

**Department of Community Planning and Economic Development—Planning Division  
Conditional Use Permit, Site Plan Review, Lot Area and Front Yard Variances  
BZZ-2289**

**Hearing Date:** 5/9/05 (continued from the 4/25/05 hearing)

**Date Application Deemed Complete:** 3/31/05

**End of 60-Day Decision Period:** 5/30/05

**Applicant:** Brakins Homes, Inc., 4050 Olson Memorial Hwy, Suite 205, Golden Valley, MN 55422, 763-847-1345

**Address of Property:** 908 to 920 Washburn Ave. N.

**Contact Person and Phone:** Akinyele Akinsanya, President/CEO of Brakins Homes, 612-747-7437

**Staff Contact Person and Phone:** J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us)

**Ward:** 5      **Neighborhood Organization:** Willard Hay Neighborhood

**Existing Zoning:** R1A, Single Family District

**Zoning Plate Number:** 12

**Proposed Use:** Application by Brakins Homes, Inc. to construct 8 town homes on 908-920 Washburn Ave. N. The project would be called the Bassett Creek Woods Townhomes.

**Prior Approvals (approved by the Planning Commission on 9/27/04):**

- **Variance:** To reduce the front yard setback from 35 feet to 25 feet.
- **Subdivision:** To replat 5½ lots into 4 lots to allow 4 single-family homes.

**Concurrent Review:** Conditional use permit for the use, site plan review, lot area variance, front yard variance.

**Applicable zoning code provisions:**

- **Conditional use permit:** Required for cluster development per Table 546-1.
- **Variance:** Lot area variance per 525.520 (2) because the 6,000 sq. ft. lot area requirement per dwelling unit would require a 48,000 sq. ft. lot and the site has 32,408 sq. ft., which is large enough to accommodate 5 units without the variance. The authorized variance allows a maximum of a 30% increase. This translates to a maximum of 7 units.<sup>1</sup>

<sup>1</sup> The 6,000 sq. ft. per unit requirement would be reduced by 30% to 4,200 sq. ft. and the 32,408 sq. ft. site could accommodate 7.7 units. The Code rounds the number down to 7 units.

**If you need more information or have special needs, please call the  
Minneapolis Planning Department at 612-673-2597.**

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- **Variance:** To reduce the established front yard setback from 35 ft. to 21 ft.
- **Site plan review:** Per Chapter 530 of the Zoning Code.

## **BACKGROUND**

**Prior applications:** On 6/21/04, the Planning Commission considered the applicant's first proposal for this site. The applicant sought to rezone it R1 to R4. The Planning Division recommended denial but, in lieu thereof, approval of rezoning to R3, Multiple-Family District; however, the Commission and the City Council and Mayor denied the rezoning. The Commission also denied the Conditional Use Permit and site plan review applications for the project on that date. On 9/27/04, the Commission approved the applicant's second proposal for the site; namely, the subdivision and replatting applications referenced above to accommodate 4 single family homes on the site. The applicant states that he could not economically develop the site with only 4 homes and so he is now reapplying for an 8-unit development.

**Prior development:** Staff could find no City record of prior development on the site and a neighbor said there was no development there when he moved to the neighborhood in 1953. The lack of development is due to the fact that the site has unstable soil conditions. Planning staff reviewed the soil analysis for the site (available upon request) and the report indicates that steel piles of at least 90 to 110 feet are necessary for any development of the property. This will increase development costs substantially (the response to Finding 1 in the section dealing with the lot area variance includes the project architect's costs per unit for the pilings expenses). Attachment X includes the engineering report on the stability of the pilings.

**Neighboring uses:** The predominant use in the surrounding neighborhood is relatively new single-family homes, several on large lots, consistent with the R1 and R1A zoning (Attachment 1). To the west of the site across Washburn Ave. is a large triangular property owned by the Hennepin County Regional Railroad Authority. This site is zoned R4. According to County staff, the Authority purchased this site, known as Washburn Gardens, in anticipation of needing it in the event it purchases the railroad right-of-way for transit purposes. The Authority purchased 10-12 similar sites for future station and park-and-ride needs. The Authority's policy is to retain all of these properties.

West of the County property is the City boundary and Theodore Wirth Park. Vehicular access to the area is compromised somewhat because the diagonal route of the Burlington Northern Santa Fe Railroad right-of-way makes the street grid discontinuous, and there are several streets with one-way restrictions in the area (Attachment 1).

**Cluster development:** The project is classified as a cluster development. The Code defines clusters as follows: "A unified development of not less than three (3) dwelling units, either attached or detached, in which one or more principal buildings are grouped together in order to preserve common space for the benefit of the residents of the development. Cluster development allows flexibility in the location of residential structures and the size of individual lots in order to encourage a variety of housing types and the efficient use of land." The applicant has requested a variance to reduce the minimum amount of lot area per dwelling unit from 6,000 sq. ft. to 4,019 sq. ft., a 33% reduction. The Code limits the variance to a maximum of 30%.

**Comments from others:** Attachment 8 includes a letter from the neighborhood group, one from a resident, and another that includes numerous signatures on a petition. All are in opposition to the project.

## FINDINGS

### CONDITIONAL USE PERMIT

**A. Findings as Required By the Minneapolis Zoning Code for the Conditional Use Permit for a Cluster Development at 908 Washburn Ave. N.**

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

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

If Planning Commission approves the lot area variance, the 8-unit project would introduce medium-density (10.8 dwelling units per acre)<sup>2</sup> cluster residential uses into a low-density neighborhood. The cluster development would not be compatible with the neighborhood because it would be at a higher density than the surrounding uses.

**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 site is close to the City boundary, a block from Wirth Park, and close to the edge of a single-family neighborhood. The cluster development is not compatible with the low-density residential character of the immediate area.

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

The project includes adequate utility service and driveways consistent with all pertinent regulations. The Public Works Department has required the developer to install a sidewalk on Washburn. If approved, Public Works and Planning will determine whether there should be a sidewalk on Oak Park Ave. as well.

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

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<sup>2</sup> Medium density is defined as 10-30 units per acre.

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The area has an extremely low amount of traffic and very little demand for on-street parking. The traffic generated by the residents of the 8 new units and their visitors will not be significant, and thus will not result in significant adverse impacts to the area. The Public Works Dept. has reviewed the project for driveway widths and traffic impacts. The project includes 2 off-street parking stalls per unit and there are 16 X 16-ft. aprons in front of each garage.

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

The following is a review of the project relative to the applicable plans and policies of the City.

- a. **The City's Goals (selected goal):** Increase the City's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.
- b. **The *Minneapolis Plan* (adopted by the City Council in 2000):**

**Policy 4.1: Minneapolis will grow by increasing its supply of housing.**

**Implementation Steps (selected):**

- Support the development of new medium- and high-density housing in appropriate locations throughout the City (refer to Policy 9.1).
- Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

**Policy 4.2: Minneapolis will improve the availability of housing options for its residents.**

**Implementation Steps (selected):**

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Provide and maintain areas that are predominantly developed with single and two family structures.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.
- Promote accessible housing designs to support persons with disabilities.

**Policy 4.3: Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.**

**Implementation Steps (selected):**

- Maintain and strengthen the architectural character of the city's various residential neighborhoods.

**Policy 9.1: Minneapolis will support the development of residential dwellings of appropriate form and density.**

**Implementation Steps (selected):**

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.
- Provide incentives to alternative forms of home ownership in moderate density areas, such as co-housing and cooperative housing.

**Policy 9.8: Minneapolis will maintain and strengthen the character of the city's various residential areas.**

**Implementation Steps (selected):**

- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.
- Create traditional setbacks, orientations, pattern, height and scale of dwellings in areas where no clear architectural pattern exists.

**Policy 9.9: Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.**

**Implementation Steps (selected):**

- Require site plan review of new development or major additions to new structures (other than single family homes) on corner properties.

**Policy 9.10: Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.**

**Implementation Steps (selected):**

- Apply the form and density approach within the context of a neighborhood or a site and within the framework of The *Minneapolis Plan* and NRP Plans when evaluating the appropriateness of development proposals for specific sites.

**Policy 9.11: Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.**

**Implementation Steps (selected):**

- Use both infill development and new development opportunities to increase housing in the city.
- Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.
- Develop an approach to residential development which combines housing form and housing density; for example, medium density residential development may be a townhouse development as well as a high-rise structure, while an attached dwelling form may result in a low density development or a medium density development.
- Ensure that new development projects incorporate a mix of housing types and affordability levels to reach a range of housing submarkets.

**Policy 9.12: Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.**

**Implementation Steps (selected):**

- Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)
- Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.
- Promote the development of new housing that is compatible with existing development in the area, as well as to existing historic or older housing stock where appropriate.
- Provide the flexibility in the City's ordinances to accommodate new housing development tailored to meet a range of different housing submarkets.

**c. Petition's Consistency with City Plans and Policies:** The following describes how the petition relates to the above plans and policies and the Zoning Code:

- The project would add a different form of residential choice to the neighborhood, help to grow the City's population and tax base, and

provide housing for people. This is consistent with the above selected City Goal, and to some degree, Policies 4.1, 9.1, and 9.11.

- Policy 9.12 encourages new medium-to-high density residential growth near amenity areas. Wirth Park is very close to the site.
- Policies 4.16, 9.1, 9.11, and 9.12 state that the appropriate locations for placing medium (10-30 units per acre) to high-density (30+ units per acre) new housing is on major transportation and transit corridors and near commercial revitalization projects, or on sites such as Growth Centers, Major Housing Sites, and Commercial Corridors. The Plan does not designate this site or area for any of these growth classifications nor are there any Commercial or Community Corridors in the area.
- Policies 4.1, 4.16, 9.1, 9.11, and 9.12 also require that new housing be compatible with the existing housing in the area. The project includes three more units than the Zoning Code would allow. At 10.8 dwelling units per acre, the project is just over the definitional threshold for medium density. The project will not be compatible with the existing housing in the area.
- Policies 4.16 and 9.12 call for flexibility to accommodate new housing development.

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 and site plan review.**

If the subject permits are approved, the project will be in compliance with all applicable regulations and requirements of the Zoning Code.

#### **Additional Criteria for Cluster Development**

- (A) **Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and buffer yards, and similar matters, as well as the location of existing public facilities and services.**

The application includes the required information.

- (B) **All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

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On 9/27/04, the Planning Commission approved a replatting of the site into four lots. Two of the internal lot lines are under common walls and the third sits between the two buildings. The site plan includes 16 by 16 ft. aprons at the ends of the 2-stall garages for each of the 8 units. In order to minimize impervious surfaces, the applicant could shrink or eliminate these aprons. While this could also increase the landscaping, the project already has 61% landscaping of the net site.

- (C) **The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.**

The applicant has requested a variance to reduce the minimum amount of lot area per dwelling unit from 6,000 sq. ft. to 4,019 sq. ft., a 33% reduction. The Code limits the variance to 30% which translates to a maximum of 7 units. Seven units would equal 4,630 sq. ft. per unit, a 23% reduction from the 6,000 sq. ft. requirement.

- (D) **Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.**

The applicant has requested a variance to reduce the required front yard setback from 35 feet to 21 feet.

- (E) **Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, water bodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.**

There is no significant amount of common usable open space on the property. Residents of the units are likely to use only the open space adjacent their respective units. People are not going to use the front yards for common usable space. The intent of the cluster development regulations might be met if the project included fewer units and the open space created were made available for all of the residents.

- (F) **To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.**

The project is not compatible with the scale and character of the surroundings.

- (G) **An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.**

The current landscape plan does not meet the requirements of the cluster regulations because it does not provide sufficient landscaping primarily on the south side of the site. However, the applicant has committed to amend the landscape plan to bring it into conformance with the Zoning Code.

- (H) **Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.**

The project would not include manufactured housing.

## **VARIANCES**

### **B. Lot Area Variance**

#### **Findings as Required By the Minneapolis Zoning Code for the Lot Area Variance for a Cluster Development at 908 Washburn Ave. N.**

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

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The R1 District requirement of 6,000 sq. ft. per unit would allow 5 dwelling units on this site. The Code limits the variance to 30% which translates to a maximum of 7 units.<sup>1</sup> Seven units would equal 4,630 sq. ft. per unit, a 23% reduction from the 6,000 sq. ft. requirement.

As stated in the Background section, the soil analysis indicates that steel piles of at least 90 to 110 feet are necessary for any development of the property. This will increase development costs substantially. After the applicant obtained approval from the City to construct 4 single family homes on the site, he stated that he abandoned that project because the soil conditions made single-family residential economically impractical on this site. The fact that the site has remained vacant for at least half a century supports this conclusion. The developer’s architect submitted the following estimates of the cost per unit to drive piles to support the maximum number of units based on the three possible unit counts. For a 5-unit project that the zoning would allow, the per-unit costs would be close to the 4-unit figure. For the proposed 8-unit project, the per-unit costs would be about halfway between the 4-unit and the 15-unit figure:

|                          |           |          |          |
|--------------------------|-----------|----------|----------|
| Number of units          | 4         | 15       | 25       |
| Cost per unit of pilings | \$112,000 | \$38,400 | \$12,640 |

For the residential development to occur, which is consistent with the City’s goals and policies, a lot area variance may be required.

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

The poor soil conditions are rarely found on most residential lots.

- 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 the ordinance is to provide a minimum lot area per dwelling unit that is consistent and compatible with the area. The new cluster homes will not be compatible with the other homes on the block and in the area.

This project may not be the only medium-density residential in the area. The large vacant triangular site adjacent to the west, owned by the Hennepin County Regional Rail Authority, is zoned R4 and could conceivably be developed one day at the medium density allowed by the R4 District. The site is approximately 2.4 acres so about 69 units could be built on it or more with bonuses.<sup>3</sup>

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<sup>3</sup> The County has no plans to sell or develop this land at the time.

- 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.**

Granting the variance to allow three additional units on this site will not increase congestion in the public streets, nor will it increase the danger of fire or be detrimental to the public welfare.

### C. Front Yard Variance

#### **Findings as Required By the Minneapolis Zoning Code for the Front Yard Variance for a Cluster Development at 908 Washburn Ave. N.**

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The buildings are set back to 29 feet and they include front porches that are 8 feet in depth and some protrude 4 feet beyond the required 25-ft. setback in the R1A District. These porches exceed the maximum size allowed as obstructions in front yards. The house to the south is set back 35 feet so it establishes the required setback at 35 feet.

The applicant received Planning Commission approval on 9/27/04 of its prior application for residences on this site. That project included four single family homes. He states that he could not build the project due to the extraordinary costs for soil corrections and pilings. The Planning Commission approved a similar setback variance at that time.

It would be possible to develop the property with the houses and porches set back 35 feet, however, this would pull the front of the houses back unnecessarily from the street, which contradicts one of the goals of the site plan review chapter of the Zoning Code to bring buildings as close to the curb as possible while honoring the District setbacks. The house to the south of the site, that establishes the greater setback, is setback further than the majority of the houses on the block. Requiring the new homes to be setback 35 feet could be a hardship. Allowing the buildings to be set back to 29 ft., 6 ft. closer than the required setback, and allowing the porches to intrude into the setback an additional 4 feet 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 poor soil conditions are rarely found on most residential lots.

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 the requirement is to preserve a unified setback along a block, to preserve open area, and to protect access to light and air. The new homes will meet the district requirement of 25 feet and will still leave a large front yard that preserves light, air and views for other homes on the block.

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.**

Granting the variance will not increase congestion in the public streets, nor will it increase the danger of fire or be detrimental to the public welfare as a 25 foot setback will still be provided that matches the character of the majority of the block.

#### **SITE PLAN REVIEW**

- D. **Findings as Required By the Minneapolis Zoning Code for Site Plan Review for a Cluster Development at 908 Washburn Ave. N.**

1. **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 (refer to the above discussions).
- c. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

**Section A: Conformance with Chapter 530 of Zoning Code  
Building Placement and Facade:**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**

- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses shall be subject to section 530.110 (b) (1).**
  - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**Planning Division Evaluation of Building Placement and Façade Requirements:**

- With the front yard variance, the new residential buildings will be as close to the Washburn Ave. as the varied setbacks allow.
- Platting dictates that the party walls between the middle two units for both buildings are located on the two lot lines. This requirement yields a front yard of 17 feet on the Oak Park side although the setback requirement is 10 ft., and an interior side yard setback of 12 ft. although the required setback is 7 ft.
- The principal entrances will face Washburn Ave. and the yards will include complete landscaping.
- Parking is within the buildings, consistent with the Code.
- First floor windows on the Washburn and Oak Park sides of the units exceed the 20% requirement.
- All four sides of the building are compatible with one another. Building materials include brick and concrete-based siding.

**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.**

**Planning Division Evaluation of Access and Circulation:**

- The Public Works Department has required the applicant to pay for new sidewalks on Washburn Ave. Planning and Public Works will determine if a sidewalk is also needed on Oak Park Ave.
- The project conforms with the Code and to the requirements of the Public Works Dept. as regards vehicular access and circulation.
- The site plan includes 16 by 16 ft. aprons at the ends of the 2-stall garages for each of the 8 units. In order to minimize impervious surfaces, the applicant could shrink or eliminate these aprons. While this could also increase the landscaping, the project already has more than 61% landscaping of the net site.

**Landscaping and Screening:**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings 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.

**Planning Division Evaluation of Landscaping and Screening:**

- The site (32,154 sq. ft.) less the building footprints (10,776 sq. ft.) yields a net site of 21,378 sq. ft. With the exception of the driveway and sidewalks, the entire site is landscaped with 12,964 sq. ft. of landscaping. This equals 61% of the net site. The Code requires 5 trees and 21 bushes. The current landscape plan includes 12 trees (3 existing and 9 new) and 3 bushes, however, the applicant has committed to bring the landscape plan into conformance with the Zoning Code.

**Additional Standards:**

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260: The Police Division has reviewed the plans.
- 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.

**Planning Division Evaluation of the Additional Standards:**

- The lighting fixtures will prevent glare from escaping the site.
- After the applicant complies with the landscaping and screening requirements in the Code, the site will effectively block headlight glare. The building has no significant impact on the generation of pedestrian-level winds.
- The Police Division reviewed the design as regards crime prevention design elements.

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

**ZONING CODE:**

**Hours of Operation:** N/A

**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.

The residents will store waste in their garages and bring them on collection day to an on-site collection area in the rear yard that will be screened according to the Code.

**Signage:** All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

N/A

**MINNEAPOLIS PLAN:**

Refer to the findings in Section A.

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

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

**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.**

**Planning Division Analysis Regarding Alternative Compliance:** Based on the above analysis, Alternative Compliance is not required.

**Analysis of Compliance with Amended Site Plan Review Standards.**

**Department of Community Planning and Economic Development—Planning Division**  
**Conditional Use Permit, Site Plan Review, Lot Area and Front Yard Variances**  
**BZZ-2289**

The City Council adopted revisions to the site plan review chapter on April 29, 2005. The following evaluates how this project complies with these new regulations:

- Second floor windows on the Washburn and Oak Park sides of the units equal 7.4% of the walls space between 2 and 10 feet and do not meet the 10% requirement.
- The proposed roof pitches at 7:12 and 10:12 are similar to other pitches in the area.
- The revised landscaping requirements would double the tree and bush requirements for this site to 9 trees and 42 bushes.

**RECOMMENDATIONS OF THE MINNEAPOLIS CITY PLANNING DIVISION**

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

The City Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the Conditional Use Permit application for the 8-unit Bassett Creek Woods Townhomes project at 908 to 920 Washburn Ave. N.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Lot Area Variance for a Cluster Development:**

The City Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the lot area variance for the 8-unit Bassett Creek Woods Townhomes project at 908 to 920 Washburn Ave. N.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Front Yard Variance for a Cluster Development:**

The City Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the front yard variance for the 8-unit Bassett Creek Woods Townhomes project at 908 to 920 Washburn Ave. N.

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

The City Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review application for the 8-unit Bassett Creek Woods Townhomes project at 908 to 920 Washburn Ave. N.

**ATTACHMENTS**

1. Zoning and lot lines in the immediate area
2. Aerial photos
3. Project drawings:
  - a) Site plan

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**BZZ-2289**

- b) Foundation and floor plans
  - c) Modified floor plan to accommodate additional windows
  - d) Elevations
  - e) Modified front façade with new balconies
4. Information from applicant
  5. Pilings report
  6. Zoning Data Sheet
  7. Photos
  8. Letter from the neighborhood group
  9. Letters and petitions from others