

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permits, Variances, and Site Plan Review
BZZ-2237

Date: March 28, 2005

Applicant: Bluff Street Development, LLC

Address Of Property: 521 2nd Street SE

Contact Person And Phone: Steve Minn 952-888-2001

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: February 11, 2005

End of 60 Day Decision Period: April 12, 2005

Date Extension Letter Sent: March 9, 2005

End of 120 Day Decision Period: June 11, 2005

Ward: 2 Neighborhood Organization: Marcy-Holmes

Existing Zoning: I1 Light Industrial Districts

Existing Overlay Districts: IL Industrial Living Overlay District (ILOD) and MR Mississippi River Critical Area Overlay District.

Proposed Zoning: C3A Community Activity Center District

Plate Number: 15

Legal Description: Lots 8, 9, and 10, Block 34, St. Anthony Falls, according to the recorded plat thereof, Hennepin County, Minnesota.

Proposed Use: A 52-unit residential building with underground parking and first floor commercial.

Concurrent Review:

Rezoning: From I1 to C3A and to remove the ILOD.

Conditional Use Permit: To allow 52 dwelling units.

Conditional Use Permit: To increase the height in the C3A District from 4 stories to 5 stories.

Variance: Variance of the interior (westerly)side yard setback from 13 feet to 4 feet 11 inches.

Variance: Variance of the rear (northerly) yard setback from 13 feet to 4 feet 10 inches.

Site Plan Review.

Applicable Zoning Code Provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances; and Chapter 530 Site Plan Review.

Background: Bluff Street Development proposes to build a 52-unit, 5-story building at 521 Second Street SE. The building will have 7,669 square feet of ground floor commercial. This site is in the St. Anthony Falls Historic District and required Heritage Preservation Commission approval. This development was heard before the HPC on December 12, 2004. A certificate of appropriateness was granted to demolish the existing buildings and for the construction of the new building subject to conditions. The elevations and plans submitted for Planning Commission review do not comply with the conditions of approval by the HPC (please see attached HPC letters). The final Planning Commission approval does not override the HPC approval and the final approved plans are required to comply with the HPC conditions of approval.

The City of Minneapolis completed an Environmental Assessment Worksheet (EAW) for the 521 Second Street SE site (and a companion development at 521 Second Street SE). On July 23, 2004 the City Council decided not to order the development of an Environmental Impact Statement.(please see attached action).

Please see the attached letters from the Marcy Holmes neighborhood for their commentary on the project.

REZONING (from I1 Industrial to C3A Commercial and to remove the ILOD)

Findings As Required By The Minneapolis Zoning Code:

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

The C3A Community Activity Center District was established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services. In addition to entertainment and commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The C3A districts are mapped in areas designated as Activity Centers in the comprehensive plan. The East Hennepin Activity Center is to the west of this site within a triangle created by Central and East Hennepin Avenues and extends along Main Street through the former “festival markets” of River Place and St. Anthony Main.

The Minneapolis Plan defines Activity Centers as follows:

- Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations, but do not generally support automobile uses.
- Activity Centers are complimented by medium and high density residential uses, and also accommodate retail and commercial services, entertainment uses, educational campuses, or other large-scale cultural or public facilities.
- Activity Centers have a traditional urban form (building siting and massing).
- Activity Centers have a significant pedestrian and transit orientation, as service and features of these areas are already good.
- Activity Centers have uses that are active all day long and into the evening.

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- A mix of uses occurs within structures and within the larger boundaries of Activity Centers.
- Activity Centers have a unique urban character that distinguishes them from other commercial areas because of the mix and complementary type of uses as well as the traffic the area generates.

To summarize the concept, Activity Centers are destinations that attract large numbers of visitors, workers, and residents. They include a concentration of activities throughout the day and into the evening—including high pedestrian, automobile, and transit traffic, and a mix of uses located that result in a well-defined sense of place.

It is the opinion of Planning staff that the site should not be considered part of the East Hennepin Activity Center designated in the *Minneapolis Plan*. Extension of the Plan's Activity Center designation eastward to this part of 2nd Street is inconsistent with the purpose and character of the Activity Center as identified in Chapters 4 and 9 of the Plan primarily because the extension may draw business away from the core of the existing Activity Center and thus dilute its commercial viability. While the City Planning Commission and City Council approved a rezoning from I1 and I2 to C3A for the property directly across the street to the south, staff does not believe the C3A should be extended further to the north and that the rezoning to C3A is not in conformance with the comprehensive plan.

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

The rezoning is in the interest of the applicant. While the redevelopment of the site will be an improvement to the area and will provide housing, this can be accomplished under the existing zoning.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The surrounding area is a mix of residential and industrial uses including single-family homes, apartment buildings, and large industrial buildings. The ILOD is an appropriate zoning for this area as it is intended to encourage the rehabilitation and reuse of existing industrial structures and to provide limited residential and retail uses in the I1 and I2 Industrial District where such uses are compatible with other uses in the area. The C3A District is not as appropriate as the ILOD for this transitional area.

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.

The existing I1 District, with the ILOD, allow a wide range of industrial, commercial, and residential uses.

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.

This area has been undergoing a transformation from industrial uses to a mix of residential, commercial, and park uses. While residential development is appropriate in this area, and can be accomplished under the existing ILOD, the density and intensity of uses allowed by the C3A district is not appropriate for this site.

CONDITIONAL USE PERMIT (for 52 residential units)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The proposed development will replace a small industrial building with a 52 unit residential building. While multifamily residential is appropriate for this area this density can not be achieved on this parcel under the existing ILOD. The applicant has requested C3A zoning, but staff has indicated that this is not appropriate for the site. If the C3A zoning is approved staff would recommend approval of the 52 unit building and with proper conditions of approval it should not be detrimental to the surrounding 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 surrounding area is developed, but there are plans to redevelop various parcels near the site in the future. This building should not be detrimental to surrounding properties if it complies with HPC and site plan review conditions of approval.

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

Utilities and access are existing and adequate. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable. The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

Access to the parking is from 2nd Street SE. The development is required to have 52 spaces for the residential and 16 for the commercial. The project provides 106 spaces, 13 for the commercial. While additional spaces are required to be dedicated to the commercial, the proposed development should have little impact on congestion in the public streets. The project has an approved Travel Demand Management plan as a part of the EAW.

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

There are several policies in *The Minneapolis Plan* that support infill development and housing choice. Policy 4.11 states that “Minneapolis will improve the range of housing types for those with few or constrained choices.” This policy has implementation steps that promote infill housing, a variety of housing types, and mixed income housing. Policy 4.13 states that “Minneapolis will expand the type and range of housing types for residents with substantial choice.” Policy 4.15 states that “Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.” While the rezoning of the site to the C3A District may not be in conformance with the comprehensive plan the redevelopment of the site for multi-family housing is in conformance with many of the housing policies.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit for height, variances, and site plan review.

The proposal will conform with the applicable regulations upon the approval of the rezoning, conditional use permit for height, setback variances, and site plan review.

CONDITIONAL USE PERMIT (from 4 stories to 5 stories)

The height of structures or buildings are measured as the vertical distance from the natural grade either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

The C3A District limits the height of multiple-family dwellings to 4 stories, not to exceed 56 feet. A story is measured as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story. This is a five story building.

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The proposed development will replace a small industrial building with a 5-story 52-unit residential building. While multifamily residential is appropriate for this area this density can not be achieved on this parcel under the existing ILOD. The applicant has requested C3A zoning, but staff has indicated that this is not appropriate for the site. If the C3A zoning is approved staff would recommend approval of the 52 unit building and with proper conditions of approval it should not be detrimental to the surrounding area. The height of the building has been reviewed by the HPC and has been found to be compatible with the surrounding area. The HPC found the height to be acceptable, but with changes from the drawing in this staff report. If these changes are made the increase in height would be acceptable.

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 surrounding area is developed, but there are plans to redevelop various parcels near the site in the future. A new building across the street was approved for 6 stories and there are taller buildings along University to the north as well as a significant grade change to the west. This building should not be detrimental to surrounding properties.

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

Utilities and access are existing and adequate. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable. The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

Access to the parking is from 2nd Street SE. The development is required to have 52 spaces for the residential and 16 for the commercial. The project provides 106 spaces, 13 for the commercial. While additional spaces are required to be dedicated to the commercial, the proposed development should have little impact on congestion in the public streets. The project has an approved Travel Demand Management plan as a part of the EAW.

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

While the comprehensive plan does not indicate appropriate heights for specific sites, there are several policies in Chapter 9, City Form, that refer to traditional urban form and building form and context especially regarding how buildings relate to their surroundings. This building should not be out of character with the surrounding area if it complies with HPC conditions of approval.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit for height, variances, and site plan review.

The proposal will conform with the applicable regulations upon the approval of the rezoning, conditional use permit, setback variances, and site plan review.

In addition to the conditional use standards contained in Chapter 525 and this article, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

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

The increase in height will not prevent access to light and air for surrounding properties. The building is recessed on the north and west sides, which will allow access to light and air and does not exceed the required setback along the street frontage.

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

There are no residential properties to the east of the site. The building is stepped back at the northwest corner to reduce impact on the residential properties to the north and west.

(3) The scale and character of surrounding uses.

There are or will be buildings of similar height in the immediate area.

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

The building will not significantly block views.

VARIANCE (to reduce the rear and side yard setbacks)

Findings Required by the Minneapolis Zoning Code:

- 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.**

In general, setbacks are not required in the industrial or commercial districts where the property is not adjacent to residential properties or zoning. However, when they are adjacent to residential, they are required to provide a setback that the use would have in that district. In this case the setback is 5 feet plus 2 additional feet for every floor above the first floor for side and rear facades. The building is five stories, so the required setback is 13 feet. The applicant is requesting a variance to 4 feet on the north and west sides, but the site plan shows 4 feet 11 inches on the west and 4 feet 10 inches on the north, so staff is using the dimensions on the plan. The site has a large grade change to the west and north where a retaining wall is built. The applicant has also indicated that there is a high water table making it difficult to locate parking underground, which in turn has necessitated a use of more of the site for parking and building area. The applicant claims this is a hardship. The building is setback at the northwest corner. Most of the building that is close to the property line is near a large grade change and retaining wall. This is a reasonable use of the property.

- 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 site is square, so in that sense it is not unique. However, there is a grade change and retaining wall to the west and north and a high water table on the site. These are conditions that are not generally applicable to other properties in the City.

- 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 intent of setbacks is to provide a buffer for adjacent residential properties and uses. Since the proposed building is setback at the northwest corner and most of the building that is close to the property line is near a large grade change and retaining wall, the variance should not circumvent the intent of the ordinance.

- 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.

The proposed variance should have no effect on congestion in the public streets. Adequate parking is provided. The variance should not endanger public health or safety or increase the danger of fire.

SITE PLAN REVIEW

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.

The building is located up to the property line lines on the public street. The principal entrances face the street. The facades of the building provide architectural detail. The design of the building and facades have been approved by the HPC, but the HPC approval did not include the use of metal siding, but rather showed brick. This change from brick to metal requires HPC approval.

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.

The main entrance to the building opens onto the public sidewalk. Public Works and the Fire Department have reviewed the site for access and circulation and find them acceptable. Sixty-eight parking spaces are required and 106 are provided.

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.

Over 20 percent of the site minus the buildings is landscaped. The landscaping is at the rear of the site and west sides of the building. There is landscaping proposed at the front of the building, but this is subject to HPC approval. The applicant is also proposing a large roof top garden for a portion of the building. The City's landscaping consultant has reviewed the landscaping plan and finds it acceptable.

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.

The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient

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lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.

(4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.

(5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The design of the buildings has been planned to minimize the blocking of important views of the city (see the CUP for height section of this report), to minimize the shadowing of public spaces and adjacent properties, and to minimize the generation of wind currents at ground level.

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

ZONING CODE:

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. If dumpsters are utilized they are required to be screened to code.

Signage: All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office. The sign plan is not yet finalized, but the applicant is aware that signs require zoning office approval and permits.

MINNEAPOLIS PLAN:

Please see the comprehensive plan discussions under finding number one of the rezoning section and finding number five of the conditional use permit section of this report.

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

The Master Plan for the Marcy-Holmes Neighborhood was approved by the City Planning Commission on November 17, 2003 and by the City Council on December 29, 2003. The plan has the following relevant policies and information:

The plan supports mixed use developments including multi-family housing for the industrial properties on the river side of University Avenue (see pages 1-2 and 1-3). The plan indicates that height limits in this area should be per the zoning code and may be relaxed in certain cases (see pages 4-2, 4-3 and 8-6).

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.**

Alternative compliance is not necessary for this site.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department –

Planning Division for the rezoning from I1 to C3A and to remove the ILOD:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning application from the I1 to C3A Districts and to remove the ILOD for property located at 521 2nd Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit for 52 dwelling units:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application for 52 dwelling units for property located at 521 2nd Street SE subject to the approval of the rezoning to C3A.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit to increase the height of the building from 4 stories to 5 stories:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application to increase the height from 4 stories to 5 stories for property located at 521 2nd Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to reduce the side yard setback:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance application to reduce the interior (westerly) side yard setbacks from 13 feet to 4 feet 11 inches for property located at 521 2nd Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to reduce the rear yard setback:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance application to reduce the rear (northerly) yard setback from 13 feet to 4 feet 10 inches for property located at 521 2nd Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the site plan review application for property located at 521 2nd Street SE subject to the following conditions:

- 1) Staff review and approve the final site plan and elevations before building permits may be issued. All site improvements shall be completed by March 28, 2006 (unless extended by the zoning administrator) or permits may be revoked for noncompliance.
- 2) If estimated site improvement costs for the landscaping and fencing exceed \$2,000 the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs.
- 3) The site plan and elevations are subject to HPC review and approval.
- 4) Compliance with the standards of the MR Mississippi Critical Area Overlay District.

Attachments:

- 1) Findings from applicant.
- 2) Letters from the HPC.
- 3) Council action on EAW.
- 4) Letter from the neighborhood group.
- 5) Site and zoning maps.
- 6) Site plan, floor plans, and elevations.
- 7) Photos.