

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-5608

Date: August 13, 2012

Applicant: CPM Development, LLC, Attn: Daniel Oberpriller, 2919 Knox Avenue South #200, Minneapolis, MN 55408, (612) 823-3489

Address of Property: 401 8th Avenue SE (412 8th Avenue SE)

Project Name: Andrew Riverside Apartments

Contact Person and Phone: CPM Development, LLC, Attn: Daniel Oberpriller, 2919 Knox Avenue South #200, Minneapolis, MN 55408, (612) 823-3489

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: July 11, 2012

End of 60-Day Decision Period: September 9, 2012

End of 120-Day Decision Period: Not applicable for this application.

Ward: 3

Neighborhood Organization: Marcy Holmes Neighborhood Association (MHNA)

Existing Zoning: R5 (Multiple-family) District and UA (University Area) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 15

Lot area: 401 8th Avenue SE: 27,178 square feet or approximately .62 acres; 412 8th Avenue SE: 6,270 square feet or approximately or approximately .14 acres

Legal Description: Not applicable for this application.

Proposed Use: Construct a new 5-story, 56-foot tall, multi-family residential building with 56 units, 147 bedrooms and an approximately 4,630 square foot ground level space to be used by the Andrew Riverside Presbyterian Church.

Concurrent Review:

- Conditional Use Permit to increase the maximum permitted height of a new multiple-family building in the R5 district from 4 stories or 56 feet to 5 stories or 56 feet.
- Variance to reduce the minimum lot area requirement from 522 square feet per dwelling unit to 485 square feet per dwelling unit or a variance of approximately 7% in order to allow for the construction of 56 dwelling units.
- Variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%.

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- Variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for various encroachments including a patio, benches and canopy encroachment.
- Variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway.
- Variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer.
- Variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments.
- Variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces.
- Variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero.
- Site Plan Review to allow for the construction of a new 5-story, 56-foot tall, multi-family residential building with 56 units, 147 bedrooms and an approximately 4,630 square foot ground level space to be used by the Andrew Riverside Presbyterian Church. The property is zoned R5 (Multiple-family) District and is located in the UA (University Area) Overlay District.

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

Background: The applicant, CPM Development, LLC, proposes to construct a new 5-story, 56-foot tall, multi-family residential building with 56 units and 147 bedrooms with an approximately 4,630 square foot ground level space to be used by the Andrew Riverside Presbyterian Church located on the property at 401 8th Avenue SE. The property is zoned R5 (Multiple-family) District with the UA (University Area) Overlay District. The proposed uses are permitted in the R5 district; however, a conditional use permit is required to increase the maximum permitted height one additional story as the building proposed for the site is 5 stories or 56 feet as opposed to the allowable 4 stories or 56 feet. Numerous variances are also required to develop the site as proposed which include the following: (1) Variance to reduce the minimum lot area requirement from 522 square feet per dwelling unit to 485 square feet per dwelling unit or a variance of approximately 7% in order to allow for the construction of 56 dwelling units; (2) Variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%; (3) Variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for various encroachments including a patio, benches and canopy encroachment; (4) Variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway; (5) Variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer; (6) Variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments; (7) Variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces; and (8) Variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero. Site plan review is also required for the proposed development.

There is an 18 space off-street surface parking lot located across 8th Avenue SE, at 412 8th Avenue SE that is owned by the Andrew Riverside Presbyterian Church. This parking lot is subject to the design and

maintenance provisions outlined in Chapter 530 of the Zoning Code. With the incorporation of landscaping and screening, the parking spaces within this parking lot would be reduced to 12 spaces.

In order for the site to be developed as proposed, the development is contingent on the approval of separate but concurrent and associated land use applications (BZZ-5641 and MS-224) for the abutting site located at 414 7th Avenue SE. The property is occupied by an existing non-conforming residential structure with 103 units known as the Remington Campus Apartments. No modifications are proposed to the structure, however, the applicant intends to convey approximately 4,920 square feet of property to the subject site in order to allow for the new Andrew Riverside Apartments. Zoning Code regulations prohibit non-conforming uses from increasing their non-conformity, so the conveyance of the property would not be possible unless the site were to be brought into conformance with the applicable standards of the Zoning Code. In addition to the minor subdivision which allows for the conveyance of the property to the Andrew Riverside site, several additional land use applications including a rezoning of the property to R5 and variances are required as well in order to establish a conforming use on the property.

All parcels on the block with the exception of the southwest corner are located in the Fifth Street Southeast Historic District. In May of 2012, the Heritage Preservation Commission (HPC) approved a Certificate of Appropriateness (BZH-27307) for the proposed development on this site that includes the property that would be conveyed via the corresponding minor subdivision process.

There have been several past proposals for the development site. The HPC has denied many Certificates of Appropriateness for various proposals on the site. There has been only one recent application that was approved by both the HPC and CPC in 2008 which allowed for a new 4-story, 45 foot tall, 39-unit senior housing facility with a 5,400 square foot ground level space allocated for the Andrew Riverside Presbyterian Church. The project was never constructed.

Staff has received official correspondence from the Marcy Holmes Neighborhood Association (MHNA) which supports the proposal. Additional letters/emails received prior to the printing of this report are attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

CONDITIONAL USE PERMIT - to increase the maximum permitted height to 5 stories or 56 feet.

Findings as Required by the Minneapolis Zoning Code:

The Department of 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 be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff does not believe that increasing the height of the proposed building would be detrimental to or endanger the public health, safety, or general welfare. The applicant proposes to construct a 5 story structure that is 56 feet tall on the site. The property is zoned R5 which would allow a structure that is 4 stories or 56 feet tall; a conditional use permit is necessary to allow for an additional story that fits within the allowable overall height in feet. As such the development at 5 stories or 56 feet as opposed to 4 stories or 56 feet would not result in any additional adverse impacts.

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.

The property is currently vacant and located in a fully developed area. Allowing a development on the premises at 5 stories or 56 feet as opposed to 4 stories or 56 feet would not be injurious to the use and enjoyment of other property in the vicinity, nor would it impede the normal or orderly development of the surrounding area or the improvement of surrounding properties.

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

The applicant will continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

As for vehicular access, there would be one curb cut to the site off of 8th Avenue SE that provides ingress/egress to the underground parking proposed for the development. The 12 space surface parking lot located across 8th Avenue SE would be used by church patrons on Sundays and is subject to design and maintenance as outlined in Chapter 530 of the Zoning Code. The applicant has submitted a Travel Demand Management Plan (TDMP) for the site that is being reviewed by Public Works. The study concludes that the proposed development is not anticipated to have significant impacts on area traffic. The study further states that there is ample parking on-site and within a block and a half of the site to accommodate all projected parking needs for the development.

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

The additional height of the development should have no effect on traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing a total of 43 off-street parking spaces for the proposed development as well as 147 bicycle parking spaces.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as urban neighborhood. The property is also located one block off of University Avenue SE which is a designated Community Corridor in this location as well as a block from Interstate 35W. Urban neighborhoods are defined as a “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote

flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings”; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 states: “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses. This policy includes the following applicable implementation step (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Urban Design Policy 10.4 states: “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.”

Urban Design Policy 10.5 states: “Support the development of multi-family residential dwellings of appropriate form and scale.”

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.” This policy includes the following applicable implementation steps: (10.9.1) “Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate; (10.9.4) “Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.”

Planning Staff believes that the proposal to redevelop the subject site is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There is an additional plan that must be considered when evaluating the proposal which is the *Marcy-Holmes Neighborhood Master Plan* which was adopted by the City Council on December 29, 2003. An addendum to the master plan called the *Marcy-Holmes Master Plan Supplement* was adopted by the City Council on January 26, 2007. Within this document the subject Andrew Riverside parcel is specifically

called out as a potential redevelopment site, and is designated for residential uses. Planning Staff believes that the proposal is in conformance with the applicable adopted plan and supplement.

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

If all land use/zoning applications are approved, including the conditional use permit, variances and site plan review, the proposal would appear to comply with all applicable provisions of the R5 District and UA Overlay District standards.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

This development would be expected to have some impacts on the amount of light and air that surrounding properties receive as the site would be transitioning from a vacant site to a fully developed site. The proposal is maintaining a 13 foot setback (building wall) along the north and west property lines as well as a 15 foot setback along 8th Avenue SE and an approximately 6 foot setback along 4th Street SE. Planning Staff would not expect the proposal to have substantive impacts on the access to light and air of surrounding properties.

2. Shadowing of residential properties or significant public spaces.

Based on the submitted shadow studies, there would be some shadowing of adjacent residential properties; however, it does not appear to be significant. No public spaces appear to be impacted. It is likely that any redevelopment of the site would result in some shadowing of the properties to the north, northeast and northwest of the subject site. There are adjacent residential structures that surround the subject site. As one would expect, the most significant shadowing occurs late fall through early spring, with the peak being in mid-December. The impacts of the project on the above noted residential properties appear to be negligible in the summer months. As previously noted, the proposed structure would comply with the height requirements in feet, but not in number of stories, therefore, it is practical to assume that the shadowing impacts of the development at 5 stories or 56 feet versus 4 stories or 56 feet as permissible in the R5 District would be identical. The shadow studies have been attached for reference.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. There are a few scattered taller buildings located within the neighborhood; including the 6-story building located on the abutting parcel to the west known as Remington Apartments (formerly St. Andrews Hospital). The project would result in a structure that is taller than many of the existing surrounding structures, but as previously mentioned, would be within the 56 foot height limitation for structures located in the R5 District. Planning Staff believes that the proposal is not out of the scale and character of surrounding uses in the neighborhood. The HPC believed that the design of the structure and the distribution of height on site renders the building compatible with the character and scale of surrounding uses and the Fifth Street Southeast Historic District.

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

There are no public view corridors of landmark buildings, significant open spaces or water bodies that would be impacted by the proposed development.

VARIANCE – (1) Variance to reduce the minimum lot area requirement from 522 square feet per dwelling unit to 485 square feet per dwelling unit or a variance of approximately 7% in order to allow for the construction of 56 dwelling units; (2) Variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%; (3) Variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for various encroachments including a patio, benches and canopy encroachment; (4) Variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot walkway; (5) Variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer; (6) Variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments; (7) Variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces; (8) Variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero. Site plan review is also required for the proposed development.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Minimum lot area per dwelling unit from 522 square feet per dwelling unit to 485 square feet per dwelling unit, or a variance of approximately 7%: The applicant proposes to vary the minimum lot area per dwelling unit from 522 square feet to 485 square feet in the R5 District, or a variance of approximately 7%. The project is eligible for two 20% bonuses, one for underground/enclosed parking and the other for affordable housing. With the provision of two 20% bonuses, a total of 52 units would be permitted on the premises without a variance. The applicant is proposing to include 4 additional units on the site, or 56 total dwelling units. Planning Staff believes that in this specific circumstance, practical difficulties exist in complying with the ordinance as the request to allow 4 additional dwelling units on the property is reasonable.

Variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%: The applicant proposes to vary the FAR on site from 2.8 to 2.85 or a variance of approximately 2%. With the application of two 20% density bonuses, one for underground/enclosed parking and the other for affordable housing, a total of 76,098 square feet would be permitted on site. The applicant proposes a gross floor area of 77,368 square feet or an additional 1,270 square feet on the subject site. Planning Staff believes that in this specific circumstance, practical difficulties exist in complying with the ordinance as the minimal request would not significantly increase the building bulk on the premises and would be reasonable.

Variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for various encroachments including a patio, benches and canopy encroachment: The applicant proposes to vary the front yard setback along 8th Avenue SE to allow patio and bench

encroachments in the required front yard. The building complies with the setback requirement of 15 feet; however, the encroachments require a variance as they are not permitted obstructions. The patio area is located at the principal entrance to the church component of the project and the benches merely flank the entrance, providing an entrance plaza/gathering space for members of the congregation. The canopy provides cover for a portion of the gathering space. Planning Staff believes that in this specific circumstance, practical difficulties exist in complying with the ordinance as the encroachments are reinforcing the principal entrance along this elevation of the building and are therefore reasonable.

Variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway: The applicant proposes to vary the corner side yard setback along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building wall and to allow a pergola/fencing encroachment and 7-foot wide walkway in the required yard. Due to the U-shaped configuration/design of the building on the parcel, the two ends of the structure extend towards the street, whereas the interior is a large recessed outdoor open space that is approximately 37 feet wide by 75 feet in length. Pulling the building closer to the street redefines the street edge in this location, while the large recessed interior courtyard provides relief for 37 feet while being bookended by 50 foot spans that are located 6 feet from the property line. Further, allowing a walkway that is one foot wider than typically permitted as well as a decorative pergola/fencing encroachment to delineate the public versus private space on the property is reasonable. Planning Staff believes that practical difficulties exist in complying with the ordinance.

Variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer: The applicant proposes to vary the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building wall and to allow various encroachments including patios, bicycle racks, a generator and transformer. The building would typically have an interior side yard setback requirement of 13 feet (5+2x) along the north property line. Due to the fact that the applicant proposes to locate a secondary ingress/egress point on this building elevation, per Section 535.250 of the Zoning Code, a 15-foot yard is required for all multiple-family dwellings with side entrances. The actual building wall itself is compliant with the underlying district requirement of 13 feet as previously noted. The encroachments proposed, provided the generator and transformer are adequately screened, should pose no adverse impacts. Planning Staff believes that the requests are reasonable and that practical difficulties exist in complying with the ordinance.

Variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments: The applicant proposes to vary the rear yard setback requirement along the west property line in order to allow patio encroachments in this location. Typically, patios cannot exceed 50 square feet nor project more than 4 feet into the required yard. The patios are 50 square feet in size but project 5 feet into the required yard, thus necessitating the variance. Planning Staff believes that allowing a one foot encroachment for patios in this location is reasonable and that practical difficulties exist in complying with the ordinance.

Variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces: The applicant proposes to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces. Due to the location of the property within the UA overlay district, the project is required to provide .5 spaces per bedroom or not less than one per dwelling unit. A total of 147 bedrooms are proposed within a total of 56 dwelling units. As a result 74 spaces are required and a total of 43 spaces are proposed that include 31 standard spaces,

10 compact spaces and 2 accessible spaces. Planning Staff believes that practical difficulties exist in complying with the ordinance and that the request is appropriate and reasonable given the context of the area and the availability of alternative forms of transportation due to the property's proximity to the University of Minnesota. Several bus lines are within walking distance from the site and the applicant further contends that the provision of 43 spaces on site is adequate to serve the tenants of the proposed building.

Variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero: The applicant proposes to reduce the required off-street parking requirement for the church component of the development from 19 spaces to zero spaces. Of the 4,630 square feet dedicated to the church component of the project, a total of 1,821 square feet is allocated for worship space. The capacity of that space is 189 individuals and the Zoning Code requires that 10% of the capacity or 19 off-street parking spaces be provided for this component of the development. The applicant has stated that the parcel located across 8th Avenue SE (412 8th Avenue SE) that contains a total of 12 surface parking stalls will be available for use by church patrons on Sundays, but does not wish to fully dedicate it to the church use, thus the variance to zero. Planning Staff believes that the request is reasonable given the intermittent nature of the use, and that practical difficulties exist in complying with the ordinance in this circumstance.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Minimum lot area per dwelling unit from 522 square feet per dwelling unit to 485 square feet per dwelling unit, or a variance of approximately 7%: The proposal to reduce the minimum lot area per dwelling unit for a proposed 56 unit residential building is reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. As previously noted, 52 dwelling units are permitted on the premises with the application of two density bonuses. Allowing a total of 4 additional dwellings on the premises would not result in any adverse impacts on surrounding properties.

Variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%: The proposal to allow for a 2% increase in the maximum FAR to allow an additional 1,270 square feet of gross floor area would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. The developer proposes to provide 4,630 square feet to the Andrew Riverside Presbyterian Church, former occupants of the site, free of charge for the next 99 years. Requiring that the structure comply with the FAR in this specific circumstance would likely result in a reduction in square footage for the church component of the project.

Variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for various encroachments including a patio, benches and canopy encroachment: The proposal to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for patio, bench and canopy encroachments is reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. As previously noted, the building complies with the setback in this location and the encroachments as proposed reinforce and provide a gathering space adjacent to the principal entry for the church component of the project.

Variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway: The proposal to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet

for the building wall and to allow pergola/fencing encroachments and a 7-foot wide walkway is reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. The location of the building reinforces the street wall while the design and corresponding building recess allows for relief along a stretch of the elevation. The larger walkway and pergola/fence treatment are also appropriate given the circumstances.

Variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer: The proposal to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments is reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. The building actually complies with the district requirement as the ingress/egress point in this location creates the setback issue. Further, the location of mechanical equipment, bicycle racks and patio encroachments is appropriate as well provided they are adequately screened.

Variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments: The proposal to reduce the rear yard setback requirement along the west property line to allow patio encroachments that extend one additional foot into the required setback but meet the maximum size requirement are reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. The patios encroach one additional foot into the required yard than allowed but meet the maximum size requirement.

Variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces: The proposal to reduce the required off-street parking from 74 spaces to 43 spaces is reasonable and would be in keeping with the spirit and the intent of the ordinance. The applicant has stated that the reduction in parking would still allow ample parking for the tenants of the proposed building. Further, given the pedestrian nature of the area and accessibility to transit, the request is reasonable.

Variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero: The proposal to reduce the required off-street parking from 19 spaces to zero spaces is reasonable and would be in keeping with the spirit and the intent of the ordinance. The applicant has stated that the reduction in parking would still allow ample parking for the church due to the intermittent activity that will transpire at the facility.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Minimum lot area per dwelling unit from 522 square feet per dwelling unit to 485 square feet per dwelling unit, or a variance of approximately 7%: The reduction in the minimum lot area per dwelling unit proposed on the site would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties.

Variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%: The slight increase in the maximum FAR would

not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The increase would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties.

Variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for various encroachments including a patio, benches and canopy encroachment: The reduction in the required front yard setback along the east property line to allow patio, bench and canopy encroachments at the principal entrance to the church for gathering space would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties.

Variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway: The separation between the building and the property line is appropriate given the surrounding context. Locating the building closer to the street at the ends of the structure and recessing the middle or central portion of the building, allowing a larger walkway and encroachments within the recessed portion would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The proposal would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties.

Variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer: The proposal to reduce the required setback from 15 feet to 13 feet in order to allow a secondary means of ingress/egress would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The secondary point of ingress/egress from the building would likely not result in any adverse impacts on the adjacent commercial property to the north nor would the proposed encroachments

Variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments: The proposal to allow patio encroachments in the required rear yard that extend one additional foot farther than typically permitted but that meet the size restrictions would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces: The reduction in the off-street parking requirement for the residential component of the development would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties. The provision of 43 parking spaces for a residential building with 56 units and 147 bedrooms is adequate based on information provided by the applicant.

Variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero: The reduction in the off-street parking requirement would not alter the essential character of the

locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties. The provision of zero parking spaces for the church component of the development is adequate based on information provided by the applicant.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

- **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

A total of 56 dwelling units are proposed on the site in addition to a 4,630 square foot tenant space dedicated to Andrew Riverside Presbyterian Church. The property is residentially zoned and is therefore, subject to both a 15-foot front yard setback along the east property line and a 15-foot corner side yard setback along the south property line. The applicant proposes to vary the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for patio and bench encroachments and to vary the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway as noted above in the variance section of the report.

The proposed building is oriented towards both street frontages with the principal entrance to the residential component of the development located off of 4th Street SE and the principal entrance to the church component of the development located off of 8th Street SE. The use of progressive design and street-oriented building alignments is reinforced. The design also maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along both street frontages.

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The east and south elevations of the building are subject to a 30% window requirement for the non-residential portions of the elevation (or the church use) and to a 20% window requirement for the residential component of the development. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets and facing on-site parking areas.

On the east elevation of the proposed structure facing 8th Avenue SE, of the total length of the building wall which is 146 feet, 90 feet are non-residential which is subject to the 30% requirement. The proposal exceeds the 30% window requirement as a total of 51% are provided. The windows are vertical in nature and evenly distributed. The remaining 53 feet are components of the residential development and are subject to the 20% requirement. The proposal exceeds the 20% requirement as 21% are provided. While the windows are vertical in nature, they are not evenly distributed on this portion of the elevation due to the fact that garage doors are located on the northernmost segment of the elevation. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the windows are more or less evenly distributed on the entire elevation at levels that exceed the minimum window requirements and allowing garage doors on the northernmost portion of the elevation is practical as that is the access to the underground parking garage.

On the south elevation of the proposed structure facing 4th Street SE, of the total length of the building wall which is 138 feet, 50 feet are non-residential which is subject to the 30% requirement. The proposal exceeds the 30% requirement as a total of 72% are provided. The windows are vertical in nature and evenly distributed. The remaining 88 feet are residential uses and subject to the 20% requirement. The proposal exceeds the 20% requirement as 57% are provided. The windows are vertical in nature and evenly distributed.

The proposed development exceeds the 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking areas. The windows in the building are vertical in nature and are more or less evenly distributed along the building walls.

The building complies with the active functions provision as outlined above along both street frontages.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials proposed for the structure would include brick and metal panels. Decorative metal elements would also be included. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on the building. The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found.

All parking proposed on site is enclosed. There is one level of below grade parking that provides a total of 43 spaces on site. Sloped floors do not dominate the appearance of the structure.

ACCESS AND CIRCULATION:

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

The principal entrance to the residential component of the development is located off of 4th Street SE and the principal entrance to the church component of the development is located off of 8th Street SE and would be connected via walkways of at least 4 feet in width to the public sidewalk. There is also a secondary egress on the north side of the building; a variance has been applied for to reduce the required setback in this location. See the findings as noted above.

The site is not immediately adjacent to a transit stop; however, it is in close proximity to several bus lines including Routes 2, 6, 250, 260, 261, 264, 270 and 288.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The off-street parking for the proposed development would be located within the building and accessed off of one curb cut via 8th Avenue SE.

There is no public alley adjacent to the site.

The site has been somewhat designed to minimize the use of impervious surfaces as a total of 19% of the net site and 54% of the site not occupied by buildings is pervious.

LANDSCAPING AND SCREENING:

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

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

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 27,178 square feet. The footprint of the building is 17,434 square feet. When you subtract the footprint from the lot size the resulting number is 9,744 square feet; 20% of this number is 1,949 square feet. According to the applicant's landscaping plan there is 5,297 square feet of landscaping on the site or approximately 54% percent of the site not occupied by the building.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 trees and 20 shrubs. The applicant is proposing to plant 6 canopy trees, 7 ornamental trees and over 300 shrubs and perennials/ornamental grasses on the site. The proposal exceeds the quantity requirements for the site.

The surface parking lot located across 8th Avenue SE at 412 8th Avenue SE is subject to the design and maintenance provisions outlined in the Zoning Code. A site plan shall be submitted prior to sign-off on final plans that indicates compliance with the applicable landscaping and screening provisions.

ADDITIONAL STANDARDS:

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

There is no surface parking lot technically associated with the development; however, the parking lot located at 412 8th Avenue SE is subject to the design and maintenance provisions outlined in Chapter 530 of the Zoning Code. All parking proposed for the development is enclosed and is accessed off of 8th Avenue SE.

Staff would expect the proposal to result in the blocking of some views and the proposed structure would also be expected to have some shadowing impacts on adjacent properties, as well as some impacts on light, wind and air in relation to the surrounding area as well. The site is currently vacant.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Planning Staff has no additional comments or concerns at this time regarding site safety.

There are no designated or eligible historic structures on the subject property. However, the subject property is located in the Fifth Street Southeast Historic District. In May of 2012, the Heritage Preservation Commission (HPC) approved a Certificate of Appropriateness (BZH-27307) for the proposed development on this site.

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

ZONING CODE - The proposed residential uses and the church use are permitted in the R5 zoning district. With the approval of the conditional use permit, variances and site plan review, this development would meet the requirements of the R5 District.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 would typically require one off-street parking space per dwelling unit or a total of 56 parking spaces for the proposed residential component of the project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 147 bedrooms or 56 dwelling units are proposed on the subject site. Therefore, a total of 74 off-street parking spaces would be required for the residential component. The applicant is proposing to provide a total of 43 underground parking stalls which requires a variance as noted above in the variance section of the staff report.

The church component of the project requires parking that is equal to 10% of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. Of the 4,630 square feet dedicated to the church component of the project, a total of 1,821 square feet is allocated for worship space. The capacity of that space is 189 individuals and the Zoning Code requires that 10% of the capacity or 19 off-street parking spaces be provided for this component of the development. The applicant is proposing to vary the off-street parking requirement from 19 spaces to zero spaces as noted above in the variance section of the staff report.

Maximum automobile parking requirement: This provision is not applicable for the residential component of the development as there is no maximum parking requirement for residential uses with enclosed parking. The applicant is proposing to provide 43 off-street parking spaces within an underground parking ramp which requires an off-street parking variance due to the fact that it doesn't meet the minimum requirement in the UA overlay district.

The maximum automobile parking requirement for the church component of the project is parking equal to 40% of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. Of the 4,630 square feet

dedicated to the church component of the project, a total of 1,821 square feet is allocated for worship space. The capacity of that space is 189 individuals and the Zoning Code allows up to 40% of the capacity or 76 off-street parking spaces as the maximum allowance. No parking is being provided for this component of the development.

Bicycle parking requirement: Typically, multiple-family dwellings with 5 or more units would have a minimum bicycle parking requirement of 1 space per 2 dwelling units. However, due to the location of the site within the UA Overlay District, residential uses are required to provide at least one (1) bicycle or motorized scooter parking space per one (1) bedroom. Based on the proposed 147 bedrooms, a total of 147 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 147 bicycle parking spaces are located within the parking garage and at grade in the interior side yard for the residential component of the project which meets the requirement as noted above.

There is no bicycle parking requirement for the church component of the development.

Loading: Not applicable for this development.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is provided within the ground level of the building.

Signs: No signage is proposed at this time. Any signage must meet the requirements as outlined in Chapter 543 of the Zoning Code and as applicable in the Fifth Street Southeast Historic District. Separate permits are required from the Zoning Office for any proposed signage.

Lighting: The applicant is proposing to install decorative wall mounted light fixtures at the entries. A photometric plan was also not submitted as part of the application but will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum FAR for all structures in the R5 zoning district is the gross floor area of the building which is 77,368 square feet divided by the area of the lot which is 27,178 square feet. The outcome is 2.85 which is greater than the base minimum of 2.0 permitted in the R5 district. However, the project qualifies for two 20% (.4) density bonuses for enclosed parking and for affordability, that allow a FAR on the site of 2.8. The applicant submitted a variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2%. See the variance section of the staff report as noted above.

Minimum Lot Width and Lot Area: The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. With 56 proposed dwelling units on a lot of 27,178 square feet, the applicant proposes 485 square feet of lot area per dwelling unit. The project is eligible for two 20% density bonuses for enclosed parking and for affordability, which allows seven additional units per bonus, or a total of 14 units. Therefore, a total of 52 dwelling units could be provided on site with the density bonuses or approximately 522 square feet of lot area per dwelling unit. As previously noted, the applicant proposes 56 dwelling units or 485 square feet of lot area per dwelling unit which requires a lot area variance of approximately 7% as noted in the variance section of the staff report above.

Dwelling Units per Acre: With 56 dwelling units on a site having 27,178 square feet of lot area, the proposal would include approximately 91 dwelling units per acre.

Height: Maximum building height for principal structures located in the R5 zoning district is 4 stories or 56 feet, whichever is less. The height of the proposed building is 5 stories or 56 feet; therefore, it requires a conditional use permit to increase the maximum permitted height one additional story. See the conditional use permit section of the staff report as noted above.

Yard Requirements: The required yards are as follows:

Front – along 8th Avenue SE: 15 feet

Corner side yard setback -along 4th Street SE (8+2x): 15 feet

Interior side yard/rear (5+2x): 13 feet – except along the north property line where a residential entrance creates a setback of 15 feet.

The proposal requires several yard variances. See the variance section of the staff report as noted above.

Building coverage: The maximum building coverage in the R5 District is 70 percent. The building would cover approximately 64% percent of the site.

Impervious surface area: The maximum impervious surface coverage in the R5 District is 85 percent. Impervious surfaces would cover approximately 81 percent of the site.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

See the above listed response to finding #5 in the conditional use permit application. The policies and implementation steps apply to the site plan review application as well.

Conformance with Applicable Development Plans or Objectives Adopted by the City Council

See the above listed response to findings #5 in the conditional use permit application. The objectives outlined in the *Marcy-Holmes Neighborhood Master Plan* and the *Marcy-Holmes Master Plan Supplement* apply to the site plan review application as well.

ALTERNATIVE COMPLIANCE

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

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not

limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

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

Window distribution: On the east elevation of the proposed structure facing 8th Avenue SE of the total length of the building wall which is 146 feet, 90 feet are non-residential which is subject to the 30% requirement. The proposal exceeds the 30% window requirement as a total of 51% are provided. The windows are vertical in nature and evenly distributed. The remaining 53 feet are components of the residential development and are subject to the 20% requirement. The proposal exceeds the 20% requirement as 21% are provided. While the windows are vertical in nature, they are not evenly distributed on this portion of the elevation due to the fact that garage doors are located on the northernmost segment of the elevation. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the windows are more or less evenly distributed on the entire elevation at levels that exceed the minimum window requirements and allowing garage doors on the northernmost portion of the elevation is practical as that is the access to the underground parking garage.

RECOMMENDATIONS:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum permitted height of a new multiple-family building in the R5 district from 4 stories or 56 feet to 5 stories or 56 feet on the property located at 401 8th Avenue SE subject to the following condition:

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

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to reduce the minimum lot area per dwelling unit from 522 square feet per dwelling unit to 485 square feet per dwelling unit or a variance of approximately 7% in order to allow for the construction of 56 dwelling units on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum F.A.R. (Floor Area Ratio) of the proposed development from 2.8 to approximately 2.85 or a variance of approximately 2% on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard setback requirement along the east property line adjacent to 8th Avenue SE to allow for patio, bench and canopy encroachments on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the corner side yard setback requirement along the south property line adjacent to 4th Street SE from 15 feet to approximately 6 feet for the building and to allow a pergola/fencing encroachment and a 7-foot wide walkway on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard setback requirement along the north property line from 15 feet to 13 feet for the building due to a residential entrance and to allow various encroachments including patios, bicycle racks, a generator, and a transformer on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the rear yard setback requirement along the west property line to allow patio encroachments on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required off-street parking for the residential component of the development from 74 spaces to 43 spaces on the property located at 401 8th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required off-street parking for the church component of the project from 19 spaces to zero on the property located at 401 8th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a new 5-story, 56-foot tall, multi-family residential building with 56 units and 147 bedrooms with an approximately 4,630 square foot ground level space to be used by the Andrew Riverside Presbyterian Church . 39-unit, residential development on the property located at 401 8th Avenue SE subject to the following conditions:

1. All site improvements shall be completed by August 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. At least 20% of the units shall meet the definition of affordable housing and continue to do so for the next 15 years.
4. All ground level required window openings shall remain unobstructed.
5. A site plan shall be submitted for the surface parking lot located on the property at 412 8th Avenue SE that meets the design and maintenance provisions as outlined in Chapter 530 of the Zoning Code.

Attachments:

1. Statement of use / description of the project
2. Correspondence
3. Zoning map
4. Plans – site, landscape, elevations, renderings, and civils
5. Photos