

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

Conditional Use Permit, Variances, Site Plan Review  
BZZ-2913

**Date:** April 24, 2006

**Applicant:** Irving Companies/James Gray, 2101 Hennepin Avenue South, Suite 107,  
Minneapolis, MN 55405

**Addresses of Property:** 2701 1<sup>st</sup> Avenue South

**Project Name:** 2701 1<sup>st</sup> Avenue South

**Contact Person and Phone:** Room Inc., Paul Pavlak, 4706 Nicollet Avenue South,  
Minneapolis, MN 55405, (612) 203-9824

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

**Date Application Deemed Complete:** March 30, 2006

**End of 60-Day Decision Period:** May 29, 2006

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

**Ward: 6 Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** R5

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

**Zoning Plate Number:** 25

**Lot area:** 7,065 square feet or .16 acres

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

**Proposed Use:** Three-story, 6-unit residential condominium development.

**Concurrent Review:**

- Conditional Use Permit for 6 dwelling units.
- Variance of the required front yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet.
- Variance of the required reverse corner (front) yard along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment.

- Variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet.
- Site Plan Review for a three-story, 6-unit condominium development.

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

**Background:** Room Inc., on behalf of Irving Companies, proposes to construct a 3-story, 6-unit condominium row house development on the property located at the southeast corner of 27<sup>th</sup> Street East and 1<sup>st</sup> Avenue South, at 2701 1<sup>st</sup> Avenue South. Enclosed parking would be provided in the first level of the attached row houses. The garages would be accessed via the alley on the south side of the site to a private one-way drive along the east property line. The one-way private drive would exit the property onto 27<sup>th</sup> Street East via a new curb cut.

The property is currently zoned R5 which permits multi-family residential developments. A conditional use permit and site plan review are required with residential developments consisting of 5 or more units. The applicant is also requesting a variance of the required front yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet and the front yard (reverse corner) along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment. The applicant is also requesting a variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet.

Staff has received official correspondence from the Whittier Alliance, which has endorsed the project. The correspondence has been attached for reference.

**CONDITIONAL USE PERMIT** - for 6 residential dwelling units

**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.**

Development of a 3-story, 6-unit residential condominium development would likely not have negative impacts on the area. There are several residential developments located within the general area that are multi-family and Staff believes that a residential development of moderate density would be compatible

with the uses in the area. The project would likely not be detrimental to or endanger the public health, 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 currently vacant. Staff would not expect that a three-story, 6-unit owner occupied condominium building in an R5 district would be injurious to the use and enjoyment of other property in the vicinity and would likely not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. There are several other multi-family developments located 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 accessed via the alley on the south side of the property. The applicant proposes to locate a one-way driveway on the east side of the site which would enter to the ground level enclosed parking garages for the proposed development. The driveway would exit via a new curb cut onto 27<sup>th</sup> Street East. There is no surface parking proposed with this project. The Public Works Department will review the preliminary and final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. Staff is still concerned with the maneuvering ability in the driveway on the east side of the site, however with the alteration of the driveway to a one-way and the modification of the garage doors to an angled configuration, the proposed driveway width appears to be adequate.

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

The project would comply with the minimum number (6) of required off-street parking spaces. All parking spaces would be located in garages at the ground level of each residential unit within the proposed development.

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

The conditional use permit to allow 6 units of housing in a condominium development is consistent with the relevant provisions of the Minneapolis Plan, as follows:

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

*Relevant 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.

The proposed conditional use permit would allow residential development of moderate density in close proximity to Nicollet Avenue, a Commercial Corridor.

**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 a conditional use permit, variances and site plan review, the proposal would comply with all provisions of the R5 District.

**VARIANCE** – (1) Variance of the required front yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet; (2) Variance of the required reverse corner (front) yard along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment; (3) Variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet.

**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.**

**Front yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet:** Staff believes that granting the setback variance is reasonable and strict adherence to the regulations of the zoning code could cause an undue hardship. The proposal is subject to two front yards as the property is a reverse corner lot. By requiring the applicant to meet the setback, the development would not be able to accommodate both the parking and adequate maneuvering space for the enclosed spaces, nor would it allow the structure to meet the rear yard requirement. There is no adjacent residential structure to the east along 27<sup>th</sup> Street East as the adjacent property is currently a community garden. The nearest structure to the east on the same block is a church which appears to be located much closer to the property line than the proposed structure would along 27<sup>th</sup> Street East. Additionally, in the R5 district no new single or two-family dwelling could be constructed on the property.

**Reverse corner (front) yard along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment:** Staff believes that granting the setback variance is reasonable and strict adherence to the regulations of the zoning code could cause an undue hardship. The proposal is subject to two front yards as the property is a reverse corner lot. The width of the proposed structure has been designed to accommodate enclosed parking. By requiring the applicant to meet the required setback, the development would not be able to accommodate both the parking and adequate maneuvering space for the enclosed spaces, as the width of the proposed structure would need to be decreased. The proposed width of the structure at approximately 31 feet 7 inches is modest for a multi-family structure. Additionally, in the R5 district no new single or two-family dwelling could be constructed on the property.

**Variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet:** Staff believes that granting the maneuvering variance is reasonable and strict adherence to the regulations of the zoning code could cause an undue hardship. The structure has been designed so that the garage doors are at an angle which would allow for more ease of maneuvering into and out of the proposed garages. Additionally, the applicant proposes that the driveway be one-way with an entrance to the driveway off of the alley on the south side of the site and an exit onto 27<sup>th</sup> Street East via a new curb cut. The width of the proposed structure has been designed to accommodate enclosed parking. By requiring the applicant to meet the required maneuvering area, the development would not be able to accommodate the proposed enclosed parking.

**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 yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet:** The circumstances could be considered unique as the property is subject to two front yards and is considered a reverse corner lot. Additionally, the proposed length and width of the development has been designed to accommodate enclosed parking for each of the six residential units.

**Reverse corner (front) yard along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment:** The circumstances could be considered unique as the property is subject to two front yards and is considered a reverse corner lot. Additionally, the residential structure to the south is located at approximately 11 ½ feet from the west property line. The proposal to locate the building at the closest point at 10 feet from the west property line and to allow the stair encroachment into the required yard to zero feet from the west property line would seem reasonable. The building line varies with slight

recesses to a setback of approximately 12 feet at the farthest point from the west property line.

**Variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet:** The circumstances could be considered unique as the property is subject to two front yards and is considered a reverse corner lot. The proposed width of the residential structure could be considered modest and the design of the structure to locate the garage doors at an angle allows for better maneuvering on site.

**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 yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet:** Granting the setback variance would likely be in keeping with the spirit and the intent of the ordinance as the adjacent lots are currently utilized as a community garden and the closest structure, a church, on the same block face to the east appears to be located much closer to the property line along 27<sup>th</sup> Street East than the proposed structure. Further, granting a setback variance along the north property line for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. There are no structures adjacent to the proposed development along 27<sup>th</sup> Street East as previously mentioned. The property to the east is currently a community garden and the closest structure is a church which appears to be located much closer the property line along 27<sup>th</sup> Street East than the proposed structure.

**Reverse corner (front) yard along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment:** Granting the setback variance would likely be in keeping with the spirit and the intent of the ordinance. Further, granting a setback variance along the west property line on a reverse corner lot for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The residential structure to the south across the alley is located approximately 11 ½ feet from the proposed property line. The proposed residential structure would be located at approximately 10 feet at the closest point and with the slight building recesses would be located at the farthest point 12 feet from the west property line. The variation of the structure from 10-12 feet from the west property line would fit in with the existing residential developments to the south.

**Variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet:** Granting the maneuvering variance would likely be in keeping with the spirit and the 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. Staff would require that the existing trees along the east property line be preserved as the trees currently provide a vegetative buffer. Further, the applicants shall not remove or damage any trees located on the adjacent property. Additionally, Staff is concerned with the potential encroachment of vehicles due to maneuvering onto the property to the east and would therefore require as a condition of approval that a decorative fence be installed where there are no trees along the east property line. Public Works has stated that the applicant would be required to provide signage to indicate that the driveway along the east property line is a one-way drive.

**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 yard along the north property line adjacent to 27<sup>th</sup> Street East from 15 feet to 12 feet:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**Reverse corner (front) yard along the west property line adjacent to 1<sup>st</sup> Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**Variance of the required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or 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 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.**

The proposed structure would be located closer to the property line than the required setback as the proposal requires variances of both front yards adjacent to 27<sup>th</sup> Street East and 1<sup>st</sup> Avenue South. One principal 6-unit residential rowhouse structure is proposed for the site. The building is oriented towards and the street edge reinforced adjacent to 1<sup>st</sup> Avenue South but not towards 27<sup>th</sup> Street East.

There are principal entrances that face 1<sup>st</sup> Avenue South; however, no principal entrances face 27<sup>th</sup> Street East. The proposed development does incorporate private principal entries to all six units along 1<sup>st</sup> Avenue South. The building somewhat reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access along both frontages; however the 1<sup>st</sup> Avenue South frontage could be improved. The area between the building and the public streets would have new and existing tree plantings, sod and shrubs.

The west elevation of the proposed residential building located along 1<sup>st</sup> Avenue South does not incorporate windows that meet the 20% window requirement on the first floor. There are some windows and there are principal building entries for 3 of the 6 units located on the ground floor, however, the current elevations reflect approximately 10% of the first floor as windows. Staff would require as a condition of approval that the elevations be modified to incorporate the required 20% on the first floor. The north elevation of the proposed residential building located along 27<sup>th</sup> Street East is just under the 20% window requirement on the first floor as approximately 19% of the first floor is shown as windows. Staff would require as a condition of approval that this elevation also be modified to meet the minimum window requirement. The windows proposed between 2 and 10 feet are designed to provide natural surveillance and visibility by having active residential uses located along the public street which is why staff would recommend that the Planning Commission require that the minimum requirements be met. 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 distributed in a more or less even manner.

The exterior materials and appearance of the rear and side walls of the proposed buildings are proposed to be similar to and compatible with the front of the building. The proposed materials will be brick, cementitious siding and burnished block. The proposed building appears to incorporate architectural elements including recesses and projections, windows and entries. Staff would encourage that the applicant consider modifying the south elevation as the windows are not evenly distributed. Additionally, the elevation would need to be modified as there are blank uninterrupted walls that exceed 25 feet in width. Alternative compliance would be necessary. Staff would require as a condition of approval that the elevation be modified to include some sort of architectural features to break up the blankness.

The form and pitch of the roof line would be flat and compatible with surrounding buildings in the general area.

No parking ramp is proposed as part of the development. All parking proposed for the development would be located in the ground level enclosed garages.

#### **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 entrances of the proposed building are connected via a 4-foot wide concrete walk and stairways to the public sidewalk. The parking facilities for each individual unit are located in private ground level garages.

There are no transit shelters within the development.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There would unlikely be impacts on the adjacent residential properties.

There is a public alley adjacent to the site. The alley would be utilized to access the private one-way drive to the ground level garages proposed as part of the development.

The site has been designed to minimize the use of impervious surfaces through landscaping.

## **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.**

The proposal does meet the 20% landscape requirement. The total site area is 7,065 square feet or .16 acres and the proposed building footprint on the site would be 3,562 square feet. A total of 700 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 1800 square feet or approximately 51% of the site not occupied by buildings. The zoning code requires that there be at least 1 tree and 6 shrubs. The applicant is proposing to provide 2 trees and 10 shrubs. The proposal is meeting the minimum landscape quantity requirements.

## **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.**

All parking is being provided in private enclosed garages with access via a private one-way driveway along the east side of the site. The water drainage on site would need to be designed so as not to drain onto any adjacent lots.

The applicant is proposing to install decorative, wall mounted light fixtures throughout the site. 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.

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.

The parking facilities have been designed to avoid headlights from shining on adjacent properties. There are adjacent residential properties to the south of the site that could be impacted as all vehicular access to and from the site would be off the alley on the south side of the site. However, vehicles would be driving north when on the site in question.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties. The proposed building would also not be expected to have significant impacts on light, wind and air in relation to the surrounding area.

**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 permit, variances and site plan review this development would meet the requirements of the R5 zoning district.

**Specific Development Standards:** Not applicable.

**Parking and Loading:** Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. The applicant proposes to provide 6 enclosed parking spaces in ground-level garages for the proposed development which meets 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:** The maximum F.A.R. for multiple-family dwelling units in the R5 District is the gross floor area of the building which is 10,648 square feet divided by the area of the lot which is 7,065 square feet. The outcome is 1.5 which is less than the maximum of 2.0 that is permitted in the R5 District.

**Minimum Lot Area:** The project would meet the minimum lot width and area requirements of the R5 District. Multiple-family developments in the R5 District require 5,000 square feet of lot area or 900 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 7,065 square feet of lot area and is situated on a lot greater than 40 feet in width.

**Height:** Maximum building height for multiple-family dwelling units in the R5 District is 4 stories, not to exceed 56 feet. The condominium would comply with this limitation as the proposed development is 3 stories or 35 feet.

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

*Front:* 15 feet.

*Rear yard (5+2x):* 9 feet.

*Interior side yards(5+2x):* 9 feet.

**Building coverage:** The maximum building coverage in the R5 District is 70 percent. Buildings would cover approximately 50 percent.

**Impervious surface area:** The maximum impervious surface coverage in the R5 District is 85 percent. Impervious surfaces would cover approximately 71 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.

Alternative compliance would not be necessary should the Planning Commission recommend approval with the conditions as written. The north and west elevations would need to be modified to incorporate the minimum 20% window requirement on the first floor. The south ground floor elevation would need to be modified as there are blank uninterrupted walls that exceed 25 feet in width.

**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 up to 6 dwelling units on property located at 2701 1st 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 for the proposed residential structure along the north property line adjacent to 27<sup>th</sup> Street East for property located at 2701 1<sup>st</sup> Avenue South from 15 feet to 12 feet.

**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 reverse corner (front) yard for the proposed residential structure along the west property line adjacent to 1<sup>st</sup> Avenue South for property located at 2701 1st Avenue South from 15 feet to 10 feet for the proposed building and to 0 feet for the proposed stair encroachment.

**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 required 22 foot minimum drive-aisle for maneuvering along the east property line or interior side yard to 11 feet for property located at 2701 1<sup>st</sup> 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 2701 1st 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 April 24, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the north and west elevations to incorporate the minimum 20% window requirement on the first floor as required by section 530.120 of the zoning code.

4. Incorporation of windows, entries, recesses, projections or other architectural elements along the south elevation to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120.
5. Modification of the south elevation regarding the distribution of windows in a more or less even manner.
6. Preservation of the existing trees along the east property line.
7. Installation of a decorative fence along the east property line where there are no trees to prevent the encroachment of vehicles due to maneuvering.

**Attachments:**

1. Statement of use and description of project
2. Findings – CUP and Variances
3. Correspondence
4. Zoning map
5. Plans – site survey, site plan, floor plans, elevations, landscape plans
6. Photos
7. PDR comments