

Department of Community Planning and Economic Development

Conditional Use Permit, Variances and Site Plan Review

BZZ-5918

Preliminary Plat

PL-273

Vacation File # 1608

Date: March 4, 2013

Applicant: Currie Park Developments, LLC, Attn: Bianca Fine, IDS Center, 80 8th Street South, Suite 1916, Minneapolis, MN 55402, (612) 332-2561

Address of Property: 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South

Project Name: Five15 On the Park (formerly Currie Park Lofts)

Contact Person and Phone: Fine Associates, Attn: Bob Kueppers, IDS Center, 80 8th Street South, Suite 1916, Minneapolis, MN 55402, (612) 332-2561

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

Date Application Deemed Complete: February 1, 2013

End of 60-Day Decision Period: April 2, 2013

End of 120-Day Decision Period: On February 15, 2013, Staff sent a letter to the applicant extending the decision period to no later than June 1, 2013.

Ward: 2

Neighborhood Organization: West Bank Community Coalition

Existing Zoning: R6 (Multiple-family) District, Cedar-Riverside Transit Station Area (TSA), Pedestrian-Oriented (PO) Overlay District and University Area (UA) Overlay District.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number:

Lot area: 104,963 square feet or approximately 2.4 acres (Phase I is 74,768 square feet and Phase II is 30,195 square feet)

Legal Description: Not applicable for this application.

Proposed Use: Planned Unit Development for a 6-story, 260 unit residential building with ground level neighborhood-serving retail uses.

Concurrent Review:

- Conditional Use Permit for a two-phase Planned Unit Development (PUD) with an alternative request for periphery yards along 6th Street South and 15th Avenue South;
- Variance of the interior/rear yard setbacks along the north property lines;
- Variance of the interior/rear yard setbacks along the east property lines;
- Variance to allow a child care center in excess of 2,000 square feet at approximately 3,000 square feet;
- Variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 29 feet;
- Variance of the loading requirement to allow one small loading space;
- Site Plan Review for a new 6-story mixed-use development that includes 260 dwelling units with a total of 271 bedrooms and approximately 6,000 square feet of ground level neighborhood-serving retail spaces. A total of 242 off-street parking stalls are provided. The properties are zoned R6 (Multiple-family) District and are located in the Cedar-Riverside Transit Station Area (TSA), Pedestrian-Oriented (PO) Overlay District and University Area (UA) Overlay District.
- Preliminary plat;
- Vacation of sidewalk easements that run through the property.

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, Currie Park Developments LLC, proposes to construct a two-phase Planned Unit Development (PUD) on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South. The properties are zoned R6 (Multiple-family) District and are located in the Cedar-Riverside Transit Station Area (TSA), Pedestrian-Oriented (PO) Overlay District and University Area (UA) Overlay District. The applicant proposes to construct a 6-story mixed-use development that includes 260 dwelling units with a total of 271 bedrooms and approximately 6,000 square feet of ground level neighborhood-serving retail spaces that includes: (1) a child care center totaling 3,000 square feet; (2) a 700 square foot office use; and (3) a 1,950 square foot restaurant, sit down or delicatessen with a maximum of 30 seats.

PUDs are conditional uses in the R5 district. The applicant has submitted an accompanying alternative request to the CUP application for yards along the periphery of the PUD. More specifically, the applicant is requesting an alternative along both 6th Street South and 15th Avenue South. No other alternatives are requested; however, several variances are proposed outside of the PUD application that include: (1) variance of the interior/rear yard setbacks along the north and east property lines; (2) variance to allow a child care center in excess of 2,000 square feet at approximately 3,000 square feet; (3) variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 29 feet; and (4) variance of the loading requirement to allow one small loading space. The proposal further triggers site plan review. A preliminary plat has also been submitted in compliance with Section 527.60 of the Zoning Code. A final plat will be submitted at a later date to fulfill this requirement. In addition a vacation application has been submitted in order to eliminate three existing sidewalk easements that are located on the property.

As required by the Minneapolis Heritage Preservation Commission (HPC) and City Council, the first phase of the development requires that the existing structure, the Gluek Brewing Company Saloon, located on a portion of the development site at 1500 6th Street South, be relocated to the parcel located at 1527 6th Street South.

Phase I of the development would include an H-shaped, 6-story mixed-use development that includes 260 dwelling units (most affordable at 50% and 60% MMI) and approximately 6,000 square feet of ground level neighborhood-serving retail space. A total of 242 off-street parking stalls would be provided at grade and within an underground parking garage located on the premises, and a total of 280 bicycle parking spaces would be

provided. Exterior materials would include cast stone or masonry, metal panels, cement board panels and metal elements. Features of the building include walk-up units along both 15th Avenue South and 6th Street South, a landscaped courtyard facing 6th Street South and a second floor terrace.

Phase II is conceptual at this time but would be expected to include approximately 100 dwelling units and additional ground floor commercial space with below grade and at grade parking. The applicant has indicated that the Phase II proposal would not result in the overall development exceeding the mandatory thresholds that trigger an Environmental Assessment Worksheet (EAW) as outlined in Minnesota Administrative Rules, Chapter 4410, Environmental Review.

Staff has not received official correspondence from the West Bank Community Coalition. However, Staff has received a neighborhood petition that includes over 200 signatures and requests that the existing easement and access be maintained through the site as well as a letter representing an abutting property owner. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT –for a Planned Unit Development

Findings As Required By The Minneapolis Zoning Code:

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

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

Allowing a new 6-story residential development that includes a total of 260 dwelling units and ground level neighborhood-serving uses would not be detrimental to or endanger the public health, safety, comfort or general welfare. The area consists primarily of a mix of commercial, residential, educational, employment, park and cultural uses. The development is contextually appropriate as there are several medium-density to high-density residential uses located directly adjacent to the site within the Cedar Riverside area. The proposed development would not be out of character with the area.

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

This property is located in a fully developed area and allowing a PUD that includes a total of 260 dwelling units 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 proposed development would be consistent with the character and scale of uses located in the area, as well as with adopted City policies that encourage high-density development with neighborhood serving retail uses within TSAs.

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

As proposed the site would be accessed via one curb cut off of 15th Avenue South. The curb cut as proposed would total 29 feet in width which requires a variance in the PO Overlay District as curb cuts are restricted to 20 feet in width. See the below listed findings for additional information. As proposed, the singular curb cut would provide access to the ground level enclosed parking (51 parking stalls) and to the below grade parking (193

stalls). A total of 242 off-street parking stalls are required and provided for the development within the ground level and single-level underground parking ramp.

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 CPED 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 applicable 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.

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 both vehicles (242 spaces) and bicycles (280 spaces) within a ground level and underground parking garage. Further, the site is located one block north of the Cedar Riverside Station along the Hiawatha LRT line and less than a quarter mile southwest of the West Bank Station on the future Central Corridor LRT line. A NiceRide shared bike facility is located across the street in Currie Park. Several bus routes serve the area and include routes 2, 7, and 22.

A Travel Demand Management Plan (TDMP) has been submitted and reviewed by Public Works and Land Use, Design and Preservation Staff. The document essentially concludes that the study area intersections operate acceptably for both the no-build and build scenarios. Analysis indicates acceptable operations at all intersections and the peak hour vehicular traffic generated by the site would have negligible impacts on the surrounding roadway network. The TDMP will need to be approved prior to issuance of building permits.

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

The Minneapolis Plan for Sustainable Growth designates the site as urban neighborhood. The subject property is located approximately one block from the Cedar-Riverside Activity Center and is located adjacent to Cedar Avenue and Riverside Avenue which are both designated Commercial Corridors in this location. Further, the site is located within the Cedar-Riverside Transit Station Area (TSA) and within close proximity to the University of Minnesota which is a designated Growth Center. The plan states the following about urban neighborhoods, “Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors.” “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. Commercial Corridors typically have a mix of uses, with commercial uses dominating. These corridors accommodate high density (50-120 du/acre), transitioning down to medium density in surrounding areas. Activity Centers and Growth Centers typically have a mix of uses including a high intensity of uses, “including employment, commercial, office, and residential uses. The features typically accommodate high density (50-120 du/acre) and very high density (120-200 du/acre), dependent on context.” 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 step: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby

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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 1.5 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 1.12 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 step: (1.12.7) “Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.”

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 step: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations”; and (1.13.4) “Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.”

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.” This policy includes the following applicable implementation steps: (10.4.1) “Maintain and strengthen the architectural character of the city's various residential neighborhoods”;

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(10.4.2) “Promote the development of new housing that is compatible with existing development in the area and the best of the city’s existing housing stock.”

Urban Design Policy 10.5 states: “Support the development of multi-family residential dwellings of appropriate form and scale.” This policy includes the following applicable implementation step: (10.5.2) “Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis”.

Urban Design Policy 10.6 states: “New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.” This policy includes the following applicable implementation steps: (10.6.1) “Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks”; (10.6.2) “Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water”; (10.6.3) “Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses”; (10.6.4) “Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces”; (10.6.5) “Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level”; (10.6.6) “Integrate transit facilities and bicycle parking amenities into the site design.”

The proposal to construct a new 6-story, 260 unit residential development that includes neighborhood serving retail uses within the ground level of the building is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There are two additional plans that must be considered when evaluating the proposal. The *Franklin-Cedar/Riverside Area Master Plan* was adopted by the City Council in 2001, and the *Cedar Riverside Small Area Plan* was adopted by the City Council in 2008. The *Franklin-Cedar/Riverside Area Master Plan* was part of a series of long-range plans for transit-oriented development (TOD) around Hiawatha LRT station sites. The area of study includes Cedar/Riverside, Seward, East Phillips, and Ventura Village. It focuses on land uses, urban design, public infrastructure, and amenities located within a 1/2-mile of the station. The purpose of the Plan was to guide changes that build upon neighborhood strengths and capitalize on opportunities that may include: (1) future mixes of new businesses, housing, and neighborhood amenities; (2) improvements to the pedestrian environment; (3) enhancement of parks and green space; and (4) improving the accessibility and fit of the station with the neighborhood. The plan calls for the following as it relates to the subject site: “...Placement of new development at the corner of 6th Street and 15th Avenue that will provide a “front door” to the station visible from Cedar Avenue and increase activity levels in the station block.”

The *Cedar Riverside Small Area Plan* provides updated land use policy for the Cedar Riverside portion of the area covered in the Franklin-Cedar/Riverside Area Master Plan. The plan calls for high-density residential uses on the subject parcel as identified on the future land use map. Applicable land use recommendations include: “Maintain land use largely as is with incremental change and infill consistent with surrounding character”; “Focus the most intensive development near future transit stops and existing commercial areas and encourage the provision of open space and active stormwater management in new developments”; Infill housing within the interior of the neighborhood should be complementary in bulk and height to adjacent uses.” Applicable urban design recommendations include: “Encourage the development of safe public and private spaces using principles of Crime Prevention Through Environmental Design (CPTED), including: “a. Access: Safe movement and connections; b. Natural surveillance and sightlines: See and be seen; c. Layout: Clear and logical orientation; d. Activity mix: Eyes on the street; e. Sense of ownership: Showing a space is cared for; f. Quality environments: Well-designed, managed and maintained environments; g. Physical protection: Using active security measures”;

“Existing public connections throughout the neighborhood should remain intact for all modes of transportation to maintain visibility and efficiency”; “Enhance the safety, quality, and quantity of public gathering spaces, both indoors and outdoors”; “Continue to improve accessibility to and comfort in park properties and other open spaces”; “Support increased indoor community activity space, particularly for youth in the neighborhood”; “Parking is discouraged between the primary building façade and the street; surface parking should be adjacent to or in the rear of buildings. Structured parking is encouraged for new developments.”

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

City Planning Commission can approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located where the planned unit development includes site amenities. Site amenities are subject to the following standards:

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

Minimum required amenity (ies) of 10 points.

1. *Outdoor open space*- The proposed development must provide contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens where appropriate are encouraged. Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials. A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal. As proposed, the lot area for Phase I is 74,768 square feet and the building footprint is 56,410 square feet. The minimum 30% required in this circumstance to qualify for the amenity points would be 5,507 square feet. The applicant is proposing to provide a total of 8,850 square feet of contiguous open space or approximately 48% of the site not occupied by buildings. The area is envisioned as the main outdoor green activity space. Multi-seasonal interest is important as a large number of units will look down into this space. Plant types would be selected for shade and for winter interest that include both deciduous and evergreen materials. The Phase II open space requirements will be addressed during the approvals process for the second phase. Compliance with the outdoor open space provision is worth **5 points**.

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- Outdoor children's play area*- The proposed development must provide an active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet. The play area shall be secure, shall be separated from parking and maneuvering areas and shall be designed to facilitate adult supervision. The play area shall include play equipment, installed to the manufacturer's specifications, or natural features suitable for children in both preschool and elementary school. Play equipment shall not be located in a required yard and not more than twenty-five (25) percent of the required square footage of the play area may be located in a required yard. Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials and maximizing access to sunlight and providing for snow and ice removal. As proposed, the project provides a raised, secure courtyard at the second floor that would be centered on children's activities. Many of three bedroom units within the development would have direct access to the courtyard. The courtyard area totals 12,120 square feet and would include music-themed play equipment and a ship-like jungle gym. Seating areas and plantings are provided within the courtyard area. Compliance with the outdoor children's play area provision is worth **5 points**.

Therefore, the project meets the minimum required amenities of **10 points** to file the PUD.

Placement and number of principal residential structures: No alternative requested.

Bulk regulations - floor area: No alternative requested.

Bulk regulations - height: No alternative requested.

Lot area requirements: No alternative requested.

Yards: An alternative is requested for yards as the applicant proposes to reduce required yards along the periphery of the PUD. More specifically, the applicant is requesting an alternative along both 6th Street South and 15th Avenue South. Typically, the property would be subject to front yard setback of 15 feet along 6th Street South. However, the property is subject to a front yard increase along 6th Street South as the abutting Cedar Riverside Apartments building is setback approximately 111 feet. The applicant proposes to locate the building approximately 5 feet from the south property line along 6th Street South; stairs, a 10-foot wide walkway and a transformer also encroach into the required setback as a result of the proposed walk-out units. The development is also subject to a corner side yard setback of 15 feet along 15th Avenue South. Typically, the requirement would be 18 feet (8 + 2x); however, per Section 547.160 of the Zoning Code, the corner side yard shall not exceed the standard front yard requirement which is 15 feet. The applicant proposes to locate the building approximately 5 feet from the property line along 15th Avenue South; stairs and retaining walls also encroach into the required setback as a result of the proposed walk-out units. A variance has been applied for to reduce required yards along the north and east property lines which abut a side/rear lot line of a residential district that consists of residential uses. The applicant must provide an amenity or a combination of amenities totaling at least **5 points** to reduce the required yards along the periphery of the PUD. See "amenities provided" section below.

On-premise signs: No alternative requested. No signage is proposed at this time.

Off-street parking and loading: No alternative requested.

Amenities provided: In addition to the 10-point minimum required for all planned unit developments, the applicant must provide amenities or a combination of amenities totaling at least **5 points**. The applicant proposes the following amenities from Table 527-1: reflective roof, decorative fencing, and a recycling storage area.

1. Reflective roof. In order to qualify for the amenity points, the project must utilize roofing materials for 75% or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs. As proposed a white TPO roof would be installed on the building that complies with the above-listed requirements. This provision is worth **3 points**.
2. Decorative fencing. In order to qualify for the amenity point, high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway shall be installed on the property. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing. As proposed, decorative metal fencing would be located along 6th Street South at the edge of the outdoor courtyard and also at the second level courtyard area which complies with the requirements. This provision is worth **1 point**.
3. Recycling storage area. In order to qualify for the amenity point, an accessible area that serves the entire building and that is dedicated to the collection and storage of non-hazardous materials for recycling including but not limited to paper, corrugated cardboard, glass, plastics and metals, must be provided. The recycling storage area must be located entirely below grade or entirely enclosed within the building. As proposed, the development provides a recycling storage area within the building that complies with the requirements. This provision is worth **1 point**.

Based on the analysis listed above, totaling both the standard amenities outlined in Table 527-1, a total of 15 points are being provided which meets the minimum of 15 points required based on the alternatives requested for the PUD.

Phasing plan: The applicant is currently pursuing the approvals for Phase I of the development. Phase II is conceptual at this time but would be expected to include approximately 100 dwelling units and additional ground floor commercial space with below grade and at grade parking. The applicant has indicated that the Phase II proposal would not result in the overall development exceeding the mandatory thresholds that trigger an Environmental Assessment Worksheet (EAW) as outlined in Minnesota Administrative Rules, Chapter 4410, Environmental Review.

Additional Uses: Additional uses are permitted as authorized under Section 527.200(b) of the Zoning Code. The provision states that in the Residence and OR1 Districts that the Planning Commission may authorize additional residential uses, small neighborhood serving retails sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, office and clinics within a PUD located in the Residence and OR1 Districts. The additional small neighborhood serving retails sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed 2,000 square feet per use, unless otherwise allowed by the zoning district in which the use is located.

The applicant proposes to incorporate three additional uses: (1) a child care center totaling 3,000 square feet (which requires a variance as noted in the findings below); (2) a 700 square foot office use; and (3) a 1,950 square foot restaurant, sit down or delicatessen, with a maximum of 30 seats.

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

1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The area consists primarily of a mix of commercial, residential, educational, employment, park and cultural uses. The development is contextually appropriate as there are several medium-density to high-density residential uses located directly adjacent to the site within the Cedar Riverside area. The project would provide an affordable mix of studios, one, two and three bedroom units. The proposed development would not be out of character with the area and would fit in well with the established context of the neighborhood. Further, the proposed development advances City goals relative to properties located in TSAs by providing desirable infill development.

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

The development would not be expected to have a negative impact on traffic movement in the vicinity. The site is well served by transit as it is located one block north of the Cedar Riverside Station along the Hiawatha LRT line and less than a quarter mile southwest of the West Bank Station on the future Central Corridor LRT line. A NiceRide shared bike facility is located across the street in Currie Park. Several bus routes serve the area and include routes 2, 7, and 22.

As proposed the site would be accessed via a single-curb cut off of 15th Avenue South to the ground-level enclosed and below-grade parking. A total of 242 off-street parking stalls are provided for the development as well as 280 bicycle parking spaces. A TDMP has been submitted and reviewed by Public Works and Land Use, Design and Preservation Staff. The document essentially concludes that the study area intersections operate acceptably for both the no-build and build scenarios. Analysis indicates acceptable operations at all intersections and the peak hour vehicular traffic generated by the site would have negligible impacts on the surrounding roadway network. The TDMP will need to be approved prior to issuance of building permits.

In addition, the applicant proposes to install a fence along the east property line to secure the premises and to block direct access to an existing pedestrian easement. Staff would recommend that the Planning Commission prevent the applicant from installing such a fence along the east property line as it would make it more difficult for pedestrians to use the access easement that Staff is recommending be rededicated through the associated development approvals.

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

The development provides the required amenities. Please see the amenities section of this report detailing the proposal's compliance with provisions related to outdoor open space, outdoor children's play area, a reflective roof, decorative fencing and a recycling storage area.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but

not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The area is a mix of commercial, residential, educational, employment, park and cultural uses. The development is contextually appropriate as there are several medium-density to high-density residential uses located directly adjacent to the site within the Cedar Riverside area. The proposed building would not be out of character with the area, the parking is located within the building, and the proposed building height is not out of character with other buildings in the immediate area.

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

The proposed development is separated by public streets to the south and west of the subject site. To the north and east is an existing very high-density residential development that varies from 3 to 24 stories in height. The setback of the proposed structure varies from 6 feet to 16 feet along the east property line in order to ensure access to light and air. The applicant proposes to enhance the existing streetscape along both 6th Street South and 15th Avenue South with a combination of walkout units, planters and landscaping.

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

The applicant would need to continue to work closely with the Public Works Department, the Plan Review Section of CPED 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. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

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

The developer has committed to participating in a construction waste recycling program. It is anticipated that up to 75% would be recycled. In addition, it is noteworthy to mention that the Gluek Brewing Company Saloon, located on a portion of the development site at 1500 6th Street South, is being relocated to the parcel located at 1527 6th Street South instead of being demolished.

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

The site is being re-platted into two lots; one to accommodate Phase I and the second to accommodate Phase II. Please see the subdivision section of this report. The preliminary plat complies with all of the applicable requirements in Chapter 598 of the Zoning Code.

VARIANCES – (1) Variance of the interior/rear yard setbacks along the north and east property lines; (2) Variance to allow a child care center in excess of 2,000 square feet at approximately 3,000 square feet; (3)

Variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 29 feet; and (4) Variance of the loading requirement to allow one small loading space;

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 interior/rear yard setbacks along the north property lines: Practical difficulties exist in complying with the ordinance due to the unique shape of the property, the fact that the property has frontage on two public streets, and the proximity of the site to a large residential complex with heights that vary from 3 to 24 stories directly abutting the subject property. The applicant is subject to an interior/rear yard setback along the north property lines of 15 feet. A setback to the building wall has been provided along the north property lines that vary from 14 feet to 7 feet, 1 inch, to 1 foot. Given the location of the building from the property line, and the fact that a separation of either 14 feet or 7 feet, 1 inch is provided along the majority of the property line, the request is reasonable and appropriate in this circumstance.

Variance of the interior/rear yard setbacks along east property lines: Practical difficulties exist in complying with the ordinance due to the unique shape of the property, the fact that the property has frontage on two public streets, and the proximity of the site to a large residential complex with heights that vary from 3 to 24 stories directly abutting the subject property. The applicant is subject to an interior/rear yard setback along the east property lines of 15 feet. A setback to the building wall has been provided along the east property lines that vary from 16 feet to 6 feet. In the area where a 16 foot setback is provided to the building wall, there are encroachments that include a transformer, and decks that exceed the allowable encroachment parameters. Given the location of the property line, and the fact that adequate separation is provided along the majority of the property lines, the request is reasonable and appropriate in this circumstance.

Variance to allow a child care center in excess of 2,000 square feet: Practical difficulties exist in complying with the ordinance due to the fact that the immediate area is densely populated and there are limited child care centers within close proximity to the subject site. A child care center is allowed as an additional use under the PUD but is limited to 2,000 square feet in size. The applicant proposes to incorporate a 3,000 square foot child care center into the ground level of the building. Allowing a larger child care center will help to satisfy the demand for this type of use by accommodate additional children. The child care center is intended to fulfill the demand generated by area residents where parents can either use transit or walk to the center. The request to allow an increase in the size of the child care center is reasonable and appropriate in this circumstance.

Variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width: Practical difficulties exist in complying with the ordinance due to the fact that the applicant is attempting to accommodate only one point of ingress and egress to the off-street parking that is accessory to the uses proposed in the development. The PO limits curb cut width to 20 feet. The applicant proposes a 29 foot curb cut off of 15th Avenue South as a result of separated entry and exit lanes that are meant not only to reduce stacking of vehicles that are entering or exiting through the driveway but also to accommodate vehicles from the adjacent property that have rights to exit onto 15th Avenue South through a 10-foot wide vehicular easement.

Variance of the loading requirement to allow one small loading space: Practical difficulties exist in complying with the ordinance as the Zoning Code requires two small or one large space for multiple-family dwellings of more than 250 dwelling units. The development totals 260 dwelling units but is only provided one small loading space within the interior of the ground level of the building. The applicant manages many multiple-family dwellings across the City and purposely limits residential moves to one at a time in order to

maintain adequate elevator service for the building. The request to allow one small loading space in lieu of two small or one large is reasonable and appropriate 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.**

Variance of the interior/rear yard setbacks along the north property lines: The proposal to allow a reduction in the setback requirement along the north property lines from 15 feet to a setback that varies from 14 feet to 7 feet, 1 inch, to 1 foot is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The majority of the elevation allows for window openings and access to light and air. The Riverside Plaza development provides either limited or no setbacks for its buildings which range from 3 to 24 stories. The proposed separation along the north property lines is reasonable given the surrounding context.

Variance of the interior/rear yard setbacks along east property lines: The proposal to allow a reduction in the setback requirement along the east property lines from 15 feet to a setback that varies from 16 feet to 6 feet is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The elevation allows for window openings and access to light and air. In the area where a 16 foot setback is provided to the building wall, there are encroachments that include a transformer, and decks that exceed the allowable encroachment parameters. The proposed separation along the east property lines is reasonable given the surrounding context.

Variance to allow a child care center in excess of 2,000 square feet: The proposal to allow an increase in the allowable size of a child care center from 2,000 square feet to 3,000 square feet is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. As previously noted, the immediate vicinity has a very dense population and child care is a neighborhood serving use that is in demand in this particular area of the City. The request to allow a large child care center in the ground level of the building to serve the immediate neighborhood is reasonable and appropriate given the concentration of housing in the area and the site's accessibility via multiple modes of transit.

Variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width: The proposal to allow a curb cut 7 feet wider than typically allowed in the PO is reasonable and would be keeping with the spirit and the intent of the ordinance and comprehensive plan. The development results in the elimination of several curb cuts as only one curb cut is proposed on the site which would total 29 feet in width. The curb cut also accommodates vehicles from the adjacent property that have rights to exit onto 15th Avenue South through a 10-foot wide vehicular easement. The request to allow a single, 29-foot wide curb cut to the site is appropriate as it results in far more pedestrian and bike friendly environment than what currently exists.

Variance of the loading requirement to allow one small loading space: The proposal to allow a reduction in the overall dedicated loading areas on the site from two small or one large space to one small space is reasonable and would be keeping with the spirit and the intent of the ordinance and comprehensive plan. The applicant has indicated that their on-site management schedules and coordinates all residential moves within the building, and only one is scheduled at a time. As such the loading provided for the development is adequate and reasonable in this specific circumstance.

- 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 interior/rear yard setbacks along the north property lines: The granting of the variance to reduce the setback requirement along the north property lines 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, and further provides larger setbacks than those that are provided for the existing buildings that abut the site.

Variance of the interior/rear yard setbacks along east property lines: The granting of the variance to reduce the setback requirement along the east property lines 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, and further provides larger setbacks than those that are provided for the existing buildings that abut the site.

Variance to allow a child care center in excess of 2,000 square feet: The granting of the variance to allow an increase in the size of the proposed child care center to be located within the ground level of the building from 2,000 square feet to 3,000 square feet 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. Allowing a larger child care center within the building to serve the immediate neighborhood is reasonable and appropriate given the concentration of housing in the area.

Variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width: The granting of the variance to allow a singular curb cut that is 29 feet in width as opposed to the allowable 20 feet in a 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. The proposed development results in the elimination of several curb cuts that currently exist on the property resulting in a single curb cut that exceeds the allowable width by 7 feet. The request is reasonable and appropriate in this circumstance.

Variance of the loading requirement to allow one small loading space: The granting of the variance to allow one small loading space instead of two small or one large 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. The provision of one loading space for the development is reasonable and appropriate in this circumstance.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

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

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

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

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

- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

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

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

The development is subject to required yards along both street frontages. Along 6th Street South, the proposal is subject to a front yard increase per Section 530.160(b), as the abutting Cedar Riverside Apartments building is setback approximately 111 feet. The applicant has submitted an alternative request under the PUD to reduce the required yard as noted in the findings above. The applicant is also subject to a corner side yard setback along 15th Avenue South of 15 feet. The applicant has submitted an alternative request under the PUD to reduce the required yard as noted in the findings above. Setbacks along both street frontages would be 5 feet from the property lines to the proposed building walls. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. Walkouts are proposed along both street frontages and the area between the building and the public streets would have tree plantings and planters.

The south elevation of the building along 6th Street South incorporates windows that exceed the 20% window requirement as approximately 54% 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 along 15th Avenue South incorporates windows that meet the 40% window requirement for nonresidential uses in the PO as approximately 80% are provided according to the submitted elevations. The remainder of the west elevation that consists of residential uses is subject to a 20% window requirement. The building incorporates approximately 38% which exceeds the minimum requirement. The windows on this entire elevation are evenly distributed and vertical in proportion.

A portion of the north elevation of the building is subject to a 30% window requirement as it faces an existing on-site parking lot that is proposed to be redeveloped as part of Phase II. Approximately 59 linear feet are subject to the window requirement. No windows are proposed on this elevation of the building. Alternative compliance would be necessary. Staff would recommend that the Planning Commission require compliance with this provision and require that the building wall meet the window requirement. This is due in part because it would be practical to require compliance and further, given the sidewalk easement that would need to be accommodated in this location, requiring windows provides natural surveillance and visibility which are critical to pedestrian safety in the area immediately adjacent to 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. The proposal is meeting the intent of this requirement by integrating active uses along the public streets. The proposed development exceeds the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

There are blank, uninterrupted wall segments greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the lower levels of the north and east elevations of the

building. Alternative compliance is necessary. Staff would recommend that the Planning Commission require compliance in this specific circumstance on both elevations as it would be practical to require either a change of material or clerestory windows as appropriate to break up the blank, uninterrupted walls. While Staff would acknowledge that the length of the east elevation of the building would typically require that the building be broken down into smaller identifiable sections, in this specific circumstance it would not be practical whereas compliance with the blank wall provision would be practical. This is due to the fact that the east elevation of the proposed structure abuts an existing development and as such the visibility of the east elevation is limited with little or no visibility from the public streets.

The development complies with the active functions provision as noted above.

The exterior materials would be compatible on all sides of the proposed building as the materials would be contemporary and include glass, metal siding, cement board, composite and stone/masonry materials. As cement board is one of the proposed materials, Staff will recommend that cement board not exceed more than 30% coverage on any single elevation of the proposed building. Future changes in exterior materials may require review before the City Planning Commission. The new building walls would contain architectural details including windows, changes in materials, and articulated elevations with recesses and projections. The proposed building form and flat roof would be considered compatible with other buildings in the area.

A single-level underground parking garage, and ground level enclosed parking garage are proposed as part of the development. The parking is accessed off of 15th Avenue South.

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 lobby of the residential structure would be located off of 15th Avenue South and is directly connected to the public sidewalk. There is another principal entrance to the structure located off of 6th Street South, although it recessed and in order to access the door, one would need to enter the courtyard and access the entrance via the walkways. It is important to note that 15th Avenue South is proposed to be reconstructed around the same time construction is expected to begin on this project.

There are no transit shelters within the development, however the site is located within close proximity to several bus lines, a bicycle path and within walking distance of the Hiawatha LRT line and Central Corridor LRT line.

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 no public alley adjacent to the site.

The proposed layout of the development site has been designed to minimize the use of impervious surfaces (especially when evaluating the Phase I proposal) as all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - 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 7,935 square feet would be landscaped at grade on the premises, which would not meet the 20% landscaping requirement. The site is approximately 104,963 square feet in size with the building occupying a footprint of 56,410 square feet. A total of 9,711 square feet of landscaping would be necessary to meet the 20% requirement. As proposed, a total of 7,935 square feet or approximately 16% of the site not covered by the building would be landscaped. Alternative compliance would be necessary as the site is not meeting the 20% landscaping requirement. The applicant proposes to incorporate plantings/green roof into the courtyard level of the development that totals approximately 3,781 square feet in size, which would total approximately 11,716 square feet of landscaping on the premises or 24%. Staff believes that the request is reasonable and that the combination of the landscaping and courtyard plantings/green roof meets the intent of the ordinance.

The zoning code requires that there be at least 19 trees and 97 shrubs planted on the site. The applicant is proposing to include 38 canopy trees, 4 ornamental trees, 413 shrubs (311 deciduous and 102 coniferous), perennials and grasses on the premises (including the ground level and upper level courtyards) which far exceeds the minimum quantities required for the site.

There is an existing surface parking lot on the north side of the site that would be redeveloped as part of Phase II. Staff will not require compliance with the design and maintenance provisions of this section provided the applicant obtains approvals for Phase II of the PUD by March 4, 2016. The loading area does not front on a public street.

All other areas not used for parking, drives, walks, or the building are landscaped.

ADDITIONAL STANDARDS:

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

All parking for the proposed project is being provided within the building. As proposed the site would be accessed via a single curb cut off of 15th Avenue South to the enclosed/below-grade parking associated with the proposed development. A total of 242 parking stalls are provided for the development; 234 for the residential component and 8 spaces for the nonresidential component. The water drainage on-site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

The proposed building would not result in significant impacts to light, wind and air in relation to the surrounding area. Relative to the existing buildings located on the block, the proposed structure is significantly smaller.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance. Provided windows are included in the north elevation of the building, there would be windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. The site is further designed with landscaping, fencing, and architectural features to delineate space and control access. 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.

As required by the Minneapolis Heritage Preservation Commission (HPC) and City Council, the first phase of the development requires that the existing structure, the Gluek Brewing Company Saloon, located on a portion of the development site at 1500 6th Street South be relocated to the parcel located at 1527 6th Street South. No other historic structures or structures eligible for designation are located on the subject 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 Planned Unit Development with 260 dwelling units is a conditional use in the R6 (Multiple-family) District.

Off-Street Parking and Loading:

Minimum automobile parking requirement: Chapter 541 would typically require one off-street parking space per dwelling unit or a total of 260 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 271 bedrooms or 260 dwelling units are proposed on the subject site. Therefore, a total of 260 off-street parking spaces would be required for the residential component. The subject site is also located in the TSA PO which reduces the residential parking requirement to 90% of the minimum. As a result, 234 off-street parking spaces are required for the residential component of the development. The applicant is proposing to provide a total of 234 enclosed/underground parking stalls which meets the minimum requirement for the residential component.

The applicant proposes to incorporate three additional nonresidential uses: (1) a child care center totaling 3,000 square feet (which requires a variance as noted in the findings below); (2) a 700 square foot office use; and (3) a 1,950 square foot restaurant, sit down or delicatessen, with a maximum of 30 seats. Chapter 541 would typically require 1 space per 500 square feet of gross floor area plus 2 drop off spaces. Uses under 1,000 square feet are exempt from the minimum off-street parking requirement. The sit down or delicatessen restaurant requires 1 space per 500 square feet of gross floor area up to 2,000 square feet plus 1 space per 300 square feet in excess of 2,000 square feet. Based on these requirements, 6 spaces plus 2 drop off spaces would be required for the child care center, zero parking spaces would be required for the proposed office use and 4 spaces would be required for the sit down or delicatessen restaurant. The subject site is also located in the TSA PO which reduces the parking non-residential parking requirement to 75% of the minimum for each use. As a result 5 spaces plus 2 drop off spaces would be required for the child care center and 3 spaces would be required for the sit down or delicatessen restaurant. The applicant is providing a total of 8 spaces for the nonresidential component of the development plus 2 drop off spaces which meets the requirement. Overall a total of 242 off-street parking spaces are provided on site plus 2 drop-off spaces.

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 maximum automobile parking requirement for the three additional nonresidential uses would be as follows: a child care center would have a maximum parking requirement of 1 space per 200 square feet of gross floor area plus up to 4 drop-off spaces; the office use would be 1 space per 200 square feet of gross floor area; and the sit down or delicatessen restaurant would be 1 space per 75 square feet of gross floor area. For each of these uses, the maximum parking requirement would be reduced to 75% of the maximum for each use. As a result the child care center would be allowed a maximum parking requirement of 11 spaces plus up to 3 drop-off spaces; the office space would be allowed a maximum of 3; and the sit down or delicatessen restaurant would be 20 spaces. The total maximum parking requirement for the nonresidential uses would be 34 off-street parking spaces plus 3 drop-off spaces. The applicant is proposing a total of 8 off-street parking spaces and 2 drop-off spaces which complies with the maximum parking requirement.

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 271 bedrooms, a total of 271 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*

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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 280 bicycle parking spaces are located within the parking garage which meets the requirement as noted above.

Loading: For residential uses above 250 units, two small (10 feet by 25 feet) or one large (12 x 50) loading space is required. One small loading space is provided at the ground level within the interior of the proposed structure. A variance has been applied for and Staff is recommending approval of the request. See the above-listed findings.

Signs: The final sign plan has not been completed. All signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The applicant is aware that any future signs require zoning office approval and permits.

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

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. Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum FAR in the R6 District is 3.0. The lot in question is 104,963 square feet in area. The applicant proposes 268,234 square feet of gross floor area for Phase I, or an FAR of 2.56 which complies with the maximum requirement prior to the consideration of bonuses for enclosed parking and affordable units.

Building Height: Building height in the R6 District is limited to six stories or 84 feet, whichever is less. The proposed structure would be 6 stories, or 74 feet. The proposed development complies with the maximum height allowance.

Minimum Lot Width and Lot Area: The project would meet the minimum lot width requirements of the R6 District as the development is situated on a lot greater than 40 feet in width. The R6 District requires not less than 400 square feet of lot area per dwelling unit. With 260 proposed dwelling units on a lot of 104,963 square feet, the applicant proposes 403 square feet of lot area per dwelling unit which complies with the requirement prior to the consideration of bonuses for enclosed parking and affordable units.

Dwelling Units per Acre: With 260 dwelling units on a site having 104,963 square feet of lot area, the proposal would include approximately 108 dwelling units per acre. High-density is considered 50 to 120 dwelling units per acre.

Yard Requirements: The required yards are as follows:

- *Front – along 6th Avenue South:* The property is subject to a front yard increase per Section 530.160(b) along 6th Street South as the abutting Cedar Riverside Apartments building is setback approximately 111 feet. The applicant has submitted an alternative request under the PUD to reduce the required yard as noted in the findings above.
- *Corner side yard setback -along 15th Avenue South (8+2x):* 15 feet. Typically, the requirement would be 18 feet (8 + 2x); however, per Section 547.160 of the Zoning Code, the corner side yard shall not exceed the standard front yard requirement which is 15 feet. The applicant has submitted an alternative request under the PUD to reduce the required yard as noted in the findings above.
- *Interior side yard/rear (5+2x):* 15 feet. The applicant as submitted variance applications to reduce the setback requirement along the north and east property lines. See the findings as noted above.

Building coverage: The maximum building coverage in the R6 District is 70 percent. The building would cover approximately 54% percent of the site.

Impervious surface area: The maximum impervious surface coverage in the R6 District is 85 percent. Impervious surfaces would cover approximately 84.9 percent of the site.

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

See the above listed response to finding #5 in the conditional use permit application for a PUD 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 a PUD as the policy guidance provided in this section on the *Franklin-Cedar/Riverside Area Master Plan* the *Cedar Riverside Small Area Plan* 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 standard:

- *30% window requirement on the north elevation:* A portion of the north elevation of the building is subject to a 30% window requirement as it faces an existing on-site parking lot that is proposed to be redeveloped as part of Phase II. Approximately 59 linear feet are subject to the window requirement. No windows are proposed on this elevation of the building. Alternative compliance would be necessary. Staff would

recommend that the Planning Commission require compliance with this provision and required that the building wall meet the window requirement. This is due in part because it would be practical to require compliance and further, given the sidewalk easement that would need to be accommodated in this location, requiring windows provides natural surveillance and visibility which are critical to pedestrian safety in the area immediately adjacent to the development.

- *Blank uninterrupted walls:* There are blank, uninterrupted wall segments greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the lower levels of the north and east elevations of the building. Alternative compliance is necessary. Staff would recommend that the Planning Commission require compliance in this specific circumstance on both elevations as it would be practical to require either a change of material or clerestory windows as appropriate to break up the blank, uninterrupted walls.
- *20% landscaping requirement:* According to the applicant, once the project is complete, approximately 7,935 square feet would be landscaped at grade on the premises, which would not meet the 20% landscaping requirement. The site is approximately 104,963 square feet in size with the building occupying a footprint of 56,410 square feet. A total of 9,711 square feet of landscaping would be necessary to meet the 20% requirement. As proposed, a total of 7,935 square feet or approximately 16% of the site not covered by the building would be landscaped. Alternative compliance would be necessary as the site is not meeting the 20% landscaping requirement. The applicant proposes to incorporate plantings/green roof into the courtyard level of the development that totals approximately 3,781 square feet in size, which would total approximately 11,716 square feet of landscaping on the premises or 24%. Staff believes that the request is reasonable and that the combination of the landscaping and courtyard plantings/green roof meets the intent of the ordinance.

PRELIMINARY PLAT

Required Findings:

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

The proposed lots are in conformance with the land subdivision regulations, zoning ordinance, and comprehensive plan.

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

The proposed subdivision would create two lots; one for Phase I and the other for Phase II. This would have no effect on surrounding property owners or congestion in the public streets.

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

The site is relatively flat and does not present the above noted hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots

from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

A site plan addressing these issues is required before building permits may be issued. Access to the site is off of 15th Avenue South.

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

A stormwater management and erosion control plan is required as part of the site plan approval process before building permits may be issued.

VACATION (Vacation 1608) – Petition to vacate three sidewalk easements in the Cedar-Riverside area. Easements are as described in Easement Deed Document 4059543, 1097179, and 4063712, Exhibit A, Easements I, II and III; Vacation File No. 1608.

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. Further, Centurylink 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 applicant proposes to vacate three separate sidewalk easements that currently exist on the subject property. Two of the sidewalk easements are located on the east side of the property and provide a connection to 6th Street South. The other sidewalk easement is located along vacated 5th Street South and connects to 15th Avenue South. CPED finds that the two easement areas on the east side of the property that connect to 6th Street South are not needed for any public purpose, and they are not part of a public transportation corridor, and that they can be vacated provided all easements requested above are granted by the petitioner. However, the existing easement area along vacated 5th Street South that connects to 15th Avenue South does serve a public purpose and Staff is not supportive of the vacation of the easement area without the re-dedication of a sidewalk easement directly adjacent to the existing easement area on the north side of the Phase I development. The applicant has proposed providing a connection where an existing sidewalk already exists which is approximately 190 feet away from the existing location of the sidewalk easement. A mid-block pedestrian connection has always been discussed as part of the 15th Avenue reconstruction project in order to ensure access from the Cedar Riverside Apartments to the Brian Coyle Center. Staff would recommend that the easement in its existing location be allowed to be vacated for the proposed development as well as to avoid having an overlapping vehicular and pedestrian easement in this location provided a new 10-foot easement is recorded and a new sidewalk constructed on the northernmost boundary of the existing easement. A 10-foot easement would not only accommodate an adequately sized walkway but would also allow for lighting and other security measures for pedestrians crossing in this location.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit for a planned unit development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for Phase I of a Planned Unit Development on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 15 points: outdoor open space, outdoor children's play area, reflective roof, decorative fencing, and a recycling storage area.
3. Fencing shall not be permitted along the east property that precludes pedestrians from utilizing the access easement.
4. The existing surface parking lot on the north side of the site will not require compliance with the design and maintenance provisions of Section 530.170 of the Zoning Code provided the applicant obtains approvals for Phase II of the PUD by March 4, 2016.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance of the interior/rear yard setbacks along the north property lines to approximately 1 foot at the closest point to the building wall on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance of the interior/rear yard setbacks along the east property lines to approximately 6 feet at the closest point for the building wall and to allow a transformer, and decks that exceed the allowable encroachment parameters on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow a child care center in excess

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of 2,000 square feet at approximately 3,000 square feet on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 29 feet on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application of the loading requirement to allow one small loading space on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South.

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

The Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan application for a new 6-story mixed-use development that includes 260 dwelling units with a total of 271 bedrooms and approximately 6,000 square feet of ground level neighborhood-serving retail spaces on the properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South subject to the following conditions:

1. All site improvements shall be completed by April 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The north elevation of the building shall comply with the 30% window requirement as required by Section 530.120 of the Zoning Code.
4. The blank walls greater than 25 feet in width on the north and east elevations of the building shall be modified to incorporate architectural elements including recesses and projections, windows and entries per Section 530.120 of the Zoning Code.
5. Cement board shall not exceed more than 30% coverage on any single elevation of the proposed building.

Recommendation of the Community Planning and Economic Development Department for the preliminary subdivision plat:

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for properties located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; 1505 and 1509 4th Street South.

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

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The Department of Community Planning and Economic Development recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation application (Vacation File 1608) subject to the provision of an easement to Centurylink and rededicated of a 10-foot wide sidewalk easement to ensure pedestrian access and the following condition of approval:

1. A new 10-foot wide sidewalk easement shall be dedicated and recorded prior to building permit issuance on the north side of the existing easement in order to ensure a mid-block crossing and safe pedestrian access to 15th Avenue South. The walkway shall be designed in accordance with City standards and shall be lit and secured as appropriate to ensure the safety of pedestrians.

Attachments:

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