

Department of Community Planning and Economic Development - Planning Division

Conditional Use Permit, Variance, Site Plan Review, Final Plat for Planned Unit Development
BZZ 2189 and PL 144

Date: March 28, 2005

Applicant: Ross Fefercorn, RMF Entities

Address of Property: 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South. Between Aldrich and Bryant Avenues and between the North edge of the Midtown Greenway (29th Street Rail Corridor) and South of 28th Street West.

Project Name: Bryant Village, LLC

Contact Person and Phone: Ross Fefercorn, RMF Entities, 7625 MetroBoulevard, Suite 145, Edina, MN 55437 (tel: 952-835-1718 x103 or 612-363-6208), email: rossf@rmf-entities.com

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: February 23, 2005

End of 60-Day Decision Period: April 24, 2005

End of 120-Day Decision Period: June 23, 2005. A letter was sent to the applicant on March 10, 2005.

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: R-6 (High Density Multi-Family District).

Proposed Zoning: No changes proposed. Not applicable for this application.

Zoning Plate Number: 24

Legal Description: Lots 1 through 12 Block 15, Lots 3 through 10 Block 2, Windom's Addition to Minneapolis.

Proposed Use: PUD for 125 dwelling units in one loft building (71 units) and 6 townhouse buildings (54 units) with enclosed parking, private driveway, and public promenade.

Concurrent Review: Conditional Use Permit, Variance, Site Plan Review and Plat Amendments for previously approved Planned Unit Development (BZZ 1370, 1-26-04 CPC).

- Section 106 Review for historic preservation and reconstruction of retaining wall and landscaping along the Midtown Greenway (29th Street Rail Corridor): MnDOT Cultural Resources Unit and SHPO (State Historic Preservation Office) with Public Works and CPED

- Minnehaha Creek Watershed District
- Hennepin County: CIC Plat and Hennepin County Regional Rail Authority

Applicable zoning code provisions: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-specifically 525.360 (b) (other) changes in approved conditional use permit and 525.520 (1) to vary yard requirements, Chapter 527 Planned Unit Development, Chapter 530 Site Plan Review, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 546 Residence District, Chapter 598-Land Subdivision Regulations.

Background: The subject properties, located between Aldrich and Bryant Avenue bordering the North edge of the Midtown Greenway corridor and South of 28th Street West have been the designated location for an Urban Village housing development project since the mid 1990s. A West Lake Street Urban Village Charrette was held in 1998 that involved over 200 participants and was sponsored by the City of Minneapolis, CPED-MCDA, Metro Transit, Hennepin County, East Isles Residents Association, Lowry Hill East Neighborhood Association, and the Uptown Business Association. The charrette findings recommended higher intensity housing that respects the scale and architecture of existing neighboring buildings. Both the Lake Street-Midtown Greenway Corridor Framework Plan (1999) and the West Lake Street Urban Design Charrette (1998) call for multi-family housing development in this area. The task force chairs of the West Lake Street Urban Village Charrette were Michael Lander and Aaron Parker.

The City Planning Commission granted approvals for the following applications on January 26, 2004. The rezoning and an appeal for pergolas were subsequently approved by the Zoning and Planning Committee and City Council. The current application (BZZ 2189) was continued from March 7, 2005.

A. Rezoning

Motion: The City Planning Commission recommends that the City Council adopt the findings and **approve** the application to rezone 811 28th Street West and 2808 Aldrich Avenue South from the R5 (multi-family residential) to the R6 (multi-family residential) district, and 2813 Bryant Avenue South from the OR2 (high density office residence) to the R6 (multi-family residential) district.

B. Preliminary Plat

Motion: The City Planning Commission adopted the findings and **approved** the preliminary plat application construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building with below grade parking located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South with the following condition:

1. The final plat will contain a dedication for a 22 foot easement for Public Access to construct the proposed “promenade” along the Midtown Greenway.

C. Conditional Use Permit

Motion: The City Planning Commission adopted the findings and **approved** the conditional use permit application to construct and establish a 112 unit residential

Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

D. Variance

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required front yard setback along Aldrich Avenue from the setback established by connecting a line from the adjacent residential structure from 20 feet to 10 f in order to allow 4 buildings and to reduce the required front yard setback along Bryant Avenue from the required 15 feet to 10 f in order to allow 4 buildings at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South. Between Aldrich and Bryant Avenues and between the North edge of the Midtown Greenway (29th Street Rail Corridor) and South of 28th Street West.

E. Variance

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required East interior side yard setback for 811 28th Street West from the required 9 feet to 0 feet in order to allow a driveway/drive aisle with the following conditions: the property owner of 809 28th Street West is in agreement with the easement, the slope (or grade change) of the driveway to the South meets Public Works specifications, and elevations are provided for the proposed driveway realignment.

F. Variance

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the interior side yard setback adjacent to the Greenway from 13 feet to 1.5 feet to allow a 8 foot wide walkway and to reduce the front yard setbacks adjacent to Aldrich and Bryant to 1.5 feet to allow a 8 foot wide walkway for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

G. Variance

Motion: The City Planning Commission adopted the findings and **approved** the variance application to allow a pedestrian walkway and HC ramp 10 feet wide in the required front yard setback on Bryant Avenue for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

H. Variance

Motion: The City Planning Commission adopted the findings and **approved** the variance application to allow a 12.5 x 8 foot (100 sf) landing in the required front yard setback on Aldrich Avenue for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

I. Variance

Motion: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required front yard setback on Aldrich Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building and to reduce the required

front yard setback on Bryant Avenue from 15 feet to 9 feet in order to allow an entrance canopy for the Lofts building for the location at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Ave South.

J. Site Plan

Motion: The City Planning Commission adopted the findings and **approved** the site plan application to construct and establish a 112 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 811 28th Street West; 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South with the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
2. The final site plan shall show a dedication for a 22 foot easement for public access to construct the proposed “promenade” along the Midtown Greenway.
3. The floor plans of the townhomes and the lofts building shall be reconfigured to meet the requirements of Chapter 530, which state buildings shall be oriented so that at least one (1) principal entrance faces the public street.
4. The final site plan shall include more detail on the approved exterior materials and be the same site plan submitted for this City Planning Commission hearing inclusive of any changes approved by the CPC.
5. The applicant will consider adding more bicycle parking to the final site plan.
6. The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements before permits are issued or the permit may be revoked for noncompliance.
7. All site improvements shall be completed by February 1, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
8. Lighting plan subject to staff approval.

The applicants have had communication with the Lowry Hill East Neighborhood Association, the Ward 10 Council office, and other interested parties such as the Midtown Greenway Coalition. Traffic concerns have been addressed by a voluntary Transportation Demand Management Plan. The LHENA Zoning and Planning Committee and Executive Board supported the applicant’s proposed amendments to the Bryant Village Planned Unit Development in January 2005 (see attached Wedge newspaper article).

As per section 7.11 of the original Development Agreement: the applicant will work with CPED (former MCDA) staff to meet the Affordable Housing requirements outlined in the Contract for Private Redevelopment by and between the Minneapolis Community Development Agency and Country Home Builders, Inc. dated May 20, 2002. Section 7.11(a) states the redeveloper shall construct affordable housing units as part of the minimum improvements. The redeveloper shall construct five percent (5%) of the units so they are affordable to low-income persons or households as defined in section 1.01 (at or below 60% median income for the Minneapolis-St.Paul SMSA) and ten percent (10%) of the units so they are affordable to low-to-moderate income persons or households (60-80% of Mpls-St.Paul SMSA). The redeveloper will make reasonable efforts to construct units affordable to moderate-income persons or households (80-115% of Mpls-St.Paul SMSA). CPED staff will continue to work with the redeveloper to review financing during construction and implementation of the project.

Community Planning and Economic Development Planning Division Required Findings for a Conditional Use Permit to: amend the approved CUP from 112 units to a 125 unit residential Planned Unit Development with six townhouse buildings (6 bldgs x 9 d.u. = 54) and one loft building (71 d.u.) located at 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Findings As Required By The Minneapolis Zoning Code For Conditional Use Permits:

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

The proposed use, a 125 unit planned unit development with six townhouse buildings and one loft building will not be detrimental to or endanger the public health, safety, comfort or general welfare of the area. This new residential use will replace an industrial use in a residential 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.

The proposed amendments to the original approval (BZZ 1370, 1-26-04 CPC) will not be injurious to the use and enjoyment of other property in the vicinity. The proposed residential use will create 125 units of new housing, and the orderly development of the site should be an improvement for surrounding property and permitted uses in the district. Another multi-family housing development, the Midtown Lofts, has been constructed on the Bryant to Colfax block directly West of the proposed Bryant Village project. The new housing development will replace a former industrial use on land that is currently vacant.

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

The project will include adequate utility service, access, and driveways consistent with the applicable regulations. The Department of Public Works will need to review and approve the final set of site plans submitted by the applicant. The Fire Department has indicated that they will be able to access and provide service to the buildings from the perimeter of the site.

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

The Travel Demand Management Plan for the Urban Village project stated a traffic impact analysis showed that the proposed development would not negatively impact traffic operations at the intersection of 28th Street and Lyndale Avenue. Off street parking provided exceeds the minimum City requirement of 1.00 parking stall per dwelling unit. 157 parking stalls and bike parking are provided for the 125 dwelling units proposed ($157/125 = 1.256$). A private driveway will be created in an L-shape that leads to enclosed parking, below grade, in each of the buildings. The driveway will provide ingress and egress on Aldrich Avenue, and provide a 3-point turn around space in the north, center of the lot in a required yard area that will require a variance. The proposed development is adjacent to the Midtown Greenway for bicycle commuting and transit routes are nearby which provide frequent service. The TDM plan states the developer will help mitigate traffic calming in the neighborhood by installing two speed bumps in the area within one year of 90% occupancy of the development (if needed). The traffic

mitigation will be coordinated with the Lowry Hill East Neighborhood Association and the Public Works Department. The consultants' report (by Bill Smith, BIKO and Associates) for the TDM Plan for the Aldrich to Colfax blocks has been approved by Public Works, CPED-Planning, RMF Entities (Bryant Village), and Lander Sherman Development (Midtown Lofts).

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

The *Minneapolis Plan* (adopted by the City Council, Mayor, and Minneapolis Planning Commission, March 2000) includes the following policies most relevant to this project:

Goal #1 of the City's eight primary goals: Increase the city's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

Growth in the city's population and tax base is one of the key themes of *The Minneapolis Plan*. Increases in the number and type of housing units are essential to the city's continued prosperity. *The Minneapolis Plan* proposes that this growth occur according to two different scenarios: One is continued infill in residential areas, where single or small clusters of lots are available for redevelopment; the other scenario involves the identification of sites where major housing development could take place, designed for higher density housing to appeal to new and emerging housing markets, such as seniors and empty nesters of all income levels. Together, these scenarios for growth in housing choices are intended to respond to the wide variety of housing sub-markets, by providing a variety of housing types and levels of affordability. The Midtown Lofts project will provide a variety of housing types and levels of affordability.

- 4.9 Minneapolis will grow by increasing its supply of housing.
- 4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.
- 4.11 Minneapolis will improve the availability of housing options for its residents.
- 4.12 Minneapolis will reasonably accommodate the housing needs of all of its citizens.
- 4.14 Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.
- 4.15 Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.
- 4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

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.

The proposed development, subject to the variance approval, site plan modifications, and final plat amendments, will conform to the applicable regulations of the R6 zoning district.

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 proposed development consists of six, two-story townhouse buildings and one four story loft building. There is a row of existing residences along the northern most portion of the block that fronts 28th Street West. An existing mid-block parcel (811 28th Street West) that was used as a surface area parking lot by the previous owners (Crane Company) will be exempted from PUD and developed as a stand alone property. A private driveway will be created in an L-shape that leads to enclosed parking, below grade, in each of the buildings. The six townhouse buildings provide a transition to the taller loft building that overlooks a pedestrian promenade and the Midtown Greenway to the South. The design of the development attempts to incorporate the historic industrial nature of the area, while blending with the existing residential homes through the use of stucco, metal panels, masonry, cementitious panels and lap siding, lightweight cladding, and aluminum trim windows. Landscaping and sidewalks are spread throughout the site. Site elements, such as lights, pergolas, benches, and fences help define the perimeter of the development. There is an R6 district with a TP (transitional parking) Overlay located across Aldrich Avenue to the East of the PUD, which serves commercial properties fronting Lake Street. The Midtown Lofts cluster development is located across Bryant Avenue to the West of the project.

- 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.**

The Travel Demand Management Plan for the Urban Village project showed that the proposed development would not negatively impact traffic operations at the intersection of 28th Street and Lyndale Avenue. Off street parking provided exceeds the minimum City requirement of 1.00 parking stall per dwelling unit. 157 parking stalls and bike parking are provided for the 125 dwelling units proposed ($157/125 = 1.256$). A private driveway will be created in an L-shape that leads to enclosed parking, below grade, in each of the buildings. The driveway will provide ingress and egress on Aldrich Avenue, and provide a 3-point turn around space in the north, center of the lot in a required yard area that will require a variance. The proposed development is adjacent to the Midtown Greenway for bicycle commuting, and transit routes are nearby which provide frequent service. The TDM plan states the developer will help mitigate traffic calming in the neighborhood by installing two speed bumps in the area within one year of 90% occupancy of the development (if needed). The traffic mitigation will be coordinated with the Lowry Hill East Neighborhood Association and the Public Works Department.

- 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 Urban Village developers will grant the City an easement for a public, pedestrian promenade that overlooks the Midtown Greenway. Part of the promenade will be an 8-foot wide concrete walkway that connects Aldrich Avenue to Bryant Avenue. The promenade area will be maintained by the condominium association. The retaining wall supporting the promenade will be designed to enhance the historic character of the 29th Street Rail corridor and will need to be reviewed for approval by Public Works, the State Historic Preservation Office, and MnDOT Cultural Resources Unit.

- 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.**

The six townhouse buildings in the PUD have a similar floor plan and exterior appearance. The exterior materials proposed for the development, particularly stucco, match the exteriors of existing houses in the neighborhood and the exterior materials of the Midtown Lofts project. The six townhouse buildings provide a transition to the taller loft building that overlooks a pedestrian promenade and the Midtown Greenway to the South. The mass, height, and exterior materials of the new townhouse buildings along the street frontage of Aldrich and Bryant Avenues creates a new residential block that abuts the rear yards of existing homes fronting 28th Street West. The view down both avenues will accentuate the prominent and modern architectural features of the PUD. The taller loft building at the south of the PUD will frame the edge of the 29th Street corridor and create a vista for residents and visitors to observe activity to the East and West on the Midtown Greenway. At the top landing of the ramp to the greenway at Bryant Avenue, the loft building steps back to the north to create a spatial node for a cluster of trees. The design of the buildings provides clear site lines and a semi-private outdoor space for residents which should not adversely affect adjacent properties.

- 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 applicant is addressing comments made by Public Works staff to provide more detail on sewer design, storm water management and erosion control. Public Works staff has expressed concerns about the underground piping of stormwater and an overflow pipe that leads to the Midtown Greenway corridor. Staff from Hennepin County Regional Railroad Authority have been notified of this issue, but have not provided Planning staff with written comments. The project was reviewed and approved with conditions by the Minnehaha Creek Watershed District Board of Directors on March 11, 2004.

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

The preliminary plat approved by the CPC on 1-26-04 has been changed to exempt parcel 811 28th Street West from the PUD development. Public Works staff has indicated they believe the

public sidewalk (promenade) should be dedicated on the plat; and that any issues with the placement and construction of the retaining wall and promenade will need to be resolved before the mylars for the final plat can be signed and approved. Public Works-Sewer Design staff has indicated that the stormwater and utility plan for the development may need to be revised before it can be approved. The CPED legal representative for the Urban Village project has offered the following information:

The improvements in the public access easement area shall be maintained by the Developer and then the condominium homeowner's association. Agreed to by Developer and City Attorney was the following:

- (1) at the closing and conveyance of the real property by the City to the Developer, the Developer will grant to the City a 22 foot easement over the southerly part of lots 6 & 7, Block 15, Windom's Addition; and
- (2) the public access easement will be memorialized as a "surface easement" in a "Public Access Easement Agreement" to be prepared by the City, signed by the Developer at closing and held by the title company until requested by the City for filing and recording with Hennepin County; and
- (3) the public access easement shall be placed of record on the condominium, Common Interest Community (C.I.C.) plat at the time the C.I.C. plat is recorded by the Developer. The public access easement's exact contours will not be known until all of the construction is completed. The easement will start at an elevation equal to the top, surface of the Developer's underground parking facility and extend upward. All that the City and Developer will know at the closing and conveyance of the real property by the City to the Developer is that the depth of the public access easement will be 22 feet north of the property line formed by the Hennepin County Mid-town Greenway and the City-owned land between Aldrich and Bryant Avenues South.

Any requirements regarding the promenade and retaining wall and items 1 through 3 above can and should be included when the City and the Developer complete and sign the "2nd Amendment to Contract for Redevelopment" in March/April 2005.

Department of Community Planning and Economic Development - Planning Division Required Findings for a Variance to: reduce the North interior side yard setback from the required 7 feet to 2 feet in order to allow a three-point driveway turn around.

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.**
On January 26, 2004, the CPC approved a variance that allowed an existing private driveway with a cross-easement agreement to be reconfigured on 811 28th Street West with a drop in grade to access enclosed parking for the residential units of the PUD. The applicant has now proposed to exempt 811 28th Street West from the PUD and develop it as affordable housing on a stand alone lot. A private driveway will be created in an L-shape that leads to enclosed parking, below grade, in each of the buildings. The driveway will provide ingress and egress on Aldrich Avenue, and provide a 3-point turn around space in the north, center of the lot in a required yard area. The turn around area will be below grade, and defined by a retaining wall and fencing that

is covered with Boston Ivy. The property cannot be put to a reasonable use under the conditions allowed, and can be used to provide vehicles that do not have access to enclosed parking with an option to turn around and exit the development.

- 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 are unique to the adjoining parcel at 811 28th Street West and to the entire contiguous, 2.65 acre parcel of the PUD. The alley originally located in the same location at grade was dead ended by the 29th street corridor railroad tracks and vacated by a previous land owner. Lack of a cross easement agreement with the property owner of 809 West 28th Street amenable to both parties has made the use of 811 28th Street West an undesirable use for a one-way drive way entrance, given that affordable housing can be developed on the lot as a viable alternative. The site has undergone excavation for environmental testing and cleanup by the City, and will be further excavated to provide adequate utilities for the new residential development. The applicant has adapted the existing approved plan (BZZ 1370) for the PUD by proposing revisions that accommodate existing conditions while maintaining to basic footprint approved by the LHENA neighborhood organization and the City Planning Commission.

- 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 granting of the variance will be in keeping with the spirit and intent of the ordinance and should not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. City staff, the LHENA neighborhood organization and the City Planning Commission originally approved a setback variance for 811 28th Street West that may have had a greater impact than the interior side yard setback proposed for the three point turn around. The original approval would have allowed one-way traffic flow from 28th Street West to Aldrich Avenue and parking and maneuvering in a required yard of 811 28th Street West. Now all vehicular access will be provided on a two-way private driveway with ingress and egress on Aldrich Avenue. The applicant is providing a retaining wall, decorative fencing with vines, and day lilies around the perimeter of the turn around as mitigation measures. Planning staff discussed requiring a pedestrian bridge/sidewalk over the top of the turn around as a mitigation measure.

- 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.**

Public Works staff found the modification to the site plan with a two-way private driveway off of Aldrich Avenue with three-point turn around below grade a preferable alternative to the site plan (BZZ 1370) that was originally approved for the PUD in January 2004. The proposed setback variance will not substantially increase the congestion of the public streets, or increase the danger of fire. The Fire Department has indicated that they will be able to access and provide service to the buildings from the perimeter of the site. Decorative safety fencing five

feet in height, with vines growing on it will be provided around the perimeter of the turn around at street grade.

Required Findings for Major 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. (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 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.
- 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.

Under the original PUD application (BZZ 1370), the applicant was granted setback and yard variances along Aldrich and Bryant Avenue. The applicant was also granted a setback and yard variance off of 811 28th Street West due to the placement of an internal, one-way driveway that dissected the development in an L-shape from 28th Street to Aldrich Avenue. This driveway has now been changed to a two-way driveway off of Aldrich Avenue with a three-point turn around that abuts the rear lot line of 811 28th Street West below grade. The area between the buildings and the lot lines includes amenities.

There will be fencing and landscaping around the perimeter of the site. On March 4, 2004, the Zoning and Planning Committee and on March 19, 2004, the full City Council approved on appeal the placement of 8 to 10 foot tall pergolas to be arched over the top of the sidewalk entrances to the townhouses. The town home buildings have been modified from the original proposal, so that at least one (1) principal entrance per unit faces the public street. The principal entrance to the Lofts building faces Bryant Avenue, but has been reconfigured to the Southwest corner of the building where it provides southern exposure and connects to a combination HC accessible and pedestrian sidewalk that leads to Bryant Avenue and the Bryant Avenue ramp entrance to the Midtown Greenway. There is a secondary entrance to the Lofts building that faces Aldrich Avenue. A public promenade connecting Aldrich to Bryant Avenue is located at the South of the lot overlooking the Midtown Greenway.

The applicant has requested that the Commission grant alternative compliance for the Planned Unit Development for window percentages between the first 2 to 10 feet above grade from 20% to 17% for the townhouse facades facing Aldrich and Bryant Avenues. The applicant is providing bay windows on these facades and has indicated that the window percentage would constitute a 21% ratio if the 90 degree wing areas of the bay windows were included in the window percentage of the facade. The building façades will include architectural variation through subtle differences in the depth and height of the building envelopes and the mix of exterior building materials which includes masonry, light-weight cladding, stucco, cementitious panels, metal panels and aluminum trim windows. The first floor glazing percentage between 2-10 feet submitted by the applicants is Town Homes: Aldrich & Bryant Avenue-17%, Alley facades-10%, North facades-21%, South facades-19%; Loft-East/Aldrich-21%, Loft-West/Bryant-30%, Loft-North-24%, Loft-South/Greenway-32%. The applicants have provided elevations and also a window percentage calculation for the entire façade as an attachment to this report.

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.**

Clear and well-lighted walkways of at least four (4) feet in width connect the building entrances to the adjacent public sidewalk. Interior stairs in the townhomes, and interior stairs and elevators in the Lofts building provide access from the enclosed parking facilities to the dwelling units. There are not transit facilities on the property, but there is enclosed bicycle storage in the buildings for residents, a public bike rack proposed on the promenade for visitors, and easy access to the Midtown Greenway. A private driveway will be created in an L-shape that leads to enclosed parking, below grade, in each of the buildings. The driveway will provide ingress and egress on Aldrich Avenue, and provide a 3-point turn around space in the north, center of the lot in a required yard area that staff has recommended approval of this variance. The turn around area will be defined by an estimated 9 foot tall retaining wall topped with fencing and covered with Boston Ivy. The applicants have minimized impervious surfaces by providing tiered landscaping strips along the private driveway between the town homes. Snow will be removed from the site. The proposed development is adjacent to the Midtown Greenway for bicycle

commuting, and transit routes are nearby which provide frequent service. The TDM plan states the developer will help mitigate traffic calming in the neighborhood by installing two speed bumps in the area within one year of 90% occupancy of the development (if needed). The traffic mitigation will be coordinated with the Lowry Hill East Neighborhood Association and the Public Works Department. The consultants' report (by Bill Smith, BIKO and Associates) for the TDM Plan for the Aldrich to Colfax blocks has been approved by Public Works, CPED-Planning, RMF Entities (Bryant Village), and Lander Sherman Development (Midtown Lofts). The applicants have proposed to relocate an existing fire hydrant, located in the proposed curb cut on Aldrich Avenue to the South by 20 feet. The site of the hydrant relocation will need to be reviewed for approval by the Public Works and Fire Departments when final site plans are routed. will need to be relocated.

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, masonry wall, 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.**
- **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.**

Decorative aluminum fencing, 4 feet in height or lower is provided around the perimeter of the property, on landings and near entrances (2 feet) to provide safety and separation between the ground level and drop in grade to the interior driveway. A steel fence, 5 feet in height, with vines growing on it is proposed along the North property line to help separate and provide privacy between the rear yards of

the existing residential structures fronting 28th Street and the new housing development. This fence has been reduced in height from 8 feet (6 ft fence on 2 foot retaining wall) on the original CPC approval. As per the site plan information, the lot size is 115,956 sf and the town homes building footprint is 42,432 (7072 x 6) and 18,503 for the Lofts building, making a total of 60,935 sf. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings shall be landscaped. Calculations: $(115,956 - 60,935 = 55,021 \times 20\% = 11,004 \text{ sf})$. The site plan shows the applicant is providing 28,280 sf (or approximately 51%) landscaping $(28,280/55,021 = .5139)$ to the site area not occupied by buildings and 24% landscaping overall $(28,280/115,956 = .2485)$ to the site. The development provided 76% impervious surface area, which meets the requirements of section 546.150, which states not more than 85% of the lot area (in the R6 district) shall be covered with impervious surface (calculation: $115,956 - 28,820 = 87,676/115,956 = .7561$). Section 530.150 of the code also requires that, within the 20 percent required landscaped area, not less than one (1) canopy tree for each one thousand (1000) sf and not less than one (1) shrub per each two-hundred (200) sf of the site not occupied by buildings. In order to be in full compliance, the required plant count for this site is 11 trees and 55 shrubs. The total plant count proposed for the site is 69 trees, 434 shrubs, 32 vines, and 751 perennials. The applicants have indicated an interest in protecting and retaining a mature boulevard elm tree on Aldrich Avenue near where the new curb cut will be placed. The MPRB requires tree protection at the drip line for trees surrounding the site during construction. The retaining wall facing the Midtown Greenway, public promenade, and grading, design, and landscaping plan for the public promenade is acceptable to the CPED planning division, but will need to be reviewed by Public Works-Engineering Services for structural integrity, longevity, and conformance with funding requirements and MnDOT Cultural Resources Unit and State Historic Preservation Office guidelines.

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.**

Lighting shall comply with the requirements of Chapter 535 and Chapter 541. The site plan does not block views of important elements of the city and the buildings are arranged to minimize shadowing on public spaces and adjacent properties. The buildings are adequately spaced and not of sufficient height to generate wind currents at ground level. The City's crime prevention through environmental design (CPTED) recommends that all vegetation should follow the 3 foot - 6 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over six feet in height allowing a window of visibility into the site. The applicant is providing lighting for the below grade driveway at the corners of the buildings as a crime prevention element. The site plan includes the reconstruction and integration of a retaining wall along the historically designated 29th Street Rail corridor. The project meets the R6 district requirements of: 546.140 principal and accessory structures

shall not cover more than 70% of the lot ($60,935/115,956 = .5255$ or 53%); 546.590 minimum of 400 sf per dwelling unit (54 townhouse + 71 loft = 125 dwelling units, $115,956/125 = 927.6$ sf per d.u.), and; 546.630 maximum floor area ratio of 3.0 (127,296 town homes + 74,012 lofts = 201,308 sf/115,956 = 1.736 f.a.r.). The notes from the January 19, 2005 Preliminary Site Plan Review Session have been included as an attachment to this report. These PSPR notes indicate city requirements, and information that will need to be provided and items that will need to be addressed when final site plans are routed. The applicant submitted civil plans on February 10, 2005, provided site plan updates on February 11, 2005, and civil, site and promenade landscaping updates on February 28, 2005. The applicant has indicated the plan updates provide more consistency and details to the original submittal set, but do not impact any zoning code requirements for the project.

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

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards, states the project shall conform to the standards of Chapter 527, Planned Unit Development.

Dumpster screening:

Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Refuse containers are located behind overhead doors below grade off of the private driveway and/or enclosed in the buildings. Staff has advised the developer to communicate with service providers regarding collections.

Signage:

Sign is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code. The applicant has not provided information on signage.

MINNEAPOLIS PLAN:

See finding #5 in the Conditional Use Permit Section of this report.

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

Staff is not aware of any applicable development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan that would be in direct conflict with the proposed development. The Lake Street-Midtown Greenway Corridor Framework Plan (2000) and West Lake Street Urban Village Charrette both support a Planned Unit Development at this site.

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.**

As per 527.120. Exceptions to zoning ordinance standards. The city planning commission may approve exceptions to the zoning regulations applicable to the zoning district in which the planned unit development is located as authorized in this chapter only upon finding that the planned unit development includes adequate site amenities to address any adverse effects of the exception.

Staff is recommending alternative compliance for the Planned Unit Development for window percentages between the first 2 to 10 feet above grade from 20% to 17% for the townhouse facades facing Aldrich and Bryant Avenues, in exchange for the provision of windows located on the sides (90 degree wing areas) of the bay windows that would bring the first floor façade window percentage to at least 21%.

Department of Community Planning and Economic Development-Planning Division Required Findings for a Final Plat for a Planned Unit Development to: construct and establish a 125 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South in the R6 District.

Required Findings for a Plat for a Planned Unit Development:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The plat appears to conform to the requirements of section 598.260 of the code listed below. The final plat filed with Hennepin County and the City will need to ensure conformance with the regulations of Chapter 598 and all other applicable regulations of the City. A CPED legal representative provided a memo that proposed the general conditions for a public easement agreement along the south edge of the property. There is also an existing easement deed (#7290539) for a perpetual right and easement for recreational trail purposes over, under, and across the south 10 feet of the west 60 feet of lot 6, Block 15, Windoms Addition, Minneapolis, Hennepin County, Minnesota that the CPED-legal division has proposed be vacated and replaced with a larger dimensioned perpetual "surface easement" for the promenade area. The process for how to accomplish the removal of the existing easement and create the new easement for the promenade, as well as the 22 foot width, was still being ironed out at the writing of this report. A CIC plat will be filed with Hennepin County on behalf of the future condominium association.

598.260: Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

The CPED legal representative for the Urban Village project has offered the following information:

The improvements in the public access easement area shall be maintained by the Developer and then the condominium homeowner's association. Agreed to by Developer and City Attorney was the following:

1. the closing and conveyance of the real property by the City to the Developer, the Developer will grant to the City a 22 foot easement over the southerly part of lots 6 & 7, Block 15, Windom's Addition; and
2. the public access easement will be memorialized as a "surface easement" in a "Public Access Easement Agreement" to be prepared by the City, signed by the Developer at closing and held by the title company until requested by the City for filing and recording with Hennepin County; and
3. the public access easement shall be placed of record on the condominium, Common Interest Community (C.I.C.) plat at the time the C.I.C. plat is recorded by the Developer. The public access easement's exact contours will not be known until all of the construction is completed. The easement will start at an elevation equal to the top, surface of the Developer's underground parking facility and extend upward. All that the City and Developer will know at the closing and conveyance of the real property by the City to the Developer is that the depth of the public access easement will be 22 feet north of the property line formed by the Hennepin County Mid-town Greenway and the City-owned land between Aldrich and Bryant Avenues South.

Any requirements regarding the promenade and retaining wall and items 1 through 3 above can and should be included when the City and the Developer complete and sign the "2nd Amendment to Contract for Redevelopment" in March/April 2005.

2. **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 Travel Demand Management Plan for the Urban Village project stated a traffic impact analysis showed that the proposed development would not negatively impact traffic operations at the intersection of 28th Street and Lyndale Avenue. Off street parking provided exceeds the minimum City requirement of 1.00 parking stall per dwelling unit. 157 parking stalls and bike parking are provided for the 125 dwelling units proposed ($157/125 = 1.256$). A private driveway will be created in an L-shape that leads to enclosed parking, below grade, in each of the buildings. The driveway will provide ingress and egress on Aldrich Avenue, and provide a 3-point turn around space in the north, center of the lot in a required yard area that will require a variance. The developer met with the neighborhood (LHENA), and received their approval of the development. The development plans are complementary in design and use to surrounding land uses (Lander-Sherman block, etc.) and other existing multi-family and commercial uses.

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

The site has undergone environmental testing and clean up (as needed) as part of the land development agreement between the CPED Economic Development Division and the applicant. The private drive proposed below grade shows catch basins for drainage. The land intended for

the building site can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, and rock formations, provided the applicant can submit a stormwater and utility plan that meets Public Works specifications.

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.**

The applicant has stated, the lots envisioned in the final plat will be constructed in phases and that building permits could be issued in phases, since there will be no foreseeable difficulties of either driveway access or construction of the improvements. Some excavation and grading will be necessary to construct the private driveway, buildings, retaining walls, and public promenade of the development. The applicant was granted some setback variances on the original application (BZZ 1370) for the buildings and has requested a yard setback variance for the placement of a three-point turn around for an internal driveway that dissects the development in an L-shape.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. 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 states, the design of the project's storm-water system is designed to not allow a net increase of stormwater in excess of pre-development volumes. The site will also include installation of stormwater erosion fencing during construction and development. Public Works-Sewer Design staff has indicated that they have not had time to thoroughly review the project and that the stormwater and utility plan for the development may need to be revised before it can be approved.

In addition to the required findings for the preceding five questions, the applicant provided the following responses to staff questions about the plat for the original 1-26-05 CPC approval:

How will the common area be dedicated?

The common elements, limited common elements, and living units shall be defined in the homeowner's association documents as established by the declarant/developer. The common elements include the private property exclusive of individual units. Common elements are intended to be for the benefit and use of the homeowners association. Upon closing, the purchaser receives a deed to the unit purchased and an undivided interest in the common elements of the association. Whenever title to a unit is transferred or conveyed, the same undivided interest in the common elements is also transferred.

Will your project meet the requirement that an owners' association be created? The duties and responsibilities of which shall include maintaining the elements of the planned unit development as authorized under the zoning ordinance or other applicable regulations.

The state statute governing common interest communities, Minnesota Common Interest Community Act, (MCIOA) defines by law the obligations of the seller/developer for conveying residential dwellings in excess of 12 (twelve) units to create a homeowners association that is consistent with the statute prior to the conveyance of title of a unit. The Declaration of Restrictive Covenants, and the Rules and Regulations define the association responsibilities including maintenance of the common elements.

Do you have a provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots?

The homeowner association documents, in the Declaration of Restrictive Covenants, will obligate unit owners through the property's deed to become members of the association. The declaration, along with the CIC plat filed with Hennepin County, will define the taxable real estate to the tax assessor, and the obligation of the unit owner to pay taxes, special assessments and other "charges and fees".

Will the homeowners association documents require that any disposition of any of the common property situated within the planned unit development shall not be made without the prior approval of the planning commission?

The homeowners association documents under the Declaration of Restrictive Covenants shall restrict the sale or conveyance of common elements without the prior approval of the planning commission.

RECOMMENDATIONS OF THE COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT - PLANNING DIVISION:

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 Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to construct and establish a 125 unit residential Planned Unit Development with six townhouse buildings and one loft building located at 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Recommendation Of The Community Planning and Economic Development Department-Planning Division for the Variance:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the North interior side yard setback from the required 7 feet to 2 feet in order to allow a three-point driveway turn around.

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

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan application to construct and establish a 125 unit residential Planned Unit Development with six townhouse buildings and one loft building located 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South subject to the following conditions:

- 1) The Community Planning and Economic Development Planning Division review and approval of the final site and landscaping plans and building elevations.
- 2) The final site and landscaping plans shall list and include details on the location and design of the elements of the public promenade to include but not be limited to the property lines, 22' easement, surface easement, promenade sidewalk, retaining wall, fencing/railing, lighting, parking garage, landscaping, landscaping/soil containment structure(s), drainage, and bicycle parking.
- 3) The floor plans of the town homes and the lofts building shall be oriented so that at least one (1) principal entrance faces the public street.
- 4) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements before permits are issued.
- 5) All site improvements shall be completed by March 28, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Plat Recommendation Of The Department of Community Planning and Economic Development Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat to construct and establish a 125 unit residential Planned Unit Development with six townhouse buildings and one loft building with below grade parking located at 2809 Bryant Avenue South; 2808, 2816 & 2824 Aldrich Avenue South.

Attachments:

Written statements from the applicant
Written statements from other sources
Preliminary Site Plan Review Notes
Public Works and Easement Documentation
Contract language on Affordable Housing
TDM Plan Recommendations
Sample Pergola structures and fencing
Planimetric Maps
Site plans, floor plans, elevations, civil plans