

Community Planning and Economic Development Department – Planning Division
Two Rezoning, Conditional Use Permit, Variance and Major Site Plan Review
BZZ-1603

Date: April 19, 2004

Applicant: Central Community Housing Trust (CCHT)

Address of Property: 929 3rd Avenue South and a portion of 828 Spring Street Northeast

Contact Person and Phone: Matthew Hendricks on behalf of CCHT, (612) 341-3148

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

Date Application Deemed Complete: March 17, 2004

End of 60-Day Decision Period: May 16, 2004

End of 120-Day Decision Period: Not applicable

Ward: 1 Neighborhood Organization: St. Anthony East Neighborhood Association

Existing Zoning: R1A and R5

Proposed Zoning: R3

Proposed Use: eight-unit for-sale, townhouse development

Concurrent Review:

Rezoning: petition to change the zoning classification for a portion of the property located at 929 3rd Avenue Northeast, including a portion of vacated 3rd Avenue Northeast, from R1A to R3 in order to allow an eight-unit for-sale townhouse development.

Rezoning: petition to change the zoning classification for a portion of the property located at 828 Spring Street Northeast from R5 to R3 in order to allow an eight-unit for-sale townhouse development.

Conditional use permit: to allow an eight-unit for-sale townhouse development.

Variance: to allow five detached garages to be constructed to the side of the principal residential structures that are not located entirely to the rear of the principal residential structures.

Major site plan review.

Background: Central Community Housing Trust is proposing to construct eight, for-sale townhomes on the site located at 929 3rd Avenue Northeast and a portion of the property located at 828 Spring Street Northeast. As part of a larger redevelopment effort on the block, Central Community Housing Trust is trading a portion of their land for a portion of land that they will be getting from the Minneapolis Public Housing Authority (MPHA). The portion of land that CCHT owns is zoned R1A and the portion of land that they will be receiving is zoned R5. In order to construct eight townhomes on the site the property needs to be rezoned to R3. In addition, a conditional use permit and major site plan review are required

Community Planning and Economic Development Department – Planning Division
BZZ-1603

to construct over 5 dwelling units. A variance is also required for the placement of the detached garages because they are not located entirely to the rear of the principal residential structure.

Neighborhood Review: The applicant sent a letter to the St. Anthony East Neighborhood Association on January 12, 2004. Staff has not received a written response from the neighborhood association.

Attachments:

1. Proposed use and description of the project
2. CUP and variance findings
3. January 12, 2004 letter to CM Paul Ostrow and the St. Anthony East Neighborhood Association
4. Zoning Map
5. Site, elevation and floor plans
6. Sign and fence elevations
7. Photographs of the site and surrounding area

REZONING - petition to change the zoning classification for a portion of the property located at 929 3rd Avenue Northeast, including a portion of vacated 3rd Avenue Northeast, from R1A to R3 in order to allow an eight-unit for-sale townhouse development

Zoning Plate Number: 15

Legal Description: Outlot B, St. Anthony East, except that part described as; That part of vacated Jackson Street N.E. and Outlot B of St. Anthony East described as follows: Commencing at the intersection of the centerline of said vacated Jackson Street N.E. and the Northwesterly line of 3rd Avenue N.E.; thence S 62°00'00" W, along said Northwesterly line of 3rd Avenue N.E. and the Southeasterly line of said Outlot B, a distance of 129.43 feet; thence N 00°00'00" E a distance of 135.90 feet to the Northwesterly line of said Outlot B; thence N 62°00'00" E, along said Northwesterly line and its Northeasterly extension, a distance of 65.39 feet to the centerline of said vacated Jackson Street N.E.; thence S 28°07'00" E, along said centerline, a distance of 119.99 feet to the point of beginning. Said parcel contains 11,688 square feet.

And that part of 3rd Avenue N.E. which lies westerly of the Northwesterly line of Central Avenue N.E., and which lies easterly of a line drawing parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence south 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and there terminating.

(Said Line "A" described in Quit Claim Deed Document No. 5218241)

NOTE: The portion of the above described vacation lying within Proposed Lot 3, Clare Addition, would be described as “lying westerly of a line parallel with and distant 119.50 feet easterly of the westerly line of Outlot B, St. Anthony East, and its southerly extension”.

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The portion of land that is proposed to be rezoned is designated as unused land in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Increase housing options that are affordable to low and moderate income households.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city’s various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from a surface parking area and a portion of a vacated street to an 8-unit for-sale townhouse development. The applicant has indicated that all 8 of the townhomes will be affordable; 4 will be sold at 60 percent of the Area Median Income and the other 4 will be sold at 80 percent of the Area Median Income. The townhomes will be 2.5 stories in height and will be oriented towards the east. The southern most townhouse will have a principal entrance facing 3rd Avenue Northeast. The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the east of the proposed townhomes that will be the central feature of the redevelopment site on the block and will be utilized by all three entities involved with the larger redevelopment effort.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the property owner to construct 8 affordable townhomes on the property. City stakeholders have made building affordable housing a priority for the City of Minneapolis and approving this rezoning supports this priority.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by R5 zoning to the north, east and south and R1A zoning to the west. Clare Housing, Inc., the property owner to the east, is proposing to rezone the adjacent property to OR2. Adjacent uses include a mixture of different housing developments, including varying densities, commercial uses and industrial uses. Given the mixture of surrounding zoning classifications and uses in the area staff believes that the R3 zoning district would be compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R1A zoning district. The R1A zoning district is a low-density housing district. Permitted uses in the R1A district include, but are not limited to, the following:

- Single-family dwellings
- Community Residential facilities, serving 6 or fewer people
- Community gardens
- Places of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. As part of the larger redevelopment effort on the block a supportive housing facility serving 31 people will be constructed.

REZONING - petition to change the zoning classification for a portion of the property located at 828 Spring Street Northeast from R5 to R3 in order to allow an eight-unit for-sale townhouse development

Zoning Plate Number: 15

Legal Description: That part of Lots 17 and 18, Block 2, Wolford, Sidle and Reid's Addition to St. Anthony and Lots 3, 4 and 5, Block 9, Sibley Addition to St. Anthony, described as follows: Commencing at the Southwesterly corner of Outlot B of St. Anthony East; thence N 00°00'00" E, along the Westerly line of said Outlot B, a distance of 170.27 feet to the Northwesterly corner of said Outlot B; thence N 62°00'00" E, along the Northerly line of said Outlot B, a distance of 1.13 feet to the Easterly line of the alley easement as described in Document No. 3852004, said point being the point of beginning of the parcel of land to be described; thence North 00°00'00" East, along said Easterly line, a distance of 44.80 feet; thence North 89°59'04" East a distance of 118.50 feet; thence South 00°00'00" West a distance of 27.12 feet to the Northwesterly line of said Outlot B; thence South 62°00'00" West, along said Northwesterly line, a distance of 100.92 feet to a corner of said Outlot B; thence North 28°07'00" West, along a line of said Outlot B, a distance of 40.00 feet to a corner of said Outlot B;

thence South 62°00'00" West a distance of 11.94 feet to the point of beginning. Said parcel contains 6,041 square feet.

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The portion of land that is proposed to be rezoned is designated as high-density residential in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Increase housing options that are affordable to low and moderate income households.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city's various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, h8 and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from a surface parking area and open green space to an 8-unit for-sale townhouse development. The applicant has indicated that all 8 of the townhomes will be affordable; 4 will be sold at 60 percent of the Area Median Income and the other 4 will be sold at 80 percent of the Area Median Income. The townhomes will be 2.5 stories in height and will be oriented towards the east. The southern most townhouse will have a principal entrance facing 3rd Avenue Northeast. The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the east of the proposed townhomes that will be the central feature of the redevelopment site on the block and will be utilized by all three entities involved with the larger redevelopment effort.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the property owner to construct 8 affordable townhomes on the property. City stakeholders have made building affordable housing a priority for the City of Minneapolis and approving this rezoning supports this priority.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by R5 zoning to the north, east and south and R1A zoning to the west. Clare Housing, Inc., the property owner to the east, is proposing to rezone the adjacent property to OR2.

Adjacent uses include a mixture of different housing developments, including varying densities, commercial uses and industrial uses. Given the mixture of surrounding zoning classifications and uses in the area staff believes that the R3 zoning district would be compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R5 zoning district. The R5 zoning district is a high-density housing district. Permitted uses in the R5 district include, but are not limited to, the following:

- Multi-family dwellings of 3 and 4 units
- Community Residential facilities, serving 6 or fewer people
- Community gardens
- Places of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. As part of the larger redevelopment effort on the block a supportive housing facility serving 31 people will be constructed.

CONDITIONAL USE PERMIT – to allow an eight-unit for-sale townhouse development

Findings as Required by the Minneapolis Zoning Code:

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

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

The proposed development would convert an underutilized parcel of land into 8, for-sale townhomes. The area hosts a mixture of uses including residential, commercial and industrial. Staff does not believe that the development would be detrimental to or endanger the public health, safety, morals, 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.

Utilizing the site for residential development would provide additional opportunities for housing. 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. Staff does not believe that the development would 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.

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.

Each of the individual townhomes will have a one-stall garage space. The garages will be located on the west side of the property and will be accessed via the public alley similar to the existing garages on the block.

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

The site is located in an area that has been designated as both unused land and high-density residential in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Increase housing options that are affordable to low and moderate income households.
- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city's various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from a surface parking area and a portion of a vacated street to an 8-unit for-sale townhouse development. The applicant has indicated that all 8 of the townhomes will be affordable; 4 will be sold at 60 percent of the Area Median Income and the other 4 will be sold at 80 percent of the Area Median Income. The townhomes will be 2.5 stories in height and will be oriented towards the east. The southern most townhouse will have a principal entrance facing 3rd Avenue Northeast. The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the east of the proposed townhomes that will be the central feature of the redevelopment site on the block and will be utilized by all three entities involved with the larger redevelopment effort.

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.

With the approval of the two rezonings, the conditional use permit, the variance and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to allow five detached garages to be constructed to the side of the principal residential structures that are not located entirely to the rear of the principal residential structures

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.

Location of the detached garages: The applicant is seeking a variance to allow five detached garages to be constructed to the side of the principal residential structures that are not located entirely to the rear of the principal residential structures. The applicant has indicated that if Jackson Street Northeast (see zoning map) had extended further south, continuing the grid pattern, the location of the proposed detached garages would be to the rear of the principal residential structures and not to the side of them.

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.

Location of the detached garages: The lack of a public street is a unique circumstance of this parcel of land that is not generally applicable to other properties in the R3 zoning district.

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.

Location of the detached garages: The granting of the variance would not significantly affect the essential character of the area given that the placement of the proposed garages is similar to the placement of the existing garages on the west side of the block.

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.

Location of the detached garages): Staff believes that the granting of the variance would 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

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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Although this exceeds the zoning district requirement and the standards in site plan review the southern most townhouse will have a principal entrance facing 3rd Avenue Northeast along with windows to help maximize natural

surveillance and visibility and facilitate pedestrian access and circulation. Within the area between the property line and the building there will be landscaping.

- The exterior materials of the townhomes include brick, fiber cement siding, vinyl siding and rock face block. Only the west elevation of the townhomes is proposed to be vinyl siding. The exterior materials of the detached garages include vinyl siding and rock face block. Staff is recommending that instead of vinyl siding that fiber cement siding be used on the west elevation of the townhomes and on the detached garages. The percentage of windows required on the south side of the building is twenty percent. The elevations indicate that there will be approximately 21 percent windows provided.
- Each of the individual townhomes will have a one-stall garage space. The garages will be located on the west side of the property and will be accessed via the public alley similar to the existing garages on the block.

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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A 6-foot wide walkway is provided from 3rd Avenue Northeast to the front doors of the individual entrances into the townhomes. There is also a walkway that runs between the walkway leading to the individual townhomes and the shared open green space area located to the east of the townhomes.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan.
- The applicant has indicated that snow will be stored on the site during winter months.

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The landscaping requirement for this development is 3 trees and 18 shrubs. The applicant is proposing to have 17 trees and 76 shrubs on the site. As part of the larger redevelopment of the block there will be a shared open green space area located to the east of the proposed townhomes which will be the central feature of the redevelopment site and will be utilized by all three entities involved with the larger redevelopment effort.
- The applicant is proposing to have a 4-foot high decorative metal fence with brick pillars located along the south and west property lines. In addition, 3-foot, 6-inch high micro-weave vinyl coated chain link fences will be located between the individual rear yards. The proposed fence heights meet the requirements of the zoning code.

ADDITIONAL STANDARDS

- 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.

- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan was not submitted as part of the application. Staff is recommending that a lighting plan be submitted.
- This development should not block views of important elements within the city.
- This development should not cast shadows on surrounding properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that proper lighting be installed above all entrances.
- The site is not historic.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the two rezonings, the conditional use permit, the variance and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The site is located in an area that has been designated as both unused land and high-density residential in the comprehensive plan. In this area of the city, Central Avenue Northeast is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city’s various residential areas.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, h8 and scale of surrounding dwellings.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from a surface parking area and a portion of a vacated street to an 8-unit for-sale townhouse development. The townhomes will be 2.5 stories in height

and will be oriented towards the east. The southern most townhouse will have a principal entrance facing 3rd Avenue Northeast. The townhomes are setback approximately 45 feet from the south property line due to an existing utility easement that runs through the property that cannot be built upon. Within the area between the property line and the building the applicant is proposing to landscape. There is also an open green space area located to the east of the proposed townhomes that will be the central feature of the redevelopment site on the block and will be utilized by all three entities involved with the larger redevelopment effort.

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

The *Making Central Avenue Great* plan was adopted in 1997. In the plan it says to develop the blocks south of 20th Avenue Northeast with institutional uses and multiple-family housing developments. The plan also encourages a mixture of housing prices, building types and porches to enhance the sense of community. In addition, the plan encourages utilizing exiting alleys to access garages. The proposed development meets these requirements.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major 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, 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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **Staff is recommending that the City Planning Commission grant alternative compliance to allow the townhomes to be located approximately 45 feet from the front property line due to the location of the utility easement that cannot be built upon.**

RECOMMENDATIONS

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

Community Planning and Economic Development Department – Planning Division
BZZ-1603

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification for a portion of the property located at 929 3rd Avenue Northeast, including a portion of vacated 3rd Avenue Northeast, from R1A to R3 in order to allow an eight-unit for-sale townhouse development.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification for a portion of the property located at 828 Spring Street Northeast from R5 to R3 in order to allow an eight-unit for-sale townhouse development.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow an eight-unit for-sale townhouse development located at 929 3rd Avenue Northeast subject to the following conditions:

1. There shall be no more than eight dwelling units on the property.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow five detached garages to be constructed to the side of the principal residential structures that are not located entirely to the rear of the principal residential structures for the property located at 929 3rd Avenue Northeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 929 3rd Avenue Northeast subject to the following conditions:

1. Fiber cement siding shall be used on the west elevation of the townhomes and on the detached garages instead of vinyl siding.
2. The applicant shall submit a lighting plan.

Community Planning and Economic Development Department – Planning Division
BZZ-1603

3. The Community Planning and Economic Development Department – Planning Division shall approve the final site, landscaping and elevation plans.
4. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
5. All site improvements shall be completed by April 19, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
6. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.