

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

Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-2042

Date: November 8, 2004

Applicant: Mr. Walid El-Hindi, Room Inc., 4706 Nicollet Avenue South, Minneapolis,
MN 55419

Address of Property: 3228 Garfield Avenue South

Project Name: 3228 Garfield

Contact Person and Phone: Mr. Walid El-Hindi, Room Inc., 4706 Nicollet Avenue
South, Minneapolis, MN 55419, (612) 203-9824

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

Date Application Deemed Complete: October 20, 2004

End of 60-Day Decision Period: December 19, 2004

End of 120-Day Decision Period: Not applicable

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: R2B (Two-family) District

Proposed Zoning: R5 (Multiple Family) District

Zoning Plate Number: 24

Lot area: 7,610 square feet or .17 acres

Legal Description: Motor Line Addition to Mpls, Block 12, Lot 8 and South ½ of Lot 7

Proposed Use: Four-story, 6 unit owner-occupied condominium development

Concurrent Review:

- Petition to rezone the subject parcel from the R2B (Two-family) district to the R5 (Multiple-family) district.
- Conditional Use Permit for 6 residential dwelling units.
- Variance of the interior side yard requirement along the north property line from 22 feet to 11 feet for the proposed building and 1 foot for the proposed driveway;

and from 15 feet to 11 feet along the south property line for the proposed building.

- Major Site Plan review for 6 residential dwelling units.

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

Background: The applicant, Room Inc, proposes to construct a 4-story, 6-unit, owner-occupied condominium development located on the property at 3228 Garfield Avenue South. Four levels of housing will be located above the partially underground parking garage, which has been designed to accommodate parking for all proposed units. The site is zoned R2B which permits single family and two family residential. The applicant is applying to rezone the property to the R5 district which allows multi-family residential. A conditional use permit and major site plan review are required with residential developments consisting of 5 or more units. The applicant is also requesting variances of the interior side yards in order to accommodate a driveway into the proposed partially underground parking garage on the north side of the property as well as a private entrance/exit into one of the residential units on the south side of the property.

The six units have a side-by-side layout and consist of the following: Units 1 & 2 will be located on the first floor, are approximately 1,450 square feet in size and have two bedrooms and two bathrooms. Units 3 & 4 will be located on the second floor, are approximately 1,450 square feet in size and have two bedrooms and two bathrooms. Units 5 & 6 will be located on the third and fourth floors and consist of three bedrooms, two bathrooms and are approximately 1,875 square feet in size.

The building will be located on the site approximately 27 feet at the south property line and approximately 25 feet at the north property line from the adjacent multi-family residential structures.

According to documentation provided by the applicant the applicant has met with the Housing Committee of the Lyndale Neighborhood Association. A letter summarizing those efforts has been attached for reference. Staff has yet to receive a formal letter from the Lyndale Neighborhood Association stating their position on the various land use applications.

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

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

The property is located a block off of Lyndale Avenue which is a Community Corridor. The following policies are relevant to the proposed development.

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

Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

The project would be compatible with area properties.

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 project would incorporate moderate density adjacent to a Community Corridor.

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

The amendment is clearly in the interest of the property owner. It would allow the applicant to construct a 6 unit condominium development, instead of the allowable single family or two-family dwelling permitted under the existing zoning classification of R2B.

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 property is located a block off of Lyndale Avenue. The majority of properties located on this specific block along Lyndale Avenue are zoned R5, however, all properties located along Garfield Avenue on the opposite side of the block, across the alley are zoned R2B. The zoning classification for properties located on this block does not seem appropriate for the existing uses. The majority of the existing buildings are clearly multi-family residential buildings with a few single-family and two-family dwellings interspersed. The existing multi-family residential buildings located on either side of Garfield Avenue are non-conforming according to their underlying zoning, as are the other multi-family residential buildings on the block.

While Staff is aware that no R5 zoning is located on the block face in question, there is R5 zoning located on the back side of the parcel along Lyndale Avenue. Thus the zoning classification could be deemed compatible with the surrounding zoning. Based on the existing proliferation of multi-family buildings in the area, Staff believes that the proposed use would be compatible with the proposed uses in the area.

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 existing R2B zoning classification as either a single family or a two-family dwelling unit.

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.

The majority of the existing multi-family residential buildings in the area are older buildings. Under the 1963 Zoning Code, the subject property and the surrounding area was zoned differently that it is today. In the last year it appears as though some new construction has taken place in the neighborhood. It appears as though a couple of new duplexes have been constructed. There is clearly a mix of residential uses in the neighborhood and a duplex or single-family could be constructed on the property, however construction of a multi-family residential building would not be out of character with the neighborhood.

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

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

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

Development of a 4-story, 6 unit residential condominium development should not have negative impacts on the area. The majority of residential developments located within the general area are multi-family and buildings on either side of the site are 3-story multi-family developments. A residential development of moderate density would be compatible with the uses in the area. Staff does not

believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The site is currently not utilized. The scale and intensity of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area provided an adequate transition through landscaping is maintained between the project and the multi-family residential dwelling to the south of the site. Ideally, some landscaping will also be included to soften the area adjacent to the property to the north as well. Staff will require that the applicant attempt to provide more of a buffer than what currently is proposed along the north property line.

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

The site would be accessed via the public alley to the fully enclosed 1st level parking garage. There is no surface parking proposed with this project. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections.

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

There are no existing or proposed curb cuts to the property along Garfield Avenue. The development will use the alley for access purposes. The project would comply with the minimum number (6) of required off-street parking spaces. All parking spaces will be located in an enclosed partially underground parking garage.

- 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 adjacent to a Community 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 rezoning, two variances and major site plan review, the proposal will comply with all provisions of the R5 District.

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

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.

Interior side yard setback (north)- from 22 feet to 11 feet for the building and 22 feet to 1 foot for the driveway: Typically the building would be required to be setback 11 feet from the north property line due to the height of the proposed building. The applicant is able to meet the 11 foot setback requirement, however, the applicant is proposing a driveway and an entrance to the partially underground parking garage along the north property line. Section 535.20 requires that a minimum width of an interior side yard plus any driveway shall not be less than 22 feet. Strict adherence to the 22 foot requirement would cause an undue hardship in this circumstance as the building in its proposed configuration would not be able to be constructed. The tradeoff in this situation is entirely enclosed parking for the proposed structure in a partially underground structure, thus necessitating the yard variance or decreasing the size of the building and number of units and potentially locating surface parking on the site. It would seem that 6 residential dwelling units would be a reasonable use of the property based on the surrounding uses.

Interior side yard setback (south) – from 15 feet to 11 feet: Typically the building would be required to be setback from the south property line 11 feet due to the height of the proposed building. The applicant is able to meet that setback requirement. Compliance with the required 15 foot setback due to the proposed private entrance/exit into one of the dwelling units would not seem like an undue hardship. However, Staff believes that a variance request of 4 feet to 11 feet is not unreasonable as the door will only be utilized as a private entrance/exit into

the proposed private garden. Typical side yard setbacks in the R5 zone district for a development of this scale would require an 11 foot setback, which the applicant is able to achieve.

- 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.**

Interior side yard setback (north) - from 22 feet to 11 feet for the building and 22 feet to 1 foot for the driveway: The design of the condominium building has essentially caused any hardship, however it is Staff's opinion that granting the variance is essentially a tradeoff for enclosed partially underground parking on site. While Staff acknowledges that the variance for the driveway essentially eliminates the side yard, it is arguably an appropriate development for the site.

Interior side yard setback (south)-from 15 feet to 11 feet: The design of the condominium building has essentially caused any hardship, however it is Staff's opinion that a 4 foot encroachment is reasonable as the door is a for private ingress/egress into a proposed private garden area and will not be utilized for routine entering or exiting of the premises.

- 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.**

Interior side yard setback (north) - from 22 feet to 11 feet for the building and 22 feet to 1 foot for the driveway: The proposed setback should not be injurious to the use and enjoyment of other property in the vicinity.

Interior side yard setback (south)-from 15 feet to 11 feet: The required south side yard setback would typically be 11 feet for the development. However, to ensure privacy of the adjacent residential property, the zoning code requires a 15-foot setback when either an entrance or exit face the interior lot line. Staff does not believe that a 4 foot encroachment into that setback would be injurious to the use or enjoyment of other property in the vicinity as the door is for private ingress/egress into a private garden area. The area between the building and the south property line must be landscaped and maintained.

- 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.**

Interior side yard setback (north) - from 22 feet to 11 feet for the building and 22 feet to 1 foot for the driveway: Reducing the required interior side yard setback would not be expected to be detrimental to public safety or welfare.

Interior side yard setback (south)- from 15 feet to 11 feet: Provided the project complies with the building code, Staff does not anticipate that granting the variance would affect public safety in any way.

Required Findings for Major 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. (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 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.**
- **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.**

A variance for both interior side yards along the north and south property lines have been requested. The proposed building placement would be consistent with the placement of other buildings on the block. Pedestrian access to the site would be adequate, with a large walkway serving the primary entrance off of Garfield Avenue.

Landscaping is proposed between the building and the front property line along Garfield Avenue. The applicant is not proposing any landscaping in the public right of way. The applicant will need to acquire an encroachment permit for the proposed planters should they encroach into the right-of-way upon submission of final plans.

The principal entrance will face Garfield Avenue. A secondary ingress/egress will face the alley (west property line). The layout of the building also has a private ingress/egress into a proposed private garden off the south interior side yard as well as an underground garage entrance/exit facing the north property line.

On-site accessory parking facilities would be located in an enclosed partially underground parking garage. Staff is not generally concerned with the amount of impervious area located on site.

Architectural detail is provided in the proposed building. The building has been designed to step back from Garfield Avenue making the perception of the building from the sidewalk and street seem shorter than the 4 stories. Proposed building materials would be similar and compatible on all sides. The primary exterior building materials would be a mix of wood and stucco as well as a substantial amount of windows.

Additional windows are not required as the windows and doors are evenly distributed and meet the minimum requirements. According to Staff calculation, approximately 50 percent of the first floor area along Garfield Avenue between two and 10 feet above grade would be doors or windows.

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.**

The primary building entrance is connected to the public sidewalk with a walkway of at least four feet in width. The walkway to the primary entrance and the stairs into the building will need to be modified so that it is no greater than six (6) feet in width.

The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines which run along Lyndale Avenue.

Appropriately, vehicle access to the enclosed garages would take place via the public alley.

The applicant has indicated that snow will be stored on site.

Staff is not generally concerned with impervious surfaces on site. The areas of the site not occupied by the proposed building are almost entirely landscaped.

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.**

The proposed on site landscaping would meet the minimum 20 percent requirement as 797 square feet would be required and the applicant proposes to install 2,423 square feet.

The proposed plan appears to comply with the required number of shrubs and trees based on the amount of net site area.

Turf will cover all other areas that are not paved or landscaped.

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.**

All lighting will need to be downcast and shielded to avoid undue glare and will be located along the north (interior lot line), west (rear) and east sides (front) of the building. Adequate lighting shall be provided to ensure safety, however consideration should be taken to minimize impacts on the adjacent multi-family buildings located on Garfield Avenue directly to the north and south.

It is unlikely that headlight glare from vehicles entering or leaving the parking garage will have much of an impact on the adjacent properties. It is possible that there could be some glare on the multi-family building to the north. Any development proposed on this specific site that utilizes the alley would impact that adjacent property. The applicant should continue to explore alternatives to minimize the impacts on that property owner.

Significant views would not be blocked by the development. Some shadowing of public sidewalks would be expected. Wind currents should not be a concern.

There is no fencing proposed for the site.

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

ZONING CODE: The site is currently zoned R2B. The applicant is proposing to rezone the property to R5.

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 underground parking spaces for the proposed development which meets the requirement. Additionally, the applicant will provide bike racks for the development as well, which would technically eliminate one required parking space.

Signs: No signs are proposed.

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 14,500 square feet divided by the area of the lot which is 7,610 square feet. The outcome is 1.9 which is less than the maximum of 2.0 that is permitted in the R5 District. Additionally, the parking for the proposed development is entirely enclosed which would allow the applicant a 20% density bonus or a maximum F.A.R. of 2.4. As previously mentioned, the applicant is proposing a F.A.R. that is below the district standard without the density bonus.

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 7,610 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 4 stories or 48 feet.

Yard Requirements: The required yards are as follows:

Front (along Garfield Avenue South): 15 feet

Rear yard: 11 feet

Interior side yards: Typically 11 feet but due to the proposed building entrance on the south of the building facing the interior lot line, the setback would increase the minimum side yard setback to 15 feet as indicated in 535.250 of the zoning code. Additionally, the applicant is proposing a driveway and an entrance to the underground parking garage along the north property line. Section 535.20 also requires that a minimum width of an interior side yard plus any driveway shall not be less than 22 feet.

Building coverage: The maximum building coverage in the R5 District is 70 percent. Buildings would cover approximately 61 percent.

Impervious surface area: The maximum impervious surface coverage in the R5 District is 85 percent. Impervious surfaces would cover approximately 65 percent of the site.

Specific Development Standards: Not applicable.

MINNEAPOLIS PLAN: In addition to the relevant policies discussed above, the following policies are also relevant the proposed site layout and building form.

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

Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

The project would be compatible with area properties.

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 project would incorporate moderate density adjacent to a Community Corridor.

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

There are two approved plans which generally address the area in which the subject property is located. The Lyndale Avenue Plan only addresses the properties located along Lyndale Avenue, not the surrounding area. However, the Lyndale Neighborhood Master Plan (1997) *generally* covers the area that the property in question is located within. There does not appear to be a conflict between the proposal and the above listed development plan adopted by the City Council.

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.**

Alternative compliance is not necessary for this site.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development, 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 of the property located at 3228 Garfield Avenue South to the R5 district.

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 to allow 6 dwelling units on the property located at 3228 Garfield Avenue South subject to the following conditions:

1. There shall be no more than 6 dwelling units in the building.

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 reduce the required interior side yard setback along the north property line from the required 22 feet to 11 feet for the proposed building and 1 foot for the proposed driveway for the property located at 3228 Garfield Avenue South.

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 reduce the required interior side yard setback along the south property line setback from 15 feet to 11 feet for the property located at 3228 Garfield Avenue South.

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 a 6 unit residential building located at 3228 Garfield Avenue South subject to the following conditions:

1. Planning Staff shall review and approve the final site, elevation and landscaping plans.
2. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit.
3. All site improvements shall be completed by November 15, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. The walkway width from the sidewalk to the primary entrance along Garfield Avenue South will need to be modified so that it is no wider than 6 feet. The stairs cannot exceed 6 feet in width.
5. The concrete terrace located in the front yard will need to be modified on final plans to a size that is no greater than 50 square feet and that projects not more than 4 feet into the required front yard.
6. Staff will require that the applicant attempt to provide more of a buffer than what currently is proposed along the north property line.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos

Department of Community Planning and Economic Development – Planning Division
BZZ-2042