

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit for a Planned Unit Development, Variances,
Site Plan Review & Plat
BZZ – 2699 & PL – 183

Date: November 14, 2005

Applicant: KK-Five Corporation

Address of Property: 3601-3609 East 43rd Street & 4360 Snelling Avenue

Project Name: Hiawatha Flats

Contact Person and Phone: John Bell, (612) 374-8282

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: October 21, 2005

End of 60-Day Decision Period: December 20, 2005

End of 120-Day Decision Period: On November 7, 2005, staff sent the applicant a letter extending the decision period no later than February 18, 2006.

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: I1 and R1A with the PO Overlay District

Proposed Zoning: R5

Zoning Plate Number: 34

Legal Description: See attached

Proposed Use: Planned unit development to allow two residential buildings with a total of 233 dwelling units.

Concurrent Review:

Rezoning: petition to rezone the properties of 3601-3609 East 43rd Street from I1 to R5.

Rezoning: petition to rezone the property of 4360 Snelling Avenue from R1A to R5.

Conditional use permit: to allow a Planned Residential Development with 233 dwelling units.

Variance: The application to reduce the interior side yard setback requirement from 15 feet to 4 feet to allow a drive aisle for a parking area has been **withdrawn** by the applicant.

Site plan review.

Preliminary Plat.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; 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(2) “to vary the lot area or lot width requirements up to thirty percent...”; Chapter 527; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct two multifamily residential buildings with a total of 233 rental units as part of a planned residential development. The site is located between a low density residential area and an industrial area one block east of Hiawatha Avenue. Five single-family dwellings also exist on the block with the subject site. The development would occur in two phases. The building identified as “Building B” on the attached plans would be established in the first phase of construction. It would be located on the West side of the property adjacent to the Soo Line railroad and powerline corridor. Spanning the length of the property, it would have facades on both 43rd and 44th Streets East. One hundred sixty seven (167) dwelling units would occupy the building. Tenant spaces for two or three nonresidential uses are also incorporated into the ground floor adjacent to the streets. No residential uses are proposed on the ground floor. The height of this proposed building varies between two and six stories. Parking for the building would occur in two fully enclosed levels. One level would be at grade and the other would be below grade. Phase II of the project, identified as “Building A” on the attached plans, is located on the East side of the property facing 43rd Street and Snelling Avenue. Low density residential uses exist to the South adjacent to the property and across the street from the proposed building. Sixty-six (66) units would occupy this 3-story building with below grade parking. The development plan also includes surface parking with 42 spaces. All required parking for the residential uses would be enclosed. Another aspect of the development would be creating an outlot at the property of 4360 Snelling Avenue. This property is located on the Northwest corner of Snelling Avenue and 44th Street East and is separated from the rest of the development by an alley. The outlot would be fully landscaped and available for the use of the tenants of the development. In order to develop the land with a building structure or parking facility, the outlot must be replatted.

The applicant seeks to rezone the subject properties to the R5 Multiple Family Residence District for the purpose of establishing a planned residential development (PRD) with 233 dwelling units. A PRD is a conditional use in the R5 district. A site plan review and a plat are also required to establish the PRD. The applicant has withdrawn the variance request to reduce the interior side yard requirement by removing the five spaces with a drive aisle that would project into the required yard. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.

Correspondence from the Longfellow Community Council was received and is attached to this report. Other correspondence is also attached. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the properties of 3601-3609 East 43rd Street & 4360 Snelling Avenue from I1 and R1A to R5.

Findings As Required By The Minneapolis Zoning Code:

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

The properties are located within a half mile radius from the 46th Street Transit Station area (TSA). They are also one block from Minnehaha Avenue, which is a community corridor, and one-half block from Hiawatha Avenue, a state highway. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Steps

Use both infill development and new development opportunities to increase housing in the city.

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Develop an approach to residential development which combines housing form and housing density; for example, medium density residential development may be a townhouse development as well as a high-rise structure, while an attached dwelling form may result in a low density development or a medium density development.

Ensure that new development projects incorporate a mix of housing types and affordability levels to reach a range of housing submarkets.

9.36 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

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Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

The site is also located within the boundaries of the 46th and Hiawatha Station Area Master Plan adopted by the City Council in 2001. In this plan, the site is in an area designated for general multifamily residential. The plan encourages transit-oriented design (TOD) and recognizes that existing zoning districts can preclude TOD possibilities. The plan calls for embracing a denser town center concept in the TSA. A town center concept includes increasing residential density with a variety of housing types.

Staff comment: A rezoning of these properties to a residential district would allow the housing population to increase. More housing would likely increase the mix of housing types and affordability levels. The higher density and increased building bulk allowed by the R5 district would be appropriate within a TSA and with close proximity to a community corridor. A limited number and type of nonresidential uses could be established with the approval of a PUD. These properties are also within the PO Overlay District, which reinforces elements of TOD. The R5 zoning with the existing PO Overlay should be consistent with the policies of the comprehensive plan.

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

An amendment of the zoning district from I1 to R5 would allow for the establishment of high density housing. Because of the proximity to a TSA and a community corridor, medium- to high-density residential development is more appropriate use of the land than an industrial use. The amendment is in the public interest and not solely in the interest of the property owner.

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 area to the North, East and Southwest is mostly zoned R1A. Low density residential uses, primarily single-family dwellings, exist in this area. To the Southwest, West and Northwest of the subject property, I1 zoning and industrial uses exist. The Soo Line railroad and powerline corridor are directly adjacent to the West side of the property. The railroad tracks are rarely used. Although the subject property is near industrial properties, they are separated by public streets and the railroad/powerline corridor. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

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.

New or existing industrial uses could continue to occupy the properties of 3601 and 3609 East 43rd Street. A single family dwelling could be established on the property of 4360 Snelling Avenue. However, a planned residential development is proposed for these properties. Because of the proximity to a TSA and a community corridor, medium- to high-density residential development is more appropriate use of the land than an industrial use. Rezoning the R1A property to the R5 district would maintain consistent zoning throughout the planned unit development.

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.

The properties of 3601 and 3609 East 43rd Street have been zoned industrially since 1963. The property of 4360 Snelling Avenue has been R1A since 1963. The 46th Street LRT station was recently established. As a result, more mixed-use and higher density residential development is occurring in the transit station areas.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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 establishment of a planned residential development with 233 dwelling units should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. The applicant also indicated that in the process of converting the site from industrial to residential, low level pollutants in old fill material would be cleaned up. Traffic calming measures, including stop signs and curved driveways, are also proposed in the surface parking area.

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

Provided residents of the development understand that they are living near industrial uses that may involve large truck traffic and other reasonable industrial activity, surrounding industrial uses should continue to operate (and may continue to operate in a legal fashion) without incident. Because of the proximity to a TSA and a community corridor, medium- to high-density residential development is more appropriate use of the land than an industrial use. A multiple family residential development should have little impact to the surrounding low density residential uses. Establishing two or three small nonresidential uses allowed within the development should provide basic goods and services often needed on a day to day basis for the surrounding neighborhood. Existing and future development of uses allowed in the area should not be negatively affected by the proposed development.

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

The site is served by existing infrastructure. Access to the enclosed below grade parking level in Building B would be from 43rd Street East. All other enclosed parking would obtain access from the surface parking area. The surface parking area would have access to both 43rd and 44th Streets East. The Public Works Department will review the project for appropriate drainage and stormwater management.

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

A draft travel demand management (TDM) plan has been reviewed for the planned unit development. The TDM plan indicated that the proposed development would not likely have an adverse impact on traffic on nearby streets and intersections due the sites proximity to alternative modes of transportation. Further, the close proximity of Hiawatha Avenue will help to minimize the amount of traffic on nearby residential streets. Measures the applicant would take include providing bike racks for all units, information about transportation alternatives to people living in the building, and a shared car for residents.

The amount of parking provided in the development exceeds the minimum requirements defined by the zoning code for a mixed use building in the Pedestrian Oriented Overlay District of a transit station area. Two hundred ninety seven (292) spaces would be provided on-site. The minimum requirement for the proposed development is 219 spaces. The PO overlay enforces a lesser parking requirement for uses near a TSA to discourage reliance on SOVs and encourage the use of other transit options. Availability of parking above the minimum requirements may contribute to congestion in the area.

The parking areas comply with the zoning code standards for parking sizes and drive aisle widths. However, a staging area exists adjacent to the garage entrance of Building B that may contribute to congestion on 43rd Street East. The staging area would primarily be used for residents moving into or out of the building. Although the applicant predicts only small to medium sized vehicles and trucks would use the staging area, a maneuvering area is not provided to either back in or out of the staging area. Vehicles would likely have to maneuver into the driveway for the garage access or out into the street. These maneuvers have the potential to

create conflicts with pedestrian and vehicle traffic in the street. The staging area could be located in the interior of the site where it could be accessed from the surface parking area with sufficient off-street maneuvering area and closer proximity to internal elevators. Relocation of the staging area is recommended. The applicant has suggested an alternative to the original site plan that relocates the staging area to the interior of the site and would narrow the driveway access at the North end of the building. The staging area would be next to the maintenance and trash room towards the North side of the building. A truck loading area would also be added. These measures should not contribute to congestion.

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

The properties are located within a half mile radius from the 46th Street Transit Station area (TSA). They are also one block from Minnehaha Avenue, which is a community corridor, and one-half block from Hiawatha Avenue, a state highway. The site is also located within the boundaries of the 46th and Hiawatha Station Area Master Plan adopted by the City Council in 2001. In this plan, the site is in an area designated for general multifamily residential. The plan encourages transit-oriented design (TOD) and recognizes that existing zoning districts can preclude TOD possibilities. The plan calls for embracing a denser town center concept in the TSA. A town center concept includes increasing residential density with a variety of housing types. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Staff comment: The proposed development includes 233 dwelling units. A higher density residential development would be appropriate within a TSA with close proximity to a community corridor.

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Steps

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Staff comment: Building B would have a common residential entrance facing 44rd Street East. Each façade facing the street also has an entrance for the nonresidential tenant spaces. The tallest portion of the building would be six stories. However, the building is stepped back from the street facades. The façade closest to 44th Street would be two stories. The façade closest to 43rd Street would be three stories. The massing of the building is further broken down by a two-story section in the middle of the building. The building should not significantly shadow streets or adjacent properties or block any views.

Building A would be a 3-story building. The height of the façades facing the public streets would be approximately 39 feet above grade. Ground floor units each have private entry access to the street or ground level patios. There would also be a common entrance facing 43rd Street East. Shadowing or blocking of views should not be significant.

9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Steps

Use both infill development and new development opportunities to increase housing in the city.

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Develop an approach to residential development which combines housing form and housing density; for example, medium density residential development may be a townhouse development as well as a high-rise structure, while an attached dwelling form may result in a low density development or a medium density development.

Staff comment: The proposed development includes 233 dwelling units in two buildings. A higher density residential development would be appropriate within a TSA with close proximity to a community corridor. The development would provide rental housing. Unit sizes range from studios to two-bedrooms. The developer has indicated that the units could easily be converted to condominiums.

9.36 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Staff comment: Building B is a mixed use building that includes a few small-scale nonresidential uses that are intended to serve the neighborhood. It is the larger of the two buildings proposed in the development and is located farthest away from the adjacent single-family homes also located on the block.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

The use of the site for a multi-family residential planned unit development will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, site plan review, and plat.

Through the planned unit development, staff is recommending approval of the following exceptions to the standards of the zoning code.

Signs:

Section 527.170 authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs, in planned unit developments. Residential uses in residential districts are governed by Table 543-1 of the zoning code. Standards for signs for PUDs in residential districts are approved through the conditional use permit. The applicant is proposing two monument signs near the two curb cuts that provide access to the surface parking area. These signs would be 45 square feet in area and 4.5 feet tall. Three smaller monument signs would also be located on the interior of the site near common building entrances. No other exterior signage is proposed for the residential or nonresidential uses.

Building Height:

The maximum height allowed for a principal structure in the R5 district is four stories or 56 feet, whichever is less. Section 527.140(b) authorizes the Planning Commission to grant exceptions to the building height limitations of a district in planned unit developments. The applicant seeks to increase the height of Building B to 6 stories where the tallest part of the building would be 70.5 feet above grade. The entire building would not be 6 stories. The north portion of the building would be 6 stories and the south portion of the building would be 5 stories.

Off-Street Parking and Loading:

As authorized by 527.180 of the zoning code, the Planning Commission can grant an exception to the requirements of Chapter 541, Off-Street Parking and Loading requirements. The maximum driveway width allowed for a residential use is 25 feet. The applicant is proposing a 45 foot wide driveway at the North end of the property to access the garage and staging area from 43rd Street East.

Additional Uses:

As authorized by 527.200(b) of the zoning code, the Planning Commission can allow small neighborhood serving retail sales and services as allowed in the OR2 or OR3 Districts, child care centers, offices and clinics as part of a PRD. The applicant is proposing up to three of these uses.

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Exceptions to the above zoning regulations may be authorized only upon the Planning Commission finding that the PUD includes adequate site amenities to address any adverse effects of the exception. Amenities proposed by the applicant include enclosing all required parking, providing an open, landscaped area on the property of 4360 Snelling Avenue, landscaping that exceeds the minimum requirements of the site plan review chapter, and quality materials on all building facades. There would likely not be any adverse effects of allowing the signs, increasing the building height, or adding additional uses.

The proposed height of Building B would be six stories and 70.5 feet at its tallest point. The massing and scale of the building directly adjacent to the low density residential uses in the neighborhood would not be compatible. However, the building would be located on the West side of the property farthest away from those uses. Adjacent properties access to air and light should not be significantly affected. The applicant provided a shadow study of the building. Shadowing of the adjacent properties should only occur in the early morning or late evening hours. The stepped back building portion of the North and South facades should be compatible with the surrounding residential uses and structures that are one to two stories in height. Industrial uses and the railroad/powerline corridor border the property to the West. The closest industrial building to the property is a large one-story warehouse building. Large grain elevators are also nearby. The scale and massing of the building is compatible with adjacent industrial uses and buildings. The building should not impede any views.

The applicant is proposing up to three nonresidential uses. They would be located at the North and South end of Building B on the ground floor. They would also be less than 7 percent of the footprint. Residents of the development or residents in the surrounding area could easily walk to these uses. Furthermore, any neighborhood serving retail sales and services uses are subject to the following standards:

- (1) Neighborhood serving retail sales and services shall be limited to the following uses:
 - a. Barber shop/beauty salon.
 - b. Bookstore, new or used.
 - c. Coffee shop, with limited entertainment, maximum thirty (30) seats.
 - d. Drug store.
 - e. Dry cleaning pickup station.
 - f. Florist.
 - g. Grocery store.
 - h. Hardware store.
 - i. Restaurant, sit down or delicatessen, with limited entertainment, provided no alcoholic beverages, maximum thirty (30) seats.
 - j. Self service laundry.
- (2) The maximum size of neighborhood serving retail sales and services uses shall be two thousand (2,000) square feet of gross floor area.

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- (3) All neighborhood serving retail sales and services shall be located on the ground floor of a mixed use building of at least two (2) stories, with no more than two (2) such retail sales and services uses on a single zoning lot.
- (4) Drive-through facilities shall be prohibited.
- (5) Wholesale and off-premise sales shall be prohibited.
- (6) The minimum floor area of the structure in which the neighborhood serving retail sales and service use is located shall be twenty thousand (20,000) square feet.

The proposed nonresidential uses would comply with the required standards for additional uses in a PRD.

The increased width of the driveway could have an adverse affect by contributing to traffic congestion. The placement of the staging area and the garage entrance side by side creates the need for the wide driveway. The staging area would primarily be used for residents moving into or out of the building. Although the applicant predicts only small to medium sized vehicles and trucks would use the staging area, a maneuvering area is not provided to either back in or out of the staging area. Vehicles would likely have to maneuver into the driveway for the garage access or out into the street. These maneuvers have the potential to create conflicts with both vehicles entering and exiting the garage and pedestrian and vehicle traffic in the street. The staging area could be located in the interior of the site where it could be accessed from the surface parking area with sufficient off-street maneuvering area and closer proximity to internal elevators. Relocation of the staging area along with narrowing the driveway to 25 feet or less is recommended.

In response to staffs concerns about the location of the staging area, the applicant has suggested an alternative (see attached plan) to the original site plan that relocates the staging area to the interior of the site and would narrow the driveway access at the North end of the building. The staging area would be next to the maintenance and trash room towards the North side of the building. A truck loading area would also be added. The loading space must comply with the minimum size requirement of 10 feet by 25 feet for a small loading space. Also, the driveway connecting to the staging area must comply with the maximum width requirement of 25 feet for a driveway. These measures should not contribute to congestion and should be more appropriate for the development.

Staff recommends that the Commission grant approval of the exceptions to allow five ground signs, to increase the maximum height of the building to 6-stories and 70.5 feet, and to allow up to three nonresidential uses. Staff recommends that an exception should not be granted by the Commission for the driveway width, and should condition that the staging area be relocated to the interior of the site and limit the driveway width to a maximum of 25 feet.

Additional Findings Required For Planned Unit Developments:

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

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

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

The development would primarily be residential with 233 rental units in two buildings. Unit sizes range from studios to two-bedrooms. Provided residents of the development understand that they are living near industrial uses that may involve large truck traffic and other reasonable industrial activity, surrounding industrial uses should continue to operate (and may continue to operate in a legal fashion) without incident.

Building B would have a common residential entrance facing 44rd Street East. Each façade facing the street also has an entrance for the nonresidential tenant spaces. Up to three small nonresidential uses would occupy the ground level adjacent to the public streets. The nonresidential uses would likely serve the residents of the development and the surrounding neighborhood. This building is the larger of the two buildings. It would be located farthest from the adjacent single-family dwellings. Building A would be a 3-story building, which should have little impact on the adjacent low density residential uses. Ground floor units each have private entry access to the street or ground level patios. There would also be a common entrance facing 43rd Street East. Both buildings comply with all yard setback requirements.

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

A draft Travel Demand Management (TDM) Plan for the planned unit development has been reviewed. Vehicle access to the off-street parking areas would take place from a curb access on 44th Street East and two on 43rd Street East. The TDM plan indicated that the proposed development would not likely have an adverse impact on traffic on nearby streets and intersections due the sites proximity to alternative modes of transportation. Measures the applicant would take to minimize congestion include providing bike racks for all units, information about transportation alternatives to people living in the building, and a shared car for residents.

The amount of parking provided in the development exceeds the minimum requirements defined by the zoning code for a mixed use building in the Pedestrian Oriented Overlay District of a transit station area. Two hundred ninety two (292) spaces would be provided on-site. The minimum requirement for the proposed development is 219 spaces. The PO overlay enforces a lesser parking requirement for uses near a TSA to discourage reliance on SOVs and encourage the use of other transit options. Availability of parking above the minimum requirements may contribute to congestion in the area.

Pedestrian access to the site would be appropriate insofar as pedestrians could easily access the common entrances from the public sidewalks and walkways within the development. The project is located two blocks from the 46th Street LRT station. Also, six bus routes are nearby. Several bike routes are in the area as well. In compliance with the PO overlay district requirements, the applicant would offer secure indoor bicycle storage for residents. Outdoor bicycle parking would also be provided for the nonresidential uses as required.

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

The existing conditions of the property includes very little pervious surface or landscaping. The existing structures are not historic. The applicant proposes a large open area in the interior of the site and a landscaped area on the property of 4360 Snelling Avenue. The interior open space includes such amenities as an in-ground pool and landscaping. Additional landscaping and open spaces are provided in the required yards around the perimeter of the development. Complying with the yard requirements should improve the compatibility between low density and higher density residential uses.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

Building A: Building A would be three story, L-shaped building facing both Snelling Avenue and 43rd Street East. The uses closest to this building are mostly one- to two-story single family dwellings. The building would comply with all yard requirements and should not significantly block any views of the adjacent residences. The building would have a number of elements that could increase the compatibility with the surrounding low density residential neighborhood. The proposed exterior façade materials are primarily brick. All units have a balcony, porch or patio. Ground floor units facing a street have separate entrances and walkways connecting to the sidewalk. These elements may give the appearance of smaller sections in the 66 unit building.

Building B: Building B is the larger of the two buildings. It spans almost the full length of the property between 43rd and 44th Street East. The total length of the building is approximately 620 feet. The applicant is proposing different sections to break down the massing of the building. The North section is the tallest portion of the building at 6 stories. The South section would be 5 stories. They are connected by a 2-story link. The applicant also incorporated other elements and details into the facades to break them into smaller identifiable sections. At the façade closest to 44th Street, the building height would be 2 stories and step back to 5 stories. Likewise, the façade closest to 43rd Street would be 3 stories and step back to 6 stories. The 6-story section is set back

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approximately 39 feet from the street at its closest point. The primary exterior material would be brick with stucco accents.

The massing and scale of the building directly adjacent to the low density residential uses in the neighborhood would not be compatible. However, the building would be located on the West side of the property farthest away from those uses. The stepped back building portion of the North and South facades should be compatible with the surrounding residential uses and structures. Industrial uses and the railroad/powerline corridor border the property to the West. The closest industrial building to the property is a large one-story warehouse building. Large grain elevators are also nearby. The scale and massing of the building is compatible with adjacent industrial uses and buildings. The building should not impede any views.

Parking Areas: The majority of the parking provided would be enclosed. The surface parking would be located in the interior of the site between the two buildings. Landscaping, screening and part of the alley would separate the parking area from the adjacent residences. The design and location of the surface parking should be compatible with the uses in the development and surrounding uses.

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

The Public Works Department has not indicated concerns about the capacity of the public infrastructure in relation to this project. A stormwater management plan is required for the project, which will be reviewed by the Public Works Department.

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

Please refer to the preliminary plat section of this report.

VARIANCE: The applicant has withdrawn the request for a variance to reduce the interior side yard setback requirement from 15 feet to 4 feet to allow a drive aisle for a parking area and will remove the five parking spaces that created the need for the variance.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- 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

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each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

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.

Conformance with above requirements:

The building would contribute to a street wall along 43rd and 44th Streets East and Snelling Avenue. Natural surveillance and pedestrian access to the building would be maximized through a common entrance along 44th Street for Building B and from 43rd Street for Building A. Building A also includes individual entrances to ground floor units provided via walkways located in the landscaped yards. Upper level units would also have balconies facing the street. A nonresidential tenant space with a principal entrance facing 43rd Street would exist in Building B.

The buildings are set back between 15 and 24 feet to comply with the front yard requirements of the district. Landscaping would be located between the building and each front lot line. The area between Building B and 44th Street East also includes a patio.

Each building would have a principal common entrance facing the front lot line.

The majority of the on-site parking would be enclosed within the buildings. The surface parking is located to the interior of the site.

The building would include sufficient architectural detail and would make generous use of windows to avoid large blank walls. The exception, however, is the parking garage level of Building B that faces the West interior property line, which includes a blank wall offering little or no visual interest or architectural relief. Some recession and projection of the façade is proposed with windows placed widely apart. Staff is recommending that no blank or uninterrupted portion of the West wall of the parking garage shall exceed 25 feet in length.

To break up the large massing of Building B, the applicant has proposed a building with multiple height levels. It spans almost the full length of the property between 43rd and 44th Street East. The total length of the building is approximately 620 feet. The applicant is proposing different sections to break down the massing of the building. The North section is the tallest portion of the building at 6 stories. The South section would be 5 stories. They are connected by a 2-story link. The applicant also incorporated other elements and details into the facades to break them into smaller identifiable sections. At the façade closest to 44th Street, the building height would be 2 stories and step back to 5 stories. Likewise, the façade closest to 43rd Street would be 3 stories and step back to 6 stories. The 6-story section is set back approximately 39 feet from the street at its closest point.

The primary exterior materials would be brick on all façades of both buildings.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance of Building A would be clearly defined by a unique entrance canopy and a taller parapet. The principal entrance of Building B would be clearly defined with brick pillars, a canopy and recession into the front façade. Windows would exceed 20 percent of the first floor façade facing the street or parking area for both buildings. On the other floors facing the street or parking area, windows would exceed 10 percent. All windows would be vertical in proportion and evenly distributed.

A flat roof is proposed on both buildings, which is similar to surrounding industrial buildings.

The ground floor level of parking in Building B does not occupy more than 70 percent of the North façade. A nonresidential tenant space occupies approximately half of the first floor façade on 43rd Street.

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.

Conformance with above requirements:

Walkways are proposed from the public sidewalk or parking areas to the building entrances.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access to the enclosed below grade parking level in Building B would be from 43rd Street East. All other enclosed parking would obtain access from the surface parking area. The surface parking area would have access to both 43rd and 44th Streets East. The access locations should have little affect on surrounding residential uses. A staging area exists adjacent to the garage entrance of Building B that may contribute to pedestrian conflicts on 43rd Street East. A maneuvering area is not provided to either back in or out of the staging area. Vehicles would likely have to maneuver into the driveway for the garage access or out into the street. These maneuvers have the potential to create conflicts with pedestrian and vehicle traffic in the street. The applicant submitted an alternative proposal to relocate the staging area to the interior of the site. The interior location should minimize conflicts with pedestrians.

Traffic flow should not negatively affect residential properties in the area. No alley access is proposed.

The amount of impervious surface would be reduced on the property with the proposed development. The development complies with the maximum impervious surface requirements of the R5 district. Permeable pavers are also proposed for the fire access lanes on the West side of the site.

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.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 181,382 square feet. The building footprints would be approximately 76,962 square feet. The lot area minus the building footprints therefore consists of approximately 104,420 square feet. At least 20 percent of the net site area (20,884 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 53,326 square feet, which far exceeds the minimum requirement.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 22 and 209 respectfully. The applicant is providing 87 trees and 639 shrubs as well as other perennials.

A six foot high wood fence is proposed between the parking area and the adjacent single family dwellings. Although the parking spaces and loading space would be more than 50 feet from the adjacent streets, landscaping screens those spaces from view.

The parking area would be more than 7 feet from any street or adjacent residential property. All yards are landscaped.

All surface parking spaces are within 50 feet of an on-site deciduous tree.

Turf would cover all areas that are not paved or landscaped.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- 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.

Conformance with above requirements:

Continuous six inch by six inch concrete curbing is proposed around the surface parking area. The applicant has indicated that nearly all of the exterior parking and driveway runoff would drain into a Stormtech chamber system. Retention would also occur in a surface collection and infiltration area to the East of the parking area.

Lighting proposed for the development must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The parking area would be properly screened to prevent headlight glare onto avoid headlights shining onto adjacent properties.

The buildings should not block or impede the views of any important elements of the city.

Building A should not significantly shadow any streets or adjacent properties. Because building B is stepped back from the adjacent streets and is located on the side of the property furthest from adjacent residences, shadowing should not be significant as well.

Wind currents should not be major concern.

The applicant has proposed several features to clearly delineating private versus public spaces. A fence is proposed around the patio area at the South end of Building B. The driveway to the parking area is curved as a traffic calming measure. Stop signs are also proposed.

The existing buildings do not have any historic significance.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The applicant is requesting to rezone the properties to the R5 district. These properties are currently within the PO Overlay District. The R5 district requires a conditional use permit for multiple family dwellings with more than 4 units.

Parking and Loading: The zoning code generally requires one off-street parking space per dwelling unit. However, the PO overlay district requires only 90 percent of the number specified as the minimum parking requirements in Chapter 541. In this case, the minimum parking requirement for 233 dwelling units would be 210 spaces. Likewise, three nonresidential tenant spaces proposed would require 12 spaces as defined by Chapter 541. The PO overlay district requires only 75 percent of that number or 9 spaces. The total minimum parking requirement would be 219 spaces. The applicant proposes 292 spaces.

Bike Parking: The PO overlay district requires a minimum of one secured bicycle parking space for each dwelling unit in a multi-family residential use. Each space must be enclosed and secured or supervised to provide protection for each bicycle from theft, vandalism and weather. The PO overlay district also requires bike spaces to be provided for nonresidential uses at a minimum of 2 bike spaces per use. The minimum number of enclosed bike spaces that must be provided for the residences is 233 spaces. For the nonresidential uses, 6 bike spaces must be provided. Bike storage rooms as well as outdoor bike racks would be provided throughout the development.

Signs: As noted above, the applicant is proposing five ground signs. Section 527.170 authorizes the Planning Commission to grant exceptions to Chapter 543, On-Premise Signs, in planned unit developments. Staff is recommending approval to allow the proposed signs.

Maximum Floor Area: The lot area, according to the applicant, is 181,382 square feet. The maximum FAR for a PRD in the R5 District is 2.0. The applicant qualifies for a bonus to increase the FAR by providing enclosed parking. This would increase the maximum FAR to 2.6. The buildings would have a total of 286,839 square feet, which is an FAR of 1.58.

Minimum Lot Area: As previously noted, the overall lot has 181,382 square feet. The R5 District requires not less than 900 square feet of lot area per dwelling unit. This would allow 201 dwelling units on the site. Building A would have 66 units and Building B would have 167 units for a total of 233 units. Thus the applicant proposes 778.5 square feet of lot area per dwelling unit.

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The applicant qualifies for a bonus to increase the number of dwelling units by providing enclosed parking, which therefore decreases the minimum amount of lot area per dwelling unit. One density bonus would allow the applicant to construct a total of 261 dwelling units. This would reduce the required lot area per dwelling unit to 695 square feet.

Height: Building height in the R5 district is limited to four stories or 56 feet, whichever is less. The planning commission may grant increases in height through the planned unit development application. Building B would be six stories in height and 70.5 feet. Staff is recommending approval of an exception to the height limitation to allow the proposed six-story building.

Yard Requirements: The minimum front yard requirement along 43rd and 44th Streets East is 15 feet. The minimum front yard requirement along Snelling Avenue is 23.6 feet. The minimum interior side yard requirements along the West, South and East property lines are each 15 feet. Because the applicant withdrew the request for the yard variance to allow a drive aisle, all yard requirements would be met.

Specific Development Standards: None

Hours of Operation: Residential uses are not governed by maximum hours of operation. Hours open to the public of the nonresidential uses must comply with the district requirements:

546.60. Hours open to the public. (a) In general. All uses located in the residence districts, except residential uses and religious institutions, shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Thursday, from 7:00 a.m. to 10:00 p.m.

Friday and Saturday, from 7:00 a.m. to 11:00 p.m.

(b) Extension of hours open to the public. The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impacts of noise, light and traffic.
- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
- (4) History of complaints related to the use.

(c) Operations not open to the public. Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public may occur.

Dumpster screening: Refuse would be stored inside the building.

Screening of mechanical equipment: Landscaping is proposed to screen the mechanical equipment at grade. Mechanical equipment proposed for the development must comply with Chapter 535 screening requirements:

535.70. Screening of mechanical equipment. (a) In general. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:

- (1) Minor equipment not exceeding one (1) foot in height.
- (2) Mechanical equipment accessory to a single or two-family dwelling.
- (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

MINNEAPOLIS PLAN: Please see finding number 5 under the conditional use permit section of this report.

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

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natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the standard to allow blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, that exceed 25 feet in length on the parking garage level that faces the West property line and the railroad/powerline corridor. Some recession and projection of the façade is proposed with windows placed widely apart. The primary material is brick. However, this facade offers little visual interest or architectural relief. The applicant has proposed additional fenestration on the upper floors, where approximately 38 percent of the façade of each floor would be windows. Landscaping including conifers and deciduous trees would also be planted along the West property line to screen the building from the railroad/powerline corridor. The 46th and Hiawatha Station Area Master Plan calls for building a street on the East side of the railroad corridor. If a street were constructed adjacent to the Hiawatha Flats, Building B would have very little street presence with no entrances or active uses, and less than 12 percent fenestration on the West façade of the ground floor. Adding fenestration or other architectural elements would make the façade more compatible with the goals of the 46th and Hiawatha Station Area Master Plan if a new street were built adjacent to the property. Staff is not recommending that the Commission grant alternative compliance.

PRELIMINARY PLAT

Findings as required by the Minneapolis Zoning Code for the preliminary plat:

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning code ordinance and policies of the comprehensive plan.**

The 46th & Hiawatha Station Area Master Plan identifies these properties as appropriate for multi-family residential development. The plat would not create nonconformities related to the zoning regulations of the R5 or PO overlay districts. The land would be divided into three parcels having the following area:

- Lot 1: 111,632 square feet
- Lot 2: 63,985 square feet
- Outlot A: 5,766 square feet

Individual lots within a planned unit development are not required to meet the minimum lot area for the use located on that individual lot provided that the overall lot area of the planned unit development must be sufficient to accommodate all of the uses within the development.

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The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior lot lines. The applicant can request the variance in the application for the final plat or show the easements at that time.

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

The plat should have little impact on the surrounding area.

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

The site is basically level and does not present the other noted hazards. Utility easements are not identified on the preliminary plat. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior lot lines unless the easements are shown on the final plat.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

No changes to the grade are proposed. The site has frontage on public streets.

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

The applicant has indicated that nearly all of the exterior parking and driveway runoff would drain into a Stormtech chamber system. Retention would also occur in a surface collection and infiltration area to the East of the parking area. Less impervious surfaces would cover the site than currently exist. The Public Works Department will review the project for appropriate drainage and stormwater management.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the properties of 3601-3609 East 43rd Street from the I1 district to the R5 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 4360 Snelling Avenue from the R1A district to the R5 district.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit for a Planned Unit Development:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for a planned unit development with 233 dwelling units located at 3601-3609 East 43rd Street & 4360 Snelling Avenue, subject to the following conditions:

1. Relocation of the staging area adjacent to the 43rd Street garage access to the interior of the site.
2. Reduce the 43rd Street driveway width for the enclosed parking to a maximum width of 25 feet.

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

The application for a variance to reduce the interior side yard setback requirement has been **withdrawn**.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a planned unit development with 233 dwelling units located at 3601-3609 East 43rd Street & 4360 Snelling Avenue, subject to the following conditions:

1. Planning Department staff review and approval of the final elevations, site and landscape plans.
2. For phase I of the development, site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 23, 2007, or the permit may be revoked for non-compliance. For phase II of the development, site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 23, 2009, or the permit may be revoked for non-compliance.

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3. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed 25 feet in length on the West wall of the parking garage as required by section 530.120(a) of the zoning code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat for the properties of 3601-3609 East 43rd Street & 4360 Snelling Avenue.

Attachments:

1. Legal Description
2. Zoning code information sheet
3. Preliminary Development Review comments
4. Statement of use and findings
5. Correspondence
6. Zoning map
7. Plans
8. Alternate staging area location plan
9. Photos