

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permits, Variances and Site Plan Review

BZZ-2338

Preliminary and Final Plat

PL-170

Date: May 23, 2005

Applicant: Biltmore Land Group, LLC, 18312 Minnetonka Blvd., Wayzata, MN 55391-3272, (952) 449-9448

Addresses of Property: 3809, 3811 and 3813 Sheridan Avenue South

Project Name: Biltmore – On Lake Calhoun

Contact Person and Phone: Travis Van Liere, Coen & Partners, 400 1st Avenue North #710, Minneapolis, MN 55401, (612) 341-8070

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: April 26, 2005

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

End of 120-Day Decision Period: Not applicable for this application

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R2B (Two-family) district, SH (Shoreland) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 29

Lot area: 30,349 square feet or .70 acres

Legal Description: See attachment.

Proposed Use: A six-unit cluster development in the R2B district.

Concurrent Review:

- Conditional Use Permit for a six-unit cluster development in the R2B district.
- Conditional Use Permit to allow development within 40 feet of the top of a steep slope.

- Variance of the front yard setback requirement along Sheridan Avenue from 41.5 feet to 20 feet.
- Variance of the front yard setback requirement (reverse corner) along West Calhoun Parkway from 55 feet to 20 feet at the closest point.
- Variance to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope.
- Site Plan review.
- Preliminary and Final Plat.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances & Chapter 530 Site Plan Review and Chapter 598, Land Subdivision.

Background: The applicant proposes to construct a new cluster development located at the southeast corner of West Calhoun Parkway and Sheridan Avenue South overlooking Lake Calhoun. The addresses of the properties are 3809, 3811 and 3813 Sheridan Avenue South. The properties are zoned R2B and located within the SH (Shoreland) Overlay District. The development would consist of six single-family units which would replace two existing structures on site, one a single-family structure and the other a duplex unit. Four of the single-family units are located adjacent to West Calhoun Parkway and the other two single-family units would be located to the south or the rear of the site.

The proposed cluster development requires a conditional use permit in the R2B district. The applicant is also requesting approval of a front yard variance along Sheridan Avenue and a front yard variance (reverse corner lot) along West Calhoun Parkway. The variance is necessary as both front yards are subject to a front yard increase (546.160). Typically, the development would require a 20 foot setback along both Sheridan Avenue and West Calhoun Parkway, however, the established front yard of the closest principal building located on the same block face on either side of the property exceeds the front yard required by the R2B district. As such, the required front yards cannot be less than such established front yard. Based on this provision the applicant would be required to adhere to a setback of 41.5 feet along Sheridan Avenue and 55 feet along West Calhoun Parkway.

Further, due to the proximity of the properties to Lake Calhoun, the grades on site and their location within the SH Overlay District, the proposed development requires another conditional use permit to allow development within 40 feet of the top of a steep slope and a variance to permit development in the SH Overlay District within 40 feet of the top of a steep slope. The SH Overlay District defines a steep slope as land having an average slope of 18 percent or greater measured over a horizontal distance of 50 feet or more.

Preliminary and Final Plat approval is required as all land proposed for a cluster development must be platted or replatted into one or more lots. Major site plan review is also required.

CONDITIONAL USE PERMIT - for a six-unit cluster development (no dwelling unit shall intrude on the vertical airspace of any other dwelling unit)

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not generally believe that the proposed cluster development would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant proposes to construct six single-family dwelling units on the subject parcels. The proposal meets all of the applicable lot dimension and building bulk requirements in the R2B district for a cluster development as well as all applicable specific development standards.

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 Planning Division does not generally believe that a six-unit, single-family cluster development would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. A single family residential unit and a duplex unit are currently located on the properties.

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

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

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

The parking requirement for this development would be six spaces. The applicant is providing 12 enclosed parking spaces in tuck-under garages. Staff believes that adequate measures would be provided based on the proposed design of the cluster development.

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

According to the *Minneapolis Plan*, the site is located in a predominately low density residential area. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will grow by increasing its supply of housing.
- Improve the availability of housing options for its residents.
- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.
- Maintain and strengthen the character of the city’s various residential neighborhoods.
- Support the development of residential dwellings of appropriate form and density.

The applicant proposes to remove two existing residential structures (a single-family and duplex) and replace those with a six-unit, single-family cluster development. This development is in conformance with the above noted principles and policies of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits, variances, site plan review and preliminary and final plat this development would meet the applicable requirements of the R2B zoning district.

Additional Criteria for a 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 bufferyards, and similar matters, as well as the location of existing public facilities and services.

The applicant has submitted a site plan or development plan that addresses all the above listed items. The development plan is being evaluated simultaneously with the conditional use permit application for the cluster development.

(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.

The applicant has submitted both a preliminary plat and final plat that complies with all of the applicable requirements contained in Chapter 598, Land Subdivision regulations.

(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 cluster development meets the minimum lot area and lot width requirements of the R2B district. Cluster developments in the R2B District require 15,000 square feet of lot area or 5,000 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 80 feet in width. The lot has 30,349 square feet of lot area and is situated on a lot greater than 80 feet in width.

(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 proposed development meets the above listed requirements.

(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, waterbodies 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.

The proposed development meets the above listed requirements. The majority of the open/common space for the proposed development is located to the rear of the parcel, adjacent to the south lot line. The area is designated on the site plan as a community garden / shared open space. The developer has discussed the possibility of including a pool in this area. All open/common space on site is accessible to all six of the proposed single-family structures.

(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 proposed development meets the applicable above listed requirements. For further information regarding the proposed development, see Chapter 530 findings for Site Plan review which is discussed below.

(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 proposed development meets the above listed requirements as an appropriate landscaped transition area between the use and adjacent properties has been provided that complies with the required setbacks along the adjacent private property to the south and to the east.

(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.

CONDITIONAL USE PERMIT - to allow development within 40 feet of the top of a steep slope.

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – 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.**

Staff does not generally believe that allowing the proposed development within 40 feet of the top of a steep slope would endanger the public health, safety, comfort or general welfare. The four single-family units proposed to be located adjacent to West Calhoun Parkway are located within 12 feet at the closest point to 28 feet at the farthest point from the top of the steep slope.

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.

Staff does not generally believe that the proposed development even though located within 40 feet of the top of a steep slope would be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area.

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

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

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

The parking requirement for the proposed development would be six spaces. The applicant is providing 12 enclosed parking spaces in tuck-under garages. Staff believes that adequate measures would be provided based on the proposed design of the cluster development.

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

See the above listed response to finding #5 in the conditional use permit application.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits, variances, site plan review and preliminary and final plat this development would meet the applicable requirements of the R2B zoning district. The applicant must comply with the grading and filling regulations of Section 551.510, including employing best management practices to prevent erosion and trap sediment. Additionally, removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

ADDITIONAL FINDINGS FOR CONDITIONAL USES (551.490) –

A. Evaluation Criteria

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The applicant would prevent soil erosion or other possible pollution of public waters, both during and after construction. The applicant would install a silt fence during construction and would follow all applicable City requirements to prevent any type of pollution.

- 2. Limiting the visibility of structures and other development from protected waters.**

Staff believes that there are opportunities to reduce the visibility of the proposed development from Lake Calhoun. Removal of the extensive retaining walls in front of the four proposed residential structures adjacent to West Calhoun Parkway would help to minimize the impact.

- 3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

Not applicable for the proposed development.

B. Uses Allowed – development within 40 feet of the top of a steep slope

- 1. The foundation and underlying material shall be adequate for the slope condition and soil type.**

The applicant has verified that the underlying material would be adequate for the existing slope conditions and soil types. The existing slope would remain intact and undisturbed throughout the entire construction process.

- 2. The development shall present no danger of falling rock, mud, or uprooted trees or materials.**

The applicant has verified that the development would not present any danger of falling rock, mud or uprooted trees and other materials. The area would be fenced off during the construction process and left undisturbed until the installation of final landscaping. Silt fencing would be placed at both the top and bottom of the steep slopes subject to City requirements.

- 3. The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.**

The applicant believes that the view of the developed slope from the protected water would be consistent with the natural appearance of the slope and with the surrounding architectural features. The applicant believes that the proposed structures will blend into the surrounding landscape. Staff believes that the extensive use of retaining walls in front of the single family units fronting on West Calhoun Parkway will be visible and won't blend into the natural appearance of the slope. Staff would require that the retaining walls be redesigned or minimized to reduce this likely impact.

VARIANCES – (1) of the front yard setback requirement along Sheridan Avenue from 41.5 feet to 20 feet, (2) of the front yard setback requirement (reverse corner) along West Calhoun Parkway from 55 feet to 20 feet at the closest point, (3) to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope.

Findings as Required by the Minneapolis Zoning Code for the Variances:

- 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.**

Front setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet): The property could be put to a reasonable use under the conditions allowed and with strict adherence to the regulations of the zoning code. The applicant is requesting a variance from the required 41.5 feet to the proposed 20 feet along Sheridan Avenue South. Strict adherence to the established front yard setback of 41.5 feet would not cause an undue hardship. The established setback matches into the location of the majority of homes along the same block face as the proposed development along Sheridan Avenue South. There is clearly an established setback and allowing the proposed cluster to be located significantly closer than the existing residential structures along the same block would impact the existing street edge as well as obstruct some views of Lake Calhoun.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): The property could be put to a reasonable use under the conditions allowed and with strict adherence to the regulations of the zoning code. The property would like not be able to support a cluster development with strict adherence but could still be put to reasonable use as either single or two-family residential units could be constructed.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: It would be difficult to put the property to a reasonable use under the conditions allowed and with strict adherence to the regulations of the zoning code. The top of the steep slope on site is based on the existing contours of the site and is therefore,

irregular. The buildable area would be significantly reduced and would require that the majority of any new construction be located adjacent to the rear lot line.

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.

Front setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet) : The circumstances requiring the 41.5 foot setback could be considered unique as the property is subject to a front yard increase per 546.160. However, this provision was created in order to preserve existing setbacks and to maintain the street edge in primarily developed neighborhoods. Further, allowing a reduction would likely result in the obstruction of some views and a break in the relative contiguity of building placement along Sheridan Avenue.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): The circumstances requiring the 55 foot setback could be considered unique as the property is subject to a front yard increase per 546.160. This provision was created in order to preserve existing setbacks and to maintain the character and street edge in primarily developed neighborhoods. However, while there is some contiguity in regard to building placement along West Calhoun Parkway the extent is not as clear as along Sheridan Avenue South as all properties along the Parkway are densely vegetated. The width of the proposed drive aisle is larger than required and offers a reasonable opportunity to shift the proposed dwellings two feet farther to the south.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: The circumstances requiring a variance to allow development within 40 feet of the top of a steep slope are unique and have not been created by any persons presently having an interest in the property.

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.

Front setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet): Granting the setback request from 41.5 feet to 20 feet would not be in keeping with the spirit and intent of the ordinance and would likely alter the essential character of the neighborhood and be injurious to the use and enjoyment of other property in the vicinity. As previously stated, there is clearly an established setback for the properties located on the same block face along Sheridan Avenue South. To allow a reduction in the setback to 20 feet would obstruct some views and would result in a break in the relative contiguity of building placement along Sheridan Avenue. The established setback should be required in order to maintain the street edge.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): Granting the setback request from 55 feet to 20 feet (at the closest point) would likely be in keeping with the spirit and the intent of the ordinance and will likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There is not the extent of contiguity in regard to building placement as there is along Sheridan Avenue South. The properties along the Parkway are all very densely vegetated which would likely minimize any foreseeable visible impact of the proposed setback variance provided the applicant removes or substantially reduces the fortress-like retaining walls facing Lake Calhoun.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: Granting a variance would be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the area along West Calhoun Parkway and would not be injurious to the use or enjoyment of other property in the vicinity. The adjacent residential structure to the west of the site is configured so that a principal entrance is located to the west; not oriented towards West Calhoun Parkway. There is not the extent of contiguity in regard to building placement as there is along Sheridan Avenue South.

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.

Front setback requirement along Sheridan Avenue South (from 41.5 feet to 20 feet): Granting the setback variance along Sheridan Avenue would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

Front setback requirement (reverse corner) along West Calhoun Parkway (from 55 feet to 20 feet at the closest point): Granting the setback variance along West Calhoun Parkway would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

To permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope: Granting the setback variance to allow development within 40 feet of the top of a steep slope would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety.

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
- Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. **Windows shall be vertical in proportion.**
- b. **Windows shall be distributed in a more or less even manner.**
- c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Four of the proposed six single-family residential structures are located adjacent to West Calhoun Parkway. All four residential structures located along the frontage have principal entrances facing West Calhoun Parkway. The applicant proposes to construct two walkways to connect into the existing sidewalk/parkway trail located along West Calhoun Parkway in order to facilitate pedestrian access and circulation. Staff is concerned with the proliferation of retaining walls located in front of the residential structures and adjacent to West Calhoun Parkway. The proposed height of those retaining wall/fence structures are too tall and would not be permitted. There are two single-family units located to the rear or south of the site. Those two structures are oriented towards West Calhoun Parkway as well. Staff would require that the proposed structure located adjacent to Sheridan Avenue South be oriented so that a principal entrance faces that frontage. A walkway would also need to be installed to connect the structure to the public sidewalk.

All proposed parking for the cluster development would be located toward the interior of the site as all parking would be enclosed in tuck-under garages. The applicant proposes to provide 12 enclosed parking spaces for the development. Staff believes that the access drive should be reduced 2 feet to the minimum of 22 feet so that the residential structures fronting on West Calhoun Parkway can be shifted 2 feet to the south. This would still allow the development to meet the minimum drive aisle requirement.

The proposed design of the buildings would incorporate windows at the first floor. At least 20% of the first floor façade that faces a public street or sidewalk shall be windows

or doors. All proposed single-family units exceed this requirement as the proposed structures are composed of a majority of glass. However, the proposed building located at the northwest corner of the site (on the corner of West Calhoun Parkway and Sheridan Avenue South) does not meet the 10 percent window requirement on upper floors facing streets, etc. Staff will require that the proposed building be modified to meet this requirement. All other proposed buildings appear to meet this requirement. The exterior materials would be compatible on all sides of the proposed buildings. The applicant is proposing that the exterior of the residential structures be composed of stucco, burnished limestone block with accents of cedar trim.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

There are walkways that connect the principal entrances of the residential structures located adjacent to West Calhoun Parkway to the public sidewalks. Those shared, gated stairs/walkways are 4 feet wide. Bollard lighting is proposed. Staff will require that a walkway to the public sidewalk along Sheridan Avenue South be provided as the residential structure located to the rear of the lot adjacent to Sheridan Avenue South must be oriented to face that street frontage.

The site is accessed off of Sheridan Avenue South. A 24-foot wide curb cut and drive aisle is proposed. Staff is recommending that the applicant reduce the drive aisle to 22 feet which is the minimum width permitted. This would allow the residential structures to be shifted two feet to the south. Traffic impacts on surrounding properties would be minimized.

The proposal minimizes the use of impervious surfaces. The site would have a landscaped area of approximately 13,519 square feet or approximately 45% of the site is proposed to be pervious. These areas include the lawn, gardens and various planting areas.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**

- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

According to the applicant, once the project is complete approximately 45 percent of the net site or 13,519 square feet of the site will be landscaped (please see the attached landscaping plan). The zoning code requires that there be at least 10 trees and 45 shrubs planted on the site. The applicant is proposing to have 78 trees and 286 shrubs on the site. The applicant is exceeding the landscape requirement. Staff is recommending that the drive aisle on site be reduced to the minimum width of 22 feet and that additional green space be added to the site in order to increase the percentage of landscaping generally.

The applicant is proposing to install a six-foot high retaining wall with a three-foot high cable railing in the front yards of the four units fronting on West Calhoun Parkway. These retaining walls/ fence structures are excessively high and would not be permitted. Further, the applicant is providing a six-foot steel fence at the property line around the rear and side yards of the property. The extent of the fence isn't clearly shown on the plans, however, the fence would not be able to extend beyond the front edge of the principal structure either on the northeast side of the property (interior side yard) or the southwest side of the property along Sheridan Avenue South. It appears that the adjacent residential structures are located 5 feet from these yards and as such the 6-foot fencing would be permitted. Staff would require that the applicant verify those adjacent structure setbacks from the property line. Staff is recommending that the applicant more clearly define on the site plan where the proposed fence will be located and that a detailed elevation of the fence be submitted with the final plans. The applicant is also proposing

an 8-foot high retaining wall along the east (interior side yard) property line. This retaining wall seems excessively tall and based on the contours shown on the site plan seems unnecessary. Another retaining wall is being proposed at the entry off of Sheridan Avenue South. Public Works has requested that this retaining wall be removed from the plans in order to maintain required sight distances and visibilities. Planning Staff would require that these walls be removed from the final plans. All fences and retaining walls will be subject to final review and approval. Section 113.10 of the code of ordinances requires a permit for any retaining wall over four feet in height. The applicant is also proposing to locate a six foot arborvitae hedge in the rear yard.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The applicant is proposing to install decorative pedestrian-scale bollard light fixtures as well as recessed light fixtures. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541. The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. The officer further recommended that the entrances to the private walkways/stairways leading up to the four units along West Calhoun Parkway be gated in order to define public versus private space.

The site plan as proposed could impact the adjacent properties in regard to blockage of views of Lake Calhoun. The proposed setback on Sheridan Avenue South at 20 feet would not be compatible with the location of other residential structures on this block face of Sheridan. Residential structures located on this block face of Sheridan are located at approximately 40 feet from the property line. Staff believes that in order for the proposed development to not block views of Calhoun, the established setback should be adhered to.

The development as proposed would not be expected to shadow adjacent properties or public spaces and wind currents would not be expected to be substantial.

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

ZONING CODE - The proposed use is conditional in the R2B District

With the approval of the conditional use permits, variances, site plan review, preliminary and final plat this development will meet the requirements of the R2B zoning district.

Specific Development Standards for a cluster development:

The specific development standards were addressed under the conditional use permit for a cluster development under additional criteria.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. The applicant proposes to provide 12 enclosed parking spaces for the proposed development which exceeds the requirement.

Signs: No signs are proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: Not applicable.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the R2B District. Cluster developments in the R2B District require 15,000 square feet of lot area or 5,000 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 80 feet in width. The lot has 30,349 square feet of lot area, 5,058 square feet per dwelling unit, and is situated on a lot greater than 80 feet in width.

Height: Maximum building height for principal structures located in the R2B District and the Shoreland Overlay District is 2.5 stories or 35 feet, whichever is less. The proposed six single-family units all conform with this requirement.

Yard Requirements: The required yards are as follows:

Front: Typically, along both West Calhoun Parkway (reverse corner) and Sheridan Avenue South the required setback would be 20 feet. However, both front yard setbacks are subject to a front yard increase per 546.160. Therefore, the required setback along West Calhoun Parkway is 55 feet and along Sheridan Avenue South is 41.5 feet.

Rear yard: 10 feet

Interior side yards: 10 feet

Building coverage: The maximum building coverage in the R2B District is 60 percent. Buildings would cover approximately 27 percent.

Impervious surface area: The maximum impervious surface coverage in the R2B District is 75 percent. Impervious surfaces would cover approximately 56 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this

chapter.

No alternative compliance is necessary based on the proposal.

PRELIMINARY PLAT –

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations.

ZONING CODE

With the approval of the conditional use permits, variances, site plan review, preliminary and final plat this development would meet the applicable requirements of the R2B zoning district.

THE MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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.

Staff does not believe that the proposed plat for a six-unit cluster development would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets.

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 does have steep slopes on the property. However, the proposed development is not occurring on the steep slopes and as such should not present the above hazards.

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 lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater 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.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for a 6-unit cluster development for property located at 3809, 3811 and 3813 Sheridan Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow development within 40 feet of the top of a steep slope for property located at 3809, 3811 and 3813 Sheridan Avenue South , subject to the following condition:

1. Removal of vegetation on the steep slope shall be prohibited except as authorized by the zoning administrator in section 551.520 of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for the variance of the front yard setback requirement along Sheridan Avenue for property located at 3809, 3811 and 3813 Sheridan Avenue South.

Recommendation of the Department of Community Planning and Economic Development– Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the front yard setback requirement (reverse corner) along West Calhoun Parkway for property located at 3809, 3811 and 3813 Sheridan Avenue South subject to the following conditions:

1. Reduce the drive aisle width to 22 feet and shift the applicable residential structures an additional 2 feet south.

Recommendation of the Department of Community Planning and Economic Development– Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to permit development in the Shoreland Overlay District within 40 feet of the top of a steep slope for property located at 3809, 3811 and 3813 Sheridan Avenue South.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 3809, 3811 and 3813 Sheridan Avenue South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by May 23, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The access drive shall be reduced 2 feet to the minimum of 22 feet so that the residential structures fronting on West Calhoun Parkway can be shifted 2 feet to the south.

4. The proposed structure located adjacent to Sheridan Avenue South (near the southwest corner of the property) shall be oriented so that a principal entrance faces the street. A walkway shall be required to connect the structure to the public sidewalk.
5. The proposed structure located at the northwest corner of the site (on the corner of West Calhoun Parkway and Sheridan Avenue South) shall be modified to meet the 10 percent window requirement on the second floor facing Sheridan Avenue South.
6. Retaining wall / fence structures will not be permitted in the front yard. All proposed retaining wall / fence structures are subject to final review and approval.
7. The applicant shall define more clearly define on the final site plan where the proposed fencing will be located and shall provide a detailed elevation of any proposed fencing with the final plans.
8. The retaining wall being proposed at the entry off of Sheridan Avenue South shall be removed from final plans in order to maintain required sight distances and visibilities.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary plat:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for property located at 3809, 3811 and 3813 Sheridan Avenue South.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos