

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Site Plan Review, and Plat
BZZ-5011 & PL-249

Date: December 13, 2010

Applicant: Sherman Associates, Inc.

Address of Property: 3815 Hiawatha Avenue South

Project Name: Longfellow Station

Contact Person and Phone: Bart Nelson, (612) 455-3100

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

Date Application Deemed Complete: November 17, 2010

End of 60-Day Decision Period: January 16, 2011

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: C3A Community Activity Center District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 33

Legal Description: Not applicable for this application

Proposed Use: multiple-family dwelling with 180 units and commercial retail

Concurrent Review:

Conditional use permit to allow a planned unit development with 180 dwelling units.

Site plan review.

Plat, preliminary.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 530 Site Plan Review; and Chapter 598 Land Subdivision Regulations.

Background: The applicant is proposing to construct a retail building and a multiple-family residential building with 180 units at the property of 3815 Hiawatha Avenue. The site is the former Purina Mills site. The mill buildings are currently being demolished. The site is bordered by Hiawatha Avenue on the west side, railroad tracks on the east side and 38th Street to the north. A narrow extension on the

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south end of the site also connects the site to 40th Street. The closest uses to the site are all industrial. The 38th Street light rail transit (LRT) station is located on the northwest corner of the intersection of 38th Street and Hiawatha Avenue.

In 2008, a different development proposal was approved for this site. The proposal included constructing two mixed-use buildings with a total of 198 dwelling units and approximately 42,000 square feet of commercial tenant space. The project did not proceed because of economic conditions affecting demand for retail space and a lack of available financing for projects including mixed use/retail. The current proposal is significantly different from the last proposal and is being proposed by a different developer.

In the C3A district, a planned unit development (PUD) with multiple-family dwelling of 5 or more units is a conditional use. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

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

As part of an application for a PUD, any land proposed for the development is required to be platted into one or more lots suitable for the PUD. The applicant has submitted the preliminary plat as part of this application. Before final City approvals can be obtained, the final plat will need to be approved by the planning commission. As part of the plat, the applicant is proposing to dedicate right-of-way to the City. Part of the dedication would be for a future extension of 39th Street to connect Dight Avenue to Hiawatha Avenue. The remainder of the dedication would become a temporary public alley. The alley dedication was requested by the Public Works Department to prevent the creation of a no-outlet street. When additional land can be obtained to fill in the remaining gap of future 39th Street, the land for the temporary alley would be returned to the development site.

An Environmental Assessment (EA) was completed. A review of the project is required under Section 106 of the National Historic Preservation Act because the applicant is requesting federal funding. A historical report was completed by the applicant's consultant, which states that there is not a potential for eligibility of this site for the National Register. However, it appears that the Hiawatha corridor is eligible for National Register and local landmark designation as a historic grain terminal/feed mill district. Because there is a potential district, the State Historic Preservation Office (SHPO) may require changes to the development to ensure compatibility with the character of the area. SHPO is still in the process of reviewing the amended project; however, the applicant does not believe significant changes will be required and no changes have been requested to date. If significant changes are required, Planning Commission approval of those changes is necessary.

The applicant was required to do a discretionary Travel Demand Management Plan (TDMP) in 2008. For this proposal, the Public Works Department requested an amendment to the TDMP with updated land use assumptions and site plan information. Although the amendment has not been finalized, a draft was submitted. Information from the original TDMP and the draft amendment is referenced in this report.

The project has been approved to receive public funding from various sources. An attached document outlines those sources and how much has been appropriated. The primary funding source would be from the Department of Housing and Urban Development (HUD). To obtain this funding, HUD has

stipulated that certain conditions are met. These conditions affect several code requirements, which are discussed in more detail in other sections of this report.

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

CONDITIONAL USE PERMIT: to allow a planned unit development with 180 dwelling units.

Findings as Required by the Minneapolis Zoning Code for Conditional Use Permits:

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

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

The establishment of a planned unit development with retail and 180 dwelling units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The site is surrounded by industrial uses. It is also adjacent to an active railroad line. Provided residents of the development understand that they are living in an industrial area that involves large truck traffic and other reasonable industrial activity, surrounding uses should continue to operate (and may continue to operate in a legal fashion) without incident. Existing and future development of uses allowed should not be negatively affected by the development.

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

The site is served by existing infrastructure. The site will have access to 38th Street, 40th Street and Hiawatha Avenue through future 39th Street. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The Minnesota Department of Transportation (MNDOT) is reviewing the position and design of improvements in the Hiawatha Avenue right of way (Highway 55).

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

The uses would comply with all minimum parking and loading requirements. For the residences, 162 automobile spaces are required. Enclosed parking with 182 spaces would be provided. Fifteen spaces would also be available for residential guest parking. For every two dwelling units, one

bicycle parking space is required (90 total). The applicant would provide over 90 spaces including short-term and long-term spaces. One small loading space is required and one small loading space would be provided. For the retail, a minimum of 18 automobile spaces are required. In a surface parking area, 33 spaces would be provided. The excess spaces would also provide an area for loading. Eighteen bicycle spaces are required for the retail and 28 spaces would be provided. Vehicle access from 38th Street would be located to the far, east end of the site to minimize conflicts with traffic at the intersection of 38th Street and Hiawatha Avenue. Access from Hiawatha Avenue to proposed 39th Street would not be allowed. Vehicles also have the option of entering or exiting the site from 40th Street. The site is in close proximity to the 38th Street LRT station. The TDMP conducted for this site indicates that the proposed development will have little impact on the existing levels of service of intersections in the surrounding area. Measures the TDMP support include bicycling, walking, carpooling alternatives and limiting large vehicle deliveries outside of the a.m. and p.m. peak traffic periods. With the availability of alternate forms of transportation, the project should not have a significant effect on congestion in the area.

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

In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is mixed use. The site is adjacent to 38th Street, which is designated as a community corridor. It is also within the 38th Street LRT activity center and transit station area. The following principles and policies apply to this proposal:

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Applicable Implementation Steps

- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

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

Applicable Implementation Steps

- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

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.

Applicable Implementation Steps

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- 1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

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

Applicable Implementation Steps

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- 1.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.
- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.
- 1.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

Policy 3.1: Grow by increasing the supply of housing.

Applicable Implementation Step

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

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

Applicable Implementation Step

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

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

Applicable Implementation Step

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

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

Applicable Implementation Steps

- 10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.
- 10.6.4 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.

Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

Applicable Implementation Steps

- 10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.
- 10.9.2 Promote building and site design that delineates between public and private spaces.
- 10.9.3 Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors.
- 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Steps

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

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

Applicable Implementation Steps

- 10.16.2 Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements.
- 10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

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

Applicable Implementation Steps

- 10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.
- 10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.
- 10.18.3 Locate parking lots to the rear or interior of the site.
- 10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

The 38th Street Station Area Plan was adopted by the City Council in October 20, 2006. The recommended land use for the site is high density mixed use. For this site, the small area plan envisions the following primary features:

- A mix of uses at densities sufficient to create a vibrant, transit oriented community.
- A mix of small scale and moderate scale retail and service commercial uses that support high density residential and office markets as well as the needs of the surrounding community.
- A mix of housing types and building heights [up to 8 stories] to meet multiple housing needs and markets.
- A rhythm and scale of buildings that may echo the industrial milling past, but which are better integrated into the existing neighborhood fabric.
- A variety of small scale open space amenities and gathering places, reinforced through CPTED principles and which contribute to a sense of place.
- Green space, including areas for storm water infiltration.
- North/south sight lines, such as what exists today with the rail corridor, as well as sight lines from the adjoining blocks, in order to create a sense of connection with the surrounding neighborhood.
- Extending 39th Street to intersect with Hiawatha at a right angle. Policy 7.2 further clarifies that “The City of Minneapolis will expect large-scale redevelopment to dedicate rights-of-way and/or easements to improve access consistent with the plan [and create a consistent block pattern by extending 39th Street west from Dight, intersecting with Hiawatha].”
- Lining 38th Street with active uses and creating a sense of enclosure along the street.
- Pedestrian and bicycle facilities (e.g., sidewalks, paths, lanes) that extend from 38th Street into the interior of blocks. The character of important pedestrian and bicycle routes shall be improved by pedestrian-scale lighting, planting boulevard trees, public art, bicycle racks, etc.
- Improving area street infrastructure in order to enhance circulation and provide better access for vehicles, bicyclists and pedestrians.
- Redevelopment and site planning should make creative use of areas formed by irregular street angles, such as landscaping, planters, and usable open space

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- Off-street parking that facilitates shared use and which incorporates Travel Demand Management (TDM) programs to reduce automobile use and encourage alternatives.

The proposed development would be consistent with these policies of the comprehensive plan and the small area plan.

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

The use of the site for a planned unit development with retail and 180 dwelling units will conform to the applicable regulations upon the approval of the conditional use permit, site plan review, and plat applications.

Findings Required for Planned Unit Developments:

- A. **The planned unit development conforms to the applicable standards for alternatives and amenities. (See Section A Below for Evaluation)**
- B. **Additional uses. (See Section B Below for Evaluation)**
- C. **The planned unit development conforms to the required findings for a planned unit development. (See Section C Below for Evaluation)**

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Alternatives requested:

- **Placement and number of principal residential structures.**

Number of Principal Residential Structures – No alternative requested.

Building Placement Requirements of the PO Pedestrian Oriented Overlay District: In the PO overlay district, the first floor of a building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. No front yards are required; therefore, the maximum

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setback allowed is 8 feet. Parts of both buildings would be set back more than 8 feet from lot lines adjacent to 38th Street and Hiawatha Avenue.

- **Bulk regulations.**

Maximum Floor Area – No alternative requested.

Building Height: In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the residential building would be 5 stories and 61 feet.

In addition to the conditional use standards and planned unit development standards, 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 residential building would be separated from surrounding properties by public streets (existing and proposed) to the north, south and west. To the east, the site is adjacent to a railroad corridor. The building would be set back 35 to 85 feet from the railroad. The retail building would be located between the residential building and 38th Street. The building should not have any affect on access to light and air.

- 2. Shadowing of residential properties or significant public spaces.**

The applicant did not submit a shadow study as part of this application. The buildings would not be adjacent to any significant public spaces or residential properties.

- 3. The scale and character of surrounding uses.**

Taller buildings are characteristic of the milling facilities in the area. Other industrial buildings in the immediate area are shorter, but have a larger building mass. The scale and character of the proposed building is consistent with development in the area.

- 4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

The buildings would not impede views of landmark buildings, significant open spaces or water bodies.

- **Lot area requirements.** – No alternative requested.
- **Yards.** – No alternative requested.
- **On-premise signs.** – No alternative requested.
- **Off-street parking and loading.** – No alternative requested.

Points required:

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- Minimum required amenity(ies) – **10 points.**
- Building placement – **5 points.**
- Bulk regulations, height – **5 points.**
- **Total – 20 points.**

Amenities provided: The applicant has provided a supplemental table (attached to this report) describing all of the amenities proposed. Staff believes 22 points worth of amenities are proposed as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1: Public Right-of-Way Dedication, Outdoor Children’s Play Area, Art Feature, Enhanced Exterior Lighting, Enhanced Stormwater Management, Recycling Storage Areas, and Pet Exercise Area.

Public right-of-way dedication – The required standards for public right-of-way dedication are:

- **Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved city plan or that restores the city’s traditional grid subject to the approval of the applicable agencies or departments.** The 38th Street Station Plan calls for creating a consistent block pattern by extending 39th Street west from Dight, intersecting with Hiawatha. The applicant is proposing to dedicate part of the site that will become an extension of 39th Street once the railroad corridor is vacated and additional land is acquired to complete the extension. The dedicated area will include access to Hiawatha Avenue. MNDOT has reviewed the proposal and will allow right-turn out of the site only onto Hiawatha Avenue. The Public Works Department has also reviewed the proposal and requested the applicant to also dedicate an alley right-of-way where the site extends to 40th Street to prevent the creation of a no-outlet street. In the event that the extension of 39th Street can be completed through to Dight Avenue, the City would return the alley to the development site. Because the street dedication will remain right-of-way, the amenity is worth the full 10 points.
- **Right-of-way improvements should be designed in accordance with Chapter 598, Land Subdivision Regulations.** The street will be designed in accordance with these standards.
- **Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.** No alleys would be reconstructed or relocated as part of an alley vacation for this development.

This provision is worth 10 points.

Outdoor children’s play area – The required standards for outdoor children’s play area are:

- **An active, outdoor children’s play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet.** No units with three or more bedrooms are proposed; therefore at least 500 square feet of play area is required. The designated play area would be 1,000 square feet.
- **The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision.** It would be secured by a decorative fence that allows views in and out and would be separated from parking areas. Benches would also be provided.

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- **The play area shall include play equipment, installed to the manufacturer’s specifications, or natural features suitable for children in both preschool and elementary school.** The proposed play equipment would be suitable for young children. An illustration of the proposed play equipment is included in the applicant’s landscape site plan.
- **Play equipment shall not be located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard.** The play equipment and play area are not subject to yard requirements on this site.
- **Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.** The applicant has indicated that the play area and equipment are designed for winter use, are located in an inside corner of the building for protection from the wind, are positioned to receive natural sunlight early in the day, and are accessible from all sides for snow and ice removal.

This provision is worth 5 points.

Art feature – The required standards for art feature are:

- **Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely.** The art has not yet been chosen. The applicant has indicated that the owner intends to collaborate with the City’s Public Arts Coordinator to develop a process for selecting a local artist to create and install a piece that reflects the character and history of the site and area and that complements the project. They are also proposing a similar process for murals on the residential building fronting Hiawatha Avenue.
- **The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public.** A prominent piece would be located at the intersection of Hiawatha Avenue and 38th Street in the plaza. Murals on the residential building would front Hiawatha Avenue.
- **If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets.** The art would be located outside.
- **The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.** The applicant has indicated that the total capital cost of the proposed principal structures is \$19 million and \$50,000 (0.26 percent) would be budgeted for the art.

This provision is worth 3 points.

Enhanced exterior lighting – **Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.** The applicant has provided a lighting plan. Decorative bollard, wall mounted and pole lights as well as street lights would highlight the plaza at the corner of 38th Street, the rain garden, entrances on both buildings, active uses adjacent to Hiawatha Avenue, the art amenity, the mural locations, the pet exercise area, and the children’s play area. Lighting would also be provided along walkways and driveways throughout the site. The lighting would comply with Chapter 535 standards. This provision is worth 1 point.

Enhanced stormwater management – The required standards for enhanced stormwater management are:

- **Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity.** A rain garden landscaped with perennials would be located

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between the retail building and the residential building and would capture stormwater from the roof. An underground retention system would also be provided.

- **Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design.** A maintenance plan that identifies regular inspection and maintenance activities was provided.
- **The design shall conform to requirements of the stormwater management plan approved by public works.** The Public Works Department will review the project for appropriate drainage and stormwater management.

This provision is worth 1 point.

Recycling storage area – Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building. Recycling areas would be located adjacent to the trash collection areas in each building. This provision is worth 1 point.

Pet exercise area – The required standards for pet exercise area are:

- **A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet.** The exercise area would be 16 by 80 feet (1,280 square feet).
- **It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste.** Decorative fencing would surround the area. Accommodations for proper disposal of animal waste would be provided.
- **The pet exercise area shall not be located in a required yard.** It would not be located in a required yard.

This provision is worth 1 point.

Points Summary

<i>Amenity</i>		<i>Points Requested by Applicant</i>	<i>Points Recommended by Staff</i>
Amenities from Table 527-1	Public Right-of-Way Dedication	10	10
	Outdoor Children’s Play Area	5	5
	Art Feature	3	3
	Enhanced Exterior Lighting	1	1
	Enhanced Stormwater Management	1	1
	Recycling Storage Areas	1	1
	Pet Exercise Area	1	1
Total		22	22

Phasing plan. – The development would not be phased.

Section B: Additional Uses

- **In general. The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.**

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- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

Additional uses are not proposed.

Section C: Conformance with Required Planned Unit Development Findings

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

A mixed used development with 10,000 square feet of retail and 180 dwelling units is proposed. The retail uses would likely provide services that would contribute to creating a vibrant, transit oriented community. The mix of units includes studios, one, and two-bedrooms. Spaces around the multiple-family dwelling include amenities for the residents as well as semi-public areas that should create positive activity adjacent to Hiawatha Avenue.

- b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.**

The uses would comply with all minimum parking and loading requirements. For the residences, 162 automobile spaces are required. Enclosed parking with 182 spaces would be provided. Fifteen spaces would also be available for residential guest parking. For every two dwelling units, one bicycle parking space is required (90 total). The applicant would provide over 90 spaces including short-term and long-term spaces. One small loading space is required and one small loading space would be provided. For the retail, a minimum of 18 automobile spaces are required. In a surface parking area, 33 spaces would be provided. The excess spaces would also provide an area for loading. Eighteen bicycle spaces are required for the retail and 28 spaces would be provided. Vehicle access from 38th Street would be located to the far, east end of the

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site to minimize conflicts with traffic at the intersection of 38th Street and Hiawatha Avenue. Access from Hiawatha Avenue to proposed 39th Street would not be allowed. Vehicles also have the option of entering or exiting the site from 40th Street. The site is in close proximity to the 38th Street LRT station. Pedestrian walkways would be provided throughout the site and would connect to the on-site parking areas and adjacent sidewalks. The TDMP conducted for this site indicates that the proposed development will have little impact on the existing levels of service of intersections in the surrounding area. Measures the TDMP support include bicycling, walking, carpooling alternatives and limiting large vehicle deliveries outside of the a.m. and p.m. peak traffic periods.

- c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.**

From Table 527-1 of the zoning code, Public Right-of-Way Dedication, Outdoor Children's Play Area, Art Feature, Enhanced Exterior Lighting, Enhanced Stormwater Management, Recycling Storage Areas, and Pet Exercise Area are proposed in this development. Other proposed amenities include providing landscaping that exceeds the Chapter 530 site plan review requirements, landscaping the Hiawatha Avenue boulevard with trees and perennials, installing a stormwater management system on a site that previously had negligible amounts of pervious surfaces, bicycle parking (both short term and long term) that exceeds the minimum requirements for the retail and residences, outdoor plazas, murals, and an educational display.

- d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The primary exterior materials would be durable and include brick, cementitious fiber panels and lap siding, decorative concrete masonry units, and glass. All sides of both buildings would be compatible to each other and similar in appearance. Windows would be provided on all sides of the retail building to allow natural surveillance and visibility. Although the first floor of the residential building would have limited areas with active functions and windows facing the streets and parking area, the upper floors would contain an abundant amount of windows that would allow for more surveillance opportunities around the building. Other outdoor active functions, including an educational display, murals, and a pet exercise area, would be provided between the building and Hiawatha Avenue to promote a safe environment. Green screens would also be provided on many of the ground floor walls to improve the appearance of a ground floor primarily occupied by parking. The scale and massing of the proposed buildings are compatible with other industrial buildings in the immediate area. They should not have significant effects on access to light or air, create significant shadow effects, or impede any significant views. Landscaping would provide a buffer between the residential building and Hiawatha Avenue and the railroad corridor. The surface parking areas would be located at the interior of the site. Adjacent to 38th Street, a landscape buffer would be provided between the parking and the street.

- e. **An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

The site is not adjacent to any residential uses or residential zoning.

- f. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. The Minnesota Department of Transportation (MNDOT) is reviewing the position and design of improvements in the Hiawatha Avenue right of way (Highway 55).

- g. **The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

Demolition of existing buildings is currently underway. As practical, the applicant will use deconstruction services and material recycling during the demolition process as well as take advantage of sustainable building practices during construction.

2. **That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary plat section of this report.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code for the Site Plan Review:

- A. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

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Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

Walls of the retail building would not be within 8 feet of the lots lines adjacent to the intersection of 38th Street and Hiawatha Avenue. The north portion of the site is triangular shaped because 38th Street and Hiawatha Avenue do not intersect at a 90 degree angle. Most of the first floor of the residential building also would not be within 8 feet of the lot line adjacent to Hiawatha Avenue. To address HUD requirements, specifically noise issues associated with proximity to a highway, the building is set back more than 8 feet. In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street as well. Through the PUD, the applicant is requesting an alternative of this ordinance by providing additional amenities on-site. (For a detailed description of the amenities proposed, please see the conditional use permit section of this report.) Further, automobile parking would not be placed between the building and the public sidewalks. For these reasons, staff believes alternative compliance is warranted for the setbacks proposed for both buildings.

Amenities located between the buildings and the adjacent streets include landscaping, patios, plazas, a dog exercise area, and bicycle parking.

A principal entrance for both buildings would face Hiawatha Avenue.

Most of the residential parking would be enclosed in the building. The surface parking lots would be located at the interior and rear of the site.

The retail building would include recesses and projections, varying parapet heights and windows on all sides to divide the building into smaller identifiable sections. Although the residential building would be 575 feet long, it would include recesses and projections, change of materials, varying parapet heights, and windows on all sides to divide the building into smaller identifiable sections.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on the retail building. On the residential building, all walls would contain sufficient architectural elements with the exception of the ground level of the west building elevation immediately south of the community room. The wall would be blank for 43 feet. As an alternative, the applicant would install a green screen over the entire wall. The alternative would meet the intent of this standard, which includes graffiti prevention. With the alternative proposed, staff is recommending that the planning commission grant alternative compliance and allow fewer architectural elements on this wall.

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The primary exterior materials would include brick, cementitious fiber panels and lap siding, decorative concrete masonry units, and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of both buildings would be compatible to each other and similar in appearance.

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

Multiple entrances would be provided on both buildings. On the retail building, the main entrances would be surrounded by windows and sheltered by awnings to emphasize their importance. On the residential building, the main entrances would be sheltered, surrounded by windows, and would project from the building to emphasize their importance.

On the residential building, all sides of the building are subject to the minimum window requirements. The amount of windows provided on all of the walls on floor two through five would exceed the minimum amount required. On the ground level, only the west (Hiawatha Avenue) elevation would provide windows equivalent to 20 percent of the wall. The percentage of windows proposed on the other ground floor walls are identified in the table below. Parking would occupy most of the ground floor. Adding windows in the garage level to comply with the minimum window requirement would not likely increase surveillance of the parking area and providing more active functions on the ground is restricted by HUD requirements. HUD is requiring a minimum of one parking space for each dwelling unit. The proposed unit to parking space ratio is 1:1.09. All of the spaces required by HUD would be enclosed. HUD will not allow dwelling units on the ground floor because of noise and safety concerns related to the close proximity to a highway and railroad tracks, nor will they finance any commercial development even in a mixed use building. An abundant amount of windows would be provided on the

Ground floor elevation (facing)	Percentage of windows as measured between 2 and 10 feet above grade
North (38 th St/ retail parking lot)	8.7%
South (future 39 th St)	6.7%
East (parking lot)	13.5%
North wing (parking lot)	17.1%
South wing (parking lot)	17.9%

upper walls (between 26 and 41.2 percent on each floor) that would provide additional opportunities to increase surveillance of the parking areas and adjacent streets. All required windows would be vertical in proportion and distributed in a more or less even manner. For these reasons, staff is recommending that the planning commission grant alternative compliance for the ground floor walls from 20 percent to the amounts proposed in the table to the left.

On the retail building, the north, east and west elevations are subject to the 30 percent minimum window requirement. Each wall would have more than 30 percent windows as measured between 2 and 10 feet with the bottom of the window located not more than 4 feet from the adjacent grade. In the PO overlay district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors as well. Both the 38th Street and Hiawatha Avenue building elevations would contain over 60 percent windows that meet the PO overlay district standards. The proposed windows would be vertical in proportion, distributed in a more or less even manner, and would have clear or lightly tinted glass. Tenants are not yet proposed, but required windows will need to allow views into and out of the building at eye level.

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On the residential building, the west and south elevations face a street. These ground floor walls are subject to the active functions requirement, but they would not comply with this requirement. The table below identifies the percentage of each wall that would not be active functions.

Ground floor wall	Percentage of the linear building wall occupied by parking, loading, storage or mechanical equipment	Alternative(s) proposed
West (Hiawatha Avenue)	68.9%	Where ground floor active functions are not proposed, an educational display, designated wall space for an art program, such as murals, mosaics, and bas reliefs, a patio with access to the community room, and a pet exercise area would be provided. These alternatives, combined with the active functions, would occupy 68 percent of the buildings length. Green screens, covering approximately 35 percent of the entire first floor wall, would be installed as well.
South (future 39 th Street)	100%	Green screens would be installed covering approximately 53 percent of the entire first floor wall.

Parking would occupy most of the ground floor. HUD is requiring a minimum of one parking space for each dwelling unit. The proposed unit to parking space ratio is 1:1.09. All of the spaces required by HUD would be enclosed. Other options for active functions on the ground floor are also limited because of the financing. HUD will not allow dwelling units on the ground floor because of noise and safety concerns related to the close proximity to a highway and railroad tracks, nor will they finance any commercial development even in a mixed use building. Because of these restrictions, the applicant is proposing several alternatives to increase outdoor activity and provide additional exterior enhancements adjacent to these walls. The alternatives proposed are described in the table above. Because alternatives are proposed that would promote activity and create visual interest at ground level, staff is recommending that the planning commission grant alternative compliance to allow the ground floor to accommodate less than 70 percent of the linear building frontage of each of these walls with active functions.

On the retail building, more than 70 percent of the linear frontage of each ground floor building wall facing a public street and parking lot would accommodate spaces with active functions. Tenants and their individual tenant space layouts are not yet proposed, but will need to comply with this requirement.

A flat roof is proposed on both buildings. The nonresidential buildings in the immediate area, which are generally larger than the single-family homes in the area, have flat roofs.

The floors of the enclosed parking would not be visible from the exterior of the building.

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.

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- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

Conformance with above requirements:

Walkways 4 feet in width or greater would connect the public sidewalk and parking facilities to the main entrances.

A transit shelter is not proposed or adjacent to the site.

Access to the site is proposed from 38th Street and future 39th Street through 20 foot wide curb cuts. The proposed access points would greatly reduce the number of curb cuts existing on the site. Within the site, walkways are provided exclusive of areas where vehicles circulate. Where driveways and walkways would overlap, striping would be applied to indicate a pedestrian zone. Access to Hiawatha Avenue from future 39th Street and access from the proposed dedicated alley extending to 40th Street is also proposed. Public Works will review the project to ensure the safety of the position and design of improvements in or over the public right of way. The proposed access and circulation should minimize vehicular conflicts with pedestrians. There are no residential uses adjacent to the site.

The site is not adjacent to an alley.

Most of the parking would be enclosed in the building. Vehicle circulation is limited to the rear of the site. The amount of impervious surface proposed is not excessive.

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.

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- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by building be landscaped. The lot area of the site is approximately 133,652 square feet (does not include the dedicated right-of-ways). The building footprints would be approximately 53,626 square feet. The lot area minus the building footprint therefore consists of approximately 80,062 square feet. At least 20 percent of the net site area (16,005 square feet) must be landscaped. Approximately 25,790 square feet of the site would be landscaped. That is equal to 32.2 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 33 and 161 respectively. The applicant would provide 35 deciduous canopy trees, 44 ornamental trees, and 485 shrubs on-site and a total of 36 boulevard trees in the Hiawatha Avenue and future 39th Street right-of-ways. The remainder of the site not covered by the buildings, parking area, driveways, walkways, plazas, and patios would be covered with perennials, native grasses, and sod.

The retail surface parking area would have frontage on 38th Street. The parking area would be set back more than 7 feet. Landscaping would be provided to screen the parking area. The proposed shrubs would provide screening 3 feet in height.

At least two canopy trees are required between the parking area and 38th Street. Four ornamental trees would be provided. CPTED principals require open views between the parking area and the street at 3 to 7 feet above grade. The proposed trees will likely not meet this standard. For this reason, staff is recommending that the planning commission require at least two canopy trees between the parking area and 38th Street.

All corners of the parking area unavailable for parking would be landscaped.

All parking spaces would be within 50 feet of an on-site deciduous tree. The tree islands would be seven feet in width.

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.

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- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with above requirements:

Six inch by six inch continuous concrete curbing would be provided for all parking and driveways. All stormwater from the surface parking areas would be collected and routed to the underground infiltration system.

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

The site is bordered by a highway to the west, public streets to the north and south, and a railroad corridor to the east. The retail building would be one story in height. The residential building would be five stories in height and would be set back from both the east and west lot lines. The shadowing effects of the development should have little effect on public spaces and surrounding properties.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The retail building would have an abundant amount of windows on all sides of the building. Although a limited number of windows would be provided on the ground floor of the residential building, an abundant amount of windows would be provided on the upper floors to allow natural surveillance and visibility. Four ornamental trees would be provided between the parking area and 38th Street. CPTED principals require open views between the parking area and the street at 3 to 7 feet above grade. The proposed trees will likely not meet this standard. For this reason, staff is recommending that the planning commission require at least two canopy trees between the parking area and 38th Street. Lighting would be provided throughout the site. Information submitted by the applicant indicates that lighting levels would enhance security without creating glare or excessive lighting. Landscaping and fencing would be provided to guide pedestrian movement in and around the site and to distinguish between public and private spaces. A fence would be provided adjacent to the railroad corridor to restrict access.

The buildings on the site are being demolished. The site is not locally designated. However, a review of the project is required under Section 106 of the National Historic Preservation Act because the applicant is requesting federal funding. The applicant hired a consultant to evaluate the historic potential of the site and surrounding area. The consultant found that the site did not qualify for listing in the National Register of Historic Places. However, it appears that the Hiawatha corridor is eligible for National Register and local landmark designation as a historic grain terminal/feed mill district. The State Historic Preservation Office is reviewing the project to ensure compatibility with the character of the area. The applicant entered into a section 106 memorandum of agreement with SHPO and the City to address any effects of the project on historic character of the area.

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

ZONING CODE: The site is zoned C3A with the PO overlay district. A multiple-family dwelling with 5 or more units is a conditional use in the C3A district. General retail sales and services and a variety of other commercial uses are permitted as well.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple-family dwelling in the C3A district with the PO overlay is 0.9 spaces per dwelling unit. A total of 180 units are proposed, therefore the minimum parking requirement is 162 spaces. The applicant is proposing to provide 196 spaces for the residential use (182 enclosed and 15 surface). Accessible spaces must be provided for each type of parking proposed. At least four must be enclosed and at least one surface accessible space must be provided. One surface accessible space and nine enclosed accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact. Approximately 8 percent of the total number of spaces would be compact.

In Chapter 541 of the zoning code, the minimum parking requirement for general retail sales and services uses is one space per 500 square feet of gross floor area in excess of 4,000 square feet of gross floor area, but not less than four spaces. The applicant has indicated that 6 retail tenant spaces, each approximately 1,700 square feet in area, are proposed. The minimum parking requirement for each use is 4 spaces. In the PO overlay district, the minimum parking requirement is 75 percent of the requirement specified in Chapter 541 of the zoning code. This reduces the minimum parking requirement for each tenant space to 3 spaces. The total minimum requirement is 18 spaces. The applicant would provide 33 spaces for the retail. Two accessible spaces are required. Two accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact. Approximately 24 percent of the total number of spaces would be compact.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. Not more than two parking spaces per dwelling unit can be unenclosed. The surface parking area would contain 15 spaces. All other parking spaces would be enclosed.

In Chapter 541 of the zoning code, the maximum parking requirement for general retail sales and services uses is one space per 200 square feet of gross floor area. The applicant has indicated that 6 retail tenant spaces, each approximately 1,700 square feet in area, are proposed. In the PO overlay district, the maximum parking requirement is 75 percent of the requirement specified in Chapter 541 of the zoning code. This reduces the maximum parking requirement for the retail building to 39 spaces. The applicant would provide 33 spaces for the retail.

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

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must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 90 spaces, of which at least 81 must meet the long-term parking requirements. The applicant would provide at least 90 long-term spaces in the enclosed parking area.

The minimum bicycle parking requirement for the retail tenant space is 3 spaces or one space per 5,000 square feet of gross floor area, whichever is greater. The applicant has indicated that 6 retail tenant spaces, each approximately 1,700 square feet in area, are proposed. Therefore a total of 18 bicycle spaces are required for the retail. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. The applicant would provide at least 18 short-term spaces.

Loading: One small loading space is required for a multiple-family dwelling with 100 to 250 dwelling units. One small space would be provided.

For general retail sales and services uses with less than 20,000 square feet of gross floor area, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required. The amount of parking provided would exceed the minimum requirement. The excess spaces would provide adequate shipping and receiving facilities.

Maximum Floor Area: The proposed lot area is 133,652 square feet.¹ The maximum FAR allowed in the C3A District with the PO overlay district is 3.51 when all of the required residential parking is provided within the building. The buildings would have a total of 194,177 square feet, which is an FAR of approximately 1.45.

Minimum Lot Area: The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit. The development qualifies for a bonus to increase the number of dwelling units by enclosing all required residential parking. This reduces the required lot area per dwelling unit to 307.8 square feet. The proposed lot size is 133,652 square feet²; therefore, the applicant is proposing approximately 742.5 square feet of lot area per dwelling unit.

Dwelling Units per Acre: The proposed density would be approximately 59 dwelling units per acre.

Building Height: In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the retail building would be one story and 27 feet. The height of the residential building would be 5 stories and 61 feet. Through the PUD, the applicant is requesting an alternative of

¹ The proposed lot area does not include areas that will be dedicated as public right-of-way.

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this ordinance by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.

Yard Requirements: Through the plat, a new interior lot line would be created. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor, for the retail building lot because it would be adjacent to a lot with a residential use. The retail building would be one story; therefore the interior side yard requirement is 5 feet. The retail building and all obstructions would be set back 5 feet from the side lot line. For the residential lot, an interior side yard is only required for the building where windows face a side lot line. For each story with windows, the minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. On the wall facing the new interior lot line, only floors 2 through 5 of the residential building would have windows. Therefore the minimum interior side yard requirement is 11 feet. The building would be set back 12 feet.

A yard is required where windows for the residences face the lot line adjacent to the railroad tracks. The minimum rear yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor, but not to exceed 15 feet. All floors of the east elevation would have windows; therefore the minimum yard requirement is 13 feet. The building would be set back more than 13 feet.

Building Lot Coverage: Not applicable.

Impervious Surface: Not applicable.

Specific Development Standards: Not applicable.

PO Pedestrian Oriented Overlay District Standards: The following standards apply to this development:

- Drive-through facilities, automobile convenience facilities, transportation uses, self-service storage, commercial parking lots (including the expansion of any existing commercial parking lot), and the conversion of any accessory parking lot to a commercial parking lot are prohibited. These uses are not proposed.
- The first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. No front yards are required. Parts of both buildings would be set back more than 8 feet from lot lines adjacent to 38th Street and Hiawatha Avenue. Through the PUD, the applicant is requesting an alternative of this ordinance by providing additional amenities on-site. For a detailed description of the amenities proposed, please see the conditional use permit section of this report.
- Amenities are required between the building and lot lines adjacent to a street. At least one principal entrance must face the street. Landscaping, plazas and other gathering areas would be located between the buildings and the streets. Both buildings would have at least one principle entrance facing a street.
- At least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows or doors of clear or lightly tinted glass that allows views into and out of

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the building at eye level. Windows must be distributed in a more or less even manner. Required windows are measured between two and 10 feet above the finished level of the floor. Both the 38th Street and Hiawatha Avenue building elevations would contain over 60 percent windows that meet these standards.

- Awnings and canopies are encouraged, but backlit awnings and canopies are prohibited. Awnings are proposed on the retail building.
- Pole signs, backlit awning and canopy signs, and backlit insertable panel projecting signs are prohibited. These types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. Most of the parking would be located below-grade. The surface parking would be located at the interior and rear of the site.
- Parking lots are limited to 60 feet of street frontage. The parking lot frontage would be less than 60 feet.
- The driveway width for all parking facilities cannot exceed 20 feet of street frontage. Driveway access would be from 38th Street and future 39th Street. The street frontage of both driveways would be 20 feet.
- A minimum floor area ratio of 1.0 is required for new development. The proposed development would have an FAR of 1.45.

Hours of Operation: Not applicable.

Refuse Screening: Refuse storage containers would be stored in the buildings.

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

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

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.

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- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Mechanical equipment would be located north of the residential building and adjacent to 38th Street. They would be screened sufficiently by landscaping.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

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

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

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

The applicant has submitted lighting information that indicates the proposed lighting will comply with the above standards.

Fences: Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. The fencing proposed would comply with these requirements.

Signs: Signage is proposed on the retail and residential buildings. The proposed signage complies with the C3A standards for signage. Any proposed signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: Please refer to the conditional use permit section of this report.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

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

- Placement of a building not more than 8 feet from a lot line adjacent to a street

Walls of the retail building would not be within 8 feet of the lots lines adjacent to the intersection of 38th Street and Hiawatha Avenue. The north portion of the site is triangular shaped because 38th Street and Hiawatha Avenue do not intersect at a 90 degree angle. Most of the first floor of the residential building also would not be within 8 feet of the lot line adjacent to Hiawatha Avenue. To address HUD requirements, specifically noise issues associated with proximity to a highway, the building is set back more than 8 feet. In a PO district, all building walls are required to be located not more than 8 feet from a lot line adjacent to a street. Through the PUD, the applicant is requesting an alternative of this ordinance by providing additional amenities on-site. (For a detailed description of the amenities proposed, please see the conditional use permit section of this report.) Further, automobile parking would not be placed between the building and the public sidewalks. For these reasons, staff believes alternative compliance is warranted for the setbacks proposed for both buildings.

- Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

On the residential building, all walls would contain sufficient architectural elements with the exception of the ground level of the west building elevation immediately south of the community room. The wall would be blank for 43 feet. As an alternative, the applicant would install a green screen over the entire wall. The alternative would meet the intent of this standard, which includes graffiti prevention. With the alternative proposed, staff is recommending that the planning commission grant alternative compliance and allow fewer architectural elements on this wall.

- 20 percent window requirement

On the residential building, all sides of the building are subject to the minimum window requirements. On the ground level, only the west (Hiawatha Avenue) elevation would provide windows equivalent to 20 percent of the wall. The percentage of windows proposed on the other ground floor walls are identified in the table below. Parking would occupy most of the ground floor.

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Adding windows in the garage level to comply with the minimum window requirement would not likely increase surveillance of the parking area and providing more active functions on the ground is restricted by HUD requirements. HUD is requiring a minimum of one parking space for each

Ground floor elevation (facing)	Percentage of windows as measured between 2 and 10 feet above grade
North (38 th St/ retail parking lot)	8.7%
South (future 39 th St)	6.7%
East (parking lot)	13.5%
North wing (parking lot)	17.1%
South wing (parking lot)	17.9%

dwelling unit. The proposed unit to parking space ratio is 1:1.09. All of the

spaces required by HUD would be enclosed. HUD will not allow dwelling units on the ground floor because of noise and safety concerns related to the close proximity to a highway and railroad tracks, nor will they finance any commercial development even in a mixed use

building. An abundant amount of windows would be provided on the upper walls (between 26 and 41.2 percent on each floor) that would provide additional opportunities to increase surveillance of the parking areas and adjacent streets. All required windows would be vertical in proportion and distributed in a more or less even manner. For these reasons, staff is recommending that the planning commission grant alternative compliance for the ground floor walls from 20 percent to the amounts proposed in the table above.

▪ **Ground floor active functions requirement**

On the residential building, the west and south elevations face a street. These ground floor walls are subject to the active functions requirement, but they would not comply with this requirement. The table below identifies the percentage of each wall that would not be active functions.

Ground floor wall	Percentage of the linear building wall occupied by parking, loading, storage or mechanical equipment	Alternative(s) proposed
West (Hiawatha Avenue)	68.9%	Where ground floor active functions are not proposed, an educational display, designated wall space for an art program, such as murals, mosaics, and bas reliefs, a patio with access to the community room, and a pet exercise area would be provided. These alternatives, combined with the active functions, would occupy 68 percent of the buildings length. Green screens, covering approximately 35 percent of the entire first floor wall, would be installed as well.
South (future 39 th Street)	100%	Green screens would be installed covering approximately 53 percent of the entire first floor wall.

Parking would occupy most of the ground floor. HUD is requiring a minimum of one parking space for each dwelling unit. The proposed unit to parking space ratio is 1:1.09. All of the spaces required

by HUD would be enclosed. Other options for active functions on the ground floor are also limited because of the financing. HUD will not allow dwelling units on the ground floor because of noise and safety concerns related to the close proximity to a highway and railroad tracks, nor will they finance any commercial development even in a mixed use building. Because of these restrictions, the applicant is proposing several alternatives to increase outdoor activity and provide additional exterior enhancements adjacent to these walls. The alternatives proposed are described in the table above. Because alternatives are proposed that would promote activity and create visual interest at ground level, staff is recommending that the planning commission grant alternative compliance to allow the ground floor to accommodate less than 70 percent of the linear building frontage of each of these walls with active functions.

- Not less than one tree for each 25 linear feet or fraction thereof of parking lot frontage
At least two canopy trees are required between the parking area and 38th Street. Four ornamental trees would be provided. CPTED principals require open views between the parking area and the street at 3 to 7 feet above grade. The proposed trees will likely not meet this standard. For this reason, staff is recommending that the planning commission require at least two canopy trees between the parking area and 38th Street.

PRELIMINARY PLAT

Findings as required by the Minneapolis Zoning Code for the preliminary plat:

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

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The land is proposed to be platted into two lots. A subdivision for a PUD is required to include a deed restriction as required by section 598.260 of the subdivision ordinance.

598.260. Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.

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- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

A public street (39th Street) and a public alley (between future 39th Street and existing 40th Street) dedication are also proposed. The subdivision is in conformance with the applicable design requirements of the land subdivision regulations and the street and alley design standards from Table 598-1 except for Sections 598.230 (2)(a) and (5). Section 598.230 (2)(a) requires a minimum street pavement width of 32 feet with a minimum 70 foot diameter cul-de-sac in a no-outlet street. Section 598.230 (5) requires utility easements to be 5 feet wide on an interior side lot line. In order to be in conformance with the land subdivision regulations, a variance of Sections 598.230 (2)(a) and (5) is required to allow a narrower paved street width and to allow the reduction of drainage and utility easements where the lots abut adjacent property. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The proposed paved street width would be 32 feet except where the street would intersect with Hiawatha Avenue. MNDOT will not allow right-turn access from Hiawatha onto 39th Street because of safety concerns. To prevent illegal turns, the roadway width would be narrowed to accommodate an approximately 70 degree curb extension. Although the proposed street dedication would not connect to 39th Street and would dead end, there is insufficient room to provide a cul-de-sac. To address the no-outlet issue, the Public Works Department requested that the applicant dedicate an alley to allow public access out to 40th Street. If in the future 39th Street could be extended to Dight Avenue, the land occupied by the dedicated alley would be returned to the development site. Staff is recommending that the planning commission grant both street width variances.

No utility easements would be provided along any interior lot lines or rear lot lines. Both lots would have access to adjacent public streets. The lots would have a driveway located next to the interior lot line where the variance is requested. Staff is recommending that the planning commission grant the utility easement variance to 0 feet.

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

The plat should have no impact on the surrounding area. Access to Hiawatha Avenue from future 39th Street would be allowed, but restricted to right-turn only. Because of safety concerns and possible conflicts with vehicle access for the property located to the south of this site, MNDOT will not allow access from Hiawatha Avenue to the site or future 39th Street.

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

The site is basically level and does not present the other noted hazards, except soil contamination. The variances should have little effect on surrounding uses.

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

Each lot is buildable with minimal alterations and with frontage on streets.

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

The Public Works Department will review the project for appropriate drainage and stormwater management. Retention tanks would contain most of the stormwater from the site. The amount of stormwater runoff from the site should be minimized.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow a planned unit development with 180 dwelling units located at the property of 3815 Hiawatha Avenue South, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 20 points: Public Right-of-Way Dedication, Outdoor Children’s Play Area, Art Feature, Enhanced Exterior Lighting, Enhanced Stormwater Management, Recycling Storage Areas, and Pet Exercise Area.
- 3) The applicant shall implement all amenities as required by section 527.120 of the zoning code by December 13, 2012.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review located at the property of 3815 Hiawatha Avenue South, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 13, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) At least two canopy trees shall be provided in the landscaped yard between the parking area and 38th Street as required by section 530.170 of the zoning code.

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

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the property located at 3815 Hiawatha Avenue South, subject to the following condition:

- 1) The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

Attachments:

- 1) PDR report
- 2) Table of funding sources
- 3) Applicant's statement of proposed use, responses to findings and site amenities table
- 4) Zoning map
- 5) Plans
- 6) Photos