Department of Community Planning and Economic Development – Planning Division
Zoning Amendment (Rezoning), Conditional Use Permits, Variances, Site Plan Review
BZZ-2669

Date: November 28, 2005

Applicant: Michael Johnson & Greg Jansma

Address of Property: 800 16th Ave SE

Project Name: 800 16th Ave SE

Contact Person and Phone: Claire Crowe, 350 St. Peter St, Ste. 240, St. Paul MN 55102, 651-203-1166

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: October 7th, 2005

End of 60-Day Decision Period: December 6, 2005

End of 120-Day Decision Period: On November 8, 2005, staff sent a letter extending the decision period to no later than February 4, 2005

Ward: 2 **Neighborhood Organization:** University (adjacent to Marcy Holmes and Southeast Como)

Existing Zoning: I1, Light Industrial District

Zoning Plate Number: 15

Lot area: 21,520 square feet

Proposed Use: 24 dwelling units

Concurrent Review:

- Rezone to ILOD or R5
- Conditional Use Permit to allow 23 new dwelling units and dwelling units in an ILOD
- Conditional Use Permit to allow an increase in maximum building height
- Variance to allow a decrease in the minimum drive aisle width
- Variance to reduce a front and side yard setback from 15 feet to 0 feet if rezoned to R5.
- Site Plan Review

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits; Article IX Variances – Chapter 530 – Chapter 546: Article I General Provisions; Article VIII R5 Multiple-Family

District - Chapter 550: Article I General Provisions; Article II I1 Light Industrial District – Chapter 551: Article IV IL Industrial Living Overlay District.

Background: The applicants have submitted multiple land use applications to convert an existing 3-story (2 floor) light industrial building to a 5-story (4 floor) apartment building. This requires a rezoning application for either an Industrial Living Overlay District (ILOD) or an R5 Multiple-Family Residential District; a conditional use permit to create 23 dwelling units in an ILOD or R5 District; a conditional use permit to allow an increase in the minimum height to add two stories to the existing three story building; a variance to reduce the minimum required drive aisle width; a variance to reduce the front and corner side yard setback from 15 feet to 0 feet (if rezoned to an R5); and a site plan review. The applicants are proposing to add two stories to the top of the building and provide all required parking within the existing building.

The proposed building would contain 23 dwelling units ranging from 658 to 1,608 square feet, and 2 to 5 bedrooms. Six hundred square feet of office space would be provided for property management offices. Twenty six parking stalls are provided in two enclosed garages.

Staff has received a letter from Marcy-Holmes Neighborhood Association stating that the MHNA Board of Directors approve of the project provided that the parking meets the requirements listed int eh MHNA Master Plan (0.5 spaces per bedroom).

ZONING AMENDMENT -

Required Findings for a zoning amendment:

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

ILOD Rezoning

According to *The Minneapolis Plan* land use policy the site is currently denoted as light industrial. However, it is surrounded on three sides (the fourth side faces railroad tracks) by service – commercial land uses, and is nearly adjacent to multi-family housing land uses.

800 16th Ave SE is in an area designated by *The Minneapolis Plan* as a growth center, and as a part of that is considered a major housing site, as well. Chapter 3.3 states that "Minneapolis will create a Growth Center plan for the University of Minnesota/ SEMI area, similar to the Downtown 2010 plan which would guide decisions and investment in the area, recognizing the contributions from existing plans and planning processes." One of the implementation plans for this chapter of the plan is to "promote moderate to high density housing of a variety of affordability levels and supporting commercial uses adjacent to the University of Minnesota." Rezoning 800 16th Ave SE to allow permitted and conditional housing uses would be consistent with this aspect of *The Minneapolis Plan*, and would provide some of the 750 to 2000 dwelling units called for in the housing development component of Chapter 3 for the University of Minnesota area.

Chapter 4.9 of *The Minneapolis Plan* states that "Minneapolis will grow by increasing its supply of housing." Specifically, the City will "support development of new medium- and high-density housing in appropriate locations throughout the City. As a growth center and major housing site, the University of Minnesota area is generally an appropriate location for new housing to be created.

Chapter 4.11 of *The Minneapolis Plan* states that "Minneapolis will improve the availability of housing options for its residents." Implementation steps for Chapter 4.11 include increasing "the variety of housing styles and affordability levels available to prospective buyers and renters;" and providing and maintaining "moderate and high-density residential areas." These policies indicate that a site next to the University of Minnesota would be appropriate for rezoning that would support housing.

Chapters 4.17 and 9.32 of *The Minneapolis Plan* state that "Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city." Implementation steps for Chapter 4.17 include concentrating "new housing development in close proximity to amenities or in locations where value will be sustained over time;" and developing "a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)." The proposed development is adjacent to the University of Minnesota campus and Dinkytown and Southeast Como provide many amenities that will always be supported as long as the University is there. The proposed project would be considered high density.

Chapter 9.17 of *The Minneapolis Plan* states that "Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land." This chapter is supported by the implementation step to "encourage private developers to incorporate CPTED-oriented open spaces in new developments to facilitate the creation of spaces that maximize positive behavior from users." Because the proposed project is not adjacent to other housing and is adjacent to a fenced-off recreation area and railroad tracks, visibility and safety should be a major consideration of rezoning to permit a residential use.

Chapter 9.26 of *The Minneapolis* Plan states that "Minneapolis will prioritize growth in light industrial land uses to increase the tax base and create jobs for city residents." One implementation step for this chapter is to "identify appropriate areas for the retention and expansion of existing industry and the development of new industry in specific industrial and business park opportunity areas." This project is located adjacent to the Southeast Minneapolis Industrial area (SEMI), which has been designated for industrial development and growth. However, the site is separated from SEMI by railroad tracks and is not easily accessible by car or foot. Conversely, the site is easily accessible by car and foot from the neighborhood residential areas located in Marcy Holmes and Southeast Como. Another implementation plan for Chapter 9.26 is to "promote light industrial uses as the preferred use of industrial land, but discourage warehouse or distribution uses in areas where truck traffic will negatively impact residential

neighborhoods." Rezoning to an ILOD would allow for the conditional residential use proposed in this project while retaining the underlying industrial zoning.

R5 Rezoning
Since both an ILOD and an R5 rezoning would be addressed in *The Minneapolis Plan* by policies addressing the appropriateness of the location for residential uses, most of the policies above can be referred to for the R5 rezoning request, as well. If a permitted or conditional residential use is deemed to be appropriate per these policies, the consideration of whether or not ILOD or R5 rezoning is more appropriate remains. Chapter 9.26, reviewed above, speaks to this issue.

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

ILOD Rezoning
The rezoning is in the interest of the applicant as it will allow additional uses at the site. However, the enlivening of an area that is has few human uses and is so close to high-activity areas of the City could be a benefit to public in general. Retaining the underlying I1 zoning would permit a future return to industrial uses on the site if appropriate.

R5 Rezoning
The rezoning is in the interest of the applicant as it will allow additional uses at the site. R5 rezoning would create an isolated pocket of I1 zoning directly to the west of the site. A consistent vision and permitted uses for the area that would best support the public interest is desired.

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.

ILOD Rezoning
The ILOD will retain the underlying industrial zoning and will allow for additional limited retail and residential uses. The site is surrounded to the north and west by I1 zoning, but is separated from the north by railroad tracks. These railroad tracks are live and are extremely close to the building. However, none of the proposed units face the tracks; all are oriented to the other three edges of the building. Laundry, common spaces, and offices are the uses that occupy the side of the building that faces the railroad tracks. The site is surrounded by OR3 zoning to the south and east. A larger section of R5 zoning and some small I1 districts exist just one parcel away from the property to the west. ILOD rezoning would allow for residential uses that are compatible with the OR3 and R5 zoning while retaining the underlying I1 zoning that is consistent to the north and in spots to the west. Discussion about the surrounding uses can be found below.

R5 Rezoning

In addition to the surrounding zoning districts described above, various uses surround the site as well. To the north are railroad tracks, to the south and east is a large University of Minnesota recreation area, and to the west is a medium to high density residential area. Balancing the projects compatibility with surrounding uses that are both industrial and residential in nature is an important factor in this rezoning analysis.

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.

ILOD Rezoning
The site could be used for a variety of light industrial uses that are sensitive to the residential nature of the area. These uses would still be allowed under proposed ILOD zoning.

R5 Rezoning
The site could be used for a variety of light industrial uses that are sensitive to the residential nature of the area. All industrial uses would be prohibited if the site were rezoned to R5.

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.

ILOD Rezoning
The character of this area has not encountered significant changes in the recent past. The high-density housing nature of Dinkytown and the recreational nature of the University's recreation field have been long established. The SEMI area to the northeast has been slowly growing as an industrially focused area, but as mentioned before has little impact on 800 16th Ave SE because of its physical separation (railroad tracks).

R5 Rezoning
Housing has been an issue for some time in the area as a balance is sought between the large need for housing near the University, the short-term nature of many residents, and the identity and stability of the neighborhoods. Additional housing opportunities in the area should consider this balance.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow 23 new dwelling units in an ILOD:

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

There is no evidence that creating 23 new dwelling units will adversely affect the public health, safety, comfort or general welfare. A residential use will increase the human activity on the site, and the scale of the use is not dissimilar from other apartment buildings in the Dinkytown and

Southeast Como neighborhoods. The public health, safety, comfort, and general welfare of potential residents must be considered, however, as the site is adjacent to live railroad tracks and currently has no safe pedestrian access points to the property. Although no proposed units currently face the railroad tracks, staff recommends requiring that no units face the tracks to ensure this doesn't change.

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 light industrial uses permitted by the zoning lot to the west should not have a detrimental affect on the proposed project. Future housing development in the surrounding area, or future (as is planned) redesign of the University of Minnesota's recreational area should not be negatively affected by the proposed project.

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

Utilities would not be affected by the addition of 23 dwelling units to the building. Drainage from the site will be routed out to 8th St. SE. Landscaping around the proposed surface parking lot will reduce the site's total impervious surface. Access roads are currently underdeveloped. Approval of this project should be conditioned upon the City's approval of the creation of new sidewalks, crosswalks, and traffic lanes as indicated in the plans. There are currently no sidewalks along the building and pedestrian access will be a significant need. Without public sidewalks to provide a safe transition from the public right of way to the building itself, the building would not be acceptable as a residential use.

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

The introduction of residential uses on this portion of 8th St SE will increase traffic activity on what was a low impact industrial use. All parking is provided off street and no curb cuts were added to the site. The applicant proposes the use of an existing curb cut off 8th St SE. Because of the dead end nature of both 8th St SE and 16th Ave SE, traffic flow is an important consideration. Street parking has been an issue of great concern in the surrounding neighborhoods and the applicant should work with Public Works to ensure on-street parking, if any, is well posted and enforced.

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

According to other principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

The Minneapolis Plan, Chapter 4.11 states: "Minneapolis will improve the availability of housing options for its residents." One of the implementation plans for this section of the plan is to "promote mixed-income housing development that offers a range of dwelling unit sizes and

levels of affordability." The proposed development at 800 16th Ave SE would be rental housing in an area with a large amount and high need of rental housing.

The Minneapolis Plan, Chapter 9.22 states: "Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth." Housing needs in the University of Minnesota area have always been significant and continue to be. Quality and affordability issues arise in the area frequently. The proposal would certainly add units in an area with great housing needs.

The Minneapolis Plan, Chapter 9.32 states: "Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city." The University of Minnesota is a designated Major Housing Site in *The Minneapolis Plan.* One of the implementation plans for this section is to "Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)." The proposed development at 800 16th Ave SE is considered high-density.

Another implementation plan of Chapter 9.32 is to "promote the development of new housing that is compatible with existing development in the area, as well as to existing historic or older housing stock where appropriate." The re-purposing of industrial buildings into dwelling units allows for the preservation of an existing building with a new and revitalizing use.

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

In addition to the rezoning application, conditional use permits for increasing height and creating 23 new dwelling units, the proposal for 800 16th Ave SE requires a side setback variance, a drive aisle width variance, and must undergo Site Plan Review to be in compliance with the requirements of a Light Industrial District (I1) and an Industrial Living Overlay District (ILOD). Dwellings in the ILOD are subject to zoning code chapter 551.370, which requires a conditional use permit.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow an increase in maximum height from 4 to 5 stories:

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

The existing building is 3 stories, but only two floors high. The existing first floor height is 15 feet, which means that it must be counted as two stories. The proposed additional stories are each less than 14 feet high, resulting in a total building height of four floors, five stories, at a height of 54 feet (below the maximum height of 56 feet). There is no evidence that the

additional height proposed would be detrimental to or endanger the public health, safety, comfort or general welfare.

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.

In this area, surrounded by railroad tracks, a recreation area, and another light industrial building, there is no evident that the proposal would 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.

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

An increase in maximum height would allow for 10 of the 23 proposed units. Staff does not think that the additional units created would have any additional impact on utilities, access roads, drainage, or other facilities than would be created by permitting a residential use within the existing building alone.

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

The two additional stories proposed by the applicant allow for 10 additional units. These units account for 36 additional bedrooms. Traffic concerns in a location where each unit provides one parking space yet might house up to 5 unrelated adults could result in a high demand for on-street parking. Staff recommends denying the applicants request, which would still allow one additional story to be built. Previous analysis of housing near the University of Minnesota has indicated that parking demand is approximately one 0.5 spaces per bedroom. The proposal includes 66 bedrooms which would indicate a need for 33 parking spaces. Chapter 541.170 authorizes the Planning Commission to require additional parking in a CUP based on evidence of increased demand and other factors. Marcy-Holmes Neighborhood Association's approved Master Plan requires 0.5 spaces per bedroom, indicative of the need for increased parking in a neighborhood serving residential needs of the University of Minnesota. Allowing only one additional story (by denying the CUP for an increase in maximum height) would reduce the amount of units to 18, and the number of bedrooms to 48. Based on these findings, staff recommends approval of a reduced number of dwelling units (eighteen).

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

According to other principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

The Minneapolis Plan, Chapter 9.5 states: "Minneapolis will support the development of residential dwellings of appropriate form and density." This section includes the implementation step to "expand the understanding of the role that urban density plays in improving business

markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces." High-density residential uses are common to the area and the site near an activity center and a neighborhood commercial node.

The Minneapolis Plan, Chapter 9.16 states: "Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs." This section includes the implementation step to "Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings." The design and location of the additional height requested by the applicant is such that provides light, privacy and view requirements for the additional units without negatively impacting surrounding buildings. However, most of the proposal's bedrooms have no windows. This is permitted by the Uniform Building Code but most residence's personal space will have no access to sunlight. However, it is important to note that living areas have exceptional access to sunlight and views, and the two existing floors' ceiling heights are quite high.

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

In addition to the rezoning application, conditional use permits for increasing height and creating 23 new dwelling units, the proposal for 800 16th Ave SE requires a side setback variance, a drive aisle width variance, and must undergo Site Plan Review to be in compliance with the requirements of a Light Industrial District (I1) and an Industrial Living Overlay District (ILOD).

<u>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:</u>

(1) Access to light and air of surrounding properties.

The existing building is near only one building and two additional stories would not impact access to light and air of surrounding properties.

(2) Shadowing of residential properties or significant public spaces.

The existing building is near only one building which is to its west. It is possible that in the early morning of the winter months the additional height proposed would shadow the adjacent building, but that building is not currently residential nor would the shadowing be significant.

(3) The scale and character of surrounding uses.

The one adjacent building is just one floor, but is likely more than 14 feet high. The next closest structure is only 2 stories high. Apartment building across 15th Ave SE are four stories or higher.

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

No views should be compromised by the addition of the stories.

<u>VARIANCE –</u> to reduce the required drive aisle width from 22 feet to 10 feet 3 inches and 17 feet wide.

<u>Findings Required by the Minneapolis Zoning Code for the Proposed Variance:</u>

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

   Providing enclosed parking on the site requires working within existing column locations. Without a drive aisle width variance the applicant would not be able to provide the amount of parking required.

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

   The existing structure of the building causes this hardship, which was not created by the applicant. Most uses permitted on the site would be unable to provide the required parking on site without losing valuable green space. Providing parking indoors reduces the impact a residential use will have on the site.

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

   The location of all but one stall allows vehicles to maneuver out of their spots reasonably. The narrowest portion of the drive aisle is only 10 feet 3 inches, but this occurs in line with parking stall lines. Cars backing out have ample space to back out straight past that column, and then turn their car to reach the exit.

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

   There is no evidence that the proposed variance will substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

<u>VARIANCE –</u> to reduce the required front setback from 15 to 0 feet, and to reduce the required corner side setback from 17 to 0 feet (this is only required on the additional stories proposed in an R5 zoning district)

<u>Findings Required by the Minneapolis Zoning Code for the Proposed Variance:</u>

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

The property can be put to a reasonable use under the conditions allowed; without a setback variance (if the property is rezoned R5) additional stories would not be practical.

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

The circumstances leading to the variance request is the desire to build additional stories to a building already located within a required setback (if rezoned to R5). This is unique to the parcel of land, but is a circumstance created by the applicant.

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

The granting of the variance would likely be in keeping with the spirit and intent of the ordinance as the existing building is located on the property line.

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

The variance would allow 10 additional units with 18 additional bedrooms to be created. Given the dead-end nature of the surrounding streets, additional activity could substantially increase the congestion of the public streets.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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 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:

- The footprint of the existing building will not change.
- The existing building sits on the front lot line.
- The north, west, and south building edges sit on the lot line. The east building edge is 152 feet from the property line where the applicant is proposing driveways, landscaping, and a deck.
- The building's principal entrance will be off of 16th Ave SE.
- Enclosed parking provides 1 less parking space than is required. More than 20% of the parking proposed is compact, although 3 spaces currently striped as compact appear to be changeable to standard stalls, which would leave an acceptable percentage of compact stalls.
- The proposed addition does provide sufficient architectural detail on all sides. Although there are no windows proposed on the north elevation of the addition, none are required and exterior trim helps break up the façade with architectural detail.
- Exterior materials proposed are fiber cement board siding and trim. Staff recommends requiring the applicant to use a more compatible exterior material on the addition, preferably masonry.
- The principal entrance is clearly defined with windows and a short setback from the property line.
- The percentage of glass is as follows:
    - West side (façade):
        - Ground floor: (No requirement by the Code because it's an existing condition): 8% provided. New windows will be replaced in existing openings – new window/door openings will be created in the proposed entrance.
        - First floor (No requirement by the Code because it's an existing condition): 15% provided.
        - Second floor (No requirement by the Code because it's an existing condition): 21% provided.
        - Third floor (10% required by the Code): 25% provided.
        - Fourth floor (10% required by the Code: 20% provided.
    - South side (faces 8th St SE):
        - Ground floor: (No requirement by the Code because it's an existing condition): 12% provided.
        - First floor (No requirement by the Code because it's an existing condition): 17% provided.
        - Second Floor (No requirement by the Code because it's an existing condition): 24% provided.
        - Third floor (10% required by the Code: 25% provided.
        - Fourth floor (10% required by the Code: 21% provided.
    - East side:

        - Ground floor (No requirement by the Code because it's an existing condition): 0% provided.
        - First floor (No requirement by the Code because it's an existing condition): 6% provided.
        - Second floor (No requirement by the Code because if faces an interior lot line): 8% provided.
        - Third floor (No requirement by the Code because if faces an interior lot line): 11% provided.
        - Fourth floor (No requirement by the Code because if faces an interior lot line): 9% provided.
    - North side (rear, no minimum percentage required by the Code):
        - Ground floor: 0% provided.
        - First and second floors: 5% provided.
        - Third and fourth floors: 0% provided
- The two additional stories will have a flat roof – the existing building has a flat roof as does the adjacent building to the west.

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:

- The applicant will create new principal entrance that is accessed directly from a proposed, new 7 foot wide sidewalk along the west and south ends of the building.
- There are no transit shelters adjacent to the site.
- Pedestrian access and vehicular access are well separated on the site. A new crosswalk from the southeast to the northeast corners of 16th Ave SE and 8th St SE is proposed.
- Vehicular access to the garage is via a curb cut off 8th St SE.
- No new curb cuts have been proposed.
- All areas not needed for buildings, access, or trash and recycling, will be landscaped.

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:

- The lot area (21,520 sq. ft.) less the building footprint (12,633 sq. ft.) yields a net site of 8,887 sq. ft. The Code requires a minimum of 1,777 sq. ft. of landscaping, 4 trees and 18 shrubs. The total landscaping proposed by the applicant is 2,200 sq. ft. This equals 25% of the net site. The proposed project includes 3 trees and 13 shrubs. Staff recommends requiring the applicant meet the minimum canopy tree requirement. Further, specific tree and shrub species will need to be identified on the final plan and approved by planning staff.
- The proposed plan indicates an existing retaining wall with a new ornamental wrought iron guard rail between the proposed sidewalk and the existing ramp down to the lower level parking.
- There are no outdoor parking areas that require landscaped yards.

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:

- There will not be curbing on the surface driveway. On-site filtration will be encouraged.
- New wall pack directional lighting is proposed in key locations on the building. All new lighting will comply with Chapter 535 of the code.
- There are no adjacent residential properties that would be affected by headlight glare.
- The proposed project would not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The proposed project should not cast substantial shadows or generate significant wind currents at ground level.
- The site design and landscape plan allows views from the public sidewalk into the site.

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

Zoning Code: The proposed use is conditional in the I1 Districts only if the property is rezoned to add the Industrial Living Overlay District.

Off-Street Parking and Loading: The project has 23 dwelling units and a small business office. Total parking requirements are 23 spaces for residents and 4 for business users, or 27 spaces. The applicant is providing ample bicycle parking, which reduces the amount of required parking by one stall, or 26 spaces. The proposal includes 26 spaces, but one is not practicable for vehicle maneuvering. Therefore the applicant is short of the parking requirement by one stall. In addition, 6 motorcycle spaces are provided.

Only 20%, or 5 parking stalls may be compact per the zoning code. The applicant's proposal shows 7 compact stalls, but one is the stall that must be eliminated. Of the six remaining, three appear to be able to meet standard requirements if lengthened. They are located on the east end of the lower level garage. Lengthening these stalls might hamper access to bike racks located in the corner, but alternative methods of access seem possible. Finally, a van accessible handicap space is not provided. Such a stall must be at least 8 feet 6 inches wide with a loading space at least 8 feet wide adjacent. Such a stall cannot be in

an enclosed parking garage with less than 6 feet 6 inches of vertical clearance. Such a stall must be shown on the final site plan.

As noted in the findings for a CUP for 23 dwelling units, staff recommends requiring additional parking based on increased need in a neighborhood serving University of Minnesota residential needs. Based on approving a reduced number of dwelling units as recommended by staff, not only would the existing parking proposal meet zoning requirements (18 for dwelling units, 4 for offices would equal 22 required spaces). Furthermore, the 21 usable parking stalls proposed by the applicant (minus the 4 required office spaces) would allow for 0.4 parking spaces per bedroom, a ratio that staff would be comfortable with.

Maximum Floor Area: The maximum floor area ratio (FAR) in the I1 district is 2.7. The lot in question is 21,520 sq. ft. and the project has a gross floor area of 50,532 sq. ft., which equals an FAR of 2.3.

The maximum FAR in the R5 district is 2.0. A density bonus for providing all parking enclosed on-site would allow for an FAR of 2.4.

Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. See conditional use permit findings for additional information. The project as proposed would be 54 feet high. However, the applicant has requested a conditional use permit to increase the maximum number of stories from four to five (based on the fact that one of the floors exceeds the maximum permitted height of an individual story).

Minimum Lot Area: The minimum lot area in both an ILOD and R5 district is 900 sq. ft. of lot area per dwelling unit. A lot area of 21,520 sq. ft. would allow for 23 dwelling units.

Yard Requirements: The ILOD has no setback requirements. Although yards are required where residential windows face an interior side or rear lot line, this condition only occurs on the east elevation and comfortably meets rear yard setback requirements. An R5 district would include the following yard requirements for this five-story project:

- West side (front): 15 ft.
- East side (rear): 15 ft.
- South side (corner side): 17 ft.
- North side (interior): 15 ft.

Subject to the approval of the west and south side yard variances and a rezoning to R5, the project will conform to the requirements of the Code.

Specific Development Standards: N/A

Hours of Operation: N/A

Signs: If the project includes a sign, it will conform to the Code. None are proposed at this time.

Refuse storage: All storage of refuse and recyclable materials will be in an enclosed 8 by 5 by 6 feet high wood dumpster enclosure on site. This location is next to the east side of the of the building at the north end.

***Minneapolis Plan*:** Refer to 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 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.**

Conformance: There is no need for alternative compliance. The application meets all applicable provisions of the Zoning Code (subject to the approval of the yard and drive aisle variances).

RECOMMENDATION:

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 **return** the application for a rezoning from the I1 District to the R5 District and **approve** the application for a rezoning to add an Industrial Living Overlay District at 800 16th Ave SE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow 23 dwelling units:

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 for up to 18 dwelling units at 800 16th Ave SE, subject to the following conditions:

1. That no dwelling units may be located on the north wall of the building that sits on the property line facing railroad tracks.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a maximum height increase:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit for a maximum height increase at 800 16th Ave SE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce minimum drive aisle width:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum drive aisle width from 22 feet to 10 feet 3 inches and 17 feet at 800 16th Ave SE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce required setbacks if rezoned to R5:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **return** the variance to reduce the front and interior side setbacks at 800 16th Ave SE.

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 at 800 16th Ave SE, subject to the following conditions:

1. Not less than four canopy trees and 18 shrubs are located on the final landscaping plan.

2. CPED Planning staff review and approval of the final site plan, landscaping plan, and building elevations.

3. Site improvements required shall be completed by December 23, 2006, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.

Attachments:
1. Statement of use
2. Findings
3. Correspondence
4. PDR Comments
5. Site Plan, Floor Plans, Elevations, & Zoning map
6. Photos