

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4076

Date: July 7, 2008

Applicant: Kerry Dikken

Address of Property: 128 Groveland Avenue

Project Name: Dikken Residence

Contact Person and Phone: Kerry Dikken, (612) 874-9614

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: May 27, 2008

End of 60-Day Decision Period: July 7, 2008

Ward: 6 Neighborhood Organization: Stevens Square Community Organization

Existing Zoning: OR1, Neighborhood Office Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Uses: New multiple-family dwelling with 4 units.

Concurrent Review:

Conditional Use Permit: to increase the maximum allowed height of a multiple-family dwelling from 2.5 stories to 3 stories and from 35 feet to 38 feet.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits.

Background: The applicant is proposing to construct a new multiple-family dwelling with 4 units at the property of 128 Groveland Avenue. The site is on the south side of Interstate 94. The immediate area includes a mix of residential densities from single-family dwellings to multiple-family dwellings. A single-family dwelling exists on the site, but will be demolished. The building would be 3-stories with enclosed, below-grade parking.

A multiple-family dwelling with 4 units is a permitted use in the OR1 District. The maximum allowed height in the OR1 district is 2.5 stories or 35 feet, whichever is less. Three stories are proposed. The

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height in feet is measured as the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building to the top of the highest point of the roof. This dimension is 38 feet. A conditional use permit is required to increase the maximum height of a multiple-family dwelling with 4 units.

Also, a new multiple-family dwelling with 4 units requires administrative site plan review and is subject to Article VI of Chapter 530, Site Plan Review.

On June 26, 2006, the Planning Commission approved a conditional use permit to increase the height of a building to 3 stories and 35.5 feet on this site. That proposal was also for a multi-family dwelling with 4 units and was proposed by the same applicant. The previous approval has since expired.

Correspondence from the Stevens Square Community Organization was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to increase the maximum allowed height of a multiple-family dwelling from 2.5 stories to 3 stories and from 35 feet to 38 feet.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

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

Construction of a multifamily residential building of three stories, 38 feet on the site should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

- 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.**

The surrounding area is fully developed. The immediate area includes a mix of residential densities from single-family dwellings to multiple-family dwellings. These residential structures are between 2 and 3 stories in height. Because of a large grade change, many of the structures are elevated above the street grade and have tuck-under garages. The proposed residence would exceed the maximum height in feet by 3 feet because of the grade change. Further, the third story would be set back 22 feet from the front façade lessening any impact. A 3-story residence should have little effect on surrounding properties.

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

The additional height of the development will have no affect on area utilities, access roads, drainage or other facilities.

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

The construction of a new multiple-family dwelling with 4 units should have little effect on traffic congestion. The proposed residence includes a below-grade parking garage with 8 spaces.

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

According to the principles and policies outlined in the plan, the following apply to this proposal:

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

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Steps

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the downtown skyline, landmark buildings, significant open spaces or water bodies.

Staff comment: The immediate area includes a mix of residential densities from single-family dwellings to multiple-family dwellings. These residential structures are between 2 and 3 stories in height. Because of a large grade change, many of the structures are elevated above the street grade an additional story and have tuck-under garages. The proposed residence would exceed the maximum height in feet by 3 feet because of the grade change. It would comply with the minimum side yard requirements of 9 feet. Further, the third story would be set back 22 feet from the front façade lessening any impact. The height of 2 ½ story structure with a pitched roof is measured at the average distance between the peak of the roof and the eave edge. Therefore, the roof peak of a 2 ½ story structure can extend above grade more than 35 feet. Dormers can also be allowed on a half story. The proposed structure should not have much more of an impact on views of the downtown skyline than a structure that complies with height requirement of the district.

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.

Before applying for a building permit for the new single-family dwelling, the applicant will need to apply for the administrative site plan review application. The use of the site for a multi-family residential dwelling will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit and administrative site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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

The proposed residence would exceed the maximum height in feet by 3 feet because of the grade change. It would comply with the minimum side yard requirements of 9 feet. Further, the third story would be set back 22 feet from the front façade lessening any impact. The adjacent residences are elevated at the same grade. It should have little effect on surrounding properties access to air and light.

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

The applicant did not submit a shadow study as part of this application. The proposed residence would exceed the maximum height in feet by 3 feet because of the grade change. It would comply with the minimum side yard requirements of 9 feet. Further, the third story would be set back 22 feet from the front façade lessening any impact. The adjacent residences are elevated at the same grade. Interstate-94 is located to the north of the site. The shadowing effects should not be significant.

(3) The scale and character of surrounding uses.

The immediate area includes a mix of residential densities from single-family dwellings to multiple-family dwellings. These residential structures are between 2 and 3 stories in height. Because of the grade change, many of the structures are elevated above the street grade an additional story and have tuck-under garages. There are two other structures in the immediate area that also have flat roofs. The building should not be out of character with other buildings in the area.

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

Staff does not believe that there are views of significant open spaces or water bodies from the subject site. The structure should not have much more of an impact on views of the downtown skyline than a structure that complies with height requirement of the district.

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 conditional use permit to increase the maximum allowed height of a multiple-family dwelling with 4 units from 2.5 stories to 3 stories and from 35 feet to 38 feet for the property located at 128 Groveland Avenue, 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.

Attachments:

1. Preliminary Development Review report
2. Statement of use
3. Applicant findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos