

Department of Community Planning and Economic Development (CPED)
Variances and Site Plan Review
BZZ-5974

Date: April 22, 2013

Applicant: DRS Investments, LLC

Address of Property: 115 5th Street Northeast

Project Name: Not applicable for this development

Contact Person and Phone: Greg Ottum with Master Properties, (612) 236-1633

CPED Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 21, 2013

End of 60-Day Decision Period: May 20, 2013

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

Ward: 3 **Neighborhood Organization:** Nicolet Island East Bank Neighborhood Association

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 14

Legal Descriptions: Not applicable for this development

Proposed Use: Multiple-family development with 22 dwelling units

Concurrent Review:

Variance: to reduce the off-street parking requirement from 22 spaces to 13 spaces.

Variance: of the surfacing requirements to not pave the driveway leading to the off-street parking area.

Variance: to reduce the minimum lot area requirement by 28 percent (from 700 square feet per dwelling unit to 506 square feet per dwelling unit).

Site Plan Review: to convert an existing building into 22 dwelling units.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(6) "To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces", Section 525.520(16) "To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading and Section 525.520(2) "To vary the lot area or lot width requirements up to thirty (30) percent..." and Chapter 530, Site Plan Review.

Background: The applicant is proposing to convert the existing vacant warehouse building into 22 dwelling units. The applicant will completely renovate the building and develop an off-street surface parking area towards the back of the building. The main entrance to the building, off of 5th Street Northeast, will be maintained but a new accessible entrance will be provided at the back of the building. Tenant storage spaces and tenant laundry spaces will be provided on the lowest level of the building.

Neighborhood Comments: The Nicollet Island East Bank Neighborhood Association has provided a letter of support for the project. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

VARIANCE - to reduce the off-street parking requirement from 22 spaces to 13 spaces

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.

Off-street parking reduction: Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The applicant is seeking a variance to reduce the off-street parking requirement from 22 spaces to 13 spaces. The applicant is proposing to convert the existing vacant warehouse building into 22 dwelling units and develop an off-street surface parking area towards the back of the building. An existing garage and loading docks will be removed from the back of the building to accommodate as many parking spaces on the site as possible. The proposed parking area occupies all of the remaining land outside of the building's footprint. There is no other land that could be acquired for additional parking.

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.

Off-street parking reduction: The applicant is proposing 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. The site is located in an Activity Center as designated in *The Minneapolis Plan for Sustainable Growth*. The policy guidance in the comprehensive plan calls for high- to very-high density housing on this site. To achieve this goal the applicant is proposing to convert the existing building into 22 one-bedroom dwelling units. This is a reasonable use of the property.

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.

Off-street parking reduction: Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. This area of Minneapolis is well served by transit and there are shared bike facilities located nearby. The area is also very pedestrian and bike friendly with many services being located within walking distance of the property. Given how pedestrian-oriented the area is CPED is recommending that a minimum of one bicycle parking space be provided per dwelling unit. CPED is also recommending that a minimum of four bicycle parking spaces for guests be provided in the right-of-way along 5th Street Northeast.

VARIANCE - of the surfacing requirements to not pave the driveway leading to the off-street parking area

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.

Surfacing requirements: The applicant is seeking a variance of the surfacing requirements to not pave the driveway leading to the off-street parking area. The driveway that leads to the off-street parking area is “L” shaped and stretches between 1st Avenue Northeast and 5th Street Northeast. This driveway is shared by several properties through an easement agreement. The portion of the driveway that is parallel with the subject property is unimproved; the remainder of the driveway is improved. The applicant has indicated that only four feet of the driveway is on their property and that to improve the entire segment of the driveway a joint effort amongst all of the property owners who have an easement to use the driveway would need to be taken. This is not a practical difficulty that would prevent the applicant from surfacing the driveway.

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.

Surfacing requirements: The applicant is not proposing to use the property in a reasonable manner. The back portion of the lot will be redeveloped into a 13-space surface parking area. In order to access the parking area residents would need to drive on an unimproved driveway. If the driveway is not improved this constant movement will track dirt and debris into the City streets which will eventually make its way into the City’s stormwater system.

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.

Surfacing requirements: Granting of this variance will alter the essential character of the locality and be injurious to the use and enjoyment of other property in the vicinity. In addition, granting of the variance will be detrimental to the health, safety, and welfare of the general public or of those utilizing the property or nearby properties. Although this portion of the driveway is currently unimproved the proposed development will create a 13-space surface parking area that will utilize the driveway on a regular basis.

VARIANCE - to reduce the minimum lot area requirement by 28 percent (from 700 square feet per dwelling unit to 506 square feet per dwelling unit)

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

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

Minimum lot area: The minimum lot area per dwelling unit in the C2 zoning district is 700 square feet. The applicant is seeking a variance to reduce the minimum lot area requirement by 28 percent (from 700 square feet per dwelling unit to 506 square feet per dwelling unit). The development site is located within the boundaries of a designated Activity Center and one block west of where Central Avenue Northeast and East Hennepin Avenue converge which are both designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. In Activity Centers high- to very-high density housing is encouraged. In *The Minneapolis Plan for Sustainable Growth* high-density residential developments have densities ranging between 50 and 120 units per acre and very-high residential developments have densities with more than 120 units per acre. The proposed development has a density of 84.6 dwelling units per acre. The site's location in an area that is guided for high- to very-high density housing is a unique circumstance of these properties.

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

Minimum lot area: Building a development that falls within the range allowed for high-density housing in *The Minneapolis Plan for Sustainable Growth* would be a reasonable use of the property.

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

Minimum lot area: The granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed development would be consistent with the trend of development in the surrounding area and the proposed density would be consistent with adopted policy guidance. The granting of the variance would not be

detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

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

Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **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 at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **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.**

CPED RESPONSE:

- The existing building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is located up to the front property line, there is a principal entrance and exit along the street that can be accessed by residents and guests and there are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalk.
- The building wall fronting along 5th Street Northeast is required to be located within eight feet of the front property line. The existing building is located up to the front property line.
- The building is located up to the front property line. There is existing green space in front of the building that the applicant is proposing to landscape.
- The existing principal entrance to the building, off of 5th Street Northeast, will be maintained but a new accessible entrance will be provided at the back of the building.
- All of the parking for the development will be located in a surface parking area towards the back of the building.
- The exterior material of the building is brick. The brick on the front of the building is red and the brick on the sides and rear of the building is tan.
- The lower level of the west building wall is blank 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. This is an existing condition of the building.
- At least 20 percent of the walls on the first floor and at least 10 percent of the walls on the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot shall be windows. The minimum window calculation for the first floor of the building is measured between two and ten feet above the adjacent grade. The project's compliance with these requirements is as follows:
 - 5th Street Northeast: the percentage of windows on the first floor is 18 percent and the percentage of windows on the upper level of the building is 25 percent. This is an existing condition of the building. The applicant is proposing to install a new entry door with a glass sidelight. The sidelight is proposed to be frosted. If the glass sidelight were to be clear glass the window requirement would increase to 20 percent. CPED is recommending that the glass in the sidelight be clear.
 - On-site parking lot: the percentage of windows on the first floor is 17 percent and the percentage of windows on the second and third levels of the building is nine percent. On all three floors, existing window openings that have been bricked in are being opened again and two existing door openings are being replaced with glass block windows. Two existing glass block windows will be repaired. Similar to the front of the building, the applicant is proposing to install a new

entry door with glass sidelights. The sidelights are proposed to be frosted. If the glass block windows were replaced with clear glass windows and if the sidelight to the left of the entry door were to be clear glass the window requirement would be met on all three levels. CPED is recommending that the glass block windows be clear glass and that the glass in the sidelight to the left of the entry door be clear.

- The windows in the building are vertical in nature and are evenly distributed along the walls.
- The entire building frontage along 5th Street Northeast contains active functions.
- The principal roof line of the building is flat.

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.**

CPED RESPONSE:

- The front entrance is connected to the public sidewalk via a stairway.
- There is no transit shelter proposed as part of this development.
- All of the parking for the development will be located in a surface parking area towards the back of the building.
- There is no public alley on this block.
- There is no maximum impervious surface requirement in the C2 zoning district. According to the materials submitted by the applicant 98 percent of the development site will be impervious.

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.**

CPED RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 11,142 square feet. The footprint of the buildings is 6,014 square feet. When you subtract the footprint from the lot size the resulting number is 5,128 square feet. Twenty percent of this number is 1,026 square feet. According to the applicant's landscaping plan there is 226 square feet of landscaping on the site or approximately four percent of the site not occupied by the building. Alternative compliance is required.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement is two and 11 respectfully. The applicant is proposing to have zero canopy trees and 19 shrubs. In addition there will be one ornamental tree and nine perennials on the site. The applicant is also proposing to plant two ornamental trees, nine shrubs and 41 perennials in the right-of-way adjacent to 5th Street Northeast.
- The zoning code requires that a seven-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The parking lot is abutting a residential use. The applicant is proposing to have a five-foot deep landscaped yard between the property line and the parking lot. Alternative compliance is required.
- The zoning code requires screening that is six feet in height and at least 95 percent opaque be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The applicant is proposing to landscape the northerly portion of the parking lot, between the property line and the parking lot, with plant materials that will be at least 95 percent opaque but they will not grow to a height of six feet. On the southerly portion of the parking lot, between the property line and the parking lot, the applicant is proposing to install a 42-inch high decorative metal fence with perennials planted next to it. The proposed combination of fence and perennials will not be six feet in height of at least 95 percent opaque. CPED is recommending that the applicant install plant materials that will grow to a height of six feet and be at least 95 percent opaque.

- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. None of the parking spaces will be located within 50 feet of an on-site deciduous tree. Alternative compliance is required.

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.**

CPED RESPONSE:

- All of the parking for the development will be located in a surface parking area towards the back of the building. Stormwater runoff from the surface parking lot will be directed to a dry well in the southwesterly corner.
- The building is existing and no additions are proposed that would block views of important elements of the city.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This development should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are large windows on all sides of the building that maximize the opportunities for people to observe the public sidewalks and there are lights located near all of the pedestrian entrances.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Multiple-family dwellings are a permitted use in the C2 zoning district.

- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: In the C2 zoning district, the zoning code requires a minimum of one parking space per dwelling unit. There will be 22 new dwelling units in the building. The applicant is proposing to develop an off-street surface parking area towards the back of the building with 13 parking spaces in it. The applicant has applied for a variance to reduce the off-street parking requirement from 22 spaces to 13 spaces.

Maximum automobile parking requirement: The maximum parking requirement is two spaces per dwelling unit when the parking is not provided in an enclosed structure. The maximum parking requirement for this development would be 44 parking spaces.

Bicycle Parking: The bicycle parking requirement for a multiple-family development is one space per two dwelling units. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The bicycle parking requirement for the development is 11 spaces. In total, ten of the required bicycle parking spaces need to be enclosed. The applicant has indicated that there will be 12 bicycle parking spaces provided in the building.

Loading: There is no loading requirement for a multiple-family development with less than 100 dwelling units.

- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 11,142 square feet in area. The existing building has a total of 17,404 square feet of gross floor area, an FAR of 1.56.
- **Building Height:** Building height in the C2 zoning district is limited to four stories or 56 feet. The existing building is three stories or approximately 30 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 700 square feet. With a total of 22 dwelling units on a lot of 11,142 square feet, the applicant proposes 506 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area requirement by 28 percent.
- **Minimum Lot Width:** The minimum lot width in the C2 zoning district is 40 feet. The lot is 68 feet in width.

Department of Community Planning and Economic Development
BZZ-5974

- **Dwelling Units per Acre:** The lot is .26 acres in size. The proposed development will provide 84.6 dwelling units per acre which falls within the high density range (50 to 120 dwelling units per acre) of *The Minneapolis Plan for Sustainable Growth*.
- **Yard Requirements:** The front yard setback requirement along 5th Street Northeast is zero feet. Where residential uses containing windows face an interior side yard or a rear yard, an interior side yard and rear yard of at least five feet plus two feet for each story above the first floor is required, but is not to exceed 15 feet. The three story building would have a nine foot interior side yard and rear yard setback requirement. The building is existing and no additions are proposed. The building is located at the front property line, approximately four feet from the southeasterly interior property line, approximately two feet from the northwesterly interior property line and approximately 66 feet from the rear property line.
- **Specific Development Standards:** There are no specific development standards for multiple-family development.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have one 36 square foot wall sign on the front of the building. The sign is approximately 18 feet high. All signage will require zoning office review, approval, and permits.
- **Refuse storage:** The trash and recycling storage area is proposed to be located in the southeasterly corner of the parking lot. No enclosure is proposed. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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. CPED staff is recommending that the refuse and recycling containers be enclosed per these standards.
- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. Lighting levels shall not be greater than one-half of a footcandle at a property line of any permitted or conditional residential use. The adjacent use to the northwest is a residential use. The lighting plan shows a footcandle of .8 near the property line. This needs to be reduced prior to building permit issuance.

MINNEAPOLIS PLAN:

The development site is located on 5th Street Northeast. The site is located one block west of where Central Avenue Northeast and East Hennepin Avenue converge. Both of these streets are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. The property is also located in the East Hennepin Activity Center as designated in *The Minneapolis Plan for Sustainable Growth*. The

Department of Community Planning and Economic Development
BZZ-5974

future land use map in *The Minneapolis Plan for Sustainable Growth* designates the property as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.12 states: “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable implementation steps: (1.12.4) “Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, parking lots, and drive-through facilities” and (1.12.6) “Encourage the development of high- to very –high density housing within the boundaries of Activity Centers.”

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

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

Heritage Preservation policy 8.10 states: “Promote the benefits of preservation as an economic development tool and a method to achieve greater environmental sustainability and city vitality.”

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

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

Urban Design Policy 10.6 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.”

Urban Design Policy 10.17 states: “Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.” This policy includes the following applicable implementation steps: (10.17.1) “Provide high-quality lighting fixture designs that are appropriate to street types and land use, and that provide pedestrian friendly illumination, but minimize glare and dark sky conditions, and other unnecessary light pollution” and (10.17.6) “Provide sufficient lighting for better way-finding and safe circulation within and around a development.”

Urban Design Policy 10.18 states: “Reduce the visual impact of automobile parking facilities.”

The proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

ALTERNATIVE COMPLIANCE:

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

CPED RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 11,142 square feet. The footprint of the buildings is 6,014 square feet. When you subtract the footprint from the lot size the resulting number is 5,128 square feet. Twenty percent of this number is 1,026 square feet. According to the applicant's landscaping plan there is 226 square feet of landscaping on the site or approximately four percent of the site not occupied by the building. Alternative compliance is required. CPED is recommending that the City Planning Commission grant alternative compliance as strict adherence to the requirements is impractical. If the 20 percent landscaping requirement were met parking spaces would need to be eliminated which would further increase the parking variance that has been applied for.
- The zoning code requires that a seven-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The parking lot is abutting a residential use. The applicant is proposing to have a five-foot deep landscaped yard between the property line and the parking lot. Alternative compliance is required. CPED is recommending that the City Planning Commission grant alternative compliance as strict adherence to the requirements is impractical. If the landscaped yard was increased to seven feet in depth parking spaces would need to be eliminated which would further increase the parking variance that has been applied for.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. None of the parking spaces will be located within 50 feet of an on-site deciduous tree. Alternative compliance is required. CPED is recommending that the City Planning Commission grant alternative compliance as strict adherence to the requirements is impractical. Given the limited amount of planting area in the parking lot and the proximity to the adjacent buildings it would not be practical to plant deciduous trees in the parking lot so every parking space was located within 50 feet of them.

RECOMMENDATIONS

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 reduce the off-street parking requirement from 22 spaces to 13 spaces for the property located at 115 5th Street Northeast subject to the following conditions:

1. A minimum of one bicycle parking space shall be provided per dwelling unit.
2. A minimum of four bicycle parking spaces for guests shall be provided in the right-of-way along 5th Street Northeast.

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 **deny** the variance of the surfacing requirements to not pave the driveway leading to the off-street parking area for the property located at 115 5th Street Northeast.

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 reduce the minimum lot area requirement by 28 percent (from 700 square feet per dwelling unit to 506 square feet per dwelling unit) for the property located at 115 5th Street Northeast

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application to convert an existing building into 22 dwelling units located at 115 5th Street Northeast subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.

Department of Community Planning and Economic Development
BZZ-5974

2. All site improvements shall be completed by April 22, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The glass in the sidelight next to the new entry door on the front of the building shall be clear.
4. The glass block windows on the back of the building shall be clear glass.
5. The glass in the sidelight to the left of the entry door on the back of the building shall be clear.
6. Plant materials that will grow to a height of six feet and be at least 95 percent opaque shall be planted between the northwesterly property line and the parking lot.
7. The refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 as required by section 535.80 of the zoning code
8. All lighting shall comply with Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading.

Attachments:

1. Preliminary Development Review report from March 22, 2013
2. Project description and statement of proposed use
3. Variance findings
4. Site plan review alternative compliance statement
5. March 7, 2013, letters to Council Member Hofstede and the Nicolet Island East Bank Neighborhood Association
6. October 3, 2012, and December 5, 2012, letters from the Nicolet Island East Bank Neighborhood Association
7. Zoning Map
8. Civil plans and architectural plans
9. Photos of the building