

**Department of Community Planning and Economic Development – Planning Division**  
**Conditional Use Permit and Site Plan Review**  
**BZZ-2431**

**Date:** July 18, 2005

**Applicant:** Tim Baylor, JADT Development Group, LLC

**Address of Property:** 2313 West River Road North

**Project Name:** Riverpointe Condominiums

**Contact Person and Phone:** Paul Bilotta with JADT Development Group, LLC, (612) 377-0400

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

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

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

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

**Ward:** 3      **Neighborhood Organization:** Hawthorne Area Community Council

**Existing Zoning:** I2, Medium Industrial District with the IL, Industrial Living Overlay District

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

**Zoning Plate Number:** 8

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

**Proposed Use:** 59-unit condominium development

**Concurrent Review:**

**Conditional use permit:** to increase the height of a 59-unit condominium building from the permitted 2.5 stories (or 35 feet) to 4 stories (or 57 feet) that is located in the I2 zoning district with the Industrial Living, Mississippi River and Shoreland Overlay Districts.

**Site plan review**

**Applicable zoning code provisions:** Chapter 530, Site Plan Review.

**Background:** The Minneapolis City Planning Commission has reviewed this development three times in the past three years. In October of 2001 the Minneapolis City Planning Commission approved a rezoning adding the Industrial Living Overlay District to the site, a conditional use permit for a 72-unit condominium development and a preliminary plat for Phase I and Phase II of the Riverview Homes

development. After this meeting the applicant revised the plans and reduced the number of dwelling units within the development from 72 units to 47 units. In June of 2003, the Minneapolis City Planning Commission approved a conditional use permit to increase the height of a 47-unit condominium development from the permitted 2.5 stories (or 35 feet) to 4 stories (or 57 feet) and major site plan review. After this meeting the applicant revised the plans and converted all of the two-story units in the building to one-story units, therefore increasing the number of dwelling units within the building to 59 dwelling units. In November of 2004, the Minneapolis City Planning Commission approved a conditional use permit for a 59-unit condominium development.

The conditional use permit to increase the height of the building and the site plan review application was approved on June 2, 2003. Under the provisions of the zoning code, the applicant has one year to implement the site plan as approved. In this case one year would have ended on June 2, 2004. Per section 525.40, the Zoning Administrator may extend the time frame up to one additional year. On September 10, 2004, the Zoning Administrator approved an extension for the applicant to a date no later than June 2, 2005. In this case, although an extension letter was written, the applicant was unable to start the construction of the development. Given this, the applicant is again seeking approval of the conditional use permit to increase the height of the building and the site plan review application. It is the intention of the applicant to begin construction of this development this year.

### **CONDITIONAL USE PERMIT**

#### **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 a four-story, 57-foot development will be detrimental to the surrounding area. A conditional use permit was granted to increase the height of Phase I of the Riverview Homes cluster development to 42 feet. Phase II of the development will be 15 feet taller than Phase I. The placement of the building maintains the view corridors to the Mississippi River as called for in the *Above the Falls Plan* and is, for the most part, tucked behind Phase I. The proposed building would be located approximately 60 feet west of the building closest to West River Road North in Phase I.

**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 proposed 57-foot high condominium building should not be injurious to the use and enjoyment of other property in the area nor should it impede on possible future development

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

The additional height of the development should have no affect on area utilities, access roads, drainage or other facilities.

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

The additional height of the development should have no affect on the traffic congestion in the area.

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

The site is located in a light-industrial area. According to the Principles and Polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development of residential dwellings of appropriate form and density (Policy 9.5).
- Encourage new development to use human scale design features and incorporate sunlight, privacy and view elements into building and site designs (Policy 9.16).
- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Constructing a 4-story, 57-foot high building on the site would be in conformance with the policies of the comprehensive plan. The proposed building will compliment Phase I of the cluster development. The placement of the building is such that it is, for the most part, tucked behind Phase I. Phase II will be 15 feet taller than Phase I.

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

With the approval of the conditional use permit to increase the height of the development and the site plan review this development will meet the requirements of the Minneapolis Zoning Code.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

**1. Access to light and air of surrounding properties.**

Increasing the height of the proposed building should have minimal impact on the amount of light and air that the surrounding properties receive as the closest building in Phase I is approximately 20 feet from the proposed building.

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

Staff believes that some shadowing will occur on the Phase I townhomes during the late afternoon and early evening due to the location of the proposed building. However, staff does not believe that any shadowing will occur on the adjacent public park as it is located on the northeast side of the townhomes, which is over 180 feet away from the condominium building.

**3. The scale and character of surrounding uses.**

Phase I of the cluster development is 3 stories tall. Phase II will be 15 feet taller than this phase. Most of the industrial buildings west of the site are one and two stories, however there is a former factory building located to the west of the site that is four stories tall.

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

Significant open spaces, bodies of water and landmark buildings do exist at the site. The Minneapolis skyline is visible from the site as well as the Mississippi River. The *Above The Falls Plan* calls for a view corridor at this site. The developer has maintained the view corridor as outlined in the plan.

**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 DEPARTMENT RESPONSE:**

- This development is the second phase of a previously approved cluster development. Phase I consists of 29 attached townhomes located in 5 separate buildings. There is a series of private drives that circle both of the phases which provide vehicular access through the development. Given the private drive configuration, the building is setback between 92 and 112 feet from the cul-de-sac at the north end of West River Road North. The Planning Division is recommending that the commission grant alternative compliance to this provision. Between the building and the street there is a segment of the private drive and landscaping.
- The principal entrance to the building faces the private drive on the south side of the site. The Planning Division is recommending that the commission grant alternative compliance to this provision. The dwelling units located on the first floor of the building each have their own entrances which are accessible from ground level. The principal entrance is setback approximately 290 feet from the front property line.
- All of the required parking for the development is located in one level of enclosed parking beneath the building. Along the private drive the applicant is proposing to have parallel parking spaces for guests. These parking spaces would be similar to how street parking functions throughout the city on public streets.
- The exterior materials of the principal structure will be brick, EFIS and/or stucco and corrugated metal panels. All four sides of the building will be compatible with one another.
- There are portions of the east, north and west walls of the building that are over 25 feet in length and blank. The Planning Division is recommending that the applicant design these walls to include windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building walls facing West River Road North and the parking areas on the south and west sides of the building are required to be windows.
  - West River Road North: The percentage of windows on the first floor of the building is 27 percent and the percentage of windows on the second through fourth floors of the building ranges between 9 and 21 percent. It is the second floor of the building that only has 9 percent windows. The Planning Division is recommending that additional windows be added to this floor of the building so the minimum percentage is 10 percent. For purposes of calculating the window percentage on this side of the building, the Planning Division used only that portion of the building closest to West River Road North.
  - South wall: the percentage of windows on the first floor of the building is 39 percent and the percentage of windows on the second through fourth floors of the building ranges between 32 and 35 percent.

- West wall: the percentage of windows on the first floor of the building is 28 percent and the percentage of windows on the second through fourth floors of the building ranges between 21 and 27 percent.
- The roof line of the building will be flat. This roofline is similar to the roofline found on some of the townhomes in Phase I of the cluster development. Although some of the townhomes have pitched roof lines, the varying rooflines provide visual interest in the development.

**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 DEPARTMENT RESPONSE:**

- The principal entrance is connected to a walkway that allows one to walk around the entire perimeter of the building. There is no public sidewalk that runs along West River Road North. If in the future a public sidewalk is constructed along West River Road North, the Planning Division is recommending that the walkway be connected to the public sidewalk.
- There are no transit shelters on or adjacent to the site.
- All of the required parking for the development is located in one level of enclosed parking beneath the building. The parking area is accessed off of the private drive on the west side of the building. Along the private drive the applicant is proposing to have parallel parking spaces for guests. These parking spaces would be similar to how street parking functions throughout the city on public streets.
- Twenty-seven percent of the site is impervious. The impervious surface and landscaping requirements for this site are 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 DEPARTMENT 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 77,480 square feet. The footprint of the buildings is 23,006 square feet. When you subtract the footprint from the lot size the resulting number is 54,474 square feet. Twenty percent of this number is 10,895 square feet. The applicant has a total of 21,190 square feet of landscaping, or 39 percent of the site.
- The zoning code requires at least 1 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 22 and 109 respectfully. The applicant is providing a total of 33 canopy trees, 4 evergreen trees and 445 shrubs.
- 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 located within the interior of a parking lot must have a minimum width of 7 feet in any direction. Along the private drive the applicant is proposing to have parallel parking spaces for guests. These parking spaces would be similar to how street parking functions throughout the city on public streets. However, because these parking spaces are on private property they are considered to be located in a parking lot. All of the parking spaces are located within 50 feet an on-site deciduous tree and there are no tree islands located within the interior of the parking lot.
- At this time, the applicant is not proposing to install any fences on the site.

**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 DEPARTMENT RESPONSE:**

- Stormwater runoff will be drained to the green space on the property.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- 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 be in compliance with the CPTED guidelines, the landscaping plan should maintain a “window” into the site between 3 and 7 feet and proper lighting should be located over all building entrances and exits.
- This site is neither historic 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:** Residential uses are not an allowed use in the industrial districts. However, residential uses are a conditional use in the industrial districts when the site is also zoned II Industrial Living Overlay District (ILOD).

- **Off-Street Parking and Loading:** The zoning code requires 1 parking space per dwelling unit in the ILOD, resulting in a requirement of 59 spaces for a 59-unit building. The applicant proposes to have 94 parking spaces beneath the building and 26 visitor parking spaces on site.
- **Maximum Floor Area:** The maximum FAR in the I2 District is 2.7. The lot in question is 77,480 square feet in area. The applicant proposes 94,623 square feet of gross floor area, an FAR of 1.22.
- **Building Height:** Building height in the ILOD for cluster developments is limited to 2.5 stories or 56 feet, whichever is less. The applicant is applying for a conditional use permit to increase the height of the building to 4 stories or 57 feet.
- **Minimum Lot Area:** The ILOD requires not less than 900 square feet of lot area per dwelling unit. With 59 proposed dwelling units on a lot of 77,480 square feet, the applicant proposes approximately 1,313 square feet of lot area per dwelling unit.
- **Yard Requirements:** In a cluster development, yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. In addition, principal buildings within the cluster development must maintain a 10-foot distance between them. All required yards are being met.
- **Specific Development Standards:** There are specific development standards for cluster developments.
  - Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.
    - Phase I of the cluster development has been constructed and is occupied. The site plan that was provided for this application details the remaining information.
  - All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.
    - As part of Phase I, the site was replatted.
  - The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.
    - See above.

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- Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.
- See above.
- Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.
- In Phase I, 15 percent of the site is green space. In Phase II, 39 percent of the site is proposed to be green space. With this amount of green space, the requirement of providing at least 20 percent green space in a cluster development is being met.
- To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.
- See above.
- An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.
- The area between Phase I and Phase II is landscaped. The properties to the south of the site are owned by the applicant. The applicant is working on designing Phases III and IV which would be located on these properties.

- Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.
  - Not applicable.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to Chapter 543 of the Zoning Code. The applicant proposes no signage at this time.
- **Refuse storage:** The applicant is proposing to have a dumpster located inside the parking garage.

**MINNEAPOLIS PLAN:**

The site is located in a light-industrial area. West Broadway Avenue, which is located two blocks south of this site, is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote design solutions for automobile parking facilities that reflect the principles of traditional urban form (Policy 9.12).
- Encourage new development to use human scale design features and incorporate sunlight, privacy and view elements into building and site designs (Policy 9.16).

The applicant is proposing to construct a four-story, 59-unit for-sale condominium development on the site. The site is located to the south of the Riverview Homes Phase I development which was recently completed and is now occupied by home owners. These two projects combined make up a cluster development. The design and layout of the buildings, the private driveways, the common green space areas and the visitor parking areas not only reflect principles of traditional urban form but also make both phases of this cluster development truly for one cohesive development.

**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 DEPARTMENT RESPONSE:**

- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the building to be setback between 92 and 112 feet from the front property line. Given the location of the buildings in Phase I and the layout of the private drive the building could not be located any closer to the front property line.
- The Planning Division is recommending that the commission grant alternative compliance to allow the principal entrance to face the private drive on the south side of the site. The location of building 1 in Phase I is meant to be the front building within the cluster development. Both of the dwelling units in this building have an entrance that faces the street.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of Phase II of the Riverview Homes cluster development from the permitted 2.5 stories (or 35 feet) to 4 stories (or 57 feet) that is located in the I2 zoning district with the Industrial Living, Mississippi River and Shoreland Overlay Districts.

**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 59-unit condominium development located at 2313 West River Road North subject to the following conditions:

1. The applicant shall design the east, north and west walls of the building so there are no blank, interrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements as required by section 530.120 of the zoning code.
2. Windows shall be added to the second floor of the building that faces West River Road North so the minimum percentage is 10 percent as required by section 530.120 of the zoning code.
3. If in the future a public sidewalk is constructed along West River Road North, the applicant shall connect the walkway to the public sidewalk as required by section 530.130 of the zoning code.
4. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.

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5. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
6. All site improvements shall be completed by July 18, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use
2. June 9, 2005, letter to Council Member Samuels and the Hawthorne Avenue Community Council
3. Letters from surrounding property owners
4. Zoning Map
5. Site plan, floor plans and elevations
6. Photographs of the site and surrounding area