

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit and Site Plan Review  
BZZ-2128

**Date:** February 7, 2005

**Applicant:** Matthew Hendricks with Central Community Housing Trust (CCHT)

**Address of Property:** 929 3<sup>rd</sup> Avenue South

**Project Name:** Old Third Avenue Townhomes

**Contact Person and Phone:** Matthew Hendricks with CCHT, (612) 341-3148, extension 229

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

**Date Application Deemed Complete:** January 3, 2005

**End of 60-Day Decision Period:** March 4, 2005

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

**Ward:** 1      **Neighborhood Organization:** St. Anthony East Neighborhood Association

**Existing Zoning:** R3

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

**Zoning Plate Number:** 14

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

**Proposed Use:** eight-unit for-sale, townhouse development

**Concurrent Review:**

**Conditional use permit:** to allow an eight-unit for-sale townhouse development.

**Major site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits and Chapter 530, Site Plan Review.

**Background:** In April of 2004, the City Planning Commission approved a rezoning, conditional use permit, variance and site plan review for this site to allow CCHT to construct a new eight-unit townhouse development. This development is part of the larger redevelopment of the site proposed by Clare Housing which is in the process of constructing a new supportive housing facility serving 31 people.

Also as part of the larger redevelopment of the site, the existing parking lot for Spring Manor, which is operated by the Minneapolis Public Housing Authority, is being redesigned and landscaped.

Since the City Planning Commission meeting, CCHT has modified the building to include a pitched roof, vinyl siding and the front porches on the individual units have gotten smaller. Section 525.360(b) states that when changes to a development plan affecting bulk regulations occur that an amendment to the conditional use permit shall be reviewed by the City Planning Commission. The changes also affect the site plan so that too is being reviewed.

**CONDITIONAL USE PERMIT** – to allow an eight-unit for-sale townhouse development

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

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

**1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed development would convert an underutilized parcel of land into 8, for-sale townhomes. The area hosts a mixture of uses including residential, commercial and industrial. The Planning Division does not believe that the development 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.**

Utilizing the site for residential development would provide additional opportunities for housing. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base. The Planning Division does not believe that the development 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.

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

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

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

Each of the individual townhomes will have a one-stall garage space. The garages will be located on the west side of the property and will be accessed via the public alley similar to the existing garages on the block.

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

The site is located in an area that has been designated as both unused land and high-density residential in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Increase housing options that are affordable to low and moderate income households.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city's various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The site will be converted from a surface parking area and a portion of a vacated street to an 8-unit for-sale townhouse development. The applicant has indicated that all 8 of the townhomes will be affordable; 4 will be sold at 60 percent of the Area Median Income and the other 4 will be sold at 80 percent of the Area Median Income. The townhomes will be 2.5 stories in height and will be oriented towards the east. The southern most townhouse will have a principal entrance facing 3<sup>rd</sup> Avenue Northeast. The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the east of the proposed townhomes that will be the central feature of the redevelopment site on the block and will be utilized by all three entities involved with the larger redevelopment effort.

**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.**

With the approval of the conditional use permit and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

**SITE PLAN REVIEW**

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

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

- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FACADE**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Although this exceeds the zoning district requirement and the standards in site plan review the southern most townhouse will have a principal entrance facing 3<sup>rd</sup> Avenue Northeast along with windows to help maximize natural surveillance and visibility and facilitate pedestrian access and circulation. Within the area between the property line and the building there will be landscaping.
- The exterior materials of the townhomes include brick, vinyl siding and rock face block. The east elevation of the townhomes is proposed to have a combination of brick and vinyl siding. The west elevation of the townhomes is proposed to be all vinyl siding. The south elevation of the townhomes is proposed to have a combination of brick and vinyl siding and the north elevation is proposed to be all vinyl siding. To make all four sides of the building similar to one another, the Planning Division

is recommending that the first floor of the north elevation be brick similar to how the south elevation has been designed.

- The exterior material of the detached garages is proposed to be vinyl siding.
- The percentage of windows and/or doors required on the south side of the building is twenty percent. The elevations indicate that there will be approximately 26 percent windows and/or doors provided.
- The proposed townhouse building will have a pitched roof. There is no dominant character in terms of the form and pitch of roof lines in the immediate area as the Clare apartment building that is currently under construction will have a flat roof and the residential dwellings on the west side of the alley have pitched roofs. The proposed revisions that incorporate a pitched roof would be compatible with the area.
- Each of the individual townhomes will have a one-stall garage space. The garages will be located on the west side of the property and will be accessed via the public alley similar to the existing garages on the block.

### **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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- A 6-foot wide walkway is provided from 3<sup>rd</sup> Avenue Northeast to the front doors of the individual entrances into the townhomes. There is also a walkway that runs between the walkway leading to the individual townhomes and the shared open green space area located to the east of the townhomes.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan.
- The applicant has indicated that snow will be stored on the site during winter months.

### **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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

#### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The landscaping requirement for this development is 3 trees and 18 shrubs. The applicant is proposing to have 17 trees and 76 shrubs on the site. As part of the larger redevelopment of the block there will be a shared open green space area located to the east of the proposed townhomes which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.
- The applicant is proposing to have a 4-foot high decorative metal fence with brick pillars located along the south and west property lines. In addition, 3-foot, 6-inch high micro-weave vinyl coated chain link fences will be located between the individual rear yards. The proposed fence heights meet the requirements of the zoning code.

#### **ADDITIONAL STANDARDS**

- 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.

- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- 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.
- 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.

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- A lighting plan for the larger redevelopment site has already been approved.
- This development should not block views of important elements within the city.
- This development should not cast shadows on surrounding properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that proper lighting be installed above all entrances.
- The site is not historic.

### **Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

#### **ZONING CODE**

See conditional use permit finding number six above.

#### **THE MINNEAPOLIS PLAN**

See conditional use permit finding number five above.

### **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

The *Making Central Avenue Great* plan was adopted in 1997. In the plan it says to develop the blocks south of 20<sup>th</sup> Avenue Northeast with institutional uses and multiple-family housing developments. The plan also encourages a mixture of housing prices, building types and porches to enhance the sense of community. In addition, the plan encourages utilizing exiting alleys to access garages. The proposed development meets these requirements.

#### **ALTERNATIVE COMPLIANCE**

**The Planning Commission may approve alternatives to any major 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, 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.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the townhomes to be located approximately 45 feet from the front property line due to the location of the utility easement that cannot be built upon.

**RECOMMENDATIONS**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow an eight-unit for-sale townhouse development located at 929 3<sup>rd</sup> Avenue Northeast subject to the following conditions:

1. There shall be no more than eight dwelling units on the property.

**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 site plan review for the property located at 929 3<sup>rd</sup> Avenue Northeast subject to the following conditions:

1. The first floor of the north elevation shall **incorporate** brick similar to the **proposed** south elevation.
2. The Community Planning and Economic Development Department – Planning Division shall approve the final site, landscaping and elevation plans.

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3. All site improvements shall be completed by February 7, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

**Attachments:**

1. Proposed use and description of the project
2. CUP findings
3. December 16, 2004 letter to CM Paul Ostrow and the St. Anthony East Neighborhood Association
4. Zoning Map
5. Site, elevation and floor plans
6. Photographs of the site and surrounding area.
7. Site, elevation and floor plans as approved in April 2004.