Community Planning and Economic Development Planning Division Report

Conditional Use Permit and Site Plan Review modification
BZZ-4866

Date: August 2, 2010

Applicant: Brighton Development Corporation

Address Of Property: 610 28th Street West

Project Name: Lyndale Green

Contact Person And Phone: Jesse Osendorf – Brighton Development Corporation 612-332-5664

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: July 7, 2010

End of 60 Day Decision Period: September 5, 2010

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: C2 Neighborhood Corridor Commercial District

Plate Number: 24

Legal Description: Not applicable for this application.

Proposed Use: Four-story, 63 mixed-use building with ground floor retail.

Concurrent Review:

Conditional Use Permit: To increase the allowable number of dwelling units from 61 to 63.
Site Plan Review. For modifications to the approved site plan.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VII Conditional Use Permits and Chapter 530 Site Plan Review.

Background: In 2009, the City Planning Commission approved a rezoning from the R2B Two-family Residential District to C2 Neighborhood Corridor Commercial District, a conditional use permit for 61 dwelling units, a variance to increase the percentage of compact parking spaces from 25 to 30 percent (4 spaces), and site plan review to allow a four-story mixed-use building with 61 dwelling units and ground floor retail (BZZ-4476). The applicant now proposes to add two dwelling units on the first floor, which will reduce the size of the commercial area, and also requires a conditional use permit and site plan review. This development is part of a project to renovate the existing Salem Luther Church building, built in 1904, for the Lyndale United Church of Christ and Salem English Lutheran Church congregations, which will share the building.

As of the writing of this report, staff has not received any correspondence from the neighborhood group on this revised proposal, but will forward comments, if any, at the Planning Commission meeting.

CONDITIONAL USE PERMIT (to increase the number of dwelling units from 61 to 63)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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.

Any residential development of five units or more requires a conditional use permit. This amendment will add two dwelling units to a previously approved proposal for a 61-unit building. A 63-unit residential building along a commercial corridor should not be out of character with an area that has large residential buildings nearby. The development meets the requirements of the site plan chapter and provides the required parking.

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, but there has been redevelopment occurring or proposed for several parcels in the area. The redevelopment of this corner for retail and 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.

Adequate utilities are existing or will be constructed. Public Works and the Fire Department have reviewed the access and circulation and find it acceptable with the comments in the PDR Report and with the approval of the TDMP. Public Works will require a stormwater management plan and an erosion control plan before any building permits may be issued.

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

The zoning code requires one parking space per dwelling unit. At 63 units this requires 63 spaces. Two general retail spaces over 1,000 square feet, but under 4,000 square feet require four spaces per tenant space for a total of eight spaces. Three retail spaces under 1,000 square feet require no parking. The total required parking is 71 spaces for the entire building and 99 are provided (eight are reserved for the adjacent church). Public Works will require the approval of a TDMP before permits may be issued.

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

The Minneapolis Plan for Sustainable Growth designates this part of Lyndale Avenue as a commercial corridor. The plan states that, "Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high-density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Additionally the City encourages new medium to high-density residential development along Commercial Corridors, particularly as a part of mixed-use development." The plan has the following relevant policy and implementation steps about Commercial Corridors:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

> 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.
>
> 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
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> 1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.
>
> 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.
>
> 1.10.5 Encourage the development of high-density housing on Commercial Corridors.

The site is adjacent and north of the Lyn-Lake Activity Center. The plan has the following relevant policy and implementation steps about Activity Centers:

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

> 1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

There are several policies in the housing section of the plan that support housing choice, infill development, and diversity of housing types. The plan has the following relevant policies and implementation steps from the housing chapter:

Policy 3.1: Grow by increasing the supply of housing.

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.

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.

3.2.2 Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses.

Policy 3.3: Increase housing that is affordable to low and moderate income households.

3.3.3 Work to provide affordable housing for both rental and ownership markets at a broad range of income levels.

The Lyn-Lake Small Area Plan was adopted by the Minneapolis City Council on June 26, 2009. The plan extended the Lyn-Lake Activity Center along Lyndale to the south side of West 28th Street. It also states (page 47) that between West 26th and West 28th Streets there is likely to have more intense development because those streets provide quick access across the City. The designated future land use for the parcel is mixed use.

The proposed development is in conformance with the above noted polices and implementation steps of the comprehensive plan and the small area plan. The building is mixed-use with commercial uses on the first floor facing Lyndale Avenue, the Commercial Corridor, with residential units above. The proposed 63 units would fall into the high-density category, which is appropriate adjacent to an Activity Center and along a Commercial Corridor. The development will also provide 14 units that meet the zoning code definition of affordable housing.

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

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

SITE PLAN REVIEW

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows, 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 530.20 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. 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. 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 restricitve parking garage provisions of chapter 549, Downtown Districts, shall apply.**

The proposed building is within eight feet for the property line on Lyndale Avenue South ranging from zero to three feet. It is not within eight feet along West 28th Street. It is setback 10 to 12 feet. The Planning Commission granted alternative compliance for this location, as the building is placed in this location to comply with the established setback of the church to the east (only for the 40 feet running west from the east property line), as apart of the original land use approval.

There is landscaping between the building and the public sidewalk.

The principal entrance for the residential part of the building faces West 28th Street and opens onto the sidewalk. The entrances to the five commercial tenant spaces open onto the Lyndale Avenue South sidewalk.

The parking is located behind the building.

As a part of the original approval of this project, the City Planning Commission required that "the developer and architect shall continue discussions with the neighborhood and staff to add more improvement in the building design with façade texture, breaking up the building scale, providing relief, reducing the monolithic appearance, and adding more life and pedestrian scale to the building." While the bulk, height, and square footage is basically the same as the original approval, the applicant has submitted revised elevations to address this condition.

The exterior materials of the addition are durable and are made of cast stone, brick, concrete, metal, and glass. Future changes in material may require review before the City Planning Commission. The new addition walls have architectural detail including an articulated façade with large windows and varied materials. There are no blank walls without a change in material for lengths of more than 25 feet. Staff recommends the addition of awnings, subject to Public Works approval, at the commercial spaces to break up the long façade.

Residential uses are required to provide 20 percent windows on the first floor and 10 percent on the floors above. Non-residential uses are required to provide 30 percent windows on the first floor. All for elevations facing a public street, sidewalk, pathway, or on-site parking.

The first floor elevation facing Lyndale Avenue South is all commercial and provides 50 percent windows. The residential floors above provide 40 percent windows. The south elevation facing West 28th Street provides 46 percent windows for the commercial tenant and 40 percent for the residential uses on the first floor and 46 percent on the residential floors above. The east elevation, of the north wing of the building, provides 50 percent windows on the first floor and 35 percent on the floors above, all of which are residential. The east elevation, of the south wing of the building, provides zero percent windows (that qualify for window percentage, but there are windows) on the first floor and 28 percent on the floors above, all of which are residential. The north elevation, of the south wing of the building, provides 45 percent on the first floor and 31 percent on the floors above, all of which are residential. The north elevation, of the north wing of the building, provides no windows on the first floor (that qualify for the window percentage, but there are windows) and 44 percent for the residential floors above. Alternative compliance is necessary for the first floor north elevation, of the north wing, and the first floor east elevation, of the south wing, both of which face the parking area. Staff recommends alternative compliance because all floors and elevations have a minimum window requirement and the development exceeds that requirement in every area except these two areas. It is impractical to expect all sides of a building to have 20 to 30 percent windows on the first floor.

Parking, loading, storage, or mechanical equipment rooms do not exceed 30 percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway. Commercial tenant spaces, dwelling units, or communal active spaces comprise 100 percent of all of the first floor elevations, except that the east elevation of the north wing, facing the parking lot, has a small trash storage room that reduces the percentage to 91 percent.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**

- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The entrance to the residential building opens onto the public sidewalk on West 28th Street. The entrances to the commercial tennant spaces open onto the public sidewalk on Lyndale Avenue South. There is a walkway that runs along the entire rear of the building as well.

There are no integrated transit shelters on site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable. Vehicular access and circulation has been designed to minimize conflict with residential properties. There is an alley adjacent to the north half of the site, but there will be no vehicular access between the site and the alley.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and drives are pervious surfaces used for landscaping and stormwater management. In additon, the parking area will utilze approximately 5,600 square feet of pervious pavers.

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.**

The site plan has nine percent landscaping (of the area minus the building foot print). The lot area is 38,535 square feet and the footprint of the building is 17,314 square feet. This leaves 21,221 square feet, of which 20 percent (4,244 square feet) is required to be landscaped. The applicant is providing approximately 1,968 square feet of landscaped area on site. The applicant is providing another 944 square feet in front of the building along Lyndale Avenue South and 28th Street West in the public right-of-way between the building and the public sidewalk. If this is included the percentage increases to 14 percent. In addition, the parking area will utilize 5,583 square feet of pervious pavers in the parking lot to mitigate the impervious coverage. Staff recommends granting alternative compliance with these items and with the other suggested changes to the landscape plan in the staff report due to the limited area for additional plantings and the provision of additional landscaping in the right-of-way, provision of pervious pavers, and provision of a significant number of shrubs over the required amount.

The development is required to provide eight trees and 42 shrubs. The landscaping plan shows eight on-site trees and approximately 180 shrubs. In addition, the plan shows perennial plantings.

The on-site parking area does not have the required seven-foot wide landscaped areas between the parking and the public sidewalk at the northwest corner of the site. Staff does not recommend alternative compliance and recommends that these areas be increased to seven feet wide.

The required three-foot screening between the parking and the public sidewalk and the alley is provided, except where for a small paved area that the developer is providing to facilitate maneuvering for the residential property to the east across the alley. Staff recommend alternative compliance from the screening requirement to facilitate the maneuvering for the adjacent property subject to the use of a turf block system, rather than concrete, for the surfacing material in this area.

The parking lot does not meet the requirement that all spaces be within 50 feet of an on-site deciduous tree. Staff does not recommend alternative compliance and recommends that the landscaped areas at the northwest corner of the site be increased to provide additional landscaping and that the off-site tree be moved on site. This will require the loss of one parking space.

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are 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.**

There are no changes to the height and bulk of the site since the previous approval in 2009.

The surface parking lot will have a stormwater retention system on site and pervious pavers to absorb stormwater. The curbing will prevent access to the adjacent alley and the property to the north.

The building addition will not block views of the city or generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: A 63 unit mixed-use building is allowed as a conditional use permit in the C2 Neighborhood Corridor Commercial District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The zoning code requires one parking space per dwelling unit. At 63 units this requires 63 spaces. Two general retail spaces over 1,000 square feet, but under 4,000 square feet require four spaces per tenant space for a total of eight spaces. Three retail spaces under 1,000 square feet require no parking. The total required parking is 71 spaces for the entire building. The site plan shows 51 underground parking spaces and 48 exterior parking spaces, for a total of 99 parking spaces (eight are reserved for the adjacent church). Please note that if a restaurant with general entertainment locates in one of these tenant spaces, then there will be a greater parking requirement. Four handicapped accessible spaces are required and four are provided. Two are required for the residential use and two are provided in the building. Two are required for the 48 space surface parking lot and two are provided.

Maximum automobile parking requirement: There is no maximum for dwelling units outside of the downtown. The commercial spaces would have a maximum of one space per 200 square feet of gross floor area. With 7,341 square feet of commercial space the commercial area has a maximum of 37 spaces. There are 48 spaces in the surface parking lot, with 12 dedicated to the residential use and eight

dedicated to the adjacent church. The remaining 28 are available for the commercial parking and shared parking for the church during services.

Bicycle parking requirement: Multiple-family dwellings are required to provide one bike parking space per every two dwelling units for a total of 30 spaces. Not less than 90 percent of these spaces shall meet the standards for long-term bicycle parking, which requires that they are located in enclosed or supervised areas providing protection from theft, vandalism, and weather and are accessible to intended users. There is a secure room on the first floor that will provide 50 bike parking spaces. General retail requires three spaces or one space per 5,000 square feet of gross floor area, whichever is greater. With two retail spaces greater than 1,000 square feet and less the 4,000 square feet the development requires six bike parking spaces and none are shown. The project shall provide six bike parking spaces and not less than fifty percent of these spaces shall meet the standards for short-term bicycle parking, which requires that they are located in a convenient and visible area within 50 feet of a principal entrance and shall permit the of the bicycle frame and one wheel to the rack.

Loading: No loading space is required.

Maximum Floor Area: The maximum FAR in the C2 District is 1.7. The lot in question is 38,535 square feet in area. The mixed-use building will have 69,855 square feet of gross floor area, an FAR of 1.8. The applicant has qualified for a 20 percent density bonus for affordable housing where at least 20 percent of the units (14 units) meet the zoning code definition of affordable housing. This increases the allowable FAR to 2.04.

Building Height: Building height in the C2 District is limited to 4 stories, or 56 feet, whichever is less. The proposed building is 4 stories, or 48 feet.

Minimum Lot Area: The C2 District requires not less than 700 square feet of lot area per dwelling unit. With a density of 20 percent for affordable housing this can be reduced to 560 square feet per dwelling unit. With 63 proposed dwelling units on a lot of 38,535 square feet, the development will have a density of 608 square feet of lot area per dwelling unit.

Dwelling Units Per Acre: The applicant proposed 71 dwelling units per acre. This is classified as high-density in the comprehensive plan.

Yard Requirements: In general commercial properties do not have required setbacks unless adjacent to residential properties, or if there are residential structures with windows facing a rear or interior property line. The residential building has windows, so it has an 11 foot setback along the rear and interior property lines. It is setback 30 feet at its closest and 55 feet at its greatest from the rear and interior property lines. The front yard setback on West 28th Street is continued from the residential properties to the east at the established line of the nearest residential structure (7 feet for the church) or the district setback (20 feet in the R2B District), whichever is the lesser. The proposed building meets this setback.

Specific Development Standards: No specific development standards are applicable for this project. Future commercial uses may be subject to specific development standard, depending on the use.

Hours of Operation: Not applicable for the residential building. In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The hours for the retail tenant spaces are yet to be determined. The applicant is aware that a conditional use permit is necessary to operate past the allowable hours.

Signs: Signs are subject to Chapters 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No sign plan has been submitted at this time, but the applicant is aware that signs require zoning office approval and permits.

Refuse storage: Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is provided on the first floor of the building.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

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 form 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.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

In addition to the policy and implementation steps listed under finding number five in the conditional use permit section of the staff report, the comprehensive plan has the following relevant policy and

implementation steps regarding urban design:

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

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

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.

10.5.3 Large-scale, high-rise, multi-family residential development is more appropriate in the Downtown Minneapolis Growth Center.

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.

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.

10.6.2 Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water.

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.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

The proposed development is in conformance with the above noted policies.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The Lyn-Lake Small Area Plan was adopted by the Minneapolis City Council on June 26, 2009. The plan extended the Lyn-Lake Activity Center along Lyndale to the south side of West 28th Street. It also states (page 47) that between West 26th and West 28th Streets there is likely to have more intense development because those streets provide quick access across the City. The designated future land use for the parcel is mixed use.

Alternative Compliance. The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

- Building location.

  The proposed building is within eight feet for the property line on Lyndale Avenue South ranging from zero to three feet. It is not within eight feet along West 28th Street It is setback 10 to 12 feet. The Planning Commission granted alternative compliance, as a part of the original approval, as the building is placed in this location to comply with the established setback of the church to the east (only for the 40 feet running west from the east property line).

- Window percentages.

  Alternative compliance is necessary for the first floor north elevation, of the north wing, and the first floor east elevation, of the south wing, both of which face the parking area. Staff recommends alternative compliance because all floors and elevations have a minimum window requirement and the development exceeds that requirement in every area except these two areas.

It is impractical to expect all sides of a building to have 20 to 30 percent windows on the first floor.

- 20 percent landscaping.

  The site plan has nine percent landscaping (of the area minus the building foot print). The lot area is 38,535 square feet and the footprint of the building is 17,314 square feet. This leaves 21,221 square feet, of which 20 percent (4,244 square feet) is required to be landscaped. The applicant is providing approximately 1,968 square feet of landscaped area on site. The applicant is providing another 944 square feet in front of the building along Lyndale Avenue South and 28th Street West in the public right-of-way between the building and the public sidewalk. If this is included the percentage increases to 14 percent. In addition, the parking area will utilize 5,583 square feet of pervious pavers in the parking lot to mitigate the impervious coverage. Staff recommends granting alternative compliance with these items and with the other suggested changes to the landscape plan in the staff report due to the limited area for additional plantings and the provision of additional landscaping in the right-of-way, provision of pervious pavers, and provision of a significant number of shrubs over the required amount.

- Seven foot wide landscaped yard.

  The on-site parking area does not have the required seven-foot wide landscaped areas between the parking and the public sidewalk at the northwest corner of the site. Staff does not recommend alternative compliance and recommends that these areas be increased to seven feet wide.

- Three foot high, 60 percent opaque screening.

  The required three-foot screening between the parking and the public sidewalk and the alley is provided, except where for a small paved area that the developer is providing to facilitate maneuvering for the residential property to the east across the alley. Staff recommend alternative compliance from the screening requirement to facilitate the maneuvering for the adjacent property subject to the use of a turf block system, rather than concrete, for the surfacing material in this area.

- Parking spaces within 50 feet of an on-site deciduous tree.

  The parking lot does not meet the requirement that all spaces be within 50 feet of an on-site deciduous tree. Staff does not recommend alternative compliance and recommends that the landscaped areas at the northwest corner of the site be increased to provide additional landscaping and that the off-site tree be moved on site. This may reduce parking by one space.

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 **approve** the conditional use permit to increase the number of dwelling units from 61 to 63 units for property located at 610 West 28th Street 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 site plan review modification:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review modification for property located at 610 West 28th Street subject to the following conditions:

1) CPED Planning staff review and approve the site plan, landscaping plan, and elevations before permits may be issued.

2) All site improvements shall be completed by August 10, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

3) Provision of awnings, subject to Public Works approval if necessary, at the commercial spaces to break up the long building façade.

4) Provision of the required seven foot wide landscaped buffer between the parking and the public sidewalks as required by Section 530.170 of the zoning code.

5) Provision of an on-site tree island at the northwest corner of the site between the parking and the public sidewalk to comply with Section 530.170(e).

6) Provision of the three foot high, 60 percent opaque landscape screening along the alley as required by Section 530.170 of the zoning code, except where the maneuvering area is shown, the screen can be omitted with turf block utilized for the surfacing material.

7) The project shall provide at least six bike parking spaces for the five commercial tenant spaces. Not less than fifty percent of these spaces shall meet the standards for short-term bicycle parking, which requires that they are located in a convenient and visible area within 50 feet of a principal entrance and shall permit the of the bicycle frame and one wheel to the rack.

Attachments:

1) PDR report.

2) Statement from the applicant.
3) Zoning map.
4) Site plan, floor plans, and elevations.
5) Photos and aerial.