Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances, Site Plan Review and Plat
BZZ – 4995 & PL-248

Date: December 13, 2010

Applicant: Bii Gain Dash Anwebi Elder Housing

Address of Property: 2401-2419 Bloomington Avenue and 2410 16th Avenue South

Project Name: Bii Gain Dash Anwebi Elder Housing East

Contact Person and Phone: Paula Merrigan, (612) 676-2730

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: November 12, 2010

End of 60-Day Decision Period: January 11, 2011

Ward: 9 **Neighborhood Organization:** East Phillips (adjacent to Midtown Phillips and Ventura Village)

Existing Zoning: R5 Multiple-family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 29 units.

Concurrent Review:

Conditional use permit to allow 29 dwelling units.

Variance to reduce the front yard requirement adjacent to 24th Street East to allow the placement of the building, a patio and an awning.

Variance to reduce the front yard requirement adjacent to Bloomington Avenue to allow the placement of the building, a walkway exceeding six feet in width, a canopy and bike racks.

Variance to reduce the minimum parking requirement from 26 spaces to 20 spaces.

Site plan review for a multiple family dwelling with 29 units.

Plat, preliminary.

Applicable zoning code and subdivision provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) "To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations." and (6) "To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces."; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision Regulations.

Background: The applicant proposes to construct a multiple family dwelling with 29 units located at the properties of 2401-24019 Bloomington Avenue and 2410 16th Avenue South. The site is located on the southeast corner of Bloomington Avenue and 24th Street East. No structures exist on the site. The proposed building would have four stories and enclosed parking on the ground floor. Three surface parking spaces are also proposed. This building is proposed in conjunction with a proposal for a 4-story, 18 unit multiple-family dwelling on the southwest corner of the intersection.

A similar project was approved for this site in 2006. The previous approvals are attached for reference. Those approvals, with the exception of the rezonings and the alley vacation, have since expired. The previous project included fewer dwelling units (however, each unit was larger with 2 or 3 bedrooms proposed) and a 5-story tower element at the corner of 24th Street and Bloomington. The building had more gross floor area (approximately 5,000 additional square feet) and all of the parking was enclosed (occupying all but the north 40 feet of the ground floor). Because fewer parking spaces would be enclosed, the need for the drive aisle variance has been eliminated. The need for the side yard variances has also been eliminated. To prevent the creation of a no outlet alley after the vacation was approved, a new alley was built extending to 16th Avenue over land that is owned by the City. A part of the vacated alley that will be adjoined to the subject site and to the City owned property to the east is used for access to the adjacent Franklin Town Homes. The applicant and CPED staff are working to provide an access easement over that area to allow continued use.

In the R5 district, a multiple family dwelling with 5 or more units is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

A 15 foot front yard is required along both 24th Street and Bloomington Avenue. The building, a patio and an awning would encroach into the 24th Street required front yard, but are not permitted obstructions. The building, a walkway exceeding six feet in width, a canopy and bike racks would encroach into the Bloomington Avenue required front yard, but are not permitted obstructions. Variances are required to allow them.

The minimum parking requirement is 26 spaces. The applicant would provide 20 spaces. A variance is required to reduce the minimum requirement.

Site plan review is required for any new use with 5 or more dwelling units.

One of the properties is platted as an outlot. An outlot is not buildable and must be replatted. Therefore a plat is being proposed. The applicant has submitted the preliminary plat as part of this application. Before final City approvals can be obtained, the final plat will need to be approved by the planning commission.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow 29 dwelling units.

Findings as required by the Minneapolis Zoning Code:

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

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

   Construction of a multifamily residential building with 29 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 partially developed. The southwest corner of the Bloomington Avenue and 24th Street intersection is also vacant. The development of this corner with a residential use should have a positive effect on surrounding properties.

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

   The site would be served by existing infrastructure. Vehicle access would be from Bloomington Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

   The minimum parking requirement for the proposed development is 26 spaces. The applicant is proposing 20 vehicle parking spaces. The applicant has provided information indicating that the ratio of the number of spaces provided to those utilized at other affordable housing developments managed by CommonBond in the metro area is comparable to what is proposed at this site. Secure bicycle parking would be provided for the residents as well as guests. The site is adjacent to a bus route on Bloomington Avenue. Although a parking variance is requested, the development should have little effect on congestion in the streets.

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

The future land use designation of the site is urban neighborhood[1] in *The Minneapolis Plan for Sustainable Growth*. The site is located on a community corridor, Bloomington Avenue, and is within ½ mile of the Franklin LRT Station Area. The following principals and policies apply to this proposal:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

Applicable Implementation Step

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

Applicable Implementation Step

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

Applicable Implementation Step

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

Policy 3.1: Grow by increasing the supply of housing.

Applicable Implementation Step

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

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

Applicable Implementation Step

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

[1] Urban Neighborhood — Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

Applicable Implementation Step

3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

Applicable Implementation Steps

10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.

10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

Applicable Implementation Steps

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

Applicable Implementation Step

10.16.1 Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

Applicable Implementation Step

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.3 Locate parking lots to the rear or interior of the site.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces,

buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Applicable Implementation Step

10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

The *Franklin-Cedar/Riverside Transit Oriented Development Master Plan* was adopted by the City Council on December 28, 2001. The plan states that "land uses within ½ mile of the station should provide opportunities for higher density housing, high employment work places, and other high activity uses which maximize the benefits of the LRT system." The use is consistent with the comprehensive plan and the adopted small area plan.

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 proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances, site plan review, and plat.

VARIANCES: 1) to reduce the front yard requirement adjacent to 24th Street East to allow the placement of the building, a patio and an awning; and **2)** to reduce the front yard requirement adjacent to Bloomington Avenue to allow the placement of the building, a walkway exceeding six feet in width, a canopy and bike racks.

Findings as required by the Minneapolis Zoning Code:

1. The property can not 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 24th Street and Bloomington Avenue front yard requirements are 15 feet. Variances for obstructions in these yards are requested as follows:

- Adjacent to 24th Street, the building would be set back 10.5 to 15 feet from the front lot line. A 343 square foot patio on the north side of the building would project into the front yard. A patio not exceeding 50 square feet in area and projecting not more than four feet into the yard is a permitted obstruction. An awning (metal trellis) 3.5 feet deep by 15.5 feet wide would project from the building wall set back 10.5 feet from the front lot line. An awning projecting not more than 2.5 feet into the required front yard is a permitted obstruction.

- Adjacent to Bloomington Avenue, the building would be set back 0 to 4.5 feet from the front lot line. A 35 foot wide walkway approach to the main entrance with bicycle racks is proposed. For multiple-family dwellings, a walkway in a front yard can be up to 6 feet wide as a permitted obstruction. Bicycle parking is not a permitted obstruction in a front yard. A canopy (over the main entrance) 6 feet deep by 23 feet wide would project from the building wall set back 4.5 feet from the front lot line. A canopy projecting not more than 2.5 feet into the required front yard is a permitted obstruction.

The subject site is a reverse corner lot; therefore the yards along Bloomington Avenue and 24th Street are both front yards. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line. The adjacent residential structure on 24th Street is set back 10 feet from the front lot line (this setback was authorized by variance in 2003). Although the adjacent structures are set back less than 15 feet from the front lot lines, the greater yard requirement applies in the R5 district.

Several factors affect any site design for this site, including where the building, parking, vehicle access and circulation, entrances, stormwater management facilities, mechanicals, storage and common spaces for the residents can be located.

The lot is odd shaped, which impacts the buildable area. After subtracting out the area for the required yards for a 4-story building, approximately 13,020 square feet of the site (less than 60 percent) remains as buildable area. The northern part of the site is much narrower (50.6 feet wide and 94.5 feet long) than the rest of the site (the buildable area in this area is 24.6 feet wide for 91 feet). Adopted city policy supports higher density residential development on this site. Residence, office residence, and commercial districts allow multiple-family dwellings. Both residence and office residence districts have yard requirements for all uses. Commercial districts have less restrictive front yard requirements; however, the City's policies do not support commercial uses on this site. This makes a commercial zoning district inappropriate for this site. The existing zoning and the size of the site would allow higher density and building bulk than proposed for this development. A typical development site of this size where multi-family development is appropriate does not have these existing restrictive development aspects of the subject site.

Applicable comprehensive plan policies and zoning code provisions support reinforcing a building street wall with active ground floor uses oriented to the adjacent streets. They also support enclosing parking and locating it to the interior and rear of the site. Without the yard variances, it is likely that additional variances or alternative compliance for ground floor active functions would be needed. The length and width of the building is impacted by the space needed to accommodate parking for the use. To accommodate parking on the site with minimal visual impacts and impervious surfacing, the applicant would enclose most of the parking. Providing surface parking or complying with the front yard requirement would likely eliminate parking spaces or possibly trigger a variance to increase the maximum amount of impervious surface allowed.

The building and parking locations take up most of the buildable area of the site leaving little room for other site functions necessary to the development that are not located in a required yard. Because the ground floor active functions need to be oriented to the adjacent streets, the available locations for the main entrance and any other outdoor common spaces are further limited. The main entrance is oriented to Bloomington Avenue. The canopy, wider walkway, and bicycle parking are used to help clearly define the main entrance. To provide an outdoor patio space that is easily accessible from the ground floor, it would be located off of the library. Having a private patio adjacent to the public sidewalk should promote more positive activity at the 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 proposed site is a reverse corner lot and odd shaped. The north section at approximately 50 feet in width is much narrower than the rest of the site. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line, similar to most other structures located further south on the block. The adjacent residential structure on 24th Street is set back 10 feet from the front lot line. Adopted city policy supports higher density residential development on this site. Residence, office residence, and commercial districts allow multiple-family dwellings. Both residence and office residence districts have yard requirements for all uses. Commercial districts have less restrictive yard requirements; however, the City's policies do not support commercial uses on this site. This makes a commercial zoning district inappropriate for this site. The existing zoning would allow higher density and building bulk than proposed for this development. The circumstances affecting the property exist and were not created by the applicant.

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.**

   In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line. Other structures on Bloomington are also built up to the front lot line. The façade and objects between the building and the street (landscaping, canopy, wider walkway, and bicycle parking) would enhance the street frontage on this part of the community corridor. The adjacent residential structure on 24th Street is set back 10 feet from the front lot line. The proposed building would also be set back 11 feet from the side lot line providing additional separation. Between the building and patio and the 24th Street front lot line, the applicant would provide landscaping and a decorative fence. As proposed, the yard variances meet the intent of the ordinance and should have little effect on surrounding properties.

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.**

   Granting the variances should not negatively affect public safety. The design of all obstructions has taken into consideration CPTED principles. Adequate vehicle and bicycle parking would be provided on-site. The site is also adjacent to a transit stop. Granting the variances should have little effect on congestion in the streets and public safety.

VARIANCE: to reduce the minimum parking requirement of a multifamily dwelling from 26 spaces to 20 spaces.

Findings as required by the Minneapolis Zoning Code:

1. **The property can not 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 minimum parking requirement is 26 spaces. The applicant would provide 20 spaces. The proposed development is HUD 202 Housing for the Elderly, which is limited to persons older than 62 years of age for at least 40 years. The parking demand for the type of housing proposed will likely be less than that of other multiple-family dwellings that do not have similar age restrictions. The applicant has provided information indicating that the ratio of the number of spaces provided to those utilized at other affordable housing developments managed by CommonBond in the metro area is comparable to what is proposed at this site. Both automobile and bicycle parking would be available for residents and guests. The site has convenient access to a bus route. The number of spaces that would be provided is in keeping with the ordinance for the proposed use with the availability of alternate modes of transportation. However, the required number of spaces could be provided on-site without requiring additional variances that have not already been requested. There is reasonable use without the variance. For this reason, all findings needed to approve the variance cannot be made.

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.**

   Elderly housing is proposed. The applicant has provided information indicating that the ratio of the number of spaces provided to those utilized at other affordable housing developments managed by CommonBond in the metro area is comparable to what is proposed at this site. The site is adjacent to a bus route. Although these are not all circumstances unique to the parcel, the proposed use and sites location with access to alternate modes of transportation reduces the need to provide additional parking.

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 purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The proposed development is HUD 202 Housing for the Elderly, which is limited to persons older than 62 years of age for at least 40 years. The parking demand for the type of housing proposed will likely be less than that of other multiple-family dwellings that do not have similar age restrictions. The applicant has provided information indicating that the ratio of the number of spaces provided to those utilized at other affordable housing developments managed by CommonBond in the metro area is comparable to what is proposed at this site. Both automobile and bicycle parking would be available for residents and guests. The site has convenient access to a bus route. The number of spaces that would be provided is in keeping with the ordinance for the proposed use with the availability of alternate modes of transportation. The granting of the variance should have little effect on surrounding properties.

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.**

   The Planning Division does not expect that granting the variance would affect public safety. The site is adjacent to a bus route and bicycle parking would be provided. Because of the type of housing proposed and alternate options for transportation, the variance should not increase congestion in the area.

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, windows, and active functions:**

- **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.
  g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.
  Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- **Ground floor active functions:**
  Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, 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, public sidewalk, or public pathway.
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

Conformance with above requirements:

Along Bloomington Avenue, a 15 foot front yard is required. The building would be set back between 0 and 4.5 feet from Bloomington Avenue. Along 24th Street, a 15 foot front yard is required. The building would be set back between 10.5 feet and 15 feet from 24th Street. Variances are required to allow the building to encroach into the required front yards. Staff is recommending approval of these variances.

Between the building and Bloomington Avenue, landscaping, bicycle parking and a canopy would be provided. Between the building and 24th Street, a patio and landscaping would be provided.

The main entrance would face Bloomington Avenue.

Three parking spaces would not be enclosed. They would be located at the rear of the site.

The building design includes recesses and projections, windows, and changes in materials to divide the building into smaller identifiable sections.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on the north, south or west elevations. On the first floor of the east wall, there would be two blank walls exceeding 25 feet in width south of the maintenance room doors. One blank wall would be 32.5 feet wide and the other wall would be 105 feet wide. Parking, stairwells, mechanical rooms, storage and a maintenance room would occupy the spaces along the first floor east elevations. The primary exterior material of both walls would be brick with rowlock and stock bond coursing incorporated to create a pattern. However, these patterns do not meet the intent of this standard, which includes graffiti prevention, because they are not projecting or recessed, they are not a change of material, and they are not an opening. As alternatives to this requirement, the applicant would provide wires for growing vines and trellises that would extend across most of the longer blank wall. Shrubs with a mature height of approximately 5 feet would also be provided in front of some of the wall. With the alternatives proposed, staff is recommending that the planning commission grant alternative compliance to allow a 105 foot wide blank wall. No alternatives are proposed for the shorter blank wall. Adding architectural elements that project from the building would require a variance to reduce the interior side yard requirement. Mechanical rooms and the maintenance room are opposite this wall. Adding windows would not be practical. The wall has minimal visibility from a street and it faces a driveway of the adjacent residential development. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow a 32.5 foot wide blank wall as well.

The primary exterior materials would include brick, metal, cementitious, and stucco siding, and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of the building would be compatible.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance would be clearly defined by a canopy, recess in the building, and a wide sidelight window to emphasize its importance.

The walls facing Bloomington Avenue and 24th Street are subject to the minimum window requirements. The southern end of the east elevation is also subject to the window requirements because it partly faces the parking lot. The amount of windows on all walls of all levels would greatly exceed the minimum requirements, except the first floor of the east elevation facing the parking lot. Windows equaling 20 percent of the first floor wall (168 square feet) are required. No windows would be provided on the first floor on the east elevation. The enclosed parking garage and a stairwell would occupy all of this wall. The surface parking spaces extend only 12 feet in front of the 105 foot long wall. On the upper levels

facing the parking lot, approximately 24 percent of each wall would be windows that allow views from spaces with active functions. Because excess windows that could provide additional opportunities for natural surveillance are proposed on the upper floors, staff is recommending that the planning commission grant alternative compliance to the first floor window requirement of the east elevation from 20 percent to 0 percent.

All windows would be vertical in proportion and distributed in a more or less even manner.

Along 24th Street, 100 percent of the first floor building frontage would have active functions. Along Bloomington Avenue, approximately 64 percent of the first floor building frontage would have active functions. The remainder of the frontage would be enclosed parking. To achieve 70 percent active functions, 13 additional feet of active space would be needed. This would eliminate two required parking spaces. Windows would be provided on the wall adjacent to the parking. Between the building and the sidewalk, shrubs would be planted. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow parking to occupy approximately 36 percent of the Bloomington Avenue building frontage.

A flat roof is proposed. Most of the nonresidential buildings in the area also have flat roofs.

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 with above requirements:

The building entrance would be connected to the public sidewalk with a walkway that exceeds four feet in width.

No transit shelters are proposed.

Vehicle access would be from Bloomington Avenue through one curb cut 22 feet in width. Refuse pick-up would be from the alley. The proposed access should have little effect on the surrounding residential properties and minimal impact on pedestrians.

Most of the parking would be enclosed. Three spaces would be provided in the parking lot. Access and circulation for both parking areas would be provided at the south end of the site minimizing the amount of impervious surface used for vehicles.

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 with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 21,750 square feet. The building footprint would be approximately 10,230 square feet. The lot area minus the building footprints therefore consists of approximately 11,520 square feet. At least 20 percent of the net site area (2,304 square feet) must be landscaped. Approximately 7,152 square feet of the site would be landscaped. That is equal to 62.1 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 5 and 24 respectively. The applicant would provide 12 canopy trees and 83 shrubs on-site and 5 trees in the proposed Bloomington Avenue boulevard. The remainder of the landscaped area would be covered with plants including perennials, sod, and native grass.

The properties to the east of the site are residentially zoned. A landscaped yard at least 7 feet wide and screening that is 95 percent opaque and 6 feet in height is required between the parking area and the rear lot line adjacent to the alley. An 11 to 17 foot wide landscaped yard would be provided between the parking area and the alley except where the refuse storage area would be located. In the landscaped

yard, at least 1 tree and 3 shrubs are required. One tree and 6 shrubs would be provided. Shrubs would be provided that meet the screening requirement.

Corners unavailable for parking would be landscaped.

All surface parking spaces would be within 50 feet of an on-site tree.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

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 driveway would be defined by 6 inch by 6 inch concrete curbing except where discontinuous curbing would be installed to allow for on-site filtration of stormwater.

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 includes crime prevention design elements. The building would be oriented to the street with windows on the ground level. A decorative fence would separate private from public areas. To prevent glare from negatively affecting the pedestrians on the adjacent sidewalk, staff is recommending that the applicant shield ceiling lights in the parking garage.

No structures exist on the site.

<u>Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the</u>

Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The site is zoned R5. A multifamily dwelling with 5 or more units in the R5 district is a conditional use.

Parking and Loading:
Minimum automobile parking requirement: The minimum parking requirement is one parking space per dwelling unit, or 29 spaces. The proposal qualifies for a 10 percent reduction of the minimum requirement because it is located within 300 feet of a transit stop with midday service headways of thirty minutes or less in each direction. This reduces the parking requirement to 26 spaces. The applicant would provide 20 spaces (17 enclosed and 3 surface). A variance is required to reduce the minimum requirement. Of the spaces provided, at least one must be accessible for each type of parking, enclosed and surface. One surface accessible space and one enclosed accessible space would be provided.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. Not more than two unenclosed spaces are allowed per dwelling unit. Three spaces would not be enclosed.

Bicycle parking requirement: The minimum bicycle parking requirement is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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. The total minimum requirement is 15 spaces, of which at least 14 must meet the long-term parking requirements. The applicant would provide 14 long-term spaces and 2 short-term spaces.

Loading: A loading space is not required for multiple family dwellings with less than 100 units.

Maximum Floor Area: The proposed lot area is 21,750 square feet. The maximum FAR allowed in the R5 District is 2.0. The building would have a total of 29,200 square feet, which is an FAR of 1.35.

Minimum Lot Area: The proposed lot area is 21,750 square feet. The minimum lot area requirement in the R5 district is 700 square feet per dwelling unit, or 20,300 square feet for 29 units.

Dwelling Units per Acre: The applicant proposes a density of 58 dwelling units per acre.

Lot Coverage: The maximum lot coverage allowed in the R5 district is 70 percent. The proposed foot print is approximately 10,230 square feet, which covers 47 percent of the site.

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the R5 district is 85 percent. The proposed lot area is 21,750 square feet, therefore 18,487.5 square feet of impervious surface is allowed. The proposed amount of impervious surface is approximately 14,598 square feet, which covers 67.1 percent of the site.

Building Height: In the R5 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The building would have 4 stories and would be 50.5 feet tall.

Yard Requirements: The subject site is a reverse corner lot; therefore the yards along Bloomington Avenue and 24th Street are both front yards. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent nonresidential structure on Bloomington Avenue is built up to the front lot line. The adjacent residential structure on 24th Street is set back 10 feet from the front lot line. Therefore a 15 foot front yard is required along both streets. The building, a patio and an awning would encroach into the 24th Street required front yard, but are not permitted obstructions. The building, a walkway exceeding six feet in width, a canopy and bike racks would encroach into the Bloomington Avenue required front yard, but are not permitted obstructions. Variances are required to allow them.

Interior side yards are required along the south lot line and the lot lines that are on the east side of the site except where adjacent to the alley. The minimum interior side yard requirement is equal to 5+2x, where x is equal to the number of stories above the first floor. A 4-story building is proposed; therefore the minimum requirement for the building is 11 feet. The building would be set back at least 11 feet from all side lot lines. All other encroachments are subject to a 5 foot interior side yard requirement.

A rear yard is required along the east property line adjacent to the alley. The minimum requirement is equal to 5+2x, where x is equal to the number of stories above the first floor. A 4-story building is proposed; therefore the minimum requirement is 11 feet. The building would comply with the rear yard requirement. The proposed temporary refuse container pad is a permitted obstruction.

Specific Development Standards: In the R5 district, all multiple family dwellings of five or more units that include at least one dwelling with three or more bedrooms shall provide an outdoor children's play area to serve residents of the development. No three bedroom units are proposed.

Hours of Operation: Not applicable.

Refuse screening: Refuse storage containers would be stored in the building.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

> **535.70. Screening of mechanical equipment.** (a) *In general*. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

(1) *Screened by another structure*. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:

a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.

b. The required screening shall be constructed with materials that are architecturally compatible with the structure.

c. Off-premise advertising signs and billboards shall not be considered required screening.

(2) *Screened by vegetation*. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.

(3) *Screened by the structure it serves*. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

(4) *Designed as an integral part of the structure*. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Existing and proposed lighting must comply with 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 arranged so as not to 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 source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

(3) 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.

(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.

Signs: A non-illuminated wall sign 12 square feet in area and 7 feet above grade is proposed next to the main entrance. The sign would comply with the standards for R5 signage. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: Please see the conditional use permit section of this staff report.

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.**

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

- Blank, uninterrupted walls that exceed 25 feet in length

  On the first floor of the east wall, there would be two blank walls exceeding 25 feet in width south of the maintenance room doors. One blank wall would be 32.5 feet wide and the other wall would be 105 feet wide. Parking, stairwells, mechanical rooms, storage and a maintenance room would occupy the spaces along the first floor east elevations. The primary exterior material of both walls would be brick with rowlock and stock bond coursing incorporated to create a pattern. However, these patterns do not meet the intent of this standard, which includes graffiti prevention, because they are not projecting or recessed, they are not a change of material, and they are not an opening. As alternatives to this requirement, the applicant would provide wires for growing vines and trellises that would extend across most of the longer blank wall. Shrubs with a mature height of approximately 5 feet would also be provided in front of some of the wall. With the alternatives proposed, staff is recommending that the planning commission grant alternative compliance to allow a 105 foot wide blank wall. No alternatives are proposed for the shorter blank wall. Adding architectural elements that project from the building would require a variance to reduce the interior side yard requirement. Mechanical rooms and the maintenance room are opposite this wall. Adding windows would not be practical. The wall has minimal visibility from a street and it faces a driveway of the adjacent residential development. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow a 32.5 foot wide blank wall as well.

- Twenty percent first floor window requirement

  The southern end of the east elevation is subject to the window requirements because it partly faces the parking lot. Windows equaling 20 percent of the first floor wall (168 square feet) are required. No windows would be provided on the first floor of the east elevation. The enclosed parking garage

and a stairwell would occupy all of this wall. The surface parking spaces extend only 12 feet in front of the 105 foot long wall. On the upper levels facing the parking lot, approximately 24 percent of each wall would be windows that allow views from spaces with active functions. Because excess windows that could provide additional opportunities for natural surveillance are proposed on the upper floors, staff is recommending that the planning commission grant alternative compliance to the first floor window requirement of the east elevation from 20 percent to 0 percent.

- Ground floor active functions

  Along Bloomington Avenue, approximately 64 percent of the first floor building frontage would have active functions. The remainder of the frontage would be enclosed parking. To achieve 70 percent active functions, 13 additional feet of active space would be needed. This would eliminate two required parking spaces. Windows would be provided on the wall adjacent to the parking. Between the building and the sidewalk, shrubs would be planted. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow parking to occupy approximately 36 percent of the Bloomington Avenue building frontage.

SUBDIVISION:

Required Findings:

1. **The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

   The subdivision would be in conformance with the requirements of the zoning ordinance. Please see the comprehensive plan findings in the conditional use section of this staff report.

   The subdivision is in conformance with the design requirements of the land subdivision regulations except for section 598.240(2)(b), which does not allow a lot with more than 5 sides for a multiple family dwelling. A ten sided lot is proposed. In order to be in conformance with the land subdivision regulations, a variance of section 598.240(2)(b) is required. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

   > **598.310. Variances.** Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:
   >
   > (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
   >
   > (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The proposed site combines a number of properties. The existing properties are shaped and oriented differently. Also, one of the properties is platted as an outlot. Because outlots are not buildable, the property could not be part of the development without being replatted. A multifamily residence is a reasonable use of the land. The granting of the variance should have little effect on surrounding properties.

2. **The 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.**

   The proposed subdivision would not be injurious to the use and enjoyment of other property in the area. It would combine multiple parcels and convert an outlot to a developable lot to allow construction of multiple family dwelling.

3. **All land intended for building sites can be used safely without endangering the residents or users of the subdivision and 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 is relatively flat. The site does not present the other noted hazards.

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.**

   Vehicle access could be provided from Bloomington Avenue or the adjacent alley. The applicant will need to obtain building permits and erosion control permits prior to the start of construction.

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 does not exceed the amount occurring prior to development.**

   Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

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 29 dwelling units for the properties located at 2401-2419 Bloomington Avenue and 2410 16th Avenue South, 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 Community Planning and Economic Development Department – Planning Division for the Variance:

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 variance to reduce the front yard requirement adjacent to 24th Street East to allow the placement of the building, a patio and an awning for the properties located at 2401-2419 Bloomington Avenue and 2410 16th Avenue South.

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

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 variance to reduce the front yard requirement adjacent to Bloomington Avenue to allow the placement of the building, a walkway exceeding six feet in width, a canopy and bike racks for the properties located at 2401-2419 Bloomington Avenue and 2410 16th Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the minimum parking requirement from 26 spaces to 20 spaces for the properties located at 2401-2419 Bloomington Avenue and 2410 16th Avenue South.

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 to allow a mixed use building with 29 dwelling units for the properties located at 2401-2419 Bloomington Avenue and 2410 16th Avenue South, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, floor, site and landscape plans.

2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 13, 2011, or the permit may be revoked for non-compliance.

3. Ceiling lights in the parking garage shall be shielded to prevent glare on the adjacent sidewalk.

Recommendation of the Department of Community Planning and Economic Development—Planning Division for the Preliminary Plat:

The Department of Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the properties of 2401-2419 Bloomington Avenue and 2410 16th Avenue South.

Attachments:
1. City Planning Commission and City Council approvals from 2007
2. PDR comments
3. Applicants statement of use and findings
4. Zoning map
5. Plans
6. Photos