

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, two Variances and Site Plan Review
BZZ-2343

Date: June 27, 2005

Applicant: Jay Nord, St. Anthony Boulevard, LLC.

Address of Property: 3207 Central Avenue Northeast

Project Name: The St. Anthony

Contact Person and Phone: John Harriss with Harriss Architects, Inc., (612) 339-2190

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: May 17, 2005

End of 60-Day Decision Period: July 16, 2005

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

Ward: 1 Neighborhood Organization: Waite Park Community Council

Existing Zoning: OR2, High Density Office Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 6

Legal Description: Not applicable for this application

Proposed Use: 30-unit condominium development

Concurrent Review:

Conditional use permit: for 30 dwelling units (was 34 dwelling units).

Variance: to reduce the front yard setback from the established 22 feet to a distance between 14 feet (was 15 feet) and 7.5 feet (was 4 feet) for the building and patios/balconies.

Variance: to reduce the corner side yard setback from the required 14 feet to 5 feet (was 0 feet) for the building.

Variance: to reduce the rear yard setback from the required 11 feet to 4 feet for the building and to 0 feet for 3 balconies. This application is no longer necessary for the project.

Variance: to reduce the minimum lot size requirement from 700 square feet per dwelling unit to 548 square feet per dwelling unit (22 percent variance). This application is no longer necessary for the project.

Variance: to increase the maximum lot coverage from 70 percent to 97 percent for the property. This application is no longer necessary for the project.

Variance: to increase the maximum impervious surface coverage from 85 percent to 99 percent. This application is no longer necessary for the project.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” and Chapter 530, Site Plan Review.

Background: The site located at 3207 Central Avenue Northeast is currently occupied by the Washburn-McReavy funeral home. The applicant is proposing to demolish the existing building and construct a new 4-story, 30 unit condominium building. There would be 38 parking spaces located in one level of underground parking beneath the building. The parking garage will be accessed off of 32nd Avenue Northeast. The roof of the parking garage will be located between 1 and 3 feet below grade. On top of the parking deck the applicant is proposing to install a green roof system. The soil depth of the green roof system will be between 1 and 3 feet. Specifications for the green roof system are included on the plans.

There will be one and two bedroom dwelling units in the building that range between 1,027 square feet and 1,455 square feet. Each dwelling unit has its own outdoor patio or balcony. Those units located on the first floor facing the alley will have direct access from their balconies to the back yard.

Two variances are required for this development. One is to reduce the front yard setback from the setback established by the setback of the adjacent single-family dwelling to the north and the other is to reduce the corner side yard setback from the required setback established by the zoning code. Since this project was originally noticed for a public hearing the applicant has made some changes to the design of the building based on staff’s concerns about the original submittal. As a result, the number of required variances has been reduced from 6 to 2.

CONDITIONAL USE PERMIT - for 30 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.

The Planning Division does not believe that 30 units of for-sale condominiums will be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant has reduced the proposed number of dwelling units to comply with the number of units allowed in the existing OR2 District.

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

The Planning Division does not believe that a 30-unit condominium development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for a residential development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

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

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

The parking requirement for the development is 0.9 spaces per dwelling unit, or 27 parking spaces. The applicant is providing a total of 38 parking spaces on the site. All 38 of the parking spaces will be located in an underground parking garage beneath the building. The parking garage will be accessed off of 32nd Avenue Northeast. Bicycle parking is not being proposed at this time. The Planning Division encourages the applicant to provide bicycle parking in the underground parking garage.

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

The site is designated as services-commercial in the comprehensive plan. The site is located on Central Avenue Northeast which is a designated Community Corridor. In addition, the site is located on the north side of Saint Anthony Parkway, an existing greenway. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- 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 (Implementation Step for Policy 9.5).
- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
- Promote more intensive residential development along Community Corridors where appropriate (Implementation Step for Policy 9.27).

The applicant is proposing to construct a 30-unit, for-sale condominium development on the site. Constructing a mixed-use building on this site will strengthen the surrounding residential neighborhood. This development will also support Central Avenue Northeast, a designated Community Corridor.

Community corridors, as described in *The Minneapolis Plan*, are streets that support new residential development at medium density and increased housing diversity in the neighborhoods. Design and development along these streets is oriented towards the pedestrian experience. These streets carry high volumes of traffic. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic. The development is providing 30 units of housing on a relatively small lot, the building is located close to the front property line and all of the parking is located in an underground parking garage which keeps the focus of the project on the pedestrian and not the automobile.

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 permit, the two variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the front yard setback from the established 22 feet to a distance between 14 feet and 7.5 feet for the building and patios/balconies

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 setback: The applicant is seeking a variance to reduce the front yard setback from the established 22 feet to a distance between 14 feet and 7.5 feet for the building and patios/balconies. The applicant has indicated that in order to construct a reasonably sized building and the required parking spaces on the site that the building needs to be located closer to the front property line than the zoning code allows. The applicant has pointed out that the adjacent single-family dwelling to the north is located 22 feet from the front property line and 13 feet from the shared interior property line. The subject building would be located 16 feet from the shared interior property line. Therefore there would be 29 feet of green space between the proposed building and the adjacent single-family dwelling.

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 setback: The Planning Division believes that it is reasonable to locate the building between 14 feet and 7.5 feet from the front property line in order to accommodate all of the required parking spaces underneath the building. Several of the buildings along Central Avenue Northeast are located close to the front property line. The Making Central Avenue Great plan, which has not been adopted by

the City Council, calls for residential buildings to be located between 10 and 15 feet from the property line.

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 setback: The granting of the setback variance would not significantly affect the essential character of the area given that there would be 29 feet between the subject building and the adjacent single-family dwelling to the north. The applicant proposes to have open lawn and plantings between the building and the interior property line.

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 setback: 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 - to reduce the corner side yard setback from the required 14 feet to 5 feet for the building

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.

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback from the required 14 feet to 5 feet for the building. The applicant has indicated that given the grades on the site, the need to provide appropriate access to the underground parking garage and the required parking spaces on the site that the building needs to be located closer to the corner side yard property line than the zoning code allows. The applicant has pointed out that in addition to the 5-foot setback for the building that there is an additional 2.5 feet of green space between the property line and the sidewalk.

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.

Corner side yard setback: The grade change on the site is a unique circumstance of this property.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Corner side yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the location of the building is similar to that of other buildings in the surrounding area. The applicant has provided photographs of buildings in the surrounding area that show the location of them in relation to the property line.

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.

Corner side yard setback: 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 - to reduce the rear yard setback from the required 11 feet to 4 feet for the building and to 0 feet for 3 balconies

The applicant has designed the building to meet this setback. Therefore, this variance is no longer necessary. The Planning Division is recommending that this variance application and the fee be returned to the applicant.

VARIANCE - to reduce the minimum lot size requirement from 700 square feet per dwelling unit to 548 square feet per dwelling unit (22 percent variance)

The applicant has designed the building to meet the lot size requirement. Therefore, this variance is no longer necessary. The Planning Division is recommending that this variance application and the fee be returned to the applicant.

VARIANCE - to increase the maximum lot coverage from 70 percent to 97 percent for the property

The applicant has designed the building to meet the lot coverage requirement. Therefore, this variance is no longer necessary. The Planning Division is recommending that this variance application and the fee be returned to the applicant.

VARIANCE - to increase the maximum impervious surface coverage from 85 percent to 99 percent

The applicant has designed the building to the impervious surface coverage requirement. Therefore, this variance is no longer necessary. The Planning Division is recommending that this variance application and the fee be returned to the applicant.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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 FACADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. 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.
 - 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 530.120 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.

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian

access. The front wall of the building will be located between 7.5 feet and 14 feet from the front property line. There will be landscaping located between the building and the front property line.

- The principal entrance to the building faces the Central Avenue Northeast and is setback 11 feet from the front property line. Given the grade change on the site the door is elevated approximately 4 feet above the sidewalk.
- All of the parking for the development is located in one level of enclosed parking beneath the building.
- The exterior materials of the principal structure will be brick, stone, stucco and cement board siding. All four sides of the building will be compatible with one another.
- There are no blank, interrupted walls over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the building wall facing both Central Avenue Northeast and 32nd Avenue Northeast are required to be windows.
 - Central Avenue Northeast: The percentage of windows on the first floor of the building is 20 percent and the percentage of windows on the second through fourth floors of the building is 15 percent.
 - 32nd Avenue Northeast: the percentage of windows on the first floor of the building is 15 percent and the percentage of windows on the second through fourth floors of the building is 12 percent. The Planning Division is recommending that the commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building facing 32nd Avenue Northeast. The garage door is located on this side of the building.
- The roof line of the building will be flat. This roofline is similar to other buildings found along Central Avenue Northeast.

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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrance is connected to the public sidewalk along Central Avenue Northeast by a stairway and an accessible ramp.
- There are no transit shelters on or adjacent to the site.
- All of the parking for the development is located in one level of enclosed parking beneath the building. The underground parking is accessed off of 32nd Avenue Northeast. Providing only one curb cut to the site minimizes conflicts with pedestrians.
- Thirty-two percent of the site is impervious. The impervious surface and landscaping requirements for this site are being met.

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.

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 18,650 square feet. The footprint of the buildings is 11,968 square feet. When you subtract the footprint from the lot size the resulting number is 6,682 square feet. Twenty percent of this number is 1,336 square feet. The applicant has a total of 5,895 square feet of landscaping, or 88 percent of the site.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 13 respectfully. The applicant is providing a total of 2 trees and 347 shrubs. Neither of the trees are canopy trees. The Planning Division is recommending that one additional deciduous tree be planted on the site. Also, the Planning Division is recommending that the commission grant alternative compliance to allow the three trees to be ornamental trees in stead of canopy trees.

- There is an existing large evergreen tree located on the northwest corner of the site. The Planning Division is recommending that the applicant protect the tree during construction. If the tree is damaged during construction the Planning Division is recommending that a tree of similar size be planted to replace the damaged tree.
- The applicant is proposing to install a 6-foot high decorative metal fence along the perimeter of the back and north interior side yard. Along the north property line the fence can only be five feet in height. The Planning Division is recommending that the fence along the north property line, where parallel to the adjacent house, be no taller than 5 feet.

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.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff will be drained to the green space on the property.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed and approved the project in regards to crime prevention design elements.

- This site is neither historic nor located in a historic district.

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:

- **Use:** The proposed use is conditional in the OR2 District.
- **Off-Street Parking and Loading:** The zoning code requires 0.9 parking spaces per dwelling unit in the OR2 District, resulting in a requirement of 27 spaces for a 30-unit building. The applicant proposes to have 38 parking spaces.
- **Maximum Floor Area:** The maximum FAR in the OR2 District is 2.5. The lot in question is 18,650 square feet in area. The applicant proposes 47,812 square feet of gross floor area, an FAR of 2.56. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, results in a permitted FAR of 3.0.
- **Building Height:** Building height in the OR2 District is limited to 4 stories or 56 feet, whichever is less. The applicant is proposing a 4-story building or approximately 52 feet.
- **Minimum Lot Area:** The OR2 District requires not less than 700 square feet of lot area per dwelling unit. With 30 proposed dwelling units on a lot of 18,650 square feet, the applicant proposes approximately 621 square feet of lot area per dwelling unit. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, results in a minimum lot area of 560 square feet per dwelling unit.
- **Yard Requirements:** The OR2 District requires a 15-foot front yard setback unless the adjacent residential structures have a greater setback. The interior side and rear yard setbacks are 5+2x and the corner side yard setback is 8+2x, where x equals the number of stories above the first floor. In this development the front yard setback is 22 feet, the interior side and rear yard setbacks are 11 feet and the corner side yard setback is 14 feet. The applicant has applied for variances of the front and corner side yard requirements.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to Chapter 543 of the Zoning Code. The applicant proposes no signage at this time.
- **Refuse storage:** The applicant is proposing to have a dumpster located inside the parking garage.

MINNEAPOLIS PLAN:

The site is designated as services-commercial in the comprehensive plan. The site is located on Central Avenue Northeast which is a designated Community Corridor. In addition, the site is located on the north side of Saint Anthony Parkway, an existing greenway. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city’s various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Policy 9.8)
- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10)

The applicant is proposing to construct a 30-unit condominium building on a corner property along Central Avenue Northeast. The setback, orientation and materials of the building will be compatible with the surrounding structures.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator 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.**

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the commission grant alternative compliance to allow less than 20 percent windows on the first floor of the building facing 32nd Avenue Northeast. The garage door is located on this side of the building. The garage door is located where two windows would have been if vehicular access was not provided from the south side of the building.
- The Planning Division is recommending that the commission grant alternative compliance to allow the three trees to be ornamental trees in stead of canopy trees. Given that the majority of the green space is located over a green roof system, it would be impossible to grow canopy trees in soil depths between 1 and 3 feet. The shrub requirement for this development is 13. The applicant is proposing to plant 347 shrubs on the site. This is 26 times more than the requirement.

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 application for 30 dwelling units located at 3207 Central Avenue Northeast.

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 findings above and **approve** the variance to reduce the front yard setback from the established 22 feet to a distance between 14 feet and 7.5 feet for the building and patios/balconies located at 3207 Central Avenue Northeast.

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 findings above and **approve** the variance to reduce the corner side yard setback from the required 14 feet to 5 feet for the building for a detached garage located at 3207 Central Avenue Northeast.

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 findings above and **return** the variance to reduce the rear yard setback from the required 11 feet to 4 feet for the building and to 0 feet for 3 balconies located at 3207 Central Avenue Northeast and the fee.

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 findings above and **return** the variance to reduce the minimum lot size requirement from 700 square feet per dwelling unit to 548 square feet per dwelling unit (22 percent variance) located at 3207 Central Avenue Northeast and the fee.

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 findings above and **return** the variance to increase the maximum lot coverage from 70 percent to 97 percent for the property located at 3207 Central Avenue Northeast and the fee.

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 findings above and **return** the variance to increase the maximum impervious surface coverage from 85 percent to 99 percent located at 3207 Central Avenue Northeast and the fee.

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 for the property located at 3207 Central Avenue Northeast subject to the following conditions:

1. One additional tree shall be planted on the site as required by section 530.160.
2. The existing evergreen tree located in the northwest corner of the site shall be protected during construction. If the tree is damaged during construction the applicant shall replace the tree with one of a similar size.
3. The fence along the north property line, where parallel to the adjacent house, shall be no taller than 5 feet as required by section 535.420.
4. The applicant shall submit a lighting plan showing lighting levels as required by Chapter 535.
5. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
6. All site improvements shall be completed by June 27, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

Department of Community Planning and Economic Development – Planning Division
BZZ-2343

1. Project summary
2. Conditional use permit and variance findings, with photographs
3. Preliminary Development review notes
4. Timeline of meetings
5. April 29, 2005 letter to Council Member Paul Ostrow
6. Information from the Waite Park Community Council
7. Letters from surrounding property owners
8. Zoning Map
9. Site plan, floor plans and elevations
10. Photographs of the site and surrounding area