

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

Conditional Use Permits, Variance and Site Plan Review

BZZ-3942

Vacation 1537

**Date:** April 14, 2008

**Applicant:** Catholic ElderCare, Attn: Mike Shasky, 817 Main Street NE, Minneapolis, MN 55413, (612)362-2496

**Address of Property:** 917, 923, 929 and 1001 2<sup>nd</sup> Street NE

**Project Name:** Catholic ElderCare Senior Housing

**Contact Person and Phone:** Miller Hanson Partners, Attn: Roger Howley, 1201 Hawthorne Avenue, Minneapolis, MN 55403, (612)332-5420

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

**Date Application Deemed Complete:** February 29, 2008

**End of 60-Day Decision Period:** April 28, 2008

**End of 120-Day Decision Period:** On March 18, 2008, Staff sent a letter to the applicant extending the decision period to no later than June 27, 2008.

**Ward: 3 Neighborhood Organization:** St. Anthony West Neighborhood Organization

**Existing Zoning:** R5 (Multiple-family) District

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

**Zoning Plate Number:** 9

**Lot area:** 53,200 square feet or 1.22 acres

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

**Proposed Use:** Construction of a 5-story, 66-unit senior housing facility.

**Concurrent Review:**

- Conditional Use Permit to allow 66 residential dwelling units.
- Conditional Use Permit to increase the maximum permitted height from 4 stories or 56 feet, to 5 stories or 62 feet.
- Variance of the off-street parking requirement.

- Variance to allow a drop-off area in the required front yard adjacent to 2<sup>nd</sup> Street NE.
- Site Plan review for a 5-story, 66-unit residential development.
- Petition to vacate part of 10<sup>th</sup> Avenue NE, part of 2<sup>nd</sup> Street NE, and part of an Alley.

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

**Background:** The applicant proposes to construct a new, 5-story, 66-unit senior housing facility on the properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE. The proposal would include an at grade, ground floor parking garage located at the rear of the first floor as well as common amenity areas including a café, lounge, library, club room and management office. The second floor common areas would include a wellness center, crafts room and outdoor terrace surrounded by a green roof garden. Residential units ranging in size from one bedroom/one bath to two bedroom/den/two baths, would occupy floors 2-5 and all units would include a private deck. The property is currently zoned R5 which allows the multi-family development with a conditional use permit. An additional conditional use permit would be required to allow an increase in the maximum allowable height from 4 stories or 56 feet to 5 stories or 62 feet. A variance is required to allow a drop-off area within the required front yard adjacent to 2<sup>nd</sup> Street NE. A variance was also noticed for the off-street parking requirement; however, upon further review the variance is not needed and will be returned to the applicant. Site plan review as well as a vacation is also required for the proposed development.

Staff has received correspondence from the St. Anthony West Neighborhood Organization as well as from an adjacent neighbor which has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

**CONDITIONAL USE PERMIT** –to allow 66 residential dwelling units

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

The Minneapolis Department of Community Planning and 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.**

Construction of a 66-unit residential development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units would strengthen the existing commercial base within the neighborhood. The proposal is under the allowable density for the

site as 70 units are permitted with a density bonus for enclosed parking. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The site is nearly vacant. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for 66 units of apartments would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would be principally accessed off of 2<sup>nd</sup> Street NE via one curb cut to the rear of the site where an entrance to the enclosed parking is located. The site also could be accessed through the public alley which will dead end into a cul-de-sac within the site. There is a proposed drop-off area located off of 2<sup>nd</sup> Street NE as well. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Chapter 541 of the zoning code requires one off-street parking space per dwelling unit, therefore a total of 66 parking spaces would be required for the proposed development. The applicant proposes to provide 62 parking spaces for the proposed development in an enclosed, at grade parking garage. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, the variance request is from 65 parking spaces to 62 parking spaces. The site is also in close proximity to a bus line that runs along 2<sup>nd</sup> Street NE. It appears that the midday headways are exactly 30 minutes apart in each direction, which would qualify the development for the 10 percent reduction in Section

541.200(1) of the Zoning Code. A further, 10% reduction would mean that no parking variance would be required and the submitted variance would be returned to the applicant.

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

According to the *Minneapolis Plan*, the subject parcels are located within a half block of a designated Neighborhood Commercial Node located at the intersection of Broadway Street NE and University Avenue NE. The subject parcel has frontage on Broadway Street NE which is also a designated Community Corridor. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

4.9 *Minneapolis will grow by increasing its supply of housing.*

Implementation Steps:

- Support the development of new medium and high-density housing in appropriate locations throughout the city.
- Support the development of infill housing on vacant lots.

4.11 *Minneapolis will improve the availability of housing options for its residents.*

Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.
- 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.

9.5 *Minneapolis will support the development of residential dwellings of appropriate form and density.*

Implementation Steps:

- 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.

9.6 *Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.*

- 9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.*

The proposal to construct a multi-family structure with 66 dwelling units is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

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

If all land use/zoning applications are approved, including conditional use permits, a variance and site plan review, the proposal would comply with all provisions of the R5 District.

**CONDITIONAL USE PERMIT** - to increase the maximum permitted height from 4 stories or 56 feet to 5 stories or 62 feet.

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

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

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

Staff does not believe that allowing a new 5 -story structure would be detrimental to or endanger the public health, safety, comfort or general welfare. There are other residential structures located within close proximity to the subject site that were approved at a similar height. Both the Crescent Trace Condominiums and the StoneHouse Square Apartments are approximately 62 feet tall. Allowing the structure to be 6 additional feet taller than what is typically under the R5 district guidelines would not be expected to have any adverse impacts.

- 2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

This property is located in a fully developed area and allowing minimal additional height would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development.

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

As previously mentioned, the site would be principally accessed off of 2<sup>nd</sup> Street NE via one curb cut to the rear of the site where an entrance to the enclosed parking is located. The site also could be accessed through the public alley which will dead end into a cul-de-sac adjacent to the site. There is a proposed drop-off area located off of 2<sup>nd</sup> Street NE as well. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for the proposed development. Further, the site is in close proximity to a bus route that runs along 2<sup>nd</sup> Street NE.

**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 for 66 dwelling units.

**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 and the site plan review this development would be in conformance with the applicable regulations of the zoning code.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

**1. Access to light and air of surrounding properties.**

This development would not be expected to have any additional impacts on the amount of light and air that surrounding properties receive. The underlying district allows a height of 4 stories or 56 feet and the applicant proposes to construct a 5-story structure at 62 feet. Staff would not expect a building constructed 6 feet in height taller than what is typically permitted to result in adverse impacts on the light and air that surrounding properties receive.

**2. Shadowing of residential properties or significant public spaces.**

The proposed development would not be expected to result in significant shadowing of any adjacent residential properties, and no significant adjacent public spaces about the subject site. The applicant has attempted to reduce the potential impacts of the structure on adjacent residential uses as the building is approximately 30 feet away from the nearest residential structure.

**3. The scale and character of surrounding uses.**

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Relative to similar developments within the general vicinity, Staff believes that the proposal is compatible with the scale and character of other buildings in the area. Both the Crescent Trace Condominiums and the StoneHouse Square Apartments are approximately 62 feet tall. The design and allocation or distribution of height on site would be compatible with the surrounding uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by significant shadows.

**VARIANCE** – (1) Variance to allow a drop-off area in the required front yard adjacent to 2<sup>nd</sup> Street NE.

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

**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.**

**To allow a drop-off area in the required front yard:** The property could likely be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning code would cause undue hardship. Due to the fact that the proposed housing will be for seniors, Planning Staff believes that allowing a drop-off area in front of the main entrance is a reasonable request.

**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.**

**To allow a drop-off area in the required front yard:** The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are required building setbacks in the R5 district. While the building is complying with the required setback, the drop-off area is located within the required front yard. Due to the population that the development is expected to serve, Planning Staff believes that allowing a drop-off area adjacent to 2<sup>nd</sup> Street NE is an appropriate safety measure. If the site were not subject to a required front yard setback, the building would likely be constructed up to the property line, or within close proximity to the property line in which case drop-offs would occur directly off of the public street and onto the public sidewalk.

**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.**

**To allow a drop-off area in the required front yard:** The granting of a variance to allow a drop-off area in the front yard adjacent to 2<sup>nd</sup> Street NE would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Extensive landscaping is being provided adjacent to the proposed drop-off area.

**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.**

**To allow a drop-off area in the required front yard:** The proposed variance to allow a drop-off area within the required front yard would likely not result in any increase in the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

## **SITE PLAN REVIEW**

### **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 DESIGN:**

- 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.**

The development is subject to required yards along all sides of the property. A total of 66 residential units are proposed for the site. The building would be oriented towards the designated front yard adjacent to 2<sup>nd</sup> Street NE, however is not entirely oriented towards Broadway Street NE. Due to the configuration of the lot, the proposed structure is oriented more towards the intersection of 2<sup>nd</sup> Street NE and Broadway Street NE as opposed to Broadway Street NE itself. Further, the City owns large areas of right-of-way adjacent to both Broadway Street NE and 2<sup>nd</sup> Street NE which impacts the overall orientation of the proposed structure. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the 2<sup>nd</sup> Street NE frontage and for a portion of the frontage along Broadway Street NE. The area between the building and the public streets would have new tree and shrub plantings along both street frontages.

The elevation of the building along 2<sup>nd</sup> Street NE incorporates windows that meet the 20% window requirement as approximately 39% are provided along 2<sup>nd</sup> Street NE. The elevation of the building along Broadway Street NE does not meet the 20% window requirement as approximately 16% are provided. Alternative compliance

would be necessary. Planning Staff believes that it is practical to require compliance with this provision as the elevation can comply with the minimum window requirement without having to substantially modify the programmed use of the 1<sup>st</sup> level floor plan adjacent to the elevation. Planning Staff will recommend that the applicant incorporate storefront windows similar in size to those along the 2<sup>nd</sup> Street NE frontage. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses at the street level along 2<sup>nd</sup> Street NE and for a portion of the structure along Broadway Street NE; however, parking is located behind a portion of the elevation along Broadway Street NE. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The windows are also distributed in a more or less even manner along the 2<sup>nd</sup> Street NE elevation, however, not along the Broadway Street NE elevation (north) which would require alternative compliance. Not all windows are distributed evenly as some of the programmed space along the north elevation is proposed to be utilized for parking. Planning Staff believes that alternative compliance should be granted in this circumstance as it would not be practical to require compliance with this provision. The applicant is proposing to include areas of glass block as an alternative compliance measure.

While there are recesses and projections in the proposed building wall along the south, east and west elevations, there are blank, uninterrupted wall greater than 25 feet in width along all building elevations (north, south, east and west elevations) that do not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance is necessary. The applicant has attempted to mitigate the blank walls by incorporating small glass block window openings into the building walls that house the ground level parking garage; however, in order to meet the intent of this provision, larger glass block openings will need to be provided as well as potentially including a change in material. Planning Staff believes that it is practical to require compliance with this code provision on all elevations and will recommend that the Planning Commission require it as well. Further, Planning Staff will recommend that the stairtower located on the north building elevation incorporate larger windows to help break up the vertical blankness of the building wall in that location.

The exterior materials would be compatible on all sides of the proposed building as different types of brick, various metal elements including metal panel siding, rock face concrete block and cement board panels would be utilized. The proposed building form and flat roof would be considered compatible with other buildings in the area.

No parking ramp is proposed as part of the development. All parking provided for the development is provided within a portion of the first floor of the proposed structure.

**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.**

The principal entry to the lobby of the structure would be located off of 2<sup>nd</sup> Street NE. The proposed development is subject to setback requirements, therefore the development is connected to the public sidewalk via walkways that are 5 feet in width. The proposed walkway that travels straight through the drop-off area must be a continuous accessible surface so that individuals don't have to maneuver over curbs to get out to 2<sup>nd</sup> Street NE from the entrance.

There are no transit shelters within the development, however the site is located along a Metro Transit bus line.

The proposed development has been somewhat designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Planning Staff is generally concerned with the drop-off area and how it conflicts with pedestrians. Typically, Planning Staff does not think that drop-off areas are a good idea as pedestrians have to battle vehicles to walk from the front door to the public sidewalk and they also require additional curb cuts. The expansive landscaping proposed for the site should further mitigate any potential impacts.

There is a public alley that was partially vacated for the proposed development. Public Works has approved the cul-de-sac configuration which is shown on the plans. There would be access to the site via the public alley, however, Staff would expect the majority of individuals to access the site directly off of 2<sup>nd</sup> Street NE.

The site has been designed to minimize the use of impervious surfaces as extensive landscaping, 67% of the site not occupied by buildings will be incorporated into the subject site. Further, the applicant is proposing that a portion of the second story of the development have a green roof.

**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 16,117 square feet or 67% of the site not occupied by buildings will be landscaped, which would exceed the 20% landscaping requirement. The site is approximately 53,200 square feet in size with buildings occupying a footprint of 29,306 square feet. Based on the site information, approximately 4,779 square feet of landscaping would be required. The zoning code requires that there be at least 10 trees and 48 shrubs planted on the site. The applicant is proposing to have 22 canopy trees (3 coniferous and 12 deciduous understory trees as well) and 342 shrubs on the site. The proposal is exceeding the minimum landscape quantity requirements. Further the applicant is proposing to include a 3,485 square foot partially accessible green roof on a portion of the second story of the development.

**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.**
- **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.**

All parking is being provided in an at grade enclosed parking garage which is accessed off of 2<sup>nd</sup> Street NE and via the public alley. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is encouraged to explore on-site retention and filtration.

The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. Staff would concur with this recommendation. Planning Staff would also expect to review a detailed lighting plan upon submission of final plans.

Staff would not expect the proposal to result in the blocking of views. The proposed structure would be expected to have negligible shadowing impacts on adjacent properties and public spaces. The proposed structure would be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

**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 R5 District

With the approval of the conditional use permits, variance and site plan review, this development would meet the requirements of the R5 zoning district.

**Parking and Loading:** Chapter 541 of the zoning code requires one off-street parking space per dwelling unit, therefore a total of 66 parking spaces would be required for the proposed development. The applicant proposes to provide 62 parking spaces for the proposed development in an enclosed, at grade parking garage. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, the variance request is from 65 parking spaces to 62 parking spaces. The site is also in close proximity to a bus line that runs along 2<sup>nd</sup> Street. It appears that the midday headways are exactly 30 minutes apart in each direction, which would qualify for the 10 percent reduction in Section 541.200(1) of the Zoning Code. A further, 10% reduction would

mean that no parking variance would be required and the submitted variance would be returned to the applicant.

**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. A trash room is included within the proposed structure.

**Signs:** No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum F.A.R. for all structures in the R5 District is the gross floor area of the building which is 100,797 square feet divided by the area of the lot which is 53,200 square feet. The outcome is 1.89 which is less than the maximum of 2.0 that is permitted in the R5 District. The project would also be eligible for a density bonus due to the enclosed parking being provided on site.

**Minimum Lot Area:** The project would meet the minimum lot width requirements of the R5 District as the development is situated on a lot greater than 40 feet in width, and the project is complying with the minimum lot area per dwelling unit. Multiple-family developments in the R5 District require 5,000 square feet of lot area or 900 square feet per dwelling unit. A 66-unit development with a bonus for enclosed parking would require a lot having an area of no less than 47,520 square feet. The subject parcel is 53,200 square feet in size.

**Dwelling Units per Acre:** With 66 dwelling units on a site having 53,200 square feet of lot area, the proposal would include approximately 54 dwelling units per acre.

**Height:** Maximum building height for principal structures located in the R5 District is 4 stories or 56 feet, whichever is less. The proposal would not conform with this requirement as a conditional use permit is being requested to allow an increase in height to 5 stories or 62 feet.

**Yard Requirements:** The required yards are as follows:

*Front - adjacent to 2<sup>nd</sup> Street NE:* 15 feet

*Rear/Interior side yards (5+2x) :* 13 feet

*Corner side yard -adjacent to Broadway Street NE: (8+2x):* 16 feet

**Building coverage:** The maximum building coverage in the R5 District is 70 percent. Buildings would cover approximately 55 percent of the site.

**Impervious surface area:** The maximum impervious surface coverage in the R5 District is 85 percent. Impervious surfaces would cover approximately 61 percent of the site.

### **MINNEAPOLIS PLAN**

See the above listed response to finding #5 in the conditional use permit application for 66 dwelling units.

### **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.

Alternative compliance is requested by the applicant to meet the following standards:

**20% window requirement:** The elevation of the building along Broadway Street NE does not meet the 20% window requirement as approximately 16% are provided. Alternative compliance would be necessary. Planning Staff believes that it is practical to require compliance with this provision as the elevation can comply with the minimum window requirement without having to substantially modify the programmed use of the 1<sup>st</sup> level floor plan adjacent to the elevation. Planning Staff will recommend that the applicant incorporate storefronts windows similar in size to those along the 2<sup>nd</sup> Street NE frontage.

**Even window distribution:** The windows are not distributed in a more or less even manner along the Broadway Street NE elevation (north) which would require alternative compliance. Some of the programmed space along the north elevation is proposed to be utilized for parking. Planning Staff believes that alternative compliance should be granted in this circumstance as it would not be practical to require compliance with this provision. The applicant is proposing to include areas of glass block as an alternative compliance measure.

**Blank, uninterrupted walls greater than 25 feet in width:** While there are recesses and projections in the proposed building wall along the south, east and west elevations, there are blank, uninterrupted wall greater than 25 feet in width along all building elevations (north, south, east and west elevations) that do not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance is necessary. The applicant has attempted to mitigate the blank walls by incorporating small glass block window openings into the building walls that house the ground level parking garage; however, in order to meet the intent of this provision, larger glass block openings will need to be provided as well as potentially including a change in material. Planning Staff believes that it is practical to require compliance with this code provision on all elevations and will recommend that the Planning Commission require it as well. Further, Planning Staff will recommend that the staintower located on the north building elevation incorporate larger windows to help break up the vertical blankness of the building wall in that location.

**VACATION (Vacation 1537)** – Petition to vacate part of 10<sup>th</sup> Avenue NE, part of 2<sup>nd</sup> Street NE, and part of an Alley adjacent Block 4, Bottineau's Addition to Minneapolis; Vacation File No. 1537.

**Development Plan:** The site plan for the development is attached. As the development plan indicates, the vacation application includes not only a partial vacation of the public alley, but also part of 10<sup>th</sup> Avenue NE as well as the right-of-way adjacent to 2<sup>nd</sup> Street NE. The vacation along 2<sup>nd</sup> Street NE would appear to result in an uneven right-of-way for the block which is a concern to Planning Staff. As mentioned below however, Public Works has approved the request subject to the easement listed below.

**Responses from Utilities and Affected Property Owners:** The Minneapolis Park and Recreation Board identified four boulevard trees in the area that is proposed to be vacated. If this is the case, compensation for the value of these trees must be provided by the party requesting the vacation. Please see the attached email from the Minneapolis Park and Recreation Board. Minneapolis Public Works has also reviewed the vacation petition and recommends approval of the request subject to the following legal description and easement:

**Legal Description:**

“That part of the alley in Block 4, Bottineau’s Addition to Minneapolis, according to the recorded plat thereof, lying northwesterly of the northeasterly extension of the southeasterly line of Lot 6, said Block 4, and lying southeasterly of the northeasterly extension of the northwesterly line of said Lot 6.

And; The Southeasterly half of 10<sup>th</sup> Avenue NE, as dedicated in Bottineau’s Addition to Minneapolis, according to the recorded plat thereof, lying southwesterly of the northwesterly extension of the southwesterly line of Lot 5, Block 4, said Addition, and lying northeasterly of the northwesterly extension of the southwesterly line of Lot 6, said Block 4.

And; That part of 2<sup>nd</sup> Street NE, as dedicated in Bottineau’s Addition to Minneapolis, according to the recorded plat thereof, lying southeasterly of the centerline of 10<sup>th</sup> Avenue NE, as dedicated in Bottineau’s Addition, and it’s southwesterly extension; lying northwesterly of the southwesterly extension of the southeasterly line of Lot 8, Block 4, said Addition; and lying northeasterly of a line that is parallel with the southwesterly line of said Block 4 and that passes through the intersection of the centerline of said 10<sup>th</sup> Avenue NE with a line 80.00 feet northeasterly of, measured at right angles to and parallel with, the southwesterly line of 2<sup>nd</sup> Street NE as described in Doc. No. 1879677, as of record in the Hennepin County Recorders office, Minneapolis, Minnesota.

**Easement:**

That part of Block 4, Bottineau’s Addition to Minneapolis, described as commencing at the southeasterly corner of the northwesterly half of Lot 8, said Block 4; thence northwesterly along the northeasterly line of said Lot 8 a distance of 1.10 feet to the point of beginning of the right of way to be described; thence westerly 37.45 feet along a tangential curve concave to the south having a radius of 25.00 feet and a central angle of 85 degrees 49 minutes 07 seconds; thence northerly, 113.54 feet along a reverse curve concave to the northeast having a radius of 37.00 feet and a central angle of 175 degrees 49 minutes 07 seconds; thence northeasterly, tangent to said curve, to the intersection with the northwesterly extension of the northeasterly line of said Lot 8; thence southeasterly along said northwesterly extension and the northeasterly line of said Lot 8 to the point of beginning. All according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota.

**Findings:** The CPED Planning Division finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if the easement requested above is granted by the petitioner.

**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 66 dwelling units on properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**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 an increase in height to 5 stories or 62 feet on properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**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 **return** the application for a variance of the off street parking requirement for the properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE.

**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 application for a variance to allow a drop-off area adjacent to 2<sup>nd</sup> Street NE within the required front yard for the proposed development on the properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE.

**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 **approve** the site plan review application for a 66-unit, residential development on the properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE subject to the following conditions:

1. All site improvements shall be completed by April 14, 2009 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The north elevation located adjacent to Broadway Street NE shall be modified to meet the 20% window requirement. Storefronts windows similar in size to those along the 2<sup>nd</sup> Street NE frontage shall be incorporated where appropriate.
4. Incorporation of windows, entries, recesses, projections or other architectural elements along the north, south, east and west ground floor elevations of the proposed building to break up the blank uninterrupted walls that exceeds 25 feet in width per Section 530.120 of the zoning code.
5. All glass block windows located on the ground floor elevations shall minimally be doubled in size.
6. The stairtower located on the north building elevation shall incorporate larger windows to help break up the vertical blankness of the building wall in that location.
7. The proposed walkway that travels through the drop-off area must be a continuous accessible surface so that individuals don't have to maneuver over curbs to get straight out to 2<sup>nd</sup> Street NE from the entrance.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation application for the properties located at 917, 923, 929 and 1001 2<sup>nd</sup> Street NE.

**Attachments:**

1. Statement of use and description of the project
2. Findings for CUPs and Variance
3. Correspondence – St. Anthony West Neighborhood Organization, letter from adjacent neighbor
4. Zoning map
5. Plans, site, elevations, landscaping, etc.
6. Photos
7. PDR notes
8. Alley vacation correspondence, resolution and attachments