

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances, Site Plan Review & Registered Land Survey
BZZ – 3546 & RLS-49

Date: June 25, 2007

Applicant: Lutheran Social Service of Minnesota

Address of Property: 2414 Park Avenue South

Project Name: Center for Changing Lives & LSS Park Avenue Apartments

Contact Person and Phone: Gretchen Camp, (612) 373-9122

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

Date Application Deemed Complete: May 18, 2007

End of 60-Day Decision Period: July 17, 2007

Ward: 6 **Neighborhood Organization:** Phillips West

Existing Zoning: OR2 High Density Office Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Planned unit development including 48 units of supportive housing and a community center.

Concurrent Review:

Conditional use permit to allow a planned unit development.

Conditional use permit to allow supportive housing with 48 dwelling units.

Variance to increase the maximum number of persons served by supportive housing to 220 persons.

Variance to allow supportive on-site services to be used by non-residents.

Variance to reduce the required front yard along Oakland Ave from 15 feet to 7.5 feet to allow a surface parking area.

Variance to allow parking between a principal structure and the front lot line (Oakland Ave) in an office residential district.

Site plan review.

Preliminary registered land survey.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”, Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.” and Section 525.520(22) “to vary the development standards of Chapter 536...except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance”; Chapter 527; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct a new mixed-use building to establish a community center and 48 units of supportive housing. The site occupies the majority of the block bound by 24th Street East, Park Avenue South, 25th Street and Oakland Avenue. Several institutional uses, such as St. Mary’s University and the Phillips Eye Institute, medium- to high-density residential uses, and several supportive housing uses are located in the immediate area. Lutheran Social Services (LSS) currently owns and provides services in the existing building. This building would be demolished to allow construction of the new building. The State Historic Preservation Office has requested that LSS entered into a section 106 memorandum of agreement with SHPO and the City to address the effects of the project on historic properties in the area. The City has not yet signed the agreement.

The new mixed-use building would include a community center (Center for Changing Lives) and 48 units of supportive housing (Park Avenue Apartments). The housing would be located in the southern 5-story wing of the building. The community center would occupy the northern portion of the building. Please refer to the applicant’s statement of proposed use for information on the type of services and uses that would be provided in the community center. Parking would be provided below-grade and in a surface parking lot adjacent to Oakland Avenue.

A PUD requires a conditional use permit (CUP) in the OR2 district. The zoning administrator has determined that the proposed residences are classified as supportive housing because they would be located in the same building where services designed to help people improve daily living skills, secure employment, and obtain permanent housing would be provided. Supportive housing is also a conditional use in the OR2 district. Please note: if the services were located in a different building, the residences would be classified as a multi-family dwelling (also a conditional use). If the conditional use permits are approved, the actions must be recorded with Hennepin County as required by state law.

The supportive housing would not comply with the following development standards:

- 1) The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- 2) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

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Services provided by the community center would be available to the general public. To allow the services to be provided in the same building as the supportive housing, a variance is required. The applicant has estimated that up to a total of 220 persons could be served by the supportive housing at one time because most of the units are intended to provide housing for families. To increase the number of persons served, a variance is required.

The minimum front yard required along Oakland Avenue is 15 feet. The proposed parking area would only be set back 7.5 feet from the front lot line. It would also be located between the building and Oakland Avenue. In the office residence districts, parking is not allowed to be located between the building and the front lot line. A variance is required to allow the proposed setback and the parking location.

A site plan review is required for any new mixed-use building.

A plat or registered land survey is required as part of any application for planned unit development approval. The applicant is proposing to do an RLS.

Correspondence from the Phillips West Neighborhood Organization was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

One of the requirements for a conditional use permit is that the use complies with all applicable requirements of the Zoning Code. Supportive housing facilities must comply with specific development standards. One of these standards requires that supportive housing facilities be located at least a quarter mile from all other existing supportive housing facilities as well as community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. The spacing requirement cannot be varied through the zoning code.

It has been determined that there are 6 facilities located within a quarter-mile of the proposed supportive housing facility that fall into one of the categories mentioned above. The name and location of each facility and the type of use are as follows:

Facility	Address	Zoning Classification
American Indian Services Inc.	2200 Park Ave S	CRF
Kateri Place	2408 4 th Ave S	SH
Alternative Homes of Mpls	2446 Portland Ave	SH
Alternative Homes of Mpls	2448 Portland Ave	SH
Ebenezer Tower Apartments	2523 Portland Ave	SH
Teacher Park Ave Residence	2625 Park Ave S	SH

Because of the site's proximity to the above referenced facilities, the applicant is seeking reasonable accommodation under the Federal Fair Housing Act of 1988 in order to locate the facility at this location. For your reference, the definitions of the above mentioned uses are provided below:

Community correctional facility. A facility where one or more persons placed by the court, court services department, parole authority, or other correctional agency having

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dispositional power over a person charged with or convicted of a crime or adjudicated delinquent reside on a twenty-four (24) hours per day basis, under the care and supervision of the Department of Corrections (DOC) or Hennepin county, or licensed by the Department of Corrections as a corrections facility, excluding detention facilities. The maximum capacity shall not exceed thirty-two (32) persons.

Community residential facility. A facility where one or more persons reside on a twenty-four (24) hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

Inebriate housing. A facility that provides housing twenty-four (24) hours per day to persons who are clinically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988. It does not include any facility licensed by the Minnesota Department of Human Services (DHS), Minnesota Department of Corrections (DOC), or any other county, state, or federal community correctional facility.

Motel. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

Overnight shelter. An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed sixteen (16) hours within twenty-four (24) hour period to persons without permanent housing.

Supportive housing. A facility that provides housing for twenty-four (24) hours per day and programs or services designed to assist residents with improving daily living securing employment or obtaining permanent housing. It does not include:

- 1) Elderly housing with congregate dining.
- 2) Inebriate housing.
- 3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- 4) Any other county, state or federal community correctional facility.
- 5) Fraternities, sororities or other student housing.
- 6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- 7) The use of one dwelling unit on one zoning lot which meets the occupancy requirements of the zoning district in which it is located.

REASONABLE ACCOMODATION

As described in the memorandum from the City Attorney's Office dated June 11, 2007, that is attached to this report, the evaluation process for determining whether the federal law requires an accommodation in how the City's zoning regulations are applied or enforced can be broken down into three areas of

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inquiry. First is a determination whether the request is being made on behalf of a person or persons who are considered "handicapped" under the provisions of the Act. The second issue is whether the requested accommodation is necessary to afford those handicapped persons equal opportunity to use and enjoy a dwelling. Finally, it must be determined whether the requested accommodation is reasonable.

The Planning Commission should make findings regarding each of these factors in determining whether the requested accommodation should be granted or denied.

Handicap

With respect to a person, "handicap," as defined by federal statute, means: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a regard of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. The courts have found that impairment under the Act includes alcoholism, past abuse of drugs, chronic mental illness, mental retardation and HIV/AIDS.

Forty-eight units of supportive housing are proposed. The applicant has indicated that all units are intended to provide housing for low-income, at-risk and long-term homeless (LTH) families earning at or below 60 percent of the area median income. LSS would select residents from a waiting list it maintains. The residents would be chosen based on screening criteria that includes income eligibility and homelessness status. Ten of the units would be specifically targeted at families with at least one adult member who is impacted by a chronic mental or physical illness, chemical dependency or physical disability. The applicant has indicated that these handicaps impair major life activities, including an inability to live independently, to maintain employment and to maintain stable housing. Having a family member with a disability would not be a requirement to reside in one of the other 38 units. Residents would not be required to utilize services; however, LSS would strongly encourage families in the 10 units with a disabled family member to utilize services that would be available in the Center for Changing Lives and the surrounding area. The services would also be available to the other families if requested. The applicant has indicated that it is essential to the success of the families of all the units that they be in close proximity to the supportive services in order to manage their disabilities, gain employment and education, and learn life skills that allow them to maintain permanent housing. It appears that 10 of the units would serve families with at least one member who is considered handicapped under the Act. Although it is possible that one or more members of a family residing in one of the other 38 units could be disabled, the applicant has stated it would not be a requirement to live there.

Is the Accommodation Necessary to Afford Such Person Equal Opportunity to Use and Enjoy a Dwelling?

The use as a multiple-family dwelling would not be subject to a spacing requirement under the zoning code, except for the fact that support services will be provided on site. Thus, a threshold question in this analysis is whether "supportive" housing (as opposed to simply "housing") is necessary to improve the effects of the residents' disabilities. It should also be noted that a community center with supportive services would not be subject to a spacing requirement under the zoning code.

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The applicant has indicated that it is essential to the success of the families that they have convenient access to supportive services in order to manage disabilities, gain employment and education, and learn life skills that allow them to maintain permanent housing. LSS offers services including individual case management, service coordination, life skills training, access to mental health counseling and chemical dependency programs, parent education, financial and technology education, and educational support advocacy.

In the metropolitan area, there is a shortage of affordable housing, including supportive housing. There are areas within Minneapolis spaced greater than a quarter mile from supportive housing and other congregate living uses subject to the spacing requirement. These areas are typically well established single- and two-family areas or large industrial areas where land values are high or unaccommodating for residential use.

The applicant has indicated that this location was picked for several reasons. LSS currently owns the site and provides services there. They propose to expand and rebuild the service center and add housing. According to the applicant, the addition of affordable housing makes the project eligible for bond and tax credit funding to support the capitals costs of construction. The site also has convenient access to public transportation.

Reasonableness

Refusal to make a reasonable accommodation is discrimination under the federal law. Case law has established the following test for when an accommodation is unreasonable: an accommodation is not reasonable if it would 1) impose an undue financial hardship or administrative burden on a local government or 2) if it would create a fundamental alteration in a local government's land use and zoning scheme or otherwise undermine the basic purpose which the requirement seeks to achieve.

The CPED Planning Division has not identified any financial or administrative burdens that the City would incur as a result of granting a waiver of the spacing requirement, therefore that factor will not be considered further in this report.

The basic purpose for having a spacing requirement in the zoning code is to prevent the undue concentration of specific types of uses. Up until 1995, supportive housing was not a term recognized in the Minneapolis Zoning Code. In 1995, the term "supportive housing" was added to the list of definitions in the code in order to allow the People's Lodge on Franklin Avenue to proceed with a housing program for American Indians who were considered chronically chemically dependent and considered handicapped under the Federal Fair Housing laws. At their inception, supportive housing facilities were not subject to any spacing requirements.

In 1996, the term "supportive housing" was redefined to include a variety of program types such as board and lodging facilities, emergency housing, shelters for battered persons and some types of transitional housing programs. Many, but not all, of the uses that became supportive housing under the new definition were subject to an existing half-mile spacing requirement. In the 1996 amendment, supportive housing facilities were required to be spaced at least a quarter mile from all other existing supportive housing facilities as well as from community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. Supportive housing facilities

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became subject to a quarter-mile spacing requirement in order to become more consistent with the spacing requirement for state licensed facilities. Please note that state licensed community correctional facilities are required to be spaced a quarter-mile from other community correctional facilities. State licensed community residential facilities are required to be spaced a quarter-mile from other community residential facilities. Motels are not subject to a spacing requirement nor are overnight shelters. And inebriate housing facilities are required to be spaced at least a quarter mile from all other existing inebriate housing facilities as well as community correctional facilities, community residential facilities, supportive housing facilities, motels and overnight shelters.

In the OR2 district, allowed residential uses include multi-family dwellings of 3 or more units, community residential facilities, nursing homes, dormitories, fraternities/sororities, hospitality residences, and supportive housing. The properties in the immediate area are zoned residential (R4, R5 and R6) and office residential (OR2 and OR3). These districts allow for low to high density and the same congregate living uses that are allowed in the OR2 district, except dormitories are not allowed in the residential districts. Nearby uses include several institutional uses, such as St. Mary's University and the Phillips Eye Institute, medium- to high-density residential uses and several congregate living uses. The applicant has indicated the development would be beneficial to property values and the development of property in the neighborhood. Also, adding new housing to the neighborhood would support the use of parks, schools and commercial uses in the area. The CPED Planning Division believes that 10 units of supportive housing would be compatible with the surrounding area.

It has been determined that there are 6 facilities located within a quarter-mile of the proposed supportive housing facility that fall into one of the categories mentioned above. The applicant has indicated that the other congregate living uses in the area should not have a negative or positive impact on residents in the development because services available to the residents from LSS and social service providers in the area would be very accessible.

CONDITIONAL USE PERMIT: to allow a planned unit development.

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

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

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

The planned unit development would include a community center and 48 supportive housing units in a mixed use building. The establishment of a mixed use building 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.**

Several institutional uses, such as St. Mary's University and the Phillips Eye Institute, medium- to high-density residential uses, and several supportive housing uses are located in the immediate area. The proposed uses in the planned unit development would be a community center and supportive housing. The supportive housing would not comply with the minimum spacing requirement. The purpose of the spacing requirement is to prevent the undue concentration of certain uses, including supportive housing. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act. Allowing 48 supportive housing units serving 220 persons would contribute to the concentration of supportive housing uses in the area. With proper program management, landscaping, site improvements, and site security, 10 supportive housing units should not have negative impacts on surrounding properties. A community center would be an appropriate use of the land and should not have negative impacts on the surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from Oakland Avenue and 24th 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.

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

Based on the principal uses in the planned unit development, the combined minimum parking requirement is 282 spaces. The applicant would provide a total of 157 spaces. The applicant has provided information that shows the peak hours of the principal uses in the community center would have little overlap. In addition to the vehicle parking spaces, the applicant is providing bike parking for the residences and the community center. With shared parking and 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.

The Minneapolis Plan identified the area around the site as a growth center. A growth center accommodates different scales and intensity of employment generating uses, which can coexist alongside housing and a mix of other activities. The employment generating uses in this growth center include the Wells Fargo campus, commercial uses on Lake Street, Allina and Children’s Hospitals, and the Midtown Exchange. According to the principles and polices outlined in the plan, the following apply to this proposal:

1.2 Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.

Implementation Step

Encourage not-for-profit institutions and places of worship to increase resident access to and use of facilities and meeting spaces.

Staff comment: The applicant has indicated that meeting areas in the community center would be available to the Phillips West Neighborhood Organization.

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

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

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

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

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges.

4.12 Minneapolis will reasonably accommodate the housing needs of all of its citizens.

Applicable Implementation Step

Permanent housing for people with disabilities shall not be excluded by the zoning ordinance or other land use regulations from the benefit of residential surroundings. Special housing shall be available as needed and appropriately dispersed throughout the city.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Applicable Implementation Step

Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Staff comment: The proposed development includes 48 dwelling units of supportive housing. Unit sizes would range from one- to four-bedrooms. Institutional uses, medium- to high-density residences and supportive housing uses are located in the immediate area. The site is adjacent to a designated growth center where more density is appropriate. The applicant has indicated that all units are intended to provide housing for low-income, at-risk and long-term homeless (LTH) families earning at or below 60 percent of the area median income. The proposal does not comply with the minimum spacing requirement for supportive housing uses. The purpose of the spacing requirement is to prevent the undue concentration of certain uses, including supportive housing. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act.

9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Applicable Implementation Step

Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.

Applicable Implementation Steps

Concentrate the greatest density and height in the interior of institutional campuses.

Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Step

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Staff comment: The building placement would be consistent with the set back established along Park Avenue. The bulk of the building would be located centrally on the site. The building would comply with all yard requirements on the perimeter of the site. With several other large institutional and residential buildings in the area, the building should not be out of character or disproportionate in scale. The increased height should have little effect on surrounding properties and public spaces.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Require the landscaping of parking lots.

Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

Staff comment: A surface parking area with 37 spaces is proposed between the building and Oakland Avenue. The subject site has frontage on three streets. It is characteristic in the area to locate surface parking lots adjacent to Oakland Avenue. A 7.5 foot landscaped yard would be provided between the parking area and Oakland Avenue. Along 24th Street, a 15 foot wide yard would be provided between the parking area and the street. The compatibility of the uses in the community center would allow shared parking, which reduces the need for additional parking spaces.

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

If the Planning Commission finds that reasonable accommodation is warranted for supportive housing in this location and with the approval of the conditional use permits, the variances, the site plan review and the RLS, the project will be in conformance with the zoning code.

Through the planned unit development, the applicant is requesting exceptions to the following standards of the zoning code:

The applicant is requesting that the planning commission authorize an increase in the maximum height of a structure, reducing the minimum parking and loading requirements, and approve a master sign plan including three freestanding signs. Exceptions to these zoning regulations may be authorized only upon

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the Planning Commission finding that the PUD includes adequate site amenities to address any adverse effects of the exception.

Building Height: Building height in the OR2 district is limited to four stories or 56 feet, whichever is less. The tallest height of the building would be 56 feet. The residential portion of the building would be five stories. Although the community center portion of the building would only have three floors, by definition of the zoning code it is six stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. Each floor of the community center would be 15 feet, therefore each floor is considered two stories.

A shadow study has not been submitted for this part of the application. The building would comply with all yard requirements on the perimeter of the site. The increased height should have little effect on surrounding properties and public spaces. With several other large institutional and residential buildings in the area, the building should not be out of character or disproportionate in scale. The building would be set back between 38 and 52 feet from the front lot line adjacent to Park Avenue. The building placement is consistent with setbacks of other buildings along Park Avenue. Therefore, the building height should not impede any views and should have little impact on the open space characteristic of each side of Park Avenue.

Section 527.140(b) authorizes the Planning Commission to grant exceptions to the building height limitations of a district for the purpose of promoting an integrated project that provides additional site amenities. Amenities proposed by the applicant include rain gardens for stormwater management, off-street bicycle parking for residents and users of the community center, and enhanced landscaping including the preservation of 16 existing on-site trees. Staff recommends that the planning commission approve the proposed increase in maximum height.

Parking: Section 527.180 authorizes the Planning Commission to determine the number of off-street parking spaces required upon consideration the parking requirements specified in Chapter 541 for the individual uses within the planned unit development, the nature of the uses and population served, documentation supplied by the applicant regarding the actual parking demand for the proposed use, the potential for shared parking, and the use of alternative forms of transportation. Supportive housing and a community center are the two principal uses of the PUD.

Housing: The supportive housing would consist of 48 dwelling units serving up to 220 persons. For supportive housing, the zoning code requires one parking space per 3 beds. The total number of bedrooms proposed is 116. However, the applicant has indicated that each unit would house a family instead of an individual person. Therefore requiring the parking requirement for a multi-family dwelling is recommended. In the OR2 district, .9 spaces are required for each dwelling unit. Therefore 43 spaces would be required for the supportive housing. The applicant has indicated that 45 spaces, labeled and assigned on a per unit basis, would be provided.

Community Center: The minimum parking requirement for a community center is based on the uses within it. The principal uses identified within the community center are a place of assembly, an auditorium (the “centrum”), and offices. The minimum parking requirement for a place of assembly is 30 percent of the capacity of persons of the main auditorium. The main auditorium space would be 1,286 square feet in area. Therefore 26 spaces are required for the place of assembly. The

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centrum is similar to the place of assembly because it is a large gathering space, therefore the minimum parking requirement is 30 percent of the capacity of persons of that auditorium space. This space would be 3,399 square feet in area requiring 68 parking spaces. The rest of the area in the community center, 47,428 square feet, is generally classified as office space. The minimum parking requirement for an office is one space per 300 square feet of gross floor area in excess of 4,000 square feet. Therefore a minimum of 145 spaces are required. Please note that approximately 2,500 square feet of floor area used mainly by the place of assembly is not part of the main auditorium area. This floor area is not included in the general office area parking calculation because these spaces would typically be used in the off-peak hours of the place of assembly and would not likely add to the parking demand for that use. The total parking requirement for the community center is 239 spaces. One-hundred and twelve spaces would be provided.

Because the number of spaces provided for the community center does not comply with the minimum code requirement, the applicant is requesting that the Planning Commission grant an exception. The applicant has indicated that the respective hours of peak operation for each principal use in the community center would not overlap. The offices would mainly be used during the week. The centrum would also be used during the week. The applicant has indicated that this room would typically be used as conference rooms for uses in the community center. During the weekends, the centrum would be available to the church and for neighborhood group meeting space. Approximately 3 to 6 times a year the space would be used for large gathering events. The church would have the highest parking demand on the weekends. In addition to the vehicle parking spaces provided, a bike storage area in the community center portion of the below-grade parking would be provided. Four bike parking spaces would also be located at both the east and west main entrances to the community center. Two bus routes on Park Avenue as well as a route on Chicago Avenue provide frequent transit service (less than 15 minutes between trips during the day and evening). LSS also owns a parking lot at the property of 2414 Oakland Avenue with over 70 parking spaces (LSS received zoning approval for the establishment of the parking lot in 1975 and 1989). Because the compatibility of the uses in the community center would allow shared parking and alternate modes of transportation and off-site parking are available in close proximity, staff recommends that the planning commission approve the number of spaces proposed.

Loading: Section 527.180 authorizes the Planning Commission to determine the number of off-street loading spaces required upon consideration the loading requirements specified in Chapter 541 for the individual uses within the planned unit development, the nature of the uses and population served, documentation supplied by the applicant regarding the actual loading demand for the proposed use, the potential for shared loading, and the use of alternative forms of transportation. Supportive housing and a community center are the principal uses of the planned unit development. There is not a loading requirement for supportive housing and multi-family dwellings of less than 50 units are not required to provide a loading space. The loading requirement for a community center is based on the floor area. The proposed floor area is 57,386 square feet, which requires two large (12 feet wide by 50 feet deep) loading spaces. The applicant is proposing one 12 foot wide by 23 feet deep loading space. According to the applicant, a loading space does not exist for current operations on the site and the demand for a loading space has been low. Other than the increase in floor area (approximately 12,000 square feet), the uses proposed in the community center are not changing significantly than what currently exists. Staff is recommending that the Planning Commission approve the number and size of the proposed loading.

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Signs: Section 527.170 requires that all signs in a planned unit development comply with a master sign plan that is considered and approved with the development plan. It also authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs.

Signage for residential uses is governed by Table 543-1 of the zoning code. If the supportive housing were not part of a planned unit development, one non-illuminated, flat wall identification sign not exceeding 8 square feet in area would be allowed. Further, the maximum height of the sign is 12 feet above grade or to the top of the wall, whichever is less. On corner lots, up to two such wall signs are allowed. The following signs are proposed for the housing:

- 1) A metal, freestanding sign would be located between the residential portion of the building and Park Avenue. The sign would be 12 square feet in area and 5 feet tall. It would not be illuminated.
- 2) A wall sign with individual metal letters would be located on the canopy above the east main entrance. The sign would be 7 square feet in area and the top of the sign would be 14.5 feet above grade. It would not be illuminated.
- 3) A wall sign with individual metal letters would be located on the canopy above the west main entrance. The sign would be 5 square feet in area and the top of the sign would be 14.5 feet above grade. It would not be illuminated.

The freestanding sign is not of an exceptional design or style that would enhance the area. Allowing a freestanding sign for the housing in addition to the freestanding signs for the community center and place of assembly would contribute to sign clutter. Staff is recommending that the freestanding sign for the Park Avenue Apartments not be allowed as part of the master sign plan.

Signage for nonresidential uses in the OR2 district is governed by Table 543-2 of the zoning code.

Wall Signs: The maximum size allowed for a wall sign is 180 square feet. The total area allowed for wall signs is one square foot for each linear foot of primary building wall. The east, north and west elevations are each primary building walls. There is not a limit to the number of signs as long as the total area of the signs does not exceed what is allowed. The maximum height above grade is 24 feet. Lighting of wall signs is allowed. The applicant is proposing 3 wall signs associated with the community center:

- 1) Center for Changing Lives: A wall sign with individual metal letters would be located on the canopy above the east main entrance. The sign would be 14 square feet in area and the top of the sign would be 21.5 feet above grade. It would not be illuminated.
- 2) Center for Changing Lives: A wall sign with individual metal letters would be located on the canopy above the west main entrance. The sign would be 8 square feet in area and the top of the sign would be 14.5 feet above grade. It would not be illuminated.
- 3) Messiah Lutheran Church: A wall sign with individual metal letters would be located on the canopy above the north entrance mainly used by the place of assembly. The sign would be 7.5 square feet in area and the top of the sign would be 15 feet above grade. It would not be illuminated.

The wall signs would comply with the sign requirements.

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Freestanding Signs: A maximum of one freestanding sign is allowed per zoning lot. The maximum area allowed is 32 square feet. The maximum height above grade is 8 feet. Lighting of freestanding signs is allowed. The applicant is proposing two freestanding signs associated with the community center:

- 1) Center for Changing Lives: A 48 square foot monument sign would be located between the building and Park Avenue adjacent to the main entrance for the community center. The sign would be 6 feet tall. It would be backlit. Materials would include metal and brick.
- 2) Messiah Lutheran Church: A 32 square foot metal sign with changeable letters would be located at the northeast corner of the property. The sign would be 6 feet tall. It would be backlit.

The applicant is requesting that the planning commission grant exceptions to allow an increase in the number of freestanding signs and an increase in the maximum size of one of the freestanding signs. The freestanding signs are not of an exceptional design or style that would enhance the area or contribute to the architecture of the building. A large backlit sign is more commercial in character and would not be appropriate on a corridor with institutional and residential uses. Internal and external lighting are alternatives that staff believes would be appropriate. Staff is recommending that the planning commission grant exceptions to the maximum number of freestanding signs and maximum size as long as the signs are not backlit.

In addition to the wall and freestanding signs, the applicant is proposing 3 auxiliary signs located at the entrances of the parking area. Auxiliary signage is governed by Section 543.190 of the zoning code. They are limited to 4 square feet in area and a height of 4 feet. Logos or any other commercial messages are prohibited. The auxiliary signs proposed would be 6 square feet in area and 5 feet tall. They would also contain the names of uses in the building. Staff recommends that these signs comply with the height and size requirements for auxiliary signs.

Additional Findings Required For Planned Unit Developments:

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 a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

Several institutional uses, such as St. Mary's University and the Phillips Eye Institute, medium- to high-density residential uses, and several supportive housing uses are located in the immediate area. A community center and supportive housing with 48 dwelling units is proposed in a mixed use building. The community center would provide services to the surrounding community and metro area and would be available to the residents of the proposed Park Avenue Apartments. Unit sizes for the supportive housing would

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range from one- to four-bedrooms. The applicant has indicated that all units are intended to provide housing for low-income, at-risk and long-term homeless (LTH) families earning at or below 60 percent of the area median income. The zoning code has specific development standards for supportive housing developments. The proposal does not comply with the minimum spacing requirement. The purpose of the spacing requirement is to prevent the undue concentration of certain uses, including supportive housing. There are six supportive housing uses and one community residential facility within a quarter-mile of the site. The applicant has requested reasonable accommodation under the Federal Fair Housing Act of 1988. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act.

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 and availability of transit alternatives.

The building would have multiple entrances with at least one entrance facing each street. Walkways would connect each entrance to the public sidewalk or the parking area. Vehicle access would be from Oakland Avenue and 24th Street. Based on the principal uses in the planned unit development, the combined minimum parking requirement is 282 spaces. The applicant would provide a total of 157 spaces. The applicant has provided information that shows the peak hours of the principal uses in the community center would have little overlap. In addition to the vehicle parking spaces, the applicant is providing bike parking for the residences and the community center. Two bus routes on Park Avenue as well as a route on Chicago Avenue provide frequent transit service (less than 15 minutes between trips during the day and evening). LSS also owns a parking lot at the property of 2414 Oakland Avenue with over 70 parking spaces. The applicant is proposing one 12 foot wide by 23 feet deep loading space. The supportive housing does not have a loading requirement. The community center requires 2 large loading spaces. According to the applicant, a loading space does not exist for current operations on the site and the demand for a loading space has been low. Other than the increase in floor area (approximately 12,000 square feet), the uses proposed in the community center are not changing significantly than what currently exists. With shared parking and the availability of alternate forms of transportation and off-site parking, the project should not have a significant effect on congestion in the area.

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

Amenities proposed by the applicant include rain gardens for stormwater management, enclosing most of the required parking, off-street bicycle parking for residents and users of the community center, and enhanced landscaping including the preservation of 16 existing on-site trees and community youth gardens.

- 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 residential portion of the building would be 5 stories in height and the community center portion of the building would be 6 stories in height. The maximum allowed height in the OR2 is 4 stories or 56 feet, whichever is less. Although the building would exceed the number of stories allowed, no part of the building would exceed 56 feet in height. Further, the building would comply with all yard requirements on the perimeter of the site. With several other large institutional and residential buildings in the area, the building should not be out of character or disproportionate in scale. The increased height should have little effect on surrounding properties and public spaces. The primary exterior building materials include brick, metal, concrete masonry units, fiber-cement panels and glass. These materials are compatible with surrounding structures. The building would be set back between 38 and 52 feet from the front lot line adjacent to Park Avenue. The building placement is consistent with setbacks of other buildings along Park Avenue. Therefore, the building height should not impede any views and should have little impact on the open space characteristic of each side of Park Avenue.

A surface parking area with 37 spaces is proposed between the building and Oakland Avenue. It is characteristic in the area to locate surface parking lots adjacent to Oakland Avenue. A 7.5 foot landscaped yard would be provided between the parking area and Oakland Avenue. Along 24th Street, a 15 foot wide yard would be provided between the parking area and the street. The plans do not show screening between the parking area and Oakland Avenue. Through the site plan review, staff is recommending that the applicant provide the required screening.

- e. 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 has not indicated concerns about the capacity of the public infrastructure in relation to this project. A stormwater management plan is required for the project, which will be reviewed by the Public Works Department.

- 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 registered land survey section of this report.

CONDITIONAL USE PERMIT: to allow 48 units of supportive housing.

Findings as required by the Minneapolis Zoning Code:

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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 applicant has indicated that the housing would provide affordable housing to many families most of which have experienced long-term homelessness. Residents would have access to services from LSS or other social service providers in the area to maintain a permanent residence. Housing management would provide security and maintenance for the facility.

The zoning code has specific development standards for supportive housing developments. The proposal does not comply with the minimum spacing requirement. The purpose of the spacing requirement is to prevent the undue concentration of certain uses, including supportive housing. There are six supportive housing uses and one community residential facility within a quarter-mile of the site. The applicant has requested reasonable accommodation under the Federal Fair Housing Act of 1988. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act. Forty-eight supportive housing units serving up to 220 persons would contribute to the concentration of supportive housing uses in the area.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Several institutional uses, such as St. Mary's University and the Phillips Eye Institute, medium-to high-density residential uses, and several supportive housing uses are located in the immediate area. The proposal does not comply with the minimum spacing requirement. The purpose of the spacing requirement is to prevent the undue concentration of certain uses, including supportive housing. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act. With proper program management, landscaping, site improvements, and site security, 10 supportive housing units serving up to 45 persons should not have negative impacts on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from Oakland Avenue and 24th 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.

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

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Through the planned unit development, staff is recommending that the planning commission require the supportive housing use meet the minimum parking requirement for a multi-family dwelling because each unit is intended to house a family instead of individual persons. In the OR2 district, .9 spaces are required for each dwelling unit in a multi-family dwelling. Therefore 43 spaces would be required for the supportive housing. The applicant has indicated that 45 spaces, labeled and assigned on a per unit basis, would be provided in the below-grade parking garage. The supportive housing should have little effect on congestion in the area.

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

Please see finding number 5 under the conditional use permit for the planned unit development section of this report.

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.

If the Planning Commission finds that reasonable accommodation is warranted for this specific use in this location and with the approval of the conditional use permits, the variances, the site plan review and the RLS, the project will be in conformance with the zoning code.

VARIANCES: 1) to increase the maximum number of persons served by supportive housing to 220 persons and 2) to allow supportive on-site services to be used by non-residents.

Findings as required by the Minneapolis Zoning Code:

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

Variance to increase the number of persons served and a variance to allow on-site services to be used by nonresidents: The zoning code has specific development standards for supportive housing developments. One of the development standards limits the maximum number of persons served to 32. The applicant would provide the housing to families and has projected that up to 220 persons would live in the apartments at one time, which is an average of 4.5 people per unit. The total number of bedrooms proposed is 116, therefore the applicant has predicted a maximum occupancy of approximately 1.9 persons per bedroom. On-site services are limited for use of residents of the facility only, except where part of a regimen of scheduled post-residential treatment. Services in the community center would be available to members of the community. The proposal also does not comply with the minimum spacing requirement. This development standard cannot be varied. The applicant has requested reasonable accommodation under the Federal Fair Housing Act of 1988. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act. These 10 units would have a total of 25 bedrooms. The applicant has projected that up to 45 persons would reside in the 10 units where at least one disabled person would also live.

Because not all of the families would be accommodated under the act, 48 units of supportive housing are not allowed. The OR2 district allows multi-family dwellings as conditional uses. If

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the housing were physically separated from the services provided and located off-site, the use would not be considered supportive housing and the variances to the development standards would not be necessary. This could be accomplished by locating the housing and community center in two buildings and subdividing the site into two parcels.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Variance to increase the number of persons served and a variance to allow on-site services to be used by nonresidents: The applicant is proposing housing and the community center in one building. The community center provides services designed to assist persons with improving daily living skills, securing employment and obtaining permanent housing. If the housing were physically separated from the services provided and located off-site, the use would not be considered supportive housing and the variances to the development standards would not be necessary. The circumstances are not unique and have been created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Variance to increase the number of persons served: Specific development standards are established to provide supplemental regulations to address the unique characteristics of certain land uses. The applicant has requested reasonable accommodation under the Federal Fair Housing Act of 1988. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act. The applicant has projected that up to 45 persons would reside in the 10 units where at least one disabled person would also live. With proper program management, landscaping, site improvements, and site security, 10 supportive housing units serving up to 45 persons should not have negative impacts on surrounding properties.

Variance to allow on-site services to be used by nonresidents: Specific development standards are established to provide supplemental regulations to address the unique characteristics of certain land uses. The applicant has indicated that the community center would be separated from the housing by controlled access. The services would be available to the residents upon request. The services that would be provided by the community center are currently provided in the existing building. Although the granting of the variance is not consistent with the intent of the ordinance, it should not alter the character of the area.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Variance to increase the number of persons served: Through the planned unit development, staff is recommending that the planning commission require the supportive housing use meet the

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minimum parking requirement for a multi-family dwelling because each unit is intended to house a family instead of individual persons. In the OR2 district, .9 spaces are required for each dwelling unit in a multi-family dwelling. Therefore 43 spaces would be required for the supportive housing. The applicant has indicated that 45 spaces, labeled and assigned on a per unit basis, would be provided. Granting the variance should not significantly affect congestion. However, the zoning code has specific development standards for supportive housing developments. The proposal does not comply with the minimum spacing requirement. The purpose of the spacing requirement is to prevent the undue concentration of certain uses, including supportive housing. There are six supportive housing uses and one community residential facility within a quarter-mile of the site. The applicant has requested reasonable accommodation under the Federal Fair Housing Act of 1988. The CPED Planning Division believes only 10 of the 48 units would have at least one family member who is a protected class under the Fair Housing Act. The applicant has projected that up to 45 persons would reside in the 10 units where at least one disabled person would also live. The CPED Department does not expect that granting the variance would affect public safety.

Variance to allow on-site services to be used by nonresidents: The proposed variance should not increase the danger of fire, contribute significantly to congestion in the streets. The variance should not endanger public safety as long as residential and nonresidential uses are separate.

VARIANCE: 1) to reduce the required front yard along Oakland Ave from 15 feet to 7.5 feet to allow a surface parking area and 2) to allow parking between a principal structure and the front lot line (Oakland Ave) in an office residential district.

Findings as required by the Minneapolis Zoning Code:

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

Variance to reduce the front yard requirement and variance to allow parking between a building and street: A 15 foot front yard is required along Oakland Avenue. The applicant is proposing 7.5 foot yard to allow a parking area. The applicant is also proposing to locate the parking area between the building and the front lot line. This is not allowed in the office residence districts. The site is a through lot and has frontage on 3 streets. Many properties adjacent to Park Avenue are through lots with the parking lots oriented towards Oakland Avenue with yards less than 15 feet wide. The requests are reasonable.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Variance to reduce the front yard requirement and variance to allow parking between a building and street: The site is a through lot and has frontage on three streets. A deep front yard is typical for properties along Park Avenue. The applicant has set the proposed building back to be consistent with the established set back along Park Avenue. Maintaining the established set back

reduces the area available on the west side of the site. The circumstances are unique to the property and have not been created by the applicant.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Variance to reduce the front yard requirement: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. A deep front yard is typical for properties along Park Avenue. The applicant has set the proposed building back to be consistent with the established set back along Park Avenue. Maintaining the established set back reduces the area available on the west side of the site. Many properties adjacent to Park Avenue are through lots with the parking lots oriented towards Oakland Avenue with yards less than 15 feet wide. The granting of the variances should have little effect on the surrounding properties and are in keeping with the intent of the ordinance.

Variance to allow parking between a building and street: Restrictions on the location of parking areas in office residential areas are established to ensure compatibility between parking areas and residential uses and maintain the residential character of the districts. The site is a through lot. Many properties adjacent to Park Avenue are through lots with the parking lots oriented towards Oakland Avenue. The granting of the variance should have little effect on the surrounding properties and is in keeping with the intent of the ordinance as long as appropriate screening is provided between the parking area and the right-of-way.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Variance to reduce the front yard requirement and variance to allow parking between a building and street: The granting of the variances should not affect public safety or increase congestion in the public streets.

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 Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

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

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

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

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

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

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

Main entrances for the residential and non-residential portions of the buildings would face Park and Oakland Avenue. The church would also have an entrance that would face 24th Street. Walkways would lead to each entrance from the public sidewalk. An abundant amount of windows would be provided on all sides of the building to allow for natural surveillance and visibility. These features would reinforcement the street wall that is characteristic for this area.

Along Park Avenue, the building would be set back between 38 and 52 feet. The minimum front yard requirement along Park Avenue is 15 feet. However, the buildings fronting Park Avenue typically have a large set back with landscaping between the building and the street. The proposed building placement is consistent with the character of the street. Along Oakland Avenue, the minimum front yard requirement is also 15 feet. The residential portion of the building would be setback 15 feet. Most of the community center portion of the building would be set back 80 feet from the street to allow for a surface parking lot. Locating parking along Oakland Avenue is also typical characteristic of properties in this area. Along 24th Street, the minimum corner side yard requirement is 13 feet. The building would be set back between 19 and 24 feet. Staff believes alternative compliance is warranted to allow the proposed placement of the building because it is consistent with the character of the area and it has three street frontages.

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Except where the parking area is located, landscaping would be located between the building and lot lines. The applicant would provide a landscaped yard between the parking area and adjacent lot lines.

Main entrances for the residential and non-residential portions of the buildings would face Park and Oakland Avenue. The church would also have an entrance that would face 24th Street.

The majority of the parking would be enclosed within the building. A surface parking area would be located between the building and Oakland Avenue. The subject site has frontage on three streets. It is characteristic in the area to locate surface parking lots adjacent to Oakland Avenue. For these reasons, staff believes alternative compliance is warranted.

Most of the building walls would include sufficient architectural detail and would make generous use of windows to avoid large blank walls. Several walls of the community center portion of the building would not meet this requirement. The multi-purpose room walls of the second story on the north, south, and east elevation would be blank and uninterrupted for more than 25 feet. The exterior wall of the multi-purpose room extends above the first story. Because the room is more than 14 feet in height (the wall is 27 feet high), it is considered two stories. The north and south wall is located where there is little visibility to it from the street or other areas accessible to people. The east wall is set back 27 feet from the first floor roof line, therefore its visibility is limited as well. For these reasons, staff believes alternative compliance is warranted for these walls. On the north elevation, the wall east of the entrance would be blank and uninterrupted for almost 38 feet. The wall would be adjacent to rooms used for storage, changing, and a food pantry. The first floor wall facing the play areas would be blank for 59 feet. This wall would be adjacent to the below-grade parking entrance, a donations room and bathrooms. Although an abundant amount of windows and a sufficient amount of architectural elements are provided on the rest of the building, it is feasible to incorporate windows or some other architectural elements to break up these large, blank walls. Staff does not believe alternative compliance is warranted and is recommending that all walls on the first floor comply with this requirement.

To divide the buildings into smaller, identifiable sections, recesses and projections, multiple entrances, windows and other architectural features have been incorporated.

The primary exterior materials, including pre-cast concrete, burnished concrete masonry units, brick, fiber-cement panels, metal panels and glass, would be durable.

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

All sides of the building would be compatible.

The common entrances for the residential portion of the building would be recessed and sheltered by a canopy to emphasize its importance. Individual entrances are also proposed for the ground floor units. These entrances are recessed and sheltered by a canopy like the common entrances, but are smaller and less pronounced to indicate they are private. The east, west, and north elevations of the residential portion of the building are subject to the minimum window requirements. On all levels of each elevation, more than 20 percent windows are proposed.

The main entrances for the nonresidential portion of the building would also be recessed, surrounded by large windows, and sheltered by a canopy to emphasize their importance. All windows would be vertical in proportion and distributed in a fairly even manner. The applicant has indicated that the windows would be clear glass with a light transmittance ratio of 0.7. The north, east, and west side of the nonresidential portion of the building are subject to the minimum window area requirements. On the first floor north elevation, the proposed amount of windows that are between 2 and 10 feet with the bottom of the window not more than four feet above grade would be 20 percent of the wall. Approximately 15 percent are proposed on the second floor and 28 percent on the third floor of the north elevation. On the first floor east elevation, the proposed amount of windows that are between 2 and 10 feet with the bottom of the window not more than four feet above grade would be over 40 percent of the wall. Approximately 18 percent are proposed on the second floor and over 35 percent are proposed on the third floor of the east elevation. On the first floor west elevation, the proposed amount of windows that are between 2 and 10 feet with the bottom of the window not more than four feet above grade would be over 60 percent of the wall. Approximately 30 percent are proposed on the second floor and 38 percent are proposed on the third floor of the west elevation.

The roofs on the building would be flat. Many multi-family and nonresidential buildings in the area also have flat roofs.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

Walkways are proposed from the public sidewalk and parking areas to the building entrances.

A transit shelter is currently located on 24th Street. The plans indicate that it will be removed and not replaced. According to the MetroTransit web site, there is not a bus route that utilizes 24th Street. A bus stop is located on the east side of Park Avenue for the routes that use that street.

Vehicular access to the enclosed below grade parking garage and the surface parking area would be through a curb cut on Oakland Avenue and a curb cut on 24th Street. Each curb cut would be 24 feet wide. The proposed curb cuts should have minimal conflicts with pedestrians and nearby residential properties.

There are no public alleys adjacent to the site.

Excessive amounts of impervious surface are not proposed in the development.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 96,539 square feet. The building footprint would be

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44,146 square feet. The lot area minus the building footprints therefore consists of approximately 52,393 square feet. At least 20 percent of the net site area (10,479 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 29,647 square feet, which far exceeds the minimum requirement.

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 21 and 105 respectively. The applicant is proposing to keep 16 on-site canopy trees (trees located on the lot line were not included in this number). The applicant is also proposing to add 6 new canopy trees, 26 ornamental trees, 4 evergreen trees, over 200 shrubs, and other perennials.

A 15-foot wide landscaped yard is required between the surface parking area and Oakland Avenue and 24th Street. The applicant is requesting a variance to reduce the yard requirement along Oakland Avenue. A 15-foot wide yard would be provided along 24th Street.

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking area and the streets. No screening is proposed between the spaces on the west side of the parking area and Oakland Avenue. An alternative is not proposed. Without the screening, it is more likely that headlight glare would become a problem. Screening should be provided along Oakland Avenue. Along 24th Street, an ornamental grass growing to 3-feet in height is proposed on the east side of the curb cut. On the west side of the curb cut, the proposed perennials, ornamental grass, and shrub are all within the 3 foot range. Although they would not provide screening year round, they are appropriate for the proposed rain garden at that location. Also, headlights from vehicles should not be an issue on this side of the parking area. For these reasons and that a variety of plants are incorporated, staff believes the proposed landscaping alternative adjacent to 24th Street is sufficient.

Trees are required to be provided for every 25 feet of parking area lot frontage. Nine trees would be required in the landscaped yard adjacent to Oakland Avenue. There are seven existing trees located on the property line. Most of the trees are spaced approximately 30 feet apart. However, it is possible to add another tree where two of the existing trees are spaced further apart. An additional tree should be provided and alternative compliance should be granted for one tree. When the existing trees die, new trees located on-site must replace them. Along 24th Street, two trees are required. At the northwest corner of the property, an existing tree would remain. To meet the requirement, a tree could be located in the yard adjacent to the east side of the parking area. A tree should also be added here to meet this requirement and alternative compliance should not be granted.

The landscape plan indicates that areas of the parking lot that are unavailable for parking or vehicle circulation would be landscaped.

All surface parking spaces are required to be located within 50 feet of an on-site deciduous tree. All parking spaces would be within 50 feet of a deciduous tree if the trees located on the property line are used to meet this requirement.

Turf would cover all areas that are not paved or landscaped.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

Continuous six inch by six inch concrete curbing is proposed around the surface parking area except where gaps in the curbing would allow stormwater to flow into the proposed rain gardens.

The new building should not block or impede the views of any important elements of the city. The height measured in feet would comply with the district requirement.

The building would comply with all yard requirements and the height requirement as measured in feet of the district. Shadowing from the building should have little impact on public spaces and adjacent properties.

Wind currents should not be a major concern.

The site design provides natural surveillance and visibility with abundant windows on all sides of the building. The proposal controls and guides to movement on the site with clearly defined walkways. Landscaping would be used to distinguish between public and non-public spaces. A brick and wrought iron fence exists at the southeast corner of the property. The plan shows that it would be removed. Staff encourages the applicant to keep and repair the fence or replace it with a durable, decorative fence to clearly separate the public sidewalk from the landscaped area in front of the residential portion of the building. A 5-foot high vinyl-coated chain link fence is proposed around the youth garden. The maximum allowed height is 4 feet. In addition to

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requiring the applicant to reduce the fence height, staff encourages the applicant install a fence with more durable materials such as wrought iron and brick.

The site is not locally designated. However, there are several historic properties in the area. The State Historic Preservation Office has requested that LSS entered into a section 106 memorandum of agreement with SHPO and the City to address the effects of the project on historic properties in 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: Supportive housing is a conditional use in the OR2 district. A community center is a permitted use.

Parking and Loading: The parking requirement for a planned unit development is as approved by the conditional use permit. Supportive housing and a community center are the two principal uses of the PUD.

Housing: Through the planned unit development, staff is recommending that the planning commission require the supportive housing use meet the minimum parking requirement for a multi-family dwelling because each unit is intended to house a family instead of individual persons. In the OR2 district, .9 spaces are required for each dwelling unit in a multi-family dwelling. Therefore 43 spaces would be required for the supportive housing. The applicant has indicated that 45 spaces, labeled and assigned on a per unit basis, would be provided. In addition to the vehicle parking spaces, bike storage space is available between 27 of the 45 parking spaces and the garage wall.

Community Center: The minimum parking requirement for a community center is based on the uses within it. The principal uses identified within the community center are a place of assembly, an auditorium (the “centrum”), and offices. The minimum parking requirement for a place of assembly is 30 percent of the capacity of persons of the main auditorium. The main auditorium space would be 1,286 square feet in area. Therefore 26 spaces are required for the place of assembly. The centrum is similar to the place of assembly because it is a large gathering space, therefore the minimum parking requirement is 30 percent of the capacity of persons of that auditorium space. This space would be 3,399 square feet in area requiring 68 parking spaces. The rest of the area in the community center, 47,428 square feet, is generally classified as office space. The minimum parking requirement for an office is one space per 300 square feet of gross floor area in excess of 4,000 square feet. Therefore a minimum of 145 spaces are required. Please note that approximately 2,500 square feet of floor area used mainly by the place of assembly is not part of the main auditorium area. This floor area is not included in the general office area parking calculation because these spaces would typically be used in the off-peak hours of the place of assembly and would not likely add to the parking demand for that use. The total parking requirement for the community center is 239 spaces. One-hundred and twelve spaces would be provided. In addition to the vehicle parking spaces provided, a bike storage area in the community center portion of the below-grade parking would be provided. Four bike parking spaces would also be located at the east and west main entrances to the community center.

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The planning commission may grant reduction in parking requirements through the planned unit development application. Staff is recommending that the planning commission approve the number of parking spaces proposed.

Supportive housing and a community center are the principal uses of the planned unit development. There is not a loading requirement for supportive housing, and multi-family dwellings of less than 50 units are not required to provide a loading space. The loading requirement for a community center is based on the floor area. The proposed floor area is 57,386 square feet, which requires two large (12 feet wide by 50 feet deep) loading spaces. The applicant is proposing one 12 foot wide by 23 feet deep loading space. The planning commission may grant reduction in loading requirements through the planned unit development application. Staff is recommending that the planning commission approve the number and size of the proposed loading.

In office residence districts, off-street parking areas are not allowed to be located between the principal building and the front lot line. The applicant is proposing to locate the surface parking area between the building and the front lot line adjacent to Oakland Avenue. Staff is recommending approval of the variance.

Signs: As noted in the conditional use section of this report, the applicant is proposing a master sign plan as part of the planned unit development. Section 527.170 authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs. Staff is recommending that the planning commission not approve the master sign plan as proposed.

Maximum Floor Area: The lot area, according to the applicant, is 96,539 square feet. The maximum FAR allowed is 2.5. The building would have a total of 122,402 square feet, which is an FAR of 1.27.

Minimum Lot Area: As previously noted, the overall lot has 96,539 square feet (2.22 acres). The minimum area required for a PUD is 2 acres. The lot area of the PUD must also meet the minimum lot area requirements for uses within the PUD. The OR2 district requires not less than 700 square feet of lot area per dwelling unit. The applicant is proposing 48 supportive housing dwelling units requiring 33,600 square feet of lot area. The community center requires a minimum lot area of 20,000 square feet. The proposed site is sufficient in size.

Dwelling Units Per Acre: The applicant proposes a density of 21.6 dwelling units per acre.

Height: Building height in the OR2 district is limited to four stories or 56 feet, whichever is less. The tallest height of the building would be 56 feet. The residential portion of the building would be five stories. Although the community center portion of the building would only have three floors, by definition of the zoning code it is six stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. Each floor of the community center would be 15 feet, therefore each floor is considered two stories. The planning commission may grant increases in

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height through the planned unit development application. Staff is recommending that the planning commission approve the proposed increase in height.

Yard Requirements: The site is a through lot (a lot that front upon 2 generally parallel streets or that fronts upon 2 streets that do not intersect at the boundaries of the lot). It has a front yard adjacent to Park Avenue and Oakland Avenue. The minimum front yard required along both of these streets is 15 feet. Along Park Avenue, the building would be located no closer than 38 feet from the front lot line. Along Oakland Avenue, the building would comply with the yard requirement. However, the proposed parking area would only be set back 7.5 feet from the front lot line. The applicant is requesting a variance.

A corner side yard is required along 24th Street. The minimum corner side yard requirement is equal to $8+2x$, where x is equal to the number of stories above the first floor. Because a 5-story building is proposed, a 13 foot corner side yard is required. The building and parking area would be located more than 13 feet from the corner side lot line.

An interior side yard is required along the south property line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. However the minimum width of interior side yards for all multiple-family dwellings with side entrances cannot be less than 15 feet. Several of the first floor units would have entrances facing the side lot line. Therefore the minimum interior side yard requirement is 15 feet. The building would be set back more than 15 feet.

Lot Coverage: Not more than 70 percent of a zoning lot can be covered by buildings in the OR2 district. On the proposed lot of 96,539 square feet, 67,577 square feet of building coverage is allowed. The proposed building foot print is 44,146 square feet or 45.7 percent of the lot area.

Impervious Surface: Not more than 85 percent of a zoning lot can be impervious surfaces. The total amount of impervious surfaces proposed is 62,736 square feet or 65 percent of the lot area.

Specific Development Standards: A community center is subject to the following development standards of Chapter 536 of the zoning code:

Community center.

- (1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (2) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

Staff comment: The building would be new construction. There are several non-residential and multi-family structures in the immediate area that are larger in scale. The proposed materials should be compatible with other buildings in the area. The development would comply with all yard requirements except where the parking area is located along Oakland Avenue. Staff is recommending approval of the yard variance and requiring compliance with the screening

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requirements as a condition of approval of the site plan review.

Supportive housing is subject to the following development standards of Chapter 536 of the zoning code:

Supportive housing.

- (1) Supportive housing shall be located at least one-fourth (1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:
 - a. Community correctional facility.
 - b. Community residential facility.
 - c. Inebriate housing.
 - d. Motel.
 - e. Overnight shelter.
- (2) The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- (3) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- (4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Staff comment: The supportive housing would not comply with the first three development standards. To address the first standard, the applicant is requesting reasonable accommodation under the Fair Housing Amendments Act. To address the second and third standards, the applicant is requesting variances. The Planning staff does not believe all of the residents would be a protected class under the Act. Staff also believes the proposed facility with 48 dwelling units serving up to 220 persons would contribute to the concentration of congregate living uses in the area. Because staff believes only 10 of the 48 units would be accommodated by the Act, staff is recommending approval of the development standard variances for only 10 of the 48 units serving up to 45 persons.

Lighting: Lighting proposed for the development 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.

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

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Dumpster screening: Screening must comply with Chapter 535 of the zoning code including:

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

A 6-foot high, brick and metal trash enclosure would be located in the parking area adjacent to the below-grade parking entrance.

Screening of mechanical equipment: Mechanical equipment proposed for the development must comply with Chapter 535 screening requirements:

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.

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- b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
 - (3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
 - (4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.
- (b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:
- (1) Minor equipment not exceeding one (1) foot in height.
 - (2) Mechanical equipment accessory to a single or two-family dwelling.
 - (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

A/C condensers located around the residential portion of the building would be screened by landscaping. A generator would be screened within the trash container screen. Roof-top mechanical equipment would be screened by structural walls.

Fences: A 5-foot high, vinyl-coated chain link fence is proposed around the youth garden. The fence would extend into the required front yard. The maximum allowed height of a fence in a required front yard is 4 feet if it is constructed of open, decorative ornamental fencing materials that are less than 60 percent opaque. For the purposes of this provision, vinyl-coated chain link fencing is considered decorative. The fence must be reduced to four feet to comply with this requirement.

MINNEAPOLIS PLAN: Please see finding number 5 under the conditional use permit for the planned unit development 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 for the following standards:

- Location of the buildings within 8 feet from a lot line adjacent to a street

Along Park Avenue, the building would be set back between 38 and 52 feet. The minimum front yard requirement along Park Avenue is 15 feet. However, the buildings fronting Park Avenue typically have a large set back with landscaping between the building and the street. The proposed building placement is consistent with the character of the street. Along Oakland Avenue, the minimum front yard requirement is also 15 feet. The residential portion of the building would be setback 15 feet. Most of the community center portion of the building would be set back 80 feet from the street to allow for a surface parking lot. Locating parking along Oakland Avenue is also typical characteristic of properties in this area. Along 24th Street, the minimum corner side yard requirement is 13 feet. The building would be set back between 19 and 24 feet. Staff believes alternative compliance is warranted to allow the proposed placement of the building because it is consistent with the character of the area and it has three street frontages.

- Location of the surface parking area

The majority of the parking would be enclosed within the building. A surface parking area would be located between the building and Oakland Avenue. The subject site has frontage on three streets. It is characteristic in the area to locate surface parking lots adjacent to Oakland Avenue. For these reasons, staff believes alternative compliance is warranted.

- Blank, uninterrupted walls exceeding 25 feet in width

Most of the building walls would include sufficient architectural detail and would make generous use of windows to avoid large blank walls. Several walls of the community center portion of the building would not meet this requirement. The multi-purpose room walls of the second story on the north, south, and east elevation would be blank and uninterrupted for more than 25 feet. The exterior wall of the multi-purpose room extends above the first story. Because the room is more than 14 feet in height (the wall is 27 feet high), it is considered two stories. The north and south wall is located where there is little visibility to it from the street or other areas accessible to people. The east wall is set back 27 feet from the first floor roof line, therefore its visibility is limited as well. For these reasons, staff believes alternative compliance is warranted for these walls. On the north elevation, the wall east of the entrance would be blank and uninterrupted for almost 38 feet. The wall would be adjacent to rooms used for storage, changing, and a food pantry. The first floor wall facing the play areas would be blank for 59 feet. This wall would be adjacent to the below-grade parking entrance, a donations room and bathrooms. Although an

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abundant amount of windows and a sufficient amount of architectural elements are provided on the rest of the building, it is feasible to incorporate windows or some other architectural elements to break up these large, blank walls. Staff does not believe alternative compliance is warranted and recommends that all walls on the first floor comply with this requirement.

- Screening between a parking area and a street

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking area and the streets. No screening is proposed between the spaces on the west side of the parking area and Oakland Avenue. An alternative is not proposed. Without the screening, it is more likely that headlight glare would become a problem. Screening should be provided along Oakland Avenue. Along 24th Street, an ornamental grass growing to 3-feet in height is proposed on the east side of the curb cut. On the west side of the curb cut, the proposed perennials, ornamental grass, and shrub are all within the 3 foot range. Although they would not provide screening year round, they are appropriate for the proposed rain garden at that location. Also, headlights from vehicles should not be an issue on this side of the parking area. For these reasons and that a variety of plants are incorporated, staff believes the proposed landscaping alternative adjacent to 24th Street is sufficient.

- Trees along lot frontage adjacent to a surface parking area

Trees are required to be provided for every 25 feet of parking area lot frontage. Nine trees would be required in the landscaped yard adjacent to Oakland Avenue. There are seven existing trees located on the property line. Most of the trees are spaced approximately 30 feet apart. However, it is possible to add another tree where two of the existing trees are spaced further apart. An additional tree should be provided and alternative compliance should be granted for one tree. When the existing trees die, new trees located on-site must replace them. Along 24th Street, two trees are required. At the northwest corner of the property, an existing tree would remain. To meet the requirement, a tree could be located in the yard adjacent to the east side of the parking area. A tree should also be added here to meet this requirement and alternative compliance should not be granted.

- Surface parking spaces within 50 feet of a tree

All surface parking spaces are required to be located within 50 feet of an on-site deciduous tree. All parking spaces would be within 50 feet of a deciduous tree if the trees located on the property line are used to meet this requirement.

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 registered land survey would not create nonconformities related to the zoning regulations of the OR2 district. The land would be divided into four parcels. Individual lots within a planned unit development are not required to meet the public street frontage requirement or the minimum

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lot area for the use located on that individual lot provided that the overall lot area of the planned unit development must be sufficient to accommodate all of the uses within the development.

The subdivision is in conformance with the applicable design requirements of the land subdivision regulations and the street design standards from Table 598-1 except for Section 598.230 (5), which 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 Section 598.230 (5) is required to allow the reduction of drainage and utility easements where the tracts abut one another. 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 purpose of the RLS is to delineate ownership of various tracts of the site and building. Because the tracts run along building walls, utility easements are not practical. Staff is recommending granting the variance to 0 feet.

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 purpose of the RLS is to delineate ownership of various tracts on the site. The registered land survey should have little impact on the surrounding area.

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 easement variances should have little effect on surrounding uses.

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- 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.**

Minimal changes to the grade are proposed. The site would have frontage on existing public 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. The development incorporates rain gardens to accommodate some of the stormwater from the surface parking area. The amount of stormwater runoff from the site should not increase significantly.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a planned unit development for the property located at 2414 Park Avenue South, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) A freestanding sign for the Park Avenue Apartments shall not be allowed as part of the master sign plan.
- 3) Freestanding signs approved as part of the master sign plan shall not be backlit.
- 4) Auxiliary signs shall not exceed 4 feet in area and 5 feet in height.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit to allow supportive housing with 48 dwelling units, in lieu thereof, if the City Planning Commission finds that reasonable accommodation is warranted for this specific use in this location then the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a conditional use permit to allow supportive housing with 10 dwelling units serving up to 45 persons for the property located at 2414 Park Avenue South, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to increase the maximum number of persons served by supportive housing from 32 to 220 persons, in lieu thereof, if the City Planning Commission finds that reasonable accommodation is warranted for this

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specific use in this location then the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum number of persons served by supportive housing from 32 to 45 persons for the property located at 2414 Park Avenue South, subject to the following condition:

- 1) There shall be no more than 45 persons residing in this building at any one time.

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

If the City Planning Commission finds that reasonable accommodation is warranted for this specific use in this location then the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow supportive on-site services to be used by non-residents for the property located at 2414 Park Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required front yard along Oakland Ave from 15 feet to 7.5 feet to allow a surface parking area for the property located at 2414 Park Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow parking between a principal structure and the front lot line (Oakland Ave) in an office residential district for the property located at 2414 Park Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a planned unit development located at the property of 2414 Park Avenue South, subject to the following conditions:

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

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- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by June 25, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) Blank, uninterrupted walls on the first floor building elevations that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in width as required by section 530.120 of the zoning code.
- 4) Landscaping and screening that complies with section 530.170 of the zoning code shall be provided between the parking area and Oakland Avenue.
- 5) One additional canopy tree shall be provided between the parking area and Oakland Avenue and one additional canopy tree shall be provided between the parking area and 24th Street as required by section 530.170 of the zoning code.
- 6) The fence around the youth garden shall not exceed 4 feet in height as required by section 535.420 of the zoning code. The applicant is encouraged to repair and maintain the existing wrought iron and brick fence along Park Avenue and install a wrought iron and brick fence in lieu of the vinyl coated chain link fence adjacent to the youth gardens.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary registered land survey for the property located at 2414 Park Avenue South.

Attachments:

1. Zoning code information sheet
2. Preliminary Development Review comments
3. Reasonable Accommodation Requirements of the Federal Fair Housing Amendments Act
4. Map showing supportive housing uses located within a ¼-mile of 2414 Park Ave
5. Applicant request for reasonable accommodation
6. Statement of proposed use and findings
7. Correspondence
8. Zoning map
9. Hennepin County map
10. Plans
11. Site photos