

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, three Variances and Site Plan Review  
BZZ-2342

**Date:** June 27, 2005

**Applicant:** Ed Bell

**Address of Property:** 113 East 26<sup>th</sup> Street

**Project Name:** Corson's Corner

**Contact Person and Phone:** Nathaniel Shea with TANEK Architects, (612) 998-8200

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** May 24, 2005

**End of 60-Day Decision Period:** July 23, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** C2, Neighborhood Corridor Commercial District and R2B, Two-family District

**Proposed Zoning:** C2, Neighborhood Corridor Commercial District

**Zoning Plate Number:** 25

**Legal Description:** Lots 1, 2, 3 and 4, Block 3, Corson's Addition to Minneapolis, Hennepin County, Minnesota

**Proposed Use:** Mixed-use development including commercial space and 14 dwelling units

**Concurrent Review:**

**Rezoning:** of the southern portion (approximately the southerly 60 feet) of the property located at 113 East 26<sup>th</sup> Street from R2B to C2. Please note that the northern portion of this property is already zoned C2.

**Conditional use permit:** for 14 dwelling units

**Variance:** to reduce the front yard setback along Stevens Avenue South for the first 40 feet north of the south interior property line from the required 20 feet to 14 feet for the building and to 9 feet for an open front porch with a second story deck

**Variance:** to reduce the south interior side yard setback from the required 9 feet to 3 feet for a detached accessory structure

**Variance:** to reduce the width of the drive aisle adjacent to the detached accessory structure facing the alley from the required 22 feet to 8 feet

**Site Plan Review**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Section 525.520(14) “to reduce the minimum width of parking aisles...” and Chapter 530, Site Plan Review.

**Background:** From 1900 until 1986 the majority of the site was occupied by a dry cleaning establishment. In the 1930’s and 1940’s a gas station operated on a portion of the site. In 1986 the dry cleaning establishment shut down and the site remained vacant until 1994 when it and the single-family dwelling located on the southern portion of the site were demolished. The single-family dwelling was owned by the dry cleaning establishment. Since 1994 the site has been a tax-forfeited property. The Hennepin County Taxpayer Services Department has been the trustee of the site. As a result of the uses on the property and the storage of underground tanks, the site became contaminated with pollutants. At the moment, the site is undergoing environmental clean-up. The necessary equipment for the clean-up will remain on the site for a period of not less than 3 to 5 years. The equipment will occupy two of the garage spaces located in the southwest corner of the property. When the equipment is removed the garage spaces will be utilized by residents. An e-mail from Harold Troup with the Hennepin County Taxpayer Services Department is included in this report that goes into more detail about the environmental history and status of the property.

The applicant is proposing to construct a mixed-use development including 14 dwelling units and approximately 3,500 square feet of commercial space. At this time it is unknown what commercial uses would locate in the building. All of the parking for the development is located towards the back of the property. All of the parking spaces for the residential portion of the development are located in enclosed garages. There are a total of 17 enclosed garages. Two of the enclosed garages will be occupied by the necessary equipment for the environmental clean-up for a period not less than 3 to 5 years. Several of the garages are located within the principal structure. In addition, there are two detached accessory structures on the site. The parking spaces for the commercial portion of the development are located in a surface parking lot that is surrounded by the building and the enclosed garages. Please note that underground parking is not being provided due to the contamination of the site.

The majority of the property is zoned C2, however, a portion of the property is zoned R2B. The applicant is proposing to rezone that portion of the property that is R2B to C2. In order to change the zoning classification of the property to commercial the applicant had to obtain signatures from 2/3’s of the property owners within 100 feet of the property. On May 24, 2005, the City Attorney’s Office sent a letter indicating that all requirements had been met. If that portion of the property that is zoned R2B was not rezoned to C2, the project could not have extended onto the parcel with the R2B zoning. Three variances are required for this development. Two of them are setback variances for the building and/or garage and the other is a drive aisle width variance. Site plan review is also required.

## **REZONING**

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

#### **1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The site is designated as undeveloped, unused land in the comprehensive plan. This site is located two blocks east of the intersection of Nicollet Avenue and East 26<sup>th</sup> Street. This intersection is a designated Activity Center (East 26<sup>th</sup> Street and Nicollet Avenue) and Nicollet Avenue is a designated Commercial Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers (Implementation Step for Policy 9.5).
- Identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 9.31).
- Ensure that land use regulations support diverse commercial and residential development types that generate activity all day long and into the evening (Implementation Step for Policy 9.31).
- Promote the incorporation of residential uses within the same structure as other commercial uses (Implementation Step for Policy 9.31).
- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors, Activity Centers and Neighborhood Commercial Nodes.

Rezoning this parcel of land from R2B to C2 would be in conformance with the foregoing policies of the comprehensive plan. The site is located within two blocks of a designated Commercial Corridor and an Activity Center where the plan calls for moderate-density housing and mixed-use developments to be located. It should be noted that auto-oriented uses are allowed in the C2 zoning district which would not be compatible uses within an Activity Center.

#### **2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The amendment will allow the applicant to construct a mixed-use development including 14 dwelling units and 3,500 square feet of commercial space. City stakeholders have identified Nicollet Avenue as a Commercial Corridor and the intersection of East 26<sup>th</sup> Street and Nicollet Avenue as an Activity Center. Approving this rezoning supports the City's decision to support designated Activity Centers by preserving the mix and intensity of land uses and constructing mixed-use developments.

#### **3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is bordered by C2 zoning to the north, a mixture of C4, C2 and R5 zoning to the east, R2B zoning to the south and a mixture of R2B and C2 zoning to the west. Adjacent uses include a mixture of dwelling units and commercial uses. Given the varying zoning classifications and the mixture of the adjacent land uses the proposed C2 zoning district is compatible with the immediately surrounding area. Again, the Planning Division would point out that auto-oriented uses are allowed in the C2 zoning district which would not be compatible uses within an Activity Center.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted under the R2B zoning district. The R2B zoning district is a two-family district. Permitted uses in the R2B district include, but are not limited to, the following:

- Single-family dwelling
- Two-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

In recent years the northeast corner of Nicollet Avenue and East 26<sup>th</sup> Street was approved for a mixed-use development including housing and commercial uses. This development required a rezoning from C1 to C2. This project is currently under construction. In addition, the Children’s Theater, Minneapolis Institute of Arts and the College of Art and Design have all undergone extensive additions. All three of these institutions are located between one and two blocks to the north. And in general, there have been several restaurants added along Nicollet Avenue which is also known as Eat Street.

**CONDITIONAL USE PERMIT** - for 14 dwelling units

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

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

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

The Planning Division does not believe that 14 units of for-sale condominiums will be detrimental to the surrounding area. The proposed development compliments other uses in the area and the additional residential units will strengthen the owner-occupied base within the neighborhood. According to the 2000 Census, approximately 89 percent of the dwellings in the Whittier Neighborhood are rental.

**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.**

The Planning Division does not believe that this development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for a mixed-use development including 14 for-sale condominiums would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base. Given the size of the site the applicant could construct up to 32 dwelling units on the site.

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

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

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

The parking requirement for this development is 22 spaces. The applicant proposes to have 25 parking spaces. All of the parking spaces for the residential portion of the development are located in enclosed garages. The parking spaces for the commercial portion of the development are located in a surface parking lot that is surrounded by the building and the enclosed garages. All of the parking spaces are accessed via the public alley.

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

The site is designated as undeveloped, unused land in the comprehensive plan. This site is located two blocks east of the intersection of Nicollet Avenue and East 26<sup>th</sup> Street. This intersection is a designated Activity Center (East 26<sup>th</sup> Street and Nicollet Avenue) and Nicollet Avenue is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5)

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers (Implementation Step for Policy 9.5).
- Promote the incorporation of residential uses within the same structure as other commercial uses (Implementation Step for Policy 9.31).

The applicant is proposing to convert an existing vacant site to a mixed-use development including 14 dwelling units. All of the dwelling units will be for-sale condominiums. Constructing a mixed-use building on this site will strengthen the surrounding residential neighborhood as the project will increase home ownership opportunities in the Whittier neighborhood which has an 89 percent rental rate. This development will also support the designated East 26<sup>th</sup> Street and Nicollet Avenue Activity Center.

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

With the approval of the rezoning, conditional use permit, variances and site plan review this development will meet the requirements of the C2 zoning district.

**VARIANCE** - to reduce the front yard setback along Stevens Avenue South for the first 40 feet north of the south interior property line from the required 20 feet to 14 feet for the building and to 9 feet for an open front porch with a second story deck

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

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

**Front yard setback:** The applicant is seeking a variance to reduce the front yard setback along Stevens Avenue South for the first 40 feet north of the south interior property line from the required 20 feet to 14 feet for the building and to 9 feet for an open front porch with a second story deck. The applicant has indicated that in order to construct a reasonably sized building and the required parking spaces on the site that the building needs to be located closer to the front property line than the zoning code allows. The applicant has pointed out that the front portion of the adjacent house to the south is located 25 feet from the front property line and 7 feet from the shared interior property line. The subject building would be located 15 feet from the shared interior property line.

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

**Front yard setback:** The Planning Division believes that it is reasonable to locate the building 14 feet from the front property line and the open front porch with a second story deck 9 feet from the front property line in order to accommodate all of the required parking spaces on the back portion of the lot. In addition, this parcel of land serves as the buffer property between the residential properties on the

block and East 26<sup>th</sup> Street. Several of the buildings on the commercially zoned properties along East 26<sup>th</sup> Street are built up to their front property lines.

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

**Front yard setback:** The granting of the setback variance would not significantly affect the essential character of the area given that there would be 22 feet between the subject building and the adjacent house to the south. The applicant proposes to have open lawn and plantings between the building and the interior property line. Please note that although only the first 40 feet north of the south interior property line is subject to this setback, the applicant is proposing to set an additional 130 feet of the building back.

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

**Front yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** - to reduce the south interior side yard setback from the required 9 feet to 3 feet for a detached accessory structure

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

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

**South interior side yard setback:** The applicant is seeking a variance to reduce the south interior side yard setback from the required 9 feet to 3 feet for a detached accessory structure. The applicant has indicated that in order to meet the parking requirement and the drive aisle widths that the accessory structure on the south end of the lot needs to be located closer to the south interior property line than the zoning code allows. The applicant has pointed out that adjacent to the proposed location of the accessory structure is a parking pad for the adjacent dwelling.

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

**South interior side yard setback:** The Planning Division believes that it is reasonable to locate the accessory structure 3 feet from the south interior property line in order to accommodate all of the

required parking spaces on the back portion of the lot. In addition, the location of the proposed accessory structure would be adjacent to the adjacent properties parking pad.

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

**South interior side yard setback:** The granting of the setback variance will not significantly affect the essential character of the area given that the location of the proposed garage is similar to that of other garages on the block. In this case the setback along the entire south property line is established by the height of the principal building. If the proposed development were a single-family dwelling the accessory structure could be located 1-foot from the south interior property line without a variance if located within the rear 40 feet of the lot. In this case the eastern wall of the accessory structure is located 45 feet from the rear property line.

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

**South interior side yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** - to reduce the width of the drive aisle adjacent to the detached accessory structure facing the alley from the required 22 feet to 8 feet

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

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

**Drive aisle width:** The applicant is seeking a variance to reduce the width of the drive aisle adjacent to the detached accessory structure facing the alley from the required 22 feet to 8 feet. The applicant has indicated that a 22-foot wide drive aisle could have been accommodated on the site but that the principal building would have had to be located up to the property line along Stevens Avenue South leaving no room for an open front yard. The 8 feet of drive aisle that the applicant is providing on the site in addition to the 12-foot wide public alley that is adjacent to the drive aisle equals 20 feet.

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

**Drive aisle width:** The Planning Division believes that it would be reasonable to reduce the width of the drive aisle as only 9 vehicles would be backing out of the garage and into the alley. If this property

were subdivided into typical city lots with a width of 40 feet there could be as many as five garages facing the alley. If each garage accommodated 2 vehicles there would be 10 vehicles backing into the alley.

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

**Drive aisle width:** The intent of the ordinance is to provide an adequate maneuvering area for a vehicle without needing to utilize the public right-of-way. Where a public right-of-way is proposed to be used for maneuvering purposes the plan must be approved by the City Engineer. In this case, the Traffic and Parking Division of the Public Works Department has granted permission to the applicant to utilize the public alley for maneuvering purposes.

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

**Drive aisle width:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed drive aisle width be detrimental to welfare or public safety.

### **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 FACADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**

- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
  - **Nonresidential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
      - a. **Windows shall be vertical in proportion.**
      - b. **Windows shall be distributed in a more or less even manner.**
      - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
      - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
      - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**PLANNING DIVISION RESPONSE:**

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building.
- This development is located in the C2 zoning district. The property to the south is located in the R2B zoning district. Given this, the proposed building is subject to a 20-foot front yard setback for the first 40 feet north of the south interior property line along Steven Avenue South. The applicant is seeking a variance to reduce this setback to 14 feet for the building and to 9 feet for an open front porch with a second story deck. For that portion of the building that is not subject to the setback requirement, the remaining residential portion of the building is setback 14 feet and the commercial portion of the building is setback 1.5 feet. The Planning Division is recommending that the commission grant alternative compliance to allow the building to be located more than 8 feet from the front property line. To maintain the residential character of Stevens Avenue South and to provide front yards the residential portion of the building has been setback 14 feet.
- Along East 26<sup>th</sup> Street the building is proposed to be setback between 1.5 and 2.5 feet.
- The area between the property line and the commercial portion of the building is proposed to be extended sidewalk area. The area between the property line and the residential portion of the building is proposed to be open yard and landscaping.
- Each of the commercial spaces have their own entrance facing the street. These entrances face East 26<sup>th</sup> Street and Stevens Avenue South. These entrances are emphasized by signage and canopies. The principal entrance to the residential portion of the building is located off Stevens Avenue South and is emphasized by signage and a canopy. Those dwelling units that are located on the first floor of the building facing Stevens Avenue South each have their one entrance. These entrances are emphasized by porches with second floor decks.
- The accessory parking lot is located on the interior of the site and is surrounded by the building and the enclosed garages.
- The exterior materials of the building include brick, cement board siding and oversized CMU. The exterior materials of the accessory garages include cement board siding and oversized CMU. All four sides of the building and the accessory structures are compatible with one another.
- There are no blank, interrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor devoted to commercial uses, at least 20 percent of the first floor devoted to residential uses and at least 10 percent of the upper floors of the building walls on

Stevens Avenue South, East 26<sup>th</sup> Street and the parking lot side of the building are required to be windows.

- Commercial portion: the percentage of windows on the Stevens Avenue South side of the building is 52 percent and the percentage of windows on the East 26<sup>th</sup> Street side of the building is 60 percent windows.
- Residential portion facing Stevens Avenue South: the percentage of windows on the first floor of the building facing Stevens Avenue South is 28 percent. The percentage of windows on the second floor of the building is 13 percent and the percentage of windows on the third floor of the building is 17 percent.
- Residential portion facing East 26<sup>th</sup> Street: the percentage of windows on the second floor of the building is 37 percent and the percentage of windows on the third floor of the building is 28 percent.
- Residential portion of the building facing the parking lot: there are no windows on the first floor of the building facing the parking lot. The first floor of the building that faces the parking lot is used for residential garages. The Planning Division is recommending that the commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building facing the parking lot. In order to accommodate all of the required parking spaces on the site this area of the building has been designed to house a portion of the residential garages. The percentage of windows on the second floor of the building is 76 percent and the percentage of windows on the third floor of the building is 27 percent.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. In the commercial portion of the building along the first floor of the building facing Stevens Avenue South there is 52 percent windows and along the first floor of the building facing East 26<sup>th</sup> Street side there is 60 percent windows. The Planning Division is recommending that at least 30 percent of the window area allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of the zoning code.
- The roof line of the building is proposed to be flat. Flat roofs are found on other commercial or mixed-use buildings throughout the area.

**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.**

**PLANNING DIVISION RESPONSE:**

- All of the building entrances are connected to the public sidewalk either directly or by a 5-foot walkway. The individual garages and the surface parking spaces are not connected to the building entrance via a walkway.
- All of the parking spaces are accessed via the alley, which is allowed by the zoning code given that the applicant proposes less than 4,000 square feet of commercial space. By utilizing the alley, vehicular conflicts with pedestrians along the sidewalk is being minimized. For those vehicles that park on the interior of the site, the drive aisle is designed to be one way. Vehicles enter the site through the south driveway and exit through the north driveway. At the exit, the curbing has been designed so all vehicles are forced to head north through the alley and out towards East 26<sup>th</sup> Street.
- There is no maximum impervious surface requirement for this development. Twelve percent of the site is impervious. The landscaping requirement for this site is being met.

**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.**

**PLANNING DIVISION 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 29,066 square feet. The footprint of the building, including the accessory garages, is 15,434 square feet. When you subtract the footprint from the lot size the resulting number is 13,632 square feet. Twenty percent of this number is 2,726 square feet. The applicant has a total of 3,565 square feet, or 26 percent of the site landscaped.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 5 and 27 respectfully. The applicant is providing a total of 6 trees and 88 shrubs. Three of the trees are not canopy trees. The Planning Division is recommending that two of the ornamental trees on the site be changed to canopy trees.
- The parking area is visible from the adjacent property to the south as there is a gap in the planting areas on the south end of the property. The Planning Division is recommending that the applicant install plant materials in this location.
- The area on the west side of the southerly accessory structure is proposed to be covered with shredded hardwood mulch. Large areas of mulch are not considered landscaped areas. The Planning Division is recommending that the applicant install plant materials in this location.
- The accessory parking lot is located on the interior of the site and is surrounded by the building and the enclosed garages.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. In the proposed parking lot all but one of the parking spaces is located within 50 feet of an on-site deciduous tree. In addition, one of the two tree islands located in the parking lot do not measure 7 feet in every direction. The Planning Division is recommending that the tree located on the north side of the parking lot be moved further to the east in order to provide a tree within 50 feet of every parking space. The Planning Division is recommending that the commission grant alternative compliance to allow for one tree island to measure less than 7 feet in every direction. The parking lot has been designed in such a way to accommodate the required parking on the site and provide a front yard along Stevens Avenue South.

**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.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **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.**

**PLANNING DIVISION RESPONSE:**

- Stormwater runoff from the site is being captured by a storm sewer system. Given this, the applicant is proposing to have continuous 6 by 6-inch curbing around the perimeter of the parking lot. The Planning Division encourages the applicant to drain some of the stormwater runoff to the green spaces on the site.
- A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan does not meet the standards of the section 535.590. The Planning Division is recommending that the applicant revise the lighting plan to be in conformance with the standards of the zoning code.
- This building should not block views of important elements in the city.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of those coming and going from the site it was suggested that the applicant consider fencing off the parking area along the alley in order to protect the people and the vehicles in the parking lot.
- This site is neither historic nor located in a historic district. However, it should be noted that this site is located across the street from the Washburn – Fair Oaks 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:** Residential developments of 5 dwelling units or more are conditional uses in the C2 District. Depending on what commercial uses go into the building will determine whether or not they are permitted or conditional. If they are conditional uses in the C2 zoning district, the applicant will need to apply for a conditional use permit for the specific use.
- **Off-Street Parking and Loading:** The residential parking requirement is one space per dwelling unit or 14 parking spaces and given that both of the commercial spaces are less than 4,000 square feet each commercial space has a parking requirement of 4 parking spaces. The overall parking requirement for the development is 22 parking spaces. The applicant proposes to have 25 parking

spaces. If there are more than two commercial spaces in the building or if any food or beverage uses locate in the building a higher parking requirement would result.

- **Maximum Floor Area:** The maximum FAR in the C2 District is 1.7. The lot in question is 29,066 square feet in area. The applicant proposes 34,611 square feet of gross floor area, an FAR of 1.19.
- **Building Height:** Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. The proposed building is 3 stories or approximately 40 feet.
- **Minimum Lot Area:** The C2 District requires not less than 900 square feet of lot area per dwelling unit. With 14 proposed dwelling units on a lot of 29,066 square feet, the applicant proposes 2,076 square feet of lot area per dwelling unit.
- **Yard Requirements:** This development is located in the C2 zoning district. The property to the south is located in the R2B zoning district. Given this, the proposed building is subject to a 20-foot front yard setback for the first 40 feet north of the south interior property line along Steven Avenue South. The applicant is seeking a variance to reduce this setback to 14 feet for the building and to 9 feet for an open front porch with a second story deck. In addition, for residential uses with windows facing the interior side or rear yard property line the setback is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback along these two sides of the building is 9 feet. These setbacks are being met.
- **Specific Development Standards:** There are no specific development standards for this development. Depending on what commercial uses go into the building there could be some specific development standards that would be applicable.
- **Hours of Operation:** In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6 a.m. to 10 p.m. and Friday and Saturday from 6 a.m. to 11 p.m.
- **Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. The applicant proposes no specific signage at this time.
- **Refuse storage:** Each residence will have its own refuse container. These individual containers will be kept in the individual garages. For the commercial portion of the development there is an enclosed refuse container located in the southwest corner of the site.

**MINNEAPOLIS PLAN:**

The site is designated as undeveloped, unused land in the comprehensive plan. This site is located two blocks east of the intersection of Nicollet Avenue and East 26<sup>th</sup> Street. This intersection is a designated Activity Center and Nicollet Avenue is a designated Commercial Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6)

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support efforts that recognize the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.16).
- Identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character (Policy 9.31).

The proposed development meets the above standards of the comprehensive plan. The building will be 3 stories tall, similar to other buildings in the area. The commercial portion of the building is located up to the property lines whereas the residential portion of the building has been setback to create a residential front yard. The orientation and materials of the building will be compatible with the surrounding structures.

**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.**

**PLANNING DIVISION RESPONSE:**

- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the building to be located more than 8 feet from the front property line. To maintain the residential character of Stevens Avenue South and to provide front yards the residential portion of the building has been setback 14 feet. Within this setback there are open yard and landscaping.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building facing the parking lot. In

order to accommodate all of the required parking spaces on the site this area of the building has been designed to house a portion of the residential garages.

- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow for one tree island to measure less than 7 feet in every direction. The parking lot has been designed in such a way to accommodate the required parking on the site and provide a front yard along Stevens Avenue South.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for rezoning:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the rezoning petition of the southern portion (approximately the southerly 60 feet) of the property located at 113 East 26<sup>th</sup> Street from R2B to C2.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow 14 dwelling units located at 113 East 26<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Stevens Avenue South for the first 40 feet north of the south interior property line from the required 20 feet to 14 feet for the building and to 9 feet for an open front porch with a second story deck located at 113 East 26<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the south interior side yard setback from the required 9 feet to 3 feet for a detached accessory structure located at 113 East 26<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the width of the drive aisle adjacent to the detached accessory structure facing the alley from the required 22 feet to 8 feet located at 113 East 26<sup>th</sup> Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a mixed-use development including commercial space and 14 dwelling units located at 113 East 26<sup>th</sup> Street subject to the following conditions:

1. At least 30 percent of the window area in the commercial portion of the building facing both Stevens Avenue South and East 26<sup>th</sup> Street shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of section 530.120.
2. Two of the ornamental trees on the site shall be changed to canopy trees as required by section 530.160.
3. Plant materials shall be installed on the south side of the property to fully screen the parking area from the adjacent property to the south.
4. Plant materials shall be installed in the area on the west side of the southerly accessory structure.
5. The tree located on the north side of the parking lot shall be moved further to the east in order to provide a tree within 50 feet of every parking space as required by section 530.170.
6. The Planning Division encourages the applicant to drain some of the stormwater runoff to the green spaces on the site.
7. The lighting plan shall be revised so as to be in conformance with the standards of the zoning code.
8. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.
9. All site improvements shall be completed by June 27, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use and description of the project
2. June 15, 2005, e-mail from Harold Troup with Hennepin County regarding the environmental history and status of the property
3. Conditional use permit and variance findings
4. April 27, 2005, letter to Council Member Zimmerman and the Whittier Alliance
5. May 16, 2005, and June 13, 2005, letters from the Whittier Alliance
6. May 24, 2005, letter from the City Attorney's office regarding the rezoning
7. Zoning Map
8. Site plan, floor plans and elevations
9. Photographs of the site and surrounding area