

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances, Site Plan Review and Alley Vacation  
BZZ-5643 and Vacation File #1604

**Date:** January 7, 2013

**Applicant:** Wellington Management, 1625 Energy Park Drive #100, St. Paul, MN 55108, (651) 999-5500

**Address of Property:** 2230 East Lake Street

**Project Name:** Hi-Lake Triangle

**Contact Person and Phone:** Collage Architects, LLC, Attn: Pete Keely, 705 Raymond Avenue, St. Paul, MN 55114, (651) 472-0051

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

**Date Application Deemed Complete:** October 18, 2012

**End of 60-Day Decision Period:** December 17, 2012

**End of 120-Day Decision Period:** On November 26, 2012, Staff sent a letter to the applicant extending the decision period to no later than February 15, 2013. The applicant further extended the time frame for review until March 1, 2013.

**Ward:** 9

**Neighborhood Organization:** East Phillips Improvement Coalition

**Existing Zoning:** C2 (Neighborhood Corridor Commercial District), PO (Pedestrian Oriented) Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 27

**Lot area:** 42,709 square feet (includes 5,673 square feet from the vacated alley) or approximately .98 acres

**Legal Description:** Not applicable for this application.

**Proposed Use:** Construct a new 6-story, 70-foot tall, mixed-use building that includes 64 residential dwelling units and approximately 5,554 square feet of ground level commercial space.

**Concurrent Review:**

- Conditional Use Permit (CUP) to allow an increase in the allowable height in the C2 District from 4 stories or 56 feet to 6 stories or approximately 70 feet;
- Variance of the maximum allowable front yard setback of 8 feet for building placement in the Pedestrian-Oriented (PO) Overlay District;
- Variance of the off-street parking requirement for the residential component of the development from 58 spaces to 18 spaces;

- Variance to allow more compact parking spaces for the commercial use than allowed within the proposed surface parking lot – *This application has been returned;*
- Variance of the drive-aisle requirement within the proposed surface parking lot;
- Site Plan review for a new 6 story mixed-use building that includes 5,554 square feet of ground level commercial space and 64 residential dwelling units on property located in the C2 District and the PO Overlay District;
- Alley Vacation.

**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, Wellington Management, proposes to construct a new 6-story, 70-foot tall, mixed-use development that includes 64 residential dwelling units and approximately 5,554 square feet of ground level commercial space on the property located at 2230 East Lake Street. The property is zoned C2 (Neighborhood Corridor Commercial District) and is located in the PO (Pedestrian Oriented) Overlay District. The proposed uses are permitted in the C2 district; however, a conditional use permit is required to increase the maximum permitted height two additional stories as the building proposed for the site is 6 stories or 70 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 of the maximum allowable front yard setback of 8 feet for building placement in the Pedestrian-Oriented (PO) Overlay District; (2) variance of the off-street parking requirement for the residential component of the development from 58 spaces to 18 spaces; and (4) variance of the two-way drive-aisle requirement within the proposed surface parking lot. A previously required variance to allow more compact parking spaces for the commercial use than allowed within the proposed surface parking lot was returned following the modification of the plan to comply with the provision. Site plan review is also required for the proposed development as is a vacation of the public alley located on the west side of the site.

The first floor of the proposed structure would accommodate a total of three retail spaces facing East Lake Street. The remainder of the first floor would include the lobby for the residential component of the project, as well as amenity space that includes a fitness center, community rooms and offices. As proposed the units would be one and two bedroom senior rental apartments.

The project was continued at the December 3, 2012, City Planning Commission meeting in order to review the Travel Demand Management Plan (TDMP) which had not been submitted at that time, in order to receive official feedback from the Public Works Department on the proposed alley vacation, as well as to work with the applicant on comments received at the November 15, 2012, City Planning Commission (CPC) Committee of the Whole (COW) meeting regarding site design and exterior materials. The TDMP has been reviewed by Public Works and Planning; the applicant is making the requested changes to finalize the document at this time. The applicant summarized the changes that have occurred to the plans since the CPC COW meeting. These alterations include: 1) an additional residential entry was incorporated on the west side of the building that connects to a walkway that is further connected to the public sidewalk on East Lake Street. The new entry and sidewalk would provide accessible access from the residential lobby that is continuous to East Lake Street; 2) an additional sidewalk was also incorporated on the east side of the site through the residential garden area that connects to the public sidewalk along East Lake Street. This secured entrance would serve residents by providing easier access to the LRT Station; 3) metal panel siding was added on to the exterior of the building; and 4) the applicant has continued to work with the Metropolitan Council regarding the layout and design of the east side amenity area. Sightlines have been improved by reducing some of the wall heights within the garden area.

Staff has not received official correspondence from the East Phillips Improvement Coalition (EPIC) or any neighborhood letters prior to the printing of this report. Any correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

**CONDITIONAL USE PERMIT** – to increase the maximum permitted height from 4 stories or 56 feet to approximately 6 stories or approximately 70 feet

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – 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 allowing a new 6 story or 70 foot tall structure on the property would be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development accommodates the mixed-use and residential density that is desired directly adjacent to a station area along the Hiawatha LRT corridor. Further, the site is uniquely positioned on the east side of the site next to the elevated LRT tracks and station but maintains a 40 foot separation. While much of the development in this area consists of lower rise buildings, the proposal to locate a mixed-use 6 story structure advances many of the City’s adopted goals.

**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.**

This property is located in a fully developed urban area and allowing additional height would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor would it impede on possible future development. The subject development site is located on the north side of East Lake Street, is a uniquely shaped, triangular parcel that abuts the Hi-Lake Shopping Center on the west and the elevated LRT platform/station and Hiawatha Avenue on the east. Adopted City policies encourage both high and moderate density mixed-use developments along transit corridors. In order to achieve the desired density and to provide the mix of uses, an increase in height above the district standards is necessary to accomplish the relevant provisions.

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

The access to the site is somewhat limited as a result of the shape of the lot. As proposed the site would be accessed off of East Lake Street from a singular one-way curb cut. Egress from the site would transpire on the north side of the site via an access easement to West 29<sup>th</sup> Street. The abutting Hi-Lake Shopping Center would also connect to the site via a one-way driveway as a means of alleviating congestion from that site. A total of 30 permanent surface parking stalls are being provided on site; 18 stalls for the residential component of the development and 12 stalls for the commercial component of the development (9 spaces are required for the commercial component). There are 22 additional stalls located within a 40 foot easement that has been reserved for the future trolley car alignment. These stalls are not being included in the permanent tally for the development site as it is anticipated that the spaces would be eliminated in the future to allow for the infrastructure necessary for trolley cars. It is also important to note that an alley vacation is being processed concurrently with the development which allows for much of the proposed permanent parking on site. Typically, alley vacations split land equally between the two

adjoining property owners; in this circumstance, the applicant intends to process a quit claim deed to transfer the entire 16 feet of the existing alley to the underlying property owner.

A TDMP has been submitted to the Public Works Department for review and approval. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

**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 the 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 adequate off-street parking for the development according to the submitted TDMP. Further, the site is located directly adjacent to the East Lake Street Station Area along the Hiawatha LRT line and also within close proximity to multiple bus lines.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is designated as mixed-use and is located within the designated Lake Street LRT Station Activity Center and along East Lake Street which is a designated Commercial Corridor. The property is further designated as the Hiawatha & Lake Major Retail Center. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal to construct a new 6-story or 70 foot tall, mixed-use development:

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 step: (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 1.4 states: “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level”; (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.”

Land Use Policy 1.5 states: “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.” This policy includes the following applicable implementation step: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.”

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.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation step: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character”; (1.10.4) “Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character”; (1.10.5) “Encourage the development of high-density housing on Commercial Corridors.”

Land Use Policy 1.12 states: “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable implementation steps: (1.12.1) “Encourage a variety of commercial and residential uses that generate activity all day long and into the evening”; (1.12.2) “Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses”; (1.12.3) “Encourage active uses on the ground floor of buildings in Activity Centers”; (1.12.5) “Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character”; (1.12.6) “Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.”

Land Use Policy 1.13 states: “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation steps: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations”; (1.13.5) “Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.”

Land Use Policy 1.16 states: “Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic.” This

policy includes the following applicable implementation steps: (1.16.1) “Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between Major Retail Centers and neighboring residential areas”; (1.16.2) “Incorporate principles of traditional urban design in new and phased development, including buildings that reinforce the street wall, have windows that provide “eyes on the street”, and principal entrances that face the public sidewalks”; (1.16.4) “Ensure the provision of high quality transit, bicycle and pedestrian access to Major Retail Centers.”

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.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

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 construct a new 6 story mixed-use building that includes 5,554 square feet of ground level commercial space and 64 residential dwelling units on the property is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There are two additional small area plans that are applicable in regard to the proposed development. The City Council adopted the *Hiawatha/Lake Station Area Master Plan* on May 18, 2001, and the *Development Objectives for the Hi-Lake Center* on December 28, 2001.

The *Hiawatha/Lake Station Area Master Plan* identifies the subject property as a component of the abutting Hi-Lake Center site which is identified as a key development opportunity at the center of the mixed use TOD core. The plan further states that the site should support densities for high intensity ground-related residential uses mixed with street level retail fronting on Lake Street and connected directly to the LRT station. The plan further refers to the Hi-Lake Center site as a catalyst site for transit-oriented development as a result of its strategic location adjacent to the north access to the LRT station and potential contribution as a seed project for Lake Street commercial revitalization. Site suitability and development capacity studies suggest that a mix of rental apartments/senior housing, condominium apartments and live-work townhouses could be accommodated in a phased development program that would also support neighborhood-serving retail uses. The plan suggests that the maximum height of buildings should not exceed the limits for ground-related built form or 6 stories above grade. The principles of transitional

zoning suggest a height gradient from 2 to 4 stories adjacent to established single family residential areas rising to the maximum allowable height adjacent to the LRT station site. The plan also includes the following objectives within the Hi-Lake Center area: (1) ensure compact, mixed-use development that will capitalize on the presence of LRT service and continue to serve neighborhood needs into the future; (2) increase housing choices by promoting new mixed income ownership and rental housing development; (3) increase the number and quality of affordable homeownership and rental housing opportunities; (4) increase the quality and quantity of retail business services in the neighborhood; (5) improve public access to the Hi-Lake Center site from all surrounding neighborhoods; (6) integrate multi-modal transportation connections, with special attention to pedestrian connections, with the purpose of making the area an important transit hub; (7) enhance the tax base of the neighborhood; (8) incorporate principles of sustainability in any development proposal, specifically in the areas of energy efficiency, water efficiency, materials selection, landscaping and on-site management of stormwater and other water resources; (9) utilize pedestrian-oriented urban design principles to promote a sense of security, human scale building features and focused activity related to the sidewalk and the street; and (10) ensure that proper design and use of the built environment lead to a decrease in the incidence and fear of crime, applying the strategies of Crime Prevention Through Environmental Design (CPTED) (e.g., natural surveillance, natural access control and territorial reinforcement).

The *Development Objectives for the Hi-Lake Center* includes the following design standards for the site:  
a) Building height and intensity should be greatest near the southeast corner of the site which is nearest the station entrance, and preserve lower heights and lesser massing on the sites western (21st Avenue) and northern (29th Street) boundaries.

The proposal to construct a 6 story mixed-use building that includes 5,554 square feet of ground level commercial space and 64 residential dwelling units on the property is consistent with the *Hiawatha/Lake Station Area Master Plan* and the *Development Objectives for the Hi-Lake Center*.

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

With the approval of the conditional use permit, variances, site plan review and alley vacation this development would be in conformance with the applicable regulations of the zoning code.

**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 minimal impacts on the amount of light and air that surrounding properties receive as the existing site is currently vacant. According to the submitted shadow studies, there would be slight shadowing on the abutting shopping center in the morning and some shadowing of the LRT tracks and platform in the evening. The development as proposed would also have minimal impacts regarding access to light and air.

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

The proposed project would not have any shadowing impacts on residential properties or significant public spaces as there are no abutting residential properties or significant public spaces.

**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 with no predominant consistency. Staff believes that the proposal is compatible with the scale and character of other buildings in the area and the development as proposed further complies with various adopted city policies.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by the development.

**VARIANCES** – (1) Variance of the maximum allowable front yard setback of 8 feet for building placement in the Pedestrian-Oriented (PO) Overlay District; (2) Variance of the off-street parking requirement for the residential component of the development from 58 spaces to 18 spaces; (3) Variance of the drive-aisle requirement within the proposed surface parking lot.

**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.**

**Variance of the maximum allowable front yard setback of 8 feet in the PO:** Practical difficulties exist in complying with the ordinance due to unique factors. The bus layover lane, public sidewalk, city lighting and a portion of the East Lake Street roadway is actually located within the property line, and on the subject site. As such, it would not be possible to comply with the 8 foot provision in the PO as the building in its entirety would need to be constructed up to the curb line along the length of East Lake Street, and could not accommodate a public sidewalk. The proposed placement of the building varies on this triangular lot along East Lake Street from approximately 27 feet to 41 feet from the property line, and from approximately 1 foot to 10 feet from the edge of the 8 foot wide sidewalk. Given the location of the property line, multi-modal nature of the vicinity, the pedestrian character of the area and the fact that the site abuts the East Lake Street Transit Station Area and platform, it is reasonable and appropriate in this circumstance to allow the building to have a setback greater than 8 feet.

**Variance to reduce the parking requirement for the residential component:** Chapter 541 would typically require a minimum of one off-street parking space per dwelling unit. In the TSA PO, residential uses have an off-street parking requirement of 90% of the minimum. The applicant proposes a total of 64 dwelling units within the structure resulting in an off-street parking requirement of 58 spaces. A total of 30 permanent off-street parking spaces are being provided on site; 18 stalls for the residential component of the development and 12 stalls for the commercial component of the development (9 spaces are actually required for the commercial component). There are an additional 22 stalls shown on the site plan that are located within a 40 foot easement that has been reserved for the future trolley car alignment. These stalls are not being included in the permanent tally for the development site (but are being constructed simultaneously with the development) as it is anticipated that the spaces would be eliminated in the future to allow for the infrastructure necessary for trolley cars. It is also important to note that an alley vacation is being processed concurrently with the development which allows for much of the proposed permanent parking on site. Typically, alley vacations split land equally between the two adjoining property owners; in this circumstance, the applicant intends to process a quit claim deed to transfer the entire 16 feet of the existing alley to the underlying property owner. Given the fact that the site is located directly adjacent to the Hiawatha LRT line and the East Lake Street Station Area, Planning Staff believes that ample parking

is being provided for the development and practical difficulties exist in complying with the ordinance in this unique circumstance. The request to reduce the residential parking requirement is reasonable given the context; further, the site is intended as affordable senior housing which typically has significantly less parking demand than non-senior, market rate housing.

**Variance of the drive-aisle requirement within the proposed surface parking lot:** Due to the unique shape of the lot and the configuration of the surface parking lot on site, both one-way and two-way drive-aisles are proposed within the parking areas. All driveways comply with the minimum standards, as do all one-way drive-aisles; however, there is a two-way drive aisle located on the east side of the site that does not meet the minimum two-way drive-aisle width of 22 feet as it is shown at approximately 20 feet. This impacts a total of 9 compact off-street parking spaces. The abutting property to the east under the elevated LRT tracks is owned by the Metropolitan Council. According to the submitted information, in the future they do intend to approach the City regarding the conversion of this area to a parking area that would accommodate the approximately 2 additional feet necessary to accommodate the minimum drive aisle width in addition to additional surface parking. Land use applications would be necessary for the expansion of parking onto the abutting property; no approvals are granted in conjunction with the subject land use applications. Planning Staff believes that practical difficulties exist in complying with the ordinance and allowing a slight reduction in the two-way drive-aisle requirement is reasonable given the circumstances.

- 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.**

**Variance of the maximum allowable front yard setback of 8 feet in the PO:** The proposal to allow an increase in the front yard setback beyond 8 feet is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. As previously noted, it would not be possible to comply with this provision due to the fact that the site must accommodate a public sidewalk, and any development constructed on this site that would be compliant with this provision would be constructed up to the curb line along East Lake Street. The bus layover lane, public sidewalk, city lighting and a portion of the East Lake Street roadway is actually located within the property line, and on the subject site. The proposed placement of the building varies on this triangular lot along East Lake Street from approximately 27 feet to 41 feet from the property line. Given the location of the property line, multi-modal nature of the vicinity, the pedestrian character of the area, the fact that the site abuts the East Lake Street Transit Station Area and platform, as well as the consistency of the development with adopted city policies, it is reasonable and appropriate in this circumstance to allow the building to have a setback greater than 8 feet.

**Variance to reduce the parking requirement for the residential component:** The proposal to reduce the required off-street parking for the residential component of the development by 40 spaces is reasonable in this specific circumstance due to the surrounding context, centralized location proximate to both the LRT line and various bus lines, pedestrian nature of the area as well as the available services within walking distance, compliance with adopted city policies specific to TSA POs and the fact that the developer intends to target the affordable senior housing market. Due to all of these unique circumstances the proposal to reduce the residential parking requirement would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan.

**Variance of the drive-aisle requirement within the proposed surface parking lot:** The proposal to allow a reduction in the two-way drive aisle requirement for a portion of the parking lot that impacts a total of 9 compact off-street parking spaces is reasonable and would be keeping with the spirit and the intent of the ordinance and the comprehensive plan. The site is unique in both its geometry and location.

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.**

**Variance of the maximum allowable front yard setback of 8 feet in the PO:** The granting of the variance to allow an increase in the maximum allowable front yard setback of 8 feet in the PO would not 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. Adopted City policies encourage this type of high-density, mixed-use, transit-oriented development on the subject parcel. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area; further the location of the property line would make it impossible for the development to comply with the provision. In addition, the building is setback approximately 1 foot to 10 feet from the edge of the 8 foot wide sidewalk located along East Lake Street.

**Variance to reduce the parking requirement for the residential component:** The proposal to reduce the parking requirement by 40 spaces for the residential component of the development would not 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 given the circumstances that are unique to the property. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area and the off-street parking proposed is adequate due to the immediate surroundings and the proposed population to be served.

**Variance of the drive-aisle requirement within the proposed surface parking lot:** The proposal to reduce the two-way drive aisle requirement for a portion of the parking lot would likely not 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 drive-aisle as proposed would be approximately 2 feet narrower than the minimum in an area that impacts a total of 9 compact off-street parking spaces which require less maneuvering area.

## **SITE PLAN REVIEW**

### **Required Findings for Site Plan Review**

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

### **Section A: Conformance with Chapter 530 of Zoning Code**

#### **BUILDING PLACEMENT AND DESIGN:**

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

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

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

The development is not subject to a required yard along East Lake Street; however, there is an interior side yard/rear yard requirement of 15 feet that the development complies with according to the submitted plans. The first floor of the building that faces East Lake Street is not located within 8 feet of the front lot line; the proposed placement of the building varies on this triangular lot along East Lake Street from approximately 27 feet to 41 feet from the property line. A variance has been submitted as the PO mandates that the building be setback no greater than 8 feet. Those variance findings are noted above. In addition, alternative compliance is also required for building placement. In this specific circumstance, Planning Staff would recommend that the Planning Commission grant alternative compliance as it would not be practical to require compliance as the bus layover lane, public sidewalk, city lighting and a portion of the East Lake Street roadway is actually located within the property line, and on the subject site. As such, it would not be possible to comply with the 8 foot provision in the PO.

A total of 64 residential units are proposed for the site along with approximately 5,554 square feet of ground level commercial/retail space. There are two residential entrances that lead to the residential lobby. One is located on the west side of the building off of the surface parking lot and the other is located adjacent to a drop off area on the north elevation of the building. Neither principal entrance for the residential component faces the public street; alternative compliance would be necessary. Based on the geometry of the lot and the configuration of the building on the site, Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance. The commercial tenants along East Lake Street each have principal entrances facing the public street. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. The area between the building and the public street would have new pedestrian scale amenities, tree plantings, shrubs and perennials.

The north elevation of the building along East Lake Street incorporates windows that exceed the 40% PO district window requirement as approximately 47% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The west elevation of the building facing the on-site parking lot incorporates windows that exceed the 30% window requirement for the commercial component of the elevation as approximately 41% are provided according to the submitted elevations. The windows are vertical in nature and are in general equally distributed. The residential component of this elevation does not meet the 20% window requirement as approximately 17% are provided. The windows on this elevation are not evenly distributed but are vertical in proportion. Alternative compliance would be necessary on this elevation for both the overall window percentage and for distribution. Based on the configuration of the floor plan behind the face of the elevation, it would appear that while the overall window percentage could be increased to meet the 20%, even window distribution would not be practical. As such, Planning Staff

would recommend that the Planning Commission require compliance with the 20% window requirement for the residential component of the elevation but grant alternative compliance for distribution in this specific circumstance.

The north elevation of the building facing the on-site parking lot incorporates windows that do not meet the 30% window requirement for the commercial component of the elevation as approximately 27% are provided. The windows are vertical in nature and are in general evenly distributed. Alternative compliance would be necessary for overall window percentage. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as this area is designed as the rear of a commercial space and the inclusion of windows as proposed meet the intent of the provision. The residential component of this elevation meets the 20% window requirement as approximately 29% are provided. The windows on this elevation are in general evenly distributed and vertical in proportion.

The east elevation of the building facing the public sidewalk, Hiawatha LRT line and the East Lake Street Station Area incorporates windows that exceed the 40% PO district window requirement as approximately 47% are provided according to the submitted elevations. The windows are evenly distributed and vertical in proportion. The residential component of this elevation exceeds the 20% window requirement as approximately 34% are provided. The windows are vertical in proportion and are in general evenly distributed.

Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets, public sidewalks and on-site parking lots. The proposal is meeting the intent of this requirement by integrating active uses along all sides of the building. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

There are no blank, uninterrupted walls greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the building.

The exterior materials would be compatible on all sides of the proposed building as the materials would include burnished block, brick, various types of cement board panels and siding as well as metal panels. Planning Staff is concerned with the sheer volume of cement board panels/siding and will condition that cement board panels/siding not exceed more than 30% coverage on any single elevation of the proposed building. The proposed building form and flat roof would be considered compatible with other buildings in the area.

No parking garage is proposed as part of the development. A total of 30 permanent surface parking stalls accessed off of East Lake Street are being provided on site; 18 stalls for the residential component of the development and 12 stalls for the commercial component of the development. There are 22 additional surface stalls located within a 40 foot easement reserved for the future trolley car alignment.

## **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.**

There are two residential entrances that lead to the residential lobby. One is located on the west side of the building off of the surface parking lot and the other is located adjacent to a drop off area on the north elevation of the building. Both entrances are connected to the public sidewalk via walkways of at least 4 feet in width. The commercial tenants along East Lake Street each have principal entrances facing the public street and are connected directly to the public sidewalk.

There are no transit shelters within the development; however, the site is located adjacent to a bus stop that is located along East Lake Street, within close proximity to several bus lines and directly adjacent to the East Lake Street Transit Station Area and platform.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts to the site has been minimized to the extent practical.

There is a public alley adjacent to the site that is being vacated as part of this proposal.

The entire site is currently vacant but pervious. The building footprint covers approximately 21% of the site. Overall, the net site is approximately 89% impervious. However, landscaping is proposed to be provided within the public right-of-way along East Lake Street and within the parking areas and outdoor open space areas located on the parcel.

## **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.**

According to the applicant, once the project is complete, approximately 1,134 square feet will be landscaped on the premises, which would not meet the 20% landscaping requirement. The site is approximately 42,709 square feet in size with the building occupying a footprint of 9,255 square feet. A total of 6,691 square feet of landscaping would be necessary to meet the 20% requirement. It is important to note that an additional 3,257 square feet of landscaping would be located within the 40 foot trolley car easement area on the east side of the property. However, this is not being included in the calculations due to the fact that it is not permanent and would be eliminated when the trolley car alignment/infrastructure is constructed on the site. Alternative compliance would be necessary. Based on the geometry of the lot, the 40 foot trolley car easement, the fact that a portion of the street and sidewalk are on the site and the configuration of the building on the premises it would not be practical to require compliance with the 20% landscaping provision. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance. The zoning code requires that there be at least 13 trees and 67 shrubs planted on the site. In areas outside of the 40 foot easement a total of 14 canopy trees are proposed and a total of 75 deciduous and evergreen shrubs. With the inclusion of the landscaping located within the easement area a total of 21 deciduous trees, 4 ornamental trees, 100 deciduous and 100 evergreen shrubs along with perennials and vines would be planted on the premises.

Due to the configuration of the on-site surface parking lot and the abutting zoning districts and uses, there is no perimeter landscaped yard or screening requirements. The parking lot is subject to the interior landscaping standards and distance to trees provisions, however. Regarding the interior landscaping standards, there is one space within the parking lot that is a striped transition area from 90 degree to angled parking that is not landscaped but technically should be according to the standards. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to require compliance and it further greens the site by adding additional landscaping within the parking lot. Regarding the distance to trees provisions, not all parking spaces are located within 50 feet from the center of an on-site deciduous tree and not all tree islands located within the interior of the parking lot have a minimum width of seven (7) feet in any direction. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance for both provisions but require that the applicant install additional trees within the landscape islands in order to come closer to compliance with the proximity standard.

#### **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.

All parking for the proposed project is being provided within a surface parking lot located on the premises that is accessed off of East Lake Street. The water drainage on site has been designed so as not to drain onto any adjacent lots.

Staff would expect the proposal to have minimal impacts on views. The proposed structure would also be expected to have minimal shadowing impacts on adjacent properties and on public spaces (see the attached shadow survey and conditional use permit findings as listed above). The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

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. A detailed lighting plan will be required with the final plan submission. The applicant will continue to work with Metropolitan Council on site safety related issues.

There are no historic structures or structures eligible for designation on the subject site. The property is currently vacant.

**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 use of the site for a mixed use development that includes 64 dwelling and 5,554 square feet of ground level commercial uses is permitted in the C2 District.

With the approval of the conditional use permit, variances, site plan review, and alley vacation this development would meet the requirements of the C2 zoning 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 64 parking spaces for the proposed residential component of the project. However, the subject site is located within the Lake Street/Midtown LRT Station TSA PO which requires that residential uses have an off-street parking requirement of 90% of the minimum or 58 spaces in this circumstance. The applicant is proposing to provide a total of 18 permanent off-street parking spaces for the residential component of the project which requires a variance. Please reference the variance findings above.

The commercial component of the project includes a total of 5,554 square feet of commercial space that is separated into 3 commercial tenant spaces: 1,890 square feet, 1126 square feet and 2,334 square feet. According to Chapter 541, typically each of these tenant spaces would require 4 off-street parking spaces, however, as a result of the property being located within the Lake Street/Midtown LRT Station TSA PO that requirement is reduced to 75% of the minimum or 3 spaces per tenant space resulting in a total requirement of 9 spaces. The applicant proposes to include 12 spaces for the commercial component of the development which meets the minimum requirement.

In summary, a total of 30 permanent surface parking stalls are being provided on site; 18 stalls for the residential component of the development and 12 stalls for the commercial component of the development. There are 22 additional stalls located within a 40 foot easement that has been reserved for the future trolley car alignment. These stalls are not being included in the permanent tally for the development site as it is anticipated that the spaces would be eliminated in the future to allow for the infrastructure necessary for trolley cars. It is also important to note that an alley vacation is being processed concurrently with the development which allows for much of the proposed permanent parking on site. Typically, alley vacations split land equally between the two adjoining property owners; in this circumstance, the applicant intends to process a quit claim deed to transfer all of the 16 feet of the existing alley to the underlying property owner.

*Maximum automobile parking requirement:* The maximum automobile parking requirement for residential uses that do not include enclosed parking is two per dwelling unit. Based on the proposal to incorporate 64 dwelling units into the development a total of 128 off street parking spaces would be the maximum parking requirement for the proposed development or 115 spaces with the inclusion of the TSA PO reduction to 90% of the maximum. As previously noted, the applicant is requesting a variance to the minimum parking requirement.

The maximum automobile parking requirement for the general retail sales and services uses proposed within the building is 1 space per 200 square feet of gross floor area. Based on the total proposed commercial square footage on-site of 5,554 square feet, that is separated into 3 commercial tenant spaces: 1,890 square feet, 1126 square feet and 2,334 square feet, the maximum parking requirement would be 27 spaces. Due to the location of the parcel within the TSA PO, the maximum off-street parking requirement in the PO is 75% of the maximum. This would result in a modified maximum parking requirement of 20 spaces. As previously noted, the applicant is proposing to provide a total of 12 off-street parking spaces for the commercial component of the development which complies with the requirement.

*Bicycle parking requirement:* Chapter 541 requires that multiple-family dwellings with 5 or more units have a minimum bicycle parking requirement of 1 space per 2 dwelling units. Based on the proposed 64 dwelling units, a total of 32 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 32 bicycle parking spaces would be provided on site that meets the requirements.

General retail sales and services uses require 3 spaces or 1 space per 5,000 square feet of gross floor area, whichever is greater. Based on the requirement, 3 spaces would be required for each of the proposed commercial tenant spaces, totaling 9 spaces of which not less than 50 percent of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

An additional 9 bicycle parking spaces would be provided for the retail/commercial component of the development to meet the standards as noted above.

*Loading:* There is no loading requirement for either component of the 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 located within the interior of the proposed structure and would accommodate all trash from the building.

**Signs:** No signage is proposed at this time although it is indicated on several of the elevations. Any proposed signage for the development shall meet the requirements outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for any signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535. Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Minimum and Maximum Floor Area:** The minimum F.A.R. of the proposed structure due to the location in the TSA PO is 1.0. The maximum F.A.R. for all structures in the C2 District is 1.7. The gross floor area of the building is 64,495 square feet and the area of the lot is 42,709 square feet which results in a FAR of 1.5 which is less than the maximum of 1.7 that is permitted in the C2 District. The project is above the minimum and below the maximum thresholds prior to the consideration of applicable density bonuses.

**Minimum Lot Width and Lot Area:** The project would meet the minimum lot width requirement of the C2 District as the development is situated on a lot greater than 40 feet in width. Multiple-family developments in the C2 District require 700 square feet per dwelling unit. Based on the lot area of 42,709 a total of 61 dwelling units would be permitted on the site prior to the consideration of applicable density bonuses. The proposed project is eligible for a single 30% density bonus in the TSA PO as the mixed-use development has at least 50% of the ground floor area of the building devoted to commercial uses. With

the consideration of a single 30% bonus, an additional 18 units would be permitted on the site, or a total of 79 dwelling units. The proposal complies with the minimum lot area requirements.

**Dwelling Units per Acre:** With 64 dwelling units on a site having 42,709 square feet square feet of lot area, the proposal would include approximately 63 dwelling units per acre.

**Height:** Maximum building height for principal structures located in the C2 District is 4 stories or 56 feet, whichever is less. The proposal would not conform to this requirement as the structure is proposed to be 6 stories or approximately 70 feet at the tallest point. The conditional use permit application for the proposed increase in height has been evaluated above.

**Yard Requirements:** The required yards are as follows:

*Front – (adjacent to East Lake Street):* 0 feet

*Interior side yard along the north, east and west property lines - (5+2x):* 15 feet

The proposal complies with all setback requirements.

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

### **THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH**

See the above listed response to finding #5 in the conditional use permit application for increased height as the policies and implementation steps identified 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 finding #5 in the conditional use permit application for increased height as the policies and objectives outlined in the *Hiawatha/Lake Station Area Master Plan* and the *Development Objectives for the Hi-Lake Center* 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:

*Building placement provision:* The first floor of the building that faces East Lake Street is not located within 8 feet of the front lot line; the proposed placement of the building varies on this triangular lot along East Lake Street from approximately 27 feet to 41 feet from the property line. A variance has been submitted as the PO mandates that the building be setback no greater than 8 feet. Those findings are noted above. In addition, alternative compliance is also required for building placement. In this specific circumstance, Planning Staff would recommend that the Planning Commission grant alternative compliance as it would not be practical to require compliance as the bus layover lane, public sidewalk, city lighting and a portion of the East Lake Street roadway is actually located within the property line, and on the subject site. As such, it would not be possible to comply with the 8 foot provision in the PO.

*Principal residential entrance facing the public street:* There are two residential entrances that lead to the residential lobby. One is located on the west side of the building off of the surface parking lot and the other is located adjacent to a drop off area on the north elevation of the building. Neither principal entrance for the residential component faces the public street; alternative compliance would be necessary. Based on the geometry of the lot and the configuration of the building on the site, Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance.

*Window percentage and distribution – west elevation:* The residential component of the west elevation does not meet the 20% window requirement as approximately 17% are provided. The windows on this elevation are not evenly distributed but are vertical in proportion. Alternative compliance would be necessary on this elevation for both the overall window percentage and for distribution. Based on the configuration of the floor plan behind the face of the elevation, it would appear that while the overall window percentage could be increased to meet the 20%, even distribution would not be practical. As such, Planning Staff would recommend that the Planning Commission require compliance with the 20% window requirement for the residential component of the elevation but grant alternative compliance for distribution in this specific circumstance.

*Window percentage– north elevation:* The north elevation of the building facing the on-site parking lot incorporates windows that do not meet the 30% window requirement for the commercial component of the elevation as approximately 27% are provided. The windows are vertical in nature and in general, evenly distributed. Alternative compliance would be necessary for overall window percentage. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as this is designed as the rear of a commercial space and the inclusion of windows as proposed meet the intent of the provision.

*20% landscaping requirement:* According to the applicant, once the project is complete, approximately 1,134 square feet will be landscaped on the premises, which would not meet the 20% landscaping requirement. The site is approximately 42,709 square feet in size with the building occupying a footprint of 9,255 square feet. A total of 6,691 square feet of landscaping would be necessary to meet the 20% requirement. It is important to note that an additional 3,257 square feet of landscaping would be located within the 40 foot trolley car easement area on the east side of the property. However, this is not being included in the calculations due to the fact that it is not permanent and would disappear when the trolley car alignment/infrastructure is constructed on the site. Alternative compliance would be necessary. Based on the geometry of the lot, the 40 foot trolley car easement, and configuration of the building on the premises it would not be practical to require compliance with the 20% landscaping provision. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance.

□ Interior landscaping standards: The parking lot is subject to the interior landscaping standards and distance to trees provisions, however. Regarding the interior landscaping standards, there is one space within the parking lot that is a striped transition area from 90 degree to angled parking that is not landscaped but technically should be according to the standards. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to require compliance and it further greens the site by adding additional landscaping within the parking lot.

□ Distance to trees provisions: Regarding the distance to trees provisions, not all parking spaces are located within 50 feet from the center of an on-site deciduous tree and not all tree islands located within the interior of the parking lot have a minimum width of seven (7) feet in any direction. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance for both provisions but require that the applicant install additional trees within the landscape islands in order to come closer to compliance with the proximity standard.

**VACATION (Vacation 1604)** – Petition to vacate the alley east of and adjacent to Hi-Lake Shopping Center, intersection of East Lake Street and the Hiawatha Light Rail Line; Vacation File No. 1604.

**Development Plan:** The site plan for the development is attached.

**Responses from Utilities and Affected Property Owners:** Minneapolis Public Works has reviewed the vacation petition and recommends approval of the request subject to a 10-foot surface drainage easement for the benefit of the public, described as lying 5 feet on either side of the centerline of the to-be vacated area as noted below in the following legal description:

That part of the alley as dedicated and adjacent to Block 1, Lakeland Addition to Minneapolis and adjacent to Block 2, Harvester Addition to Minneapolis, and lying southerly of a line drawn from right-of-way boundary corner B8 to right-of-way boundary corner B9 per Minnesota Department of Transportation Right of Way Plat No. 27-110, Hennepin County, Minnesota, according to the plats thereof on record in the office of the County Recorder in and for Hennepin County, Minnesota.

Further, Xcel Energy supports the vacation request provided an easement is provided over the entire described area. All other utilities that responded supported the vacation request without the reservation of easements.

**Findings:** The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated provided all easements requested above are granted by the petitioner and that a quit claim deed transfer all ownership of the said vacated alley to the petitioner. Further, all necessary easements including those for parking spaces and for cross-access easement purposes be prepared and recorded.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum permitted height of a new mixed-use building in the C2

District from 4 stories or 56 feet to 6 stories or approximately 70 feet on the property located at 2230 East Lake Street subject to the following condition of approval:

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 allow a variance of the maximum allowable front yard setback of 8 feet for building placement in the Pedestrian-Oriented (PO) Overlay District on the property located at 2230 East Lake Street.

**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 allow a variance to reduce the off-street parking requirement for the residential component of the development from 58 spaces to 18 spaces on the property located at 2230 East Lake Street.

**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 has **returned** the application for a variance to allow more compact parking spaces for the commercial use than allowed within the proposed surface parking lot on the property located at 2230 East Lake Street.

**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 allow a variance of the drive-aisle requirement from 22 feet to approximately 20 feet for two-way traffic within the proposed surface parking lot on the property located at 2230 East Lake Street.

**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 adopt the above findings and **approve** the site plan review application for a new 6-story, 70-foot tall, mixed-use development that includes 5,554 square feet of ground level commercial space and 64 residential dwelling units on property located at 2230 East Lake Street subject to the following conditions of approval:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.

2. All site improvements shall be completed by January 7, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Cement board panels/siding shall not exceed more than 30% coverage on any single elevation of the proposed building.
4. The residential component of the west ground level elevation shall meet the 20% window requirement.
5. The striped transition area within the parking lot shall be landscaped.
6. Additional canopy trees shall be installed within the landscape islands in the parking lot.
7. Lighting shall flank all walkways that lead to the residential entrances on site.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the alley vacation:**

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation application (Vacation File 1604) subject to the provision of easements to the City of Minneapolis and Xcel Energy and the following condition of approval:

1. A quit claim deed shall transfer ownership of the entire vacated alley to the underlying property owner prior to permit issuance.
2. All easements between the adjoining property owners shall be recorded for off-street parking, trash, loading, maintenance and fire access as applicable.

**Attachments:**

1. Statement of use / description of the project
2. Findings –CUP and Variances
3. Correspondence
4. Zoning map
5. Plans – Site, landscape, elevations, floor plans, renderings, shadow studies
6. Photos
7. PDR Report