverside on the west bank. Shopping, restaurants, related services like copy shops, special order book stores and coffeehouses have located very successfully immediately adjacent to the University on both sides of the River. Stadium Village, Dinkytown and the Seven Corners area on the West Bank campus all possess an active street life far beyond normal working hours.

Policy 3.3 states that “Minneapolis has adopted a Growth Center plan for the University of Minnesota/ SEMI area which guides land use decisions and investment in the area and recognizes the contributions from existing plans and planning processes.” Specific implementation steps include: (1) supporting the University of Minnesota's contribution to the city, in terms of providing employment, diversifying the economy and advancing technology and (2) promoting moderate to high density housing of a variety of affordability levels and supporting commercial uses adjacent to the University of Minnesota.

The comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, was recently amended and will soon be adopted by the City Council. In the amended plan, the site is designated as Urban Neighborhood. Urban Neighborhood is defined as a predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors.

Chapter 10 states that “new housing development provides an opportunity to reinforce the urban character of specific areas of the city. Building more housing close to or within commercial developments is the key to stronger commercial and other mixed-use markets. At all times, multi-family residential development needs to have a clear connection to the street with adequate windows, architectural details and landscaping. The scale of the development should be compatible with the character of the surrounding area.” Staff believes that the scale is similar to other buildings in the area.

The University of Minnesota district area is also designated as a growth center in the recently amended comprehensive plan. Growth centers are described as busy, interesting and attractive places characterized by a concentration of business and employment activity and a wide range of complementary activities taking place throughout the day into the evening. These activities include

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residential, office, retail, entertainment and recreational uses. Growth centers are characteristic of having high intensity of uses, including employment, commercial, office, and residential uses, (50-120 du/acre) and very high density (120-200 du/acre), dependent on context.

After Downtown, the University area is home to one of the largest concentrations of employment in the city. The University is the state's land grant university and an asset to the city and surrounding metropolitan area. The University is a major presence in the city, with significant land use, economic, transportation, housing and cultural impacts on the city and region. While the University functions as a semi-autonomous body, it is part of an urban fabric that requires working in partnership with the City to weigh and balance diverse issues, interests and priorities. The area around the University includes significant residential densities, in part due to the large student population. However, surrounding neighborhoods, some of the oldest in the city, are concerned about spillover impacts of the University on their residential character. Consideration needs to be given to limiting negative impacts on these areas. The intensity of human activity and the scale of development and investment behoove a positive and productive working relationship with the University, the surrounding neighborhoods and business community.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

The use of the site for a multi-family residence would conform to the applicable regulations of the districts in which it is located upon approval of the site plan review application.

Required Findings for Site Plan Review

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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 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 with above requirements:

The building is located up to or greater than the required setbacks for residential buildings in the R5 district.

The principal entrance faces the public street along Ontario Street SE. The area between the building and the lot line will include walkways and landscaping. The applicant has stated that the building is designed to be compatible with nearby residential properties.

The parking area would be enclosed within the building and would be accessed from the alley to the rear of the structure.

The building shows sufficient architectural detail and amounts of windows to avoid large blank walls, not exceeding twenty-five (25) feet in length.

The exterior materials of the structure are similar and compatible on all four sides. The proposed exterior material is fiber cement board lap siding and stucco. Plain face concrete block would not be used as a primary exterior building material. Subsequent changes to the building materials may be considered a major change that would require City Planning Commission review.

The principal entrance will be clearly defined with a canopy and walkways connecting the public sidewalk to the front door.

The applicant is required to provide a minimum of 20% glazing on the first floor and 10% on the second floor elevation facing Ontario Street SE. In addition, glazing in doors is not calculated towards meeting the minimum requirement. The applicant has provided the following percentages: 3.6% on the first floor and 24% on the second and third floors of the West elevation

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facing the Ontario Street SE. The applicant is requesting alternative compliance to reduce the required window percentage on the first floor facing Ontario Street SE due to the following:

- Windows facing North/NE at the building entry lobby increase a visual connection between the lobby and the exterior space.
- Additional landscaping has been provided to create visual interest in the front of the building, including a planter to animate the building front area.
- Windows at the 2nd & 3rd levels are approximately 24% of the front (vs. 10% min. required).
- The small balcony/canopy above the entry area will further surveillance, fit the residential context and animate the entry.
- All on-site vehicle & bicycle parking is enclosed on the first floor.

The applicant is proposing to include three glass block areas that do not count as window area. Staff is recommending that the Planning Commission deny the requested alternative compliance and require a minimum of 20% glazing on the first floor, with windows meeting the standards of section 530.120(b)(1) of the zoning ordinance. Staff does have concern about providing additional windows in the first-floor garage due to possible glare from lighting from within the garage.

A proposed roof has two gables, both are 6/12 pitch; with four dormers on the interior sides also with a 6/12 pitch. There are a variety of roof styles and pitches in the area. The proposed roof line appears to be visually consistent with other structures in the area.

Note that the City is considering a text amendment that would ensure that parking, storage or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street. The proposed structure's first floor is primarily devoted to parking area and would not comply with the future provision. If the zoning code amendment is adopted prior to the applicant obtaining vested rights, the project will be subject the new regulation.

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 530.140 (b).**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

The applicant has provided walkways connecting the principal entrance to the adjacent public sidewalk. There is a rear overhead door that accesses the first floor parking area from the alley.

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There are no transit shelters within the proposed development; however, there are Metro Transit bus stops within walking distance along Washington Avenue SE and Huron Boulevard.

Public Works has reviewed and preliminarily approved the alley access to the parking area inside the building.

The site plan shows a significant increase in the amount of impervious surface. The applicant is showing 9,004 sqft of impervious surface (72%), however, it is less than the maximum allowed of 10,619 sqft (85%).

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
 - **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.**
 - **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**
- **All other areas not governed by sections 530.150, 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 530.220.**

- **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 530.60, as provided in section 530.230.**

The zoning code requires at least 20 percent of the site not occupied by buildings be landscaped. The lot area is 12,493 square feet and the proposed building footprint is 7,820 square feet. The lot area minus the building footprints therefore consists of approximately 4,673 square feet. At least 20 percent of the net site area (935 square feet) must be landscaped and the applicant is providing 3,488 square feet, which equals 75 percent of the net site area.

The zoning code requires at least one canopy tree for each 500 square feet and at least one shrub for each 100 square feet of required green space. In addition, not less than two (1) tree shall be provided for each twenty-five linear feet or fraction thereof of parking lot frontage along a public street. The tree and shrub requirement for this site is 2 and 9 respectively. The applicant has shown 2 canopy trees and 41 shrubs on the property.

A nine-foot landscaped yard is provided along the interior sides and rear.

The parking area is interior to the structure; there is no required or proposed screening.

Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

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.**

Conformance with above requirements:

The parking area is interior to the structure. The proposed landscaping, the property should be able to support a fair amount of on-site filtration along the front, rear and interior side yards. However, the applicant is proposing a double-gable roof that slopes towards the center of the structure and staff has concerns about the location of drainage from the roof.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design would provide natural surveillance and visibility to allow views into the area with additional glazing on the first floor facing Ontario Street SE.

The existing structures are neither historic nor eligible for historic designation.

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 site is zoned R5. Multiple family dwellings of five units or more are conditional uses in the R5 District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: .5 spaces per bedroom; 22 vehicle parking spaces. The applicant is providing 20 vehicle parking spaces and one shared vehicle.

Maximum automobile parking requirement: N/A except that no more than two vehicles per dwelling unit may be parked outdoors on a residential property. All parking for the project would be enclosed.

Bicycle parking requirement: 1 space per bedroom; 44 bicycle parking spaces

Loading: No loading required; however adequate shipping and receiving facilities shall be provided per section 541.490

Maximum Floor Area: The maximum floor area ratio in the R5 District is 2.0. The lot area is 12,493 square feet. The proposed structure is 19,430 square feet. The floor area ratio is 1.56. The project would also qualify for a density bonus for providing enclosed parking.

Height and Bulk: The maximum building height in the R5 District is limited to four stories or 56 feet, whichever is less. The proposed structure is three and a half stories and 36 feet 8 inches in height.

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Minimum Lot Area: The minimum lot area for multiple family dwellings in the R5 District is 700 square feet of lot area per dwelling unit. The applicant is proposing 892 square feet per dwelling unit.

Dwelling Units per Acre: There are 48.8 dwellings per acre proposed.

Yard Requirements: The subject site is zoned R5 and there are yard requirements along the all four property lines due. The proposed structure, egress windows and parking areas comply with the required yards.

Hours of Operation: Not applicable

Signs: All new signage is required to meet the requirements of the code.

Refuse screening: The proposed refuse containers and screening is shown adjacent to the proposed addition and will be collected on site. Staff is recommending that the refuse container meet 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 uses.

Lighting: Lighting proposed for the development complies with Chapter 536 Specific Development Standards for the canopy lighting, Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

See findings under #5 for the Conditional Use Permit.

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, 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 for the following standards:

- Twenty percent windows

The applicant is required to provide a minimum of 20% glazing on the first floor and 10% on the second floor on two of the elevations; east and west. The applicant has provided the following percentages: 3.6% on the first floor and 24% on the second and third floors of the West elevation facing the Ontario Street SE. The applicant is requesting alternative compliance to reduce the required window percentage on the first floor facing Ontario Street SE due to the following:

- Windows facing North/NE at the building entry lobby increase a visual connection between the lobby and the exterior space.
- Additional landscaping has been provided to create visual interest in the front of the building, including a planter to animate the building front area.
- Windows at the 2nd & 3rd levels are approximately 24% of the front (vs. 10% min. required).
- The small balcony/canopy above the entry area will further surveillance, fit the residential context and animate the entry.
- All on-site vehicle & bicycle parking is enclosed on the first floor.

Staff is recommending that the Planning Commission deny the requested alternative compliance and require a minimum of 20% glazing on the first floor. Staff does have concern about providing additional windows in the first-floor garage due to possible glare from lighting from within the garage.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for fourteen dwelling units for the property located at 631-635 Ontario Street SE, subject to the following conditions of approval:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) Except as allowed by the shared vehicle incentive, at least one-half (1/2) vehicle parking space per bedroom shall be provided, as defined in 551.1310 of the zoning code, but not less than one (1) space per dwelling unit.
- 3) To utilize the shared vehicle incentive, the applicant shall submit an application for Reducing Off-Street Parking Requirements and shall submit satisfactory evidence that the shared vehicle will be provided beginning at the initial occupancy of the building.
- 4) At least one (1) bicycle or motorized scooter parking space per one (1) bedroom shall be provided, which shall not be located in any required yard or between the principal dwelling and the street, as required by section 551.1330 of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for the proposed fourteen-unit, multiple family dwelling located at 631-35 Ontario Street SE, subject to the following conditions of approval:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the site, elevation, floor and landscape plans.
- 2) All site improvements shall be completed by September 28, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
- 3) At least 935 square feet (20 percent of the net lot area) of landscaped area shall be provided on-site and at least 2 canopy trees and 9 shrubs shall be provided as required by section 530.160 of the zoning code. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.

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- 4) At least twenty percent (20%) of the walls on the first floor facing a public street shall be windows as required by section 530.120(b)(1) of the zoning code. The positioning of the interior lighting shall minimize glare from within the parking area.

Attachments:

1. PDR Report
2. Statement of use and findings
3. August 21, 2009, letter to PPERRIA
4. August 21, 2009 letter to CM Gordon
5. Zoning map
6. Site plan, building elevations and floor plans
7. Photos of the site and surrounding area