

Community Planning and Economic Development Planning Division Report
Conditional Use Permits, Variance, and Site Plan Review
BZZ-4916

Date: September 7, 2010

Applicant: Savant Properties II, LLC

Address Of Property: 811-817 4th Street SE

Project Name: 4th Street Mixed Use

Contact Person And Phone: Tony Smith - Master Development 612-236-1633

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

Date Application Deemed Complete: August 10, 2010

End of 60 Day Decision Period: October 9, 2010

Ward: 3 **Neighborhood Organization:** Marcy-Holmes

Existing Zoning: C1 Neighborhood Commercial District

Existing Overlay Districts: UA University Area Overlay District

Proposed Zoning: Not applicable for this application.

Plate Number: 15

Legal Description: Not applicable for this application.

Proposed Use: Three-story building with 12 dwelling units and first floor commercial.

Concurrent Review:

Conditional Use Permit: To allow 12 dwelling units.

Conditional Use Permit: To increase the height from 2 to 3 stories, or 40 feet, 8 inches.

Variance: Of the east side building setback from 9 feet to zero feet.

Site Plan Review.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(1) "To vary the yard requirements"; and Chapter 530 Site Plan Review.

Background: The applicant proposes to remove the existing vacant Gopher Cleaners building and replace it with a four-story mixed-use building with 12 dwelling units and ground floor commercial. Residential developments of five units or more require a conditional use permit and site plan review. The C1 Neighborhood Commercial District limits height to 2.5 stories, or 35 feet, whichever is less.

The proposed building is three stories or 37 feet, eight inches for the front part of the building and 40 feet, eight inches for the back part of the building, so the applicant is requesting a conditional use permit to increase the height. Finally, a variance is necessary for the building to encroach into the nine foot east side yard building setback down to zero feet.

Please see the attached letter from the Marcy- Holmes neighborhood.

CONDITIONAL USE PERMIT (for 12 residential units)

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.**

The proposed development will replace a vacant dry cleaners, laundry, and unpaved parking area with a 12 unit residential building with first floor retail. There are mixed-use buildings to the west, with first floor commercial and residential above, I-35W to the east, and multi-family residential to the north and south across 4th Street SE. With staff recommended conditions of approval the development should not be detrimental to the public health, welfare, comfort, or safety.

- 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 mostly developed, but there are some parcels in the immediate area that could be redeveloped. A mixed-use building is not out of character for this area and would not impede development.

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

Utilities are existing and adequate. Access to the site, while not ideal, is acceptable to Public Works and the Fire Department with the conditions listed in the attached PDR report. Mn/DOT raised concerns about the 4th Street SE access, but did not prohibit the access (please see attached letter). The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

Access to the parking is from 4th Street SE and as stated above in finder number 3, is not ideal, but meets minimum zoning code requirements and is acceptable to Public Works. The required parking is provided in a surface lot to the rear of the building. The University Area Overlay District requires .5

parking spaces per bedroom, but not less than one per dwelling unit. With 29 bedrooms and 12 units, the parking requirement is 14 spaces and the development provides 14 spaces in a surface parking lot. Both of the retail spaces have less than 1,000 square feet of gross floor area and are exempt from the parking requirements. The parking lot to the rear of the building will not be available for the commercial tenants, so that will limit trip generation to and from the site via the drive to the residential use.

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

The Minneapolis Plan for Sustainable Growth designates this area as part of the 4th Street SE as a Community Corridor. Community Corridors support new residential development from low (8-20 dwelling units per acre) to high-density (50-120 dwelling units per acre) in specified areas, as well as increased housing diversity in neighborhoods. The proposed development has a density of 44 dwelling units per acre, which is considered medium density. The plan has the following relevant policy for Community Corridors:

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.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

1.9.4 Discourage the conversion of existing residential uses to commercial uses outside of Neighborhood Commercial Nodes.

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.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

The plan has the following relevant policies 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.

3.1.2 Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening 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 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

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.

3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.

3.6.3 Maintain a healthy supply of multifamily ownership and rental housing, and promote the development of alternative forms of homeownership such as cooperative housing and co-housing.

3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

The Master Plan for the Marcy-Holmes Neighborhood was approved by the City Council on December 29, 2003. The *Marcy-Holmes Master Plan Supplement* was approved by the City Council on January 26, 2007. The original approved plan shows this site and all the street frontage on 4th Street SE, between 8th Avenue SE and I-35W, as single and two-family residential, but the housing plan shows this site as just outside the single-family owner-occupied area. The more recently adopted supplement revises the land use map and designates this corner as a gateway and the block as commercial retail. It does not indicate what type of residential is appropriate in this area, but the proposed development does have ground floor retail and is within the density requirements of the C1 Neighborhood Commercial District.

The proposed land use is in conformance with the above noted polices of the small area plan and the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

The proposal will conform with the applicable regulations of the C1 District upon the approval of the conditional use permits, variance, and site plan review.

CONDITIONAL USE PERMIT (from 2 stories to 3 stories)

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.**

The height of structures or buildings are measured as the vertical distance from the natural grade either at the curb level or at a point ten feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

A story is measured as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. The first floor can be up to 20 feet. If the finished floor level directly above a basement, cellar or unused under floor space is more than six feet above grade, for more than 50 percent of the total perimeter, or is more than 12 feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

Measured from 4th Street SE the height of the building is three stories or 37 feet, at the front part of the building and 40 feet, eight inches, at the rear part of the structure. The C1 District limits the height of multiple-family dwellings to 2.5 stories, or 35 feet, whichever is less. A conditional use permit is necessary for the entire building to exceed the height limits. If the commercial area on the first floor of the building were expanded slightly to occupy 50 percent of the first floor, then a bonus would be available to increase the height to three stories, as of right. This option is not practical because the small increase needed would then trigger a parking requirement for the commercial spaces. The adjacent buildings along 4th Street SE are two stories. Directly to the south across 4th Street SE there are three story multi-family residential buildings. The addition of one story will not be out of character with the area or the general intent of the C1 Neighborhood Commercial District.

- 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 mostly developed, but there are some parcels in the immediate area that could be redeveloped. The adjacent buildings along 4th Street SE are two stories. Directly to the south across 4th Street SE there are three story multi-family residential buildings. A mixed-use building of three stories is not out of character for this area or the C1 District, would not impede development, and would not be detrimental to surrounding properties.

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

Utilities are existing and adequate. Access to the site, while not ideal, is acceptable to Public Works and the Fire Department with the conditions listed in the attached PDR report. Mn/DOT raised concerns about the 4th Street SE access, but did not prohibit the access (please see attached letter). The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

Access to the parking is from 4th Street SE and as stated above in finder number 3, is not ideal, but meets minimum zoning code requirements and is acceptable to Public Works. The required parking is provided in a surface lot to the rear of the building. The UA Overlay requires .5 parking spaces per bedroom, but not less than one per dwelling unit. With 29 bedrooms and 12 units, the parking requirement is 14 spaces and the development provided 14 spaces in a surface parking lot. Both of the retail spaces have less than 1,000 square feet of gross floor area and are exempt from the parking requirements. The parking lot to the rear of the building will not be available for the commercial tenants, so that will limit trip generation to and from the site via the drive to the residential use.

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

While the *Minneapolis Plan for Sustainable Growth* does not indicate heights for specific sites, there are several policies that refer to traditional urban form, especially regarding how buildings relate to their surroundings. The plan has the following relevant policy:

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.

The Marcy-Holmes Plan states (page 8-7) that taller buildings in the neighborhood should be between University Avenue SE and Main Street SE. North of University Avenue SE the heights should be as determined by the zoning district, but not to exceed four stories.

It is the staff's opinion that in the context of surrounding development the increase in height is in conformance with these goals and policies of the comprehensive plan and adopted small area plans.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

The proposal will conform to the applicable regulations of the C1 District upon the approval of the

conditional use permits, setback variance, and site plan review.

In addition to the conditional use standards contained in Chapter 525 and this article, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

(1) Access to light and air of surrounding properties.

The increase in height will not prevent access to light and air for surrounding properties. The building is located at the south end of the site and exceeds the required setback on the west side where it is adjacent to other structures. This increase in height will not prevent access to light and air.

(2) Shadowing of residential properties or significant public spaces.

There are no residential properties to the east or adjacent to the south side of the site. The building is located at the south end of the site, so the increase in height will not shadow the property to the north. The building exceeds the required nine foot setback on the west property line, where there is a mixed-use building with a second floor residential unit, so it should not significantly shadow this building beyond a two-story building.

(3) The scale and character of surrounding uses.

The adjacent buildings along 4th Street SE are two stories. Directly to the south across 4th Street SE there are three-story multi-family residential buildings. To the north are single, two, and multi-family residential buildings of two to two and one-half stories. A three-story building is not out of character with the surrounding area.

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

The building will not block views of landmark buildings, significant open spaces or water bodies.

VARIANCE (to reduce the nine foot east side yard building setbacks to zero feet)

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or uses and for residential uses that contain windows facing an interior side lot line. This structure is bordered on the south by a public street, so no setback is required on that side. The site meets the nine foot building setbacks (five feet for parking) on the north and west sides. Interstate 35W is to the east, but because the zoning code does not consider an interstate a street this is considered an interior yard with a setback requirement of five feet plus two feet for each additional floor above the first is required, not to exceed 15 feet, which at three stories is a nine foot setback. The commercial part of the building along the east property line is not subject to this setback, only the residential use at

the rear on the first floor and the units on the floors above. To require the entire building to be meet the nine foot setback, when the possibility of a structure being building adjacent to this building where the interstate is located could be considered hardship. In addition, the access to the parking area has to go along the west side of the building to 4th Street SE, so the development can not be shifted in this direction, leaving little room for development if the setback were to be maintained on the east side.

- 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.**

Interstate 35W is along the east property line, but because the zoning code does not consider an interstate a street, this is considered an interior yard with a setback requirement of five feet plus two feet for each additional floor above the first is required, not to exceed 15 feet, which at three stories is a nine foot setback. The commercial part of the building along the east property line is not subject to this setback, only the residential use at the rear on the first floor and the units on the floors above. To require the entire building to be meet the nine foot setback, when the possibility of a structure being building adjacent to this building where the interstate is located is a unique circumstance that could be considered hardship.

- 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 intent of the ordinance is to provide a setback for facades with windows along interior yard setback where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on the adjacent parcel blocking the windows. A structure being built to the east is unlikely, so granting the variance should not circumvent the intent of the ordinance.

- 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 proposed variance should have no effect on congestion in the public streets. Adequate parking is provided. The variance should not endanger public health or safety or increase the danger of fire.

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, 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.

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- 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.

The building is up to the property line on 4th Street SE. The principal entrances to the residential part of the building and to the two tenant spaces open onto the public sidewalk on 4th Street SE.

Parking is located to the rear of the structure.

The exterior materials are made of cement board siding and panels, brick, metal, burnished concrete masonry units, and glass. Future changes in material may require review before the City Planning Commission. The new building walls will contain architectural detail including changes in materials, articulated elevations with recesses and projections, and a varied roof line. In general, the building materials are compatible on all four sides; however, the brick on the front is only continued partially along the east side of the building. While staff believes that the lap siding is appropriate on the north and west sides of the structure, the east elevation as proposed, which faces a major thoroughfare, is not compatible at the north end with the front part of the building. Staff recommends that the brick, or elements of the brick design, be continued along all or part of the first two floors of the east elevation.

The only blank wall on the building, without a change in material for lengths of more than 25 feet, is the west side along the access drive on the first floor of the building. This length is 44 feet long without a change in materials. Staff does not recommend alternative compliance and recommends the provision of windows or architectural detail to comply with Section 530.120 of the zoning code.

Commercial uses are required to provide 30 percent windows on the first floor and residential uses are required to provide 10 percent windows on the floors above for elevations facing a public street. The elevation facing 4th Street SE (and wrapping around to the east side) provides 47 percent on the first floor and 35 percent on the floors above. The windows are evenly distributed and are vertical in proportion.

The principal entrances are clearly defined at the front of the building.

There are active uses on the entire first floor of the building.

The other structures fronting 4th Street SE on both sides of the street on this block have flat roofs similar to the proposed structure.

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 entrances to the building open onto the public sidewalk on 4th Street SE.

There are no integrated transit shelters on site.

Vehicular access and circulation has been designed to minimize conflict with residential properties.

There is no alley adjacent to the site.

Public Works and the Fire Department have not reviewed this proposal for access and circulation, and find them acceptable with the conditions listed in the attached PDR report.

All areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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.**

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- 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 shows 16 percent of the site, minus the building footprint, as landscaping. The lot area is 11,968 square feet and the footprint of the building is 4,954 square feet. This leaves 7,014 square feet, of which 20 percent (1,403 square feet) is required to be landscaped. The applicant is providing approximately 1,108 square feet of landscaped area on site. Staff recommends alternative compliance as it is not possible to provide additional landscaping without reducing the minimum amount of required parking. If possible, staff encourages the applicant to work with Mn/DOT to provide landscaping plantings along the entire east side of the site as an amenity in lieu of the 20 percent requirement.

The development is required to provide 3 trees and 14 shrubs. The site plan shows 5 on-site trees and approximately 29 on-site shrubs as well some perennials. Staff recommends that the three pagoda dogwoods at the northeast and northwest corner of the site be replaced with two deciduous tree that will provide more height and shade over the parking lot, as the pagoda dogwood is a small understory tree.

The required seven foot landscaped yards and screening are provided along the north and west property lines. No landscaped yard is required on the east side as the parking lot does not face a public street, sidewalk, or pathway and is not adjacent to residential uses or zoning. However, the parking area is visible from the I-35W off-ramp, so the parking should be screened, even if it is not required by code. Due to the width of the site, it is very difficult to provide this screening. Staff had considered the reduction of the west side landscaped yard to make the east side landscaped yard larger, but that would reduce the buffer for the large existing tree on the west side of the site. A second option was to provide a decorative fence that incorporated a gateway feature for the neighborhood. Mn/DOT, will not allow the removal of their fence, so if a decorative fence were added, it would be behind the Mn/DOT chain-link fence. Staff recommends that the applicant continue to work with Mn/DOT to allow plantings along the fence as a screen. Also, staff recommends the planting of vines on this fence as a partial screen.

All parking spaces are within 50 feet of an on-site deciduous tree.

All other areas not used for parking, drives, walks, or the building 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 is a surface parking area to the rear. Curbing is not necessary for most of the parking lot to facilitate drainage into landscaped areas, but it may be required by Public Works along the east property line to prevent drainage onto the adjoining Mn/DOT property.

The building will not block views of important elements of the City, shadow public spaces, nor generate wind currents at ground level.

The plan meets the CPED 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 or features 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: The proposed residential use is a conditional use and the retail is a permitted use in the C1 Neighborhood Commercial District.

Off-Street Parking and Loading: *Minimum automobile parking requirement:* The zoning code requires one parking space per dwelling unit. The UA University Area Overlay District requires .5 spaces per bedroom, but not less than one per dwelling unit. The development has five three bedroom units and seven two bedroom units for a total of 29 bedrooms and 12 units, which requires 14 spaces and 14 are provided. One accessible space is required and one is provided. The two commercial tenant

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spaces have less than 1,000 square feet of gross floor area and are exempt from the parking requirements.

Maximum automobile parking requirement: There is no maximum for dwelling units outside of the downtown. No more than two vehicles per dwelling unit may be parked outdoors on the site.

Bicycle parking requirement: Multiple-family dwellings are required to provide one bike parking space per every two dwelling units; however, the UA University Area Overlay District requires one bike parking space per bedroom. At 29 bedrooms, 29 bike parking spaces are required. 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 29 bike parking spaces.

Loading: No loading space is required.

Maximum Floor Area: The maximum FAR in the C1 District is 1.7. The lot in question is 11,968 square feet in area. The applicant proposes 14,952 square feet of gross floor area, an FAR of 1.2.

Building Height: Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. The proposed structure will be 3 stories, or 40 feet, eight inches. A conditional use permit is required to allow the increase in height and staff is recommending approval of the CUP.

Minimum Lot Area: The C1 District requires not less than 700 square feet of lot area per dwelling unit. With 12 proposed dwelling units on a lot of 11,968 square feet, the applicant proposes 997 square feet of lot area per dwelling unit.

Dwelling Units Per Acre: The applicant proposes 44 dwelling units per acre.

Yard Requirements: In general, setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or uses and for residential uses that contain windows facing an interior side lot line. This structure is bordered on the south by a public street, so no setback is required on that side. The site meets the nine foot building setbacks (five feet for parking) on the north and west sides. Interstate 35W is to the east, but because the zoning code does not consider an interstate a street this is considered an interior yard with a setback requirement of five feet plus two feet for each additional floor above the first is required, not to exceed 15 feet, which at three stories is a nine foot setback. The commercial part of the building along the east property line is not subject to this setback, only the residential use at the rear on the first floor and the units on the floors above. The applicant is requesting a variance to allow the building to encroach into the east side setback to zero feet and staff is recommending approval of the variances.

Specific Development Standards: No specific development standards are applicable for this project.

Hours of Operation: Not applicable for a residential building. The commercial uses have not yet been determined, but the applicant is aware that they are required to comply with the C1 District requirements.

Signs: Signs are subject to Chapter 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. The preliminary sign plan meets all code requirements. The applicant is aware that signs require zoning office approval and permits.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers are screened per code.

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 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.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH: Please see finding number 5 under the conditional use permit sections of this report. In addition, the comprehensive plan has the following policies from the Urban Design chapter:

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

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- 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.
- 10.4.3 Advance the understanding of urban housing and retail design among members of the design and development community.

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.

SMALL AREA PLANS ADOPTED BY COUNCIL: Please see finding number 5 under the conditional use permit sections of this report. In addition, *The Master Plan for the Marcy-Holmes Neighborhood* outlines various design guidelines including preserving the street character, appropriate landscaping including varied plant types, varied rooflines especially on longer buildings, quality building materials and appropriate building massing (see attached sheets form the plan).

It is the opinion of staff that with the staff recommendations the proposed site plan is in conformance with the above noted plans and goals.

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.

▪ Blank walls.

The only blank wall on the building, without a change in material for lengths of more than 25 feet, is the west side along the access drive on the first floor of the building. This length is 44 feet long without a change in materials. Staff does not recommend alternative compliance and recommends the provision of windows or architectural detail to comply with Section 530.120 of the zoning code.

▪ Compatible materials.

The exterior materials are made of cement board siding and panels, brick, metal, burnished concrete masonry units, and glass. Future changes in material may require review before the City Planning Commission. The new building walls will contain architectural detail including changes in materials, articulated elevations with recesses and projections, and a varied roof line. In general, the building materials are compatible on all four sides; however, the brick on the front is only continued partially along the east side of the building. While staff believes that the lap siding is appropriate on the north and west sides of the structure, the east elevation as proposed, which faces a major thoroughfare, is not compatible at the north end with the front part of the building. Staff recommends that the brick, or elements of the brick design, be continued along all or part of the first two floors of the east elevation.

▪ Twenty percent landscaping.

The site plan shows 16 percent of the site, minus the building footprint, as landscaping. The lot area is 11,968 square feet and the footprint of the building is 4,954 square feet. This leaves 7,014 square feet, of which 20 percent (1,403 square feet) is required to be landscaped. The applicant is providing approximately 1,108 square feet of landscaped area on site. Staff recommends alternative compliance as it is not possible to provide additional landscaping

without reducing the minimum amount of required parking. If possible, staff encourages the applicant to work with Mn/DOT to provide landscaping plantings along the entire east side of the site as an amenity in lieu of the 20 percent requirement.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application for 12 dwelling units for property located at 811-817 – 4th Street SE 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 conditional use permit to increase the height of the building:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application to increase the height from 2 stories to 3 stories, or 40 feet 8 inches, for property located at 811-817 – 4th Street SE 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 to reduce the east side yard building setback:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance application to reduce the interior east side yard building setback from nine feet to zero for property located at 811-817 – 4th Street SE.

Recommendation of the Community Planning and Economic Development Department –

Planning Division for the site plan review

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a mixed use 12 unit residential building located at 811-817 – 4th Street SE; subject to the following conditions:

1. CPED Planning staff review and approval of the final elevations and site and landscaping plans before permits may be issued.
2. All site improvements shall be completed by September 7, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The brick, or elements of the brick design, of the east elevation shall be continued along all or part of the first two floors of the entire east elevation.
4. Provision of windows or architectural detail on the first floor of the west elevation to reduce the blank wall as required by Section 530.120 of the zoning code.
5. Staff encourages the applicant to work with Mn/DOT to provide landscaping plantings along the entire east side of the site as an amenity in lieu of the 20 percent requirement.
6. The three pagoda dogwoods at the northeast and northwest corner of the site shall be replaced with two deciduous trees, one at the northwest corner and the other at the northeast corner, that will provide more height and shade over the parking lot than would be provided by the pagoda dogwood understory tree.
7. Vines shall be planted along the existing fence on the east side of the property to provide a parking lot screen.

Attachments:

- 1) PDR Report.
- 2) Statements from the applicant.
- 3) Statement form neighborhood group and public.
- 4) Zoning map.
- 5) Site plan, floor plan, and elevations.
- 6) Photos.