

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permits, Variance, Site Plan Review, Right-of-Way Vacation and
Preliminary and Final Plat
BZZ-5179

Date: July 18, 2011

Applicant: JPG-OFP, L.L.C. and Uptown Aurora Properties, LLC

Address of Property: 2821 and 2825 Dupont Avenue South and 2820, 2824, 2828 and 2836 Colfax Avenue South

Project Name: Bennett East Residences

Contact Person and Phone: Carol Lansing with Faegre & Benson, (612) 766-7005

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

Date Application Deemed Complete: June 17, 2011

End of 60-Day Decision Period: August 16, 2011

End of 120-Day Decision Period: A 60-day extension letter was mailed on June 23, 2011, extending the 120-day decision period to October 15, 2011

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: R3, Multiple-family District and R5, Multiple-family District

Proposed Zoning: R5, Multiple-family District

Zoning Plate Number: 24

Legal Description for 2820 Colfax Avenue South: Lot 6, and the South 3 ½ feet of Lot 5, Block 4, Windom's Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: 217-unit, Planned Unit Development

Concurrent Review:

Rezoning: of the parcel located at 2820 Colfax Avenue South from R3 to R5

Conditional use permit: for a Planned Unit Development including 217 dwelling units

Conditional use permit: to increase the height of the building from 4 stories/56 feet to 6 stories/68 feet

Variance: to reduce the minimum lot area per dwelling unit

Site plan review

Alley Vacation (Vac-1587)

Preliminary/Final Plat (PL-257)

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...”, Chapter 527, Planned Unit Development, Chapter 530, Site Plan Review and Chapter 598, Land Subdivision Regulations.

Background: The proposed development will have 217 dwelling units with a mix of studios, one, two and three-bedroom units. There will be two levels of underground parking with 246 spaces. In addition there will be bicycle parking within the parking garage and direct access to the Midtown Greenway from the lowest level of the parking garage.

The development will be made up of three buildings connected to one another via three-story glass skyways. The buildings will be arranged in the shape of a “U”. The buildings nearest the Midtown Greenway will be six stories in height and the building on the north side of the property will be four stories in height. Located towards the interior of the buildings will be an outdoor seating area, a water feature and a swimming pool. A public promenade will be constructed just north of the Midtown Greenway connecting Colfax Avenue South to Dupont Avenue South.

Historical Significance: The project site is partially located within the boundary of the Chicago, Milwaukee and St. Paul Railroad Grade Separation historic district, which was listed in the National Register of Historic Places in 2005. The District is also considered eligible for local designation. Key contributing elements in the district include the trench, the bridges built to carry street traffic over the trench, and the buildings/sites that edge the trench.

The southwest portion of the development site is located within the historic district. In 2005 when the designation of the Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District was listed the Twin City Separator building (2837 Dupont Avenue South) was identified as a contributing structure. The buildings existing on the southwest side of the site were also included in the district as potentially contributing to the historical district. A key element of the Twin City Separator building contributing to the historical district is the foundation wall which was extended during the period of significance. Between 2005 and 2008 all of the buildings except for the Twin City Separator building were removed from the site.

The Twin City Separator building was the last existing contributing building to the historic district. The integrated south building wall of the Twin City Separator building, which still remains, served as the trench retaining wall of the railroad corridor. An application for Demolition of Historic Resource for the demolition of the Twin City Separator building was approved on July 27, 2010. The Heritage Preservation Commission approved the demolition of the Twin City Separator building with four conditions of approval. Condition number one indicates that the southern basement wall of the Twin City Separator building shall be retained and secured. Condition number two indicates that CPED-Planning Preservation Staff shall review and approve the final plans and elevations prior to building permit issuance. Condition number three indicates that prior to demolition the building shall be documented including a photographic recordation in accordance with the Minnesota Historical Property Record Guidelines. And condition number four indicates that a historic interpretive sign panel shall be completed that provides the history of the Twin City Separator Company Building and surrounding area.

The applicant has complied with conditions one, two and three. The foundation wall has been stabilized and will be preserved as a component of the property's redevelopment. The applicant is currently in the process of designing and fabricating a sign that meets the requirements of condition number four. The applicant has until July 27, 2012, to design and fabricate the sign and until July 27, 2013, to install the sign.

Environmental Assessment Worksheet (EAW): The applicant owns three former industrial parcels of land located in south Minneapolis between Colfax Avenue South and Fremont Avenue South and directly north of the Midtown Greenway. The total project area encompasses approximately 5.6 acres of land. Given the potential amount of development (more than 375 total dwelling units) that could occur on all three parcels the applicant submitted an EAW to the City of Minneapolis. On May 13, 2011, the Minneapolis City Council determined that the project does not have the potential for significant environmental effects and therefore no Environmental Impact Statement (EIS) is required.

Travel Demand Management Plan (TDMP) and Traffic Impact Statement: The TDMP and Traffic Impact Study that were completed for this development conclude that the existing street capacity is adequate to support the traffic that will be generated by this development. The specific TDMP strategies and Traffic Impact Study conclusions are included in this report. As a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on the site.

Neighborhood Comments: The Lowry Hill East Neighborhood Association has submitted a letter of support for the development. The letter is included in the staff report. Additional letters from surrounding property owners and/or residents are also included in the staff report.

REZONING: of the parcel located at 2820 Colfax Avenue South from R3 to R5

Findings as Required by the Minneapolis Zoning Code:

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

The property is located mid-block between West 28th Street and the Midtown Greenway along Colfax Avenue South. The property is located three blocks west of Lyndale Avenue south, one block north of West Lake Street and four blocks east of Hennepin Avenue South all of which are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. Centered around the intersections of Lyndale Avenue South and West Lake Street and Hennepin Avenue South and West Lake Street are designated Activity centers in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses (Land Use Policy 1.8).
- Grow by increasing the supply of housing (Housing Policy 3.1).

- Support the development of new medium- and high-density housing in appropriate locations throughout the city (Housing Policy Implementation Step 3.1.1).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).

There are two small area plans that provide guidance for this area. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for medium density housing on this property. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. The future land use map in this small area plan calls for medium density housing on this property. The property is located in the Urban Village character area as designated in the *Uptown Small Area Plan*. Policy for this area says that “high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28th Street and the Greenway”. The plan continues to say “Further north of the Greenway, on the half block south of 28th Street, efforts should be made to preserve the exiting residential fabric of small apartments and single family homes”.

The dividing line between those properties that are guided towards high density housing and those properties that are guided towards medium density housing in the *Uptown Small Area Plan* varies block to block. In this case the property that the applicant is proposing to rezone from R3 to R5 is one parcel of land further south on Colfax Avenue South than where the dividing line falls along Dupont Avenue South. Rezoning the property located at 2820 Colfax Avenue South from the R3 zoning district to the R5 zoning district would straighten out the dividing line between the different zoning classifications which the Planning Division believes would be in conformance with the policies of *The Minneapolis Plan for Sustainable Growth* and the *Uptown Small Area Plan*.

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 applicant to construct a high-density residential development on the site. Policies within both *The Minneapolis Plan for Sustainable Growth* and the *Uptown Small Area Plan* support constructing high-density housing in this area.

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 properties located on the north half of the block are primarily zoned R3 and the properties located on the south half of the block are primarily zoned R5. In this case the property that the applicant is proposing to rezone from R3 to R5 is one parcel of land further south on Colfax Avenue South than where the dividing line falls along Dupont Avenue South. Rezoning the property located at 2820 Colfax Avenue South from the R3 zoning district to the R5 zoning district would straighten out the dividing line between the different zoning classifications on the block. Uses in the surrounding area are primarily residential of varying densities. Of the properties located on the same block as the subject property there are single-family homes, duplexes, four-unit buildings and an 18-unit building. The Planning Division believes that rezoning the property located at 2820 Colfax Avenue South from the R3 zoning district to the R5 zoning district would be compatible with the surrounding 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.

The following uses are permitted in the R3, Multiple-family District:

- Single-family dwelling
- Two-family dwelling
- Multiple-family dwelling, three (3) and four (4) units.
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place 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.

A number of high density residential developments have been constructed, are under construction or have been approved by the City of Minneapolis in the last five years. Those developments include Blue, Murals, Flux and Track 29. The proposed development would be consistent with the trend of development in the surrounding area.

CONDITIONAL USE PERMIT - for a Planned Unit Development including 217 dwelling units

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:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that the establishment of a new 217-unit residential development will be detrimental to or endanger the public health, safety, comfort or general welfare. Redevelopment of the site will transform a currently vacant piece of land. Adjacent uses include a mixture of residential developments of varying densities, a vacant industrial property and the Midtown Greenway. The proposed development will complement the existing uses in the area.

2. The conditional use 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 217-unit residential development would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. Redeveloping the vacant parcel of land will improve the surrounding area. As a result of the development the public alley will no longer dead-end into the site, the public promenade that is located along the north side of the Midtown Greenway will be extended an additional block, additional boulevard trees will be planted along Colfax and Dupont Avenues, decorative street lights will replace existing standard overhead street lights and an abundance of green space and plant materials will be added to the site.

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.

The public alley on the block currently dead ends in the middle of the property. As part of the development the alley will be rerouted to Colfax Avenue South which will allow the residents on the block the option of exiting either to West 28th Street or Colfax Avenue South. As for vehicular access directly to the site there will be one curb cut provided. The access point to the underground parking garage will be located on Dupont Avenue South.

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

In the R5 zoning district the zoning code requires 1.0 parking space per dwelling unit. For 217 dwelling units the parking requirement would be 217 spaces. The applicant is proposing to provide a total of 246 parking spaces on the site. As a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on the site. The site is also located within blocks of three major transit routes: Lyndale Avenue South, West Lake Street and Hennepin Avenue.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The property is located mid-block between West 28th Street and the Midtown Greenway along Colfax Avenue South. The property is located three blocks west of Lyndale Avenue south, one block north of West Lake Street and four blocks east of Hennepin Avenue South all of which are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. Centered around the intersections of Lyndale Avenue South and West Lake Street and Hennepin Avenue South and West Lake Street are designated Activity centers in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Preserve the stability and diversity of the city’s neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Land Use Policy Implementation Step 1.8.1).
- Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors (Land Use Policy Implementation Step 1.10.6).
- Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas (Land Use Policy Implementation Step 1.12.7).
- Grow by increasing the supply of housing (Housing Policy 3.1).
- Support the development of new medium- and high-density housing in appropriate locations throughout the city (Housing Policy Implementation Step 3.1.1).
- Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city (Housing Policy Implementation Step 3.1.2).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).
- Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes (Housing Policy Implementation Step 3.2.1).

There are two small area plans that provide guidance for this area. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for high density housing on this development site. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. The future land use map in this small area plan calls for high density housing on this property. The property is located in the Urban Village character area as designated in the *Uptown Small Area Plan*. Policy for this area says that “high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28th Street and the Greenway”. The plan continues to say “Further north of the Greenway, on the half block south of 28th Street, efforts should be made to preserve the existing residential fabric of small apartments and single family homes”.

In *The Minneapolis Plan for Sustainable Growth* high-density residential developments have densities ranging between 50 and 120 units per acre. The proposed development has a density of 119.9 dwelling units per acre. The Planning Division believes the proposed development is in conformance with the policies of *The Minneapolis Plan for Sustainable Growth* and the *Uptown Small Area Plan*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permits, variance, site plan review, right-of-way vacation and preliminary and final plat applications this development will meet the applicable regulations of the R5, Multiple-family District.

Findings Required for Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities (see section A below for evaluation).
- B. Additional uses (see section B below for evaluation).
- C. The planned unit development conforms to the required findings for a planned unit development (see section C below for evaluation).

Section A: Authorized Alternatives and Amenities Provided

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Alternatives requested:

- **Placement and number of principal residential structures:** The development has been designed with three principal residential buildings on the site. The buildings are connected to one another with glass-enclosed walkways on the second, third and fourth floors.
- **Bulk regulations:**

Maximum Floor Area: The maximum FAR in the R5 zoning district is 2.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.4. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 2.8. The lot in question is 79,018

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square feet in area. The applicant proposes a total of 217,949 square feet of gross floor area, an FAR of 2.76.

Building Height: Building height in the R5 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is six stories or 68 feet in height. The applicant has applied for a conditional use permit to increase the height of the building which means that the development is required to provide five fewer points than would otherwise be required.

- **Lot area requirements:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 589 square feet per dwelling unit. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 506 square feet per dwelling unit. With 217 dwelling units on a lot of 79,018 square feet, the applicant proposes 364 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.
- **Yards:** The front yard setback requirement along Colfax Avenue South is 15 feet. The building is setback 16 feet from Colfax Avenue South however there are patios, balconies, walkways (including the proposed promenade along the Midtown Greenway) and stairways that encroach into the required front yard. The front yard setback requirement along Dupont Avenue South is 22.7 feet. The building is setback 16 along Dupont Avenue South and there are patios, balconies, walkways and stairways that encroach into the required front yard. The setback requirement along the north and south interior side yards is $5+2x$, where x equals the number of stories above the first floor. The resulting setback for a six story building is 15 feet. The development meets the setback requirement along both the north and south property lines.
- **On-premise signs:** No alternative requested.
- **Off-street parking and loading:** In the R5 zoning district the zoning code requires 1.0 parking space per dwelling unit. For 217 dwelling units the parking requirement would be 217 spaces. The applicant is proposing to provide a total of 246 parking spaces on the site. Multiple-family dwellings of 100 to 250 units are required to provide one small loading space. The applicant is proposing to provide a loading space on the street, which requires an alternative.

Points required:

- Minimum required amenity(ies) – **10 points.**
- Placement and number of principal residential structures – **5 points.**
- Bulk regulations, FAR – **5 points.**
- Lot area requirements – **5 points.**
- Yard, periphery – **5 points.**
- Off-street parking and loading – **5 points.**
- **Total – 35 points.**

Amenities provided: Staff believes that 35 points worth of amenities are proposed as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1, Amenities:

Public right-of-way dedication - The required standards for Public right-of-way dedication are:

- **Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved city plan or that restores the city’s traditional grid subject to the approval of the applicable agencies or departments.** Both the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan* call for a publicly accessible promenade along the north side of the Midtown Greenway. The applicant is proposing to construct an eight-foot wide public promenade located towards the south property line. The promenade will be privately owned and not dedicated as public right-of-way. Although the promenade will be privately owned, the Planning Division is recommending that partial points be awarded for this amenity as it meets the intent of the ordinance.
- **Right-of-way improvements should be designed in accordance with Chapter 598, Land Subdivision Regulations.** Design standards are not specified for promenades in Chapter 598. The promenade will be constructed out of decorative concrete and will be eight feet in width.
- **Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.** The applicant is not seeking points to reconstruct or relocate the existing dead end alley.

This provision is worth 5 points.

Underground Parking – The required standards for underground parking are:

- **All parking shall be located underground.** All of the parking proposed for the development will be located in an underground parking garage. The applicant is receiving a density bonus for locating all of the 217 required parking stalls underground and therefore is not eligible for a full 10 points for this amenity. However, there are 29 parking spaces proposed in excess of the minimum requirement that will also be located underground. Because this additional parking is to be located underground, the Planning Division is recommending that partial points be awarded for this amenity.
- **Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story. Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level.** The site is relatively flat. The exterior parking garage walls do not extend more than three feet above grade where adjacent to the public street.

This provision is worth 3 points.

Outdoor open space – The required standards for outdoor open space are:

- **Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs.** Large areas of contiguous open space are proposed around the perimeter of the buildings and in the interior of the site.
- **Rain gardens, where appropriate, are encouraged.** There are no rain gardens proposed on the site.
- **Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials.** The public promenade, the internal walkways through the site and many of the walkways leading to individual units will be made of either colored concrete or brick pavers.

- **A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous.** Approximately 60 percent of the site not occupied by buildings will be landscaped. All of the open space would be contiguous.
- **The open space must be immediately accessible from the principal structure.** The open space will be immediately accessible from all three of the buildings on the site.
- **Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.** The buildings are arranged in the shape of a “U”. The “U” opens up towards the south which will maximize access to sunlight. The outdoor open space located in the interior of the site is surrounded by the buildings which will provide shelter from wind.

This provision is worth 5 points.

Decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways -
Provide decorative pavers, pervious pavers, stamped concrete, colored concrete, pervious concrete, brick or other decorative or durable materials for a minimum of seventy five (75) percent of surface parking and/or loading areas, drives aisles, driveways and walkways that comply with the Americans with Disabilities Act accessibility requirements. Approximately 82 percent of the total walkways on the site will be decorative. All of the walkways will comply with the requirements of the Americans with Disabilities Act.

This provision is worth 3 points.

Pedestrian Improvements - The required standards for pedestrian improvements are:

- **A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review.** The site has been designed with two walkways connecting Colfax Avenue South to Dupont Avenue South. The southern most walkway connecting Colfax Avenue South to Dupont Avenue South is the publicly accessible promenade located along the north side of the Midtown Greenway. There will also be a series of walkways that connect the two walkways between the two streets. In addition, an access door from the underground parking garage to the Midtown Greenway will be provided which will give residents direct access to regional biking and walking paths.
- **The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.** All of the walkways will be made of decorative materials, will be edged with landscaping and will have low level pedestrian lighting along them. Besides the public promenade the other walkways leading through the site will be gated off at night for security purposes.

This provision is worth 3 points.

Reflective roof – **Utilize roofing materials for seventy five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.** Reflective roofing materials with a Solar Reflectance Index equal to or greater than that required by the USGBC will be provided for a minimum of 75 percent of the total roof area. This provision is worth 3 points.

Shared vehicles – **Access to a shared passenger automobile available for short-term use. For residential uses, a minimum of one (1) car per one hundred (100) dwelling units is required.** There will be a total of 217 dwelling units constructed as part of the development. The applicant is proposing to provide three vehicles for shared use by the residents of the building. This provision is worth 3 points.

Decorative fencing – The required standards for decorative fencing are:

- **Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway.** The applicant is proposing to have fencing in two locations on the site. One location is along the Midtown Greenway and the other is along the north property line. The fence proposed along the Midtown Greenway is a three-and-a-half foot tall decorative metal fence. The fence located on the north property line, west of the alley, is proposed to be a three-and-a-half foot tall decorative wood fence in the required front yard and a six foot tall decorative wood fence in the side yard. Although the proposed fence along the north property line, west of the alley, is not made out of metal it is of a decorative design. The Planning Division is recommending that the point be awarded for this amenity as it meets the intent of the ordinance and will provide screening as requested by the adjacent property owner.
- **The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site.**
- **In no case shall chain-link fencing be considered decorative fencing.** No chain link fencing is proposed to be located on the development site.

This provision is worth 1 point.

Enhanced exterior lighting – **Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.** The main entryways into each of the buildings will be highlighted with lighting. The internal walkways will be illuminated with architectural bollard style lighting. Decorative pedestrian scale lights will be located in the north courtyard and the water feature will be illuminated. There will be light fixtures integrated into the trellis and the swimming pool. The lighting will comply with the standards of Chapter 535, Regulations of General Applicability. This provision is worth 1 point.

Enhanced landscaping – The required standards for enhanced landscaping are:

- **A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review.** Chapter 530, Site Plan Review requires that 20 percent of the site not occupied by the building be landscaped. It also requires that at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be planted on the site. The required amount of landscaping is 7,367 square feet and the tree and shrub requirement for this site is 15 and 74 respectively. The applicant is proposing to have 22,229 square feet of landscaping on the site, 15 canopy trees and 496 shrubs. In addition there will be eight ornamental trees and 1,184 perennials on the site. The applicant is also proposing to plant 14 canopy trees in the right-of-way adjacent to the site. There will be four different varieties of trees, 12 different varieties of shrubs and 14 different varieties of perennials provided on the site. The proposed plant materials will provide seasonal interest.

- **The landscaped areas shall have a resource efficient irrigation system.** A resource efficient irrigation system including drip irrigation and rain sensors will be provided.
- **The landscaping plan shall be prepared by a licensed landscape architect.** The landscape plan has been prepared by a licensed architect.

This provision is worth 1 point.

Heated drives or sidewalks – **Heated drives or sidewalks that are designed to provide snow and ice free surfaces.** The driveway leading to the underground parking garage off of Dupont Avenue South will be heated. This provision is worth 1 point.

Recycling storage area – **Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.** There will be a recycling storage area provided in each of the buildings. The recyclable materials will be collected in bins located in the garage level of the buildings. Each of the recycling storage areas is located near an elevator for easy access. This provision is worth 1 point.

Water feature - **A water feature, including but not limited to a reflecting pond, a children’s play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** A decorative water feature will be provided in the center of the north courtyard. There will also be a swimming pool provided in the center of the south courtyard. The swimming pool will not be available for use by the public. This provision is worth 1 point.

Amenities proposed by the applicant

The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign 1, 3, 5, or 10 points based on the proportionality. The applicant is proposing three other amenities:

Ornamental street lights – The applicant is proposing to install six ornamental street lights as part of the development. Two will be located along Colfax Avenue South, two will be located along the public promenade and two will be located along Dupont Avenue South. The proposed street lights will match the street lights that are used throughout the Lowry Hill East Neighborhood north of West 28th Street. The applicant is requesting 3 points for this amenity.

Living wall along the Midtown Greenway – The applicant is proposing to plant Boston Ivy along the base of the existing modular block retaining wall along the Midtown Greenway. The applicant has indicated that the plant material will cover the 15-foot high wall within five years of planting. The plant material will provide seasonal interest. The Planning Division believes that simply planting Boston Ivy along the base of the retaining wall is not worth one point. The Planning Division is recommending that a minimum of 20 percent of the modular block retaining wall be covered with panels or something similar that allows the Boston Ivy to grow on. The applicant is requesting 1 point for this amenity.

Phasing plan. – The applicant owns three former industrial parcels of land located in south Minneapolis between Colfax Avenue South and Fremont Avenue South and directly north of the Midtown Greenway.

The total project area encompasses approximately 5.6 acres of land. Each parcel will be developed independently of one another. At this time only the first phase of the development is being reviewed.

Section B: Additional Uses

- **In general. The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.**
- **Residence and OR1 Districts. The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.**
- **OR2 and OR3 Districts. The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.**

Additional uses are not proposed.

Section C: Conformance with Required Planned Unit Development Findings

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

1. **That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. **The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

A multiple-family residential development with 217 dwelling units is proposed. The mix of units includes studio, one, two and three-bedrooms. Adjacent uses include a mixture of residential developments of varying densities, a vacant industrial property and the Midtown Greenway. The proposed development will complement the existing uses in the area

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

The TDMP and Traffic Impact Study that were completed for this development conclude that the existing street capacity is adequate to support the traffic that will be generated by this development. The specific TDMP strategies and Traffic Impact Study conclusions are included in this report. There will be a minimum of one parking space provided for every unit in an underground parking garage. Access to the parking garage will be provided along Dupont Avenue South. There is no on-site loading area proposed for the development but the applicant is proposing to have a 30-foot long loading zone provided along Colfax Avenue South. Public Works has approved the location of the on-street loading zone.

An access door from the underground parking garage to the adjacent Midtown Greenway will be provided which will give residents direct access to regional biking and walking paths. As a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on the site. The site is also located within blocks of three major transit routes: Lyndale Avenue South, West Lake Street and Hennepin Avenue.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

The site amenities include the stabilization and preservation of the Twin City Separator building foundation wall, public right-of-way dedication, underground parking, decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways, shared vehicles, decorative fencing, enhanced exterior lighting, enhanced landscaping, heated drives or sidewalks, recycling storage area, water feature, ornamental street lights and living wall along the Midtown Greenway.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The development will be made up of three buildings connected to one another via three-story glass skyways. The buildings will be arranged in the shape of a “U”. The “U” opens up towards the south which will maximize access to sunlight. The first floor dwelling units will have individual entrances. All of the parking for the development will be located in an underground parking garage. Located towards the interior of the buildings will be an outdoor courtyard, a water feature and a swimming pool. A public promenade will be constructed just north of the Midtown Greenway connecting Colfax Avenue South to Dupont Avenue South. The proposed buildings nearest the Midtown Greenway will be six stories in height and the proposed building on the north side of the property steps down to four stories in height as it approaches the existing residential properties on the block. The six-story

buildings are 68 feet in height and the four-story building is 48 feet in height. Height of other buildings in the area range between 21 feet and 95 feet.

- e. **An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

The buildings nearest the Midtown Greenway will be six stories in height and the building on the north side of the property will be four stories in height. The six-story buildings are 68 feet in height and the four-story building is 48 feet in height. The buildings immediately adjacent to the site are 21 feet and 30 feet in height. The proposed four story building will be located a minimum of 30 feet away from the two adjacent structures. In between the proposed building and the adjacent structures there will be landscaping and fencing provided.

- f. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

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. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

- g. **The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

During construction the proposed development will utilize sustainable building practices including energy efficient HVAC and lighting systems, use of low VOC materials and finishes, use of regional materials where possible, use of sustainable, renewable and recycled materials where possible, the installation of a white roof and the installation of underground storm water chambers. The development will also participate in the Xcel Energy Design Assistance Program. In addition, waste generated during construction will be recycled.

- 2. **That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary and final plat section of this staff report.

CONDITIONAL USE PERMIT - to increase the height of the building from 4 stories/56 feet to 6 stories/68 feet

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:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The site is located in the R5 zoning district which allows buildings up to four stories or 56 feet in height. The applicant is requesting a conditional use permit to increase the height of the building to six stories or 68 feet. The Planning Division does not believe that increasing the height of the building from four stories or 56 feet to six stories or 68 feet would be detrimental to or endanger the public health, safety, comfort or general welfare.

2. The conditional use 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 increasing the height of the building from four stories or 56 feet to six stories or 68 feet would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The proposed buildings nearest the Midtown Greenway will be six stories in height and the proposed building on the north side of the property steps down to four stories in height as it approaches the existing residential properties on the block. The six-story buildings are 68 feet in height and the four-story building is 48 feet in height. The buildings immediately adjacent to the site are 21 feet and 30 feet in height. The proposed four story building will be located a minimum of 30 feet away from the two adjacent structures. In between the proposed building and the adjacent structures there will be landscaping and fencing provided. Height of other buildings in the area range between 21 feet and 95 feet.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The property is located mid-block between West 28th Street and the Midtown Greenway along Colfax Avenue South. The property is located three blocks west of Lyndale Avenue south, one block north of West Lake Street and four blocks east of Hennepin Avenue South all of which are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. Centered around the intersections of Lyndale Avenue South and West Lake Street and Hennepin Avenue South and West Lake Street are designated Activity centers in *The Minneapolis Plan for Sustainable Growth*. The future

land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks (Urban Design Policy Implementation Step 10.6.1).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Urban Design Policy Implementation Step 10.6.3).

There are two small area plans that provide guidance for this area. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for high density housing on this development site. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. Policy for this area says that “North of the Greenway, new development should be residential only as the purpose should be to infill underutilized properties with high and medium density housing that transitions to the neighborhood”. The plan continues to say “New high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28th Street and the Greenway. Buildings north of the Greenway should be of a smaller scale than those south of the Greenway in order to provide transitions into the lower density residential areas”. Further policy in the *Uptown Small Area Plan* says that buildings should be sculpted to achieve neighborhood transitions. A diagram in the plan recommends heights of 56 feet on the half block just north of the Midtown Greenway.

The proposed height of the buildings on the south end of the site is 68 feet and the height of the building on the north end of the site is 48 feet. Other developments along the Midtown Greenway, that have already been built or have been approved by the City of Minneapolis, range in height between 54 feet and 72 feet. The Planning Division believes the proposed development transitions in height to the existing structures located on the half block south of 28th Street and is complimentary in scale to other developments along the Midtown Greenway. Given this the Planning Division believes that the development is in conformance with the policies of *The Minneapolis Plan for Sustainable Growth* and the *Uptown Small Area Plan*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permits, variance, site plan review, right-of-way vacation and preliminary and final plat applications this development will meet the applicable regulations of the R5, Multiple-family District.

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Increasing the height of the proposed development should not impede access to light and air that the surrounding properties receive. The proposed development is meeting the setbacks along the north property line which is shared with other residential properties. All other surrounding properties are separated from the site by Colfax Avenue South, the Midtown Greenway or Dupont Avenue South.

2. Shadowing of residential properties or significant public spaces.

Shadow studies have been included as an attachment to the staff report and include shadowing impacts at 9 am, 12 noon and 3 pm during March 21st/September 21st, June 21st and December 21st. The shadow study indicates that there will be minimal shadowing cast on the residential properties located on the north side of the development site during March and September. However, it should be noted that it is the four-story portion of the development that is casting the shadows on the adjacent residential properties during March and September. Four story buildings are permitted in the R5 zoning district. The shadow study also indicates that there will be more extensive shadowing of surrounding residential properties during December. At 9 am and at 12 noon it is again the four-story portion of the development that is casting shadows on the adjacent residential properties to the north. At 3 pm the entire development is casting shadows on surrounding residential properties but at 3 pm on December 21st everything is casting a shadow.

3. The scale and character of surrounding uses.

The proposed buildings nearest the Midtown Greenway will be six stories in height and the proposed building on the north side of the property steps down to four stories in height as it approaches the existing residential properties on the block. The six-story buildings are 68 feet in height and the four-story building is 48 feet in height. The buildings immediately adjacent to the site are 21 feet and 30 feet in height. The proposed four story building will be located a minimum of 30 feet away from the two adjacent structures. In between the proposed building and the adjacent structures there will be landscaping and fencing provided. Height of other buildings in the area range between 21 feet and 95 feet. A context study has been included as an attachment to the staff report.

The character of the buildings in the neighborhood are varied. Many of the existing single-family homes and duplexes were built in the early 1900's while many of the multiple-family dwellings were built in the middle of the 20th Century. There are however several infill buildings that have been built in the last ten years.

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

There are no landmark buildings, significant open spaces or water bodies that the proposed development would block views of. The Midtown Greenway is located in the trench between Colfax Avenue South and Dupont Avenue South so the development will not block views of this regional trail from surrounding properties.

VARIANCE - to reduce the minimum lot area per dwelling unit

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property owner proposes to use the property in a reasonable manner.

Minimum lot area per dwelling unit: The applicant is seeking a variance to reduce the minimum lot area per dwelling unit. The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 589 square feet per dwelling unit. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 506 square feet per dwelling unit. With 217 dwelling units on a lot of 79,018 square feet, the applicant proposes 364 square feet of lot area per dwelling unit or a 28 percent variance.

There are two small area plans that provide guidance for this area. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for high density housing on this development site. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. The future land use map in this small area plan calls for high density housing on this property. The property is located in the Urban Village character area as designated in the *Uptown Small Area Plan*. Policy for this area says that “high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28th Street and the Greenway”. The plan continues to say “Further north of the Greenway, on the half block south of 28th Street, efforts should be made to preserve the existing residential fabric of small apartments and single family homes”. In *The Minneapolis Plan for Sustainable Growth* high-density residential developments have densities ranging between 50 and 120 units per acre. The proposed development has a density of 119.9 dwelling units per acre. The Planning Division believes that building a development that falls within the range allowed for high-density housing would be a reasonable use of the property.

2. Practical difficulties exist due to circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Minimum lot area per dwelling unit: The site’s location in an area that is guided for high-density housing in both the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan* is a unique circumstance of this property.

3. If granted, the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Minimum lot area per dwelling unit: The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. A number of high density residential developments have been constructed, are under construction or have been approved by the City of Minneapolis in the last five years. Those

developments include Blue, Murals, Flux and Track 29. The proposed development would be consistent with the trend of development in the surrounding area and the proposed density would be consistent with adopted policy guidance.

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.

Minimum lot area per dwelling unit: The Planning Division 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. The TDMP and Traffic Impact Study that were completed for this development conclude that the existing street capacity is adequate to support the traffic that will be generated by this development. There will a minimum of one parking space and one bicycle space provided for every unit in the underground parking garage.

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 DESIGN:

- 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, windows, and active functions:
 - 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.

Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site

parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DEPARTMENT RESPONSE:

- The buildings reinforce the street wall, facilitate pedestrian access and maximize natural surveillance. The buildings are set close to the front property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows, balconies and patios on all sides of the development that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The building walls fronting along both Colfax Avenue South and Dupont Avenue South are required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The front yard setback requirement along Colfax Avenue South is 15 feet. The building is setback 16 feet from Colfax Avenue South however there are patios, balconies, walkways and stairways that encroach into the required front yard. The front yard setback requirement along Dupont Avenue South is 22.7 feet. The building is setback 16 along Dupont Avenue South and there are patios, balconies, walkways and stairways that encroach into the required front yard.
- The area in between the buildings and the front property lines will contain patios, balconies, walkways, stairways and landscaping.
- Each of the buildings has its own principal entrance. One will be located along Colfax Avenue South and one will be located along Dupont Avenue South. The principal entrance to the building located on the north end of the site is situated on the southwest side of the building but individual entrances to the first floor dwelling units face both Colfax Avenue South and Dupont Avenue South.
- All of the on-site parking associated with this development is located in two levels of underground parking.
- The exterior materials of the structure include stone, stucco, cement board siding, metal, wood and glass. The sides and rear of the building are similar to and compatible with the front of the building.

- There are no areas of the development that are over 25 feet in length and void of 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 Colfax Avenue South, Midtown Greenway and Dupont Avenue South sides of the building are required to be windows. The project's compliance with these requirements is as follows:
 - Colfax Avenue South: the percentage of windows on the first floor of the building is 29 percent and the percentage of windows on the upper levels of the building exceeds 20 percent. There are additional windows on the first floor of the building but they do not count towards the minimum window area calculation as the bottom of the window is greater than two feet above grade.
 - Midtown Greenway: the percentage of windows on the first floor of the building is 63 percent and the percentage of windows on the upper levels of the building exceeds of 30 percent.
 - Dupont Avenue South: the percentage of windows on the first floor of the building is 23 percent and the percentage of windows on the upper levels of the building exceeds of 20 percent. There are additional windows on the first floor of the building but they do not count towards the minimum window area calculation as the bottom of the window is greater than two feet above grade.
- The windows in the development are vertical in nature and are evenly distributed along the building walls.
- The entire building frontage along both Colfax Avenue South and the Midtown Greenway contain active functions. Ninety percent of the building frontage along Dupont Avenue South contains active functions. The remaining ten percent is occupied by the entrance to the underground parking garage.
- The principal roof line of the building will be flat. In the neighborhood there is a mixture of pitched roofed and flat roofed buildings.

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:

- All of the entrances leading into the building are connected to the public sidewalk via a series of walkways that run through the site.
- No transit shelters are proposed as part of this development.
- All of the on-site parking associated with this development is located in two levels of underground parking.
- The public alley on the block currently dead ends in the middle of the property. As part of the development the alley will be rerouted to Colfax Avenue South which will allow the residents on the

block the option of exiting either to West 28th Street or Colfax Avenue South. The proposed development will not have vehicular access to the public alley.

- The maximum impervious surface requirement in the R5 zoning district is 85 percent. According to the materials submitted by the applicant 29 percent of the site will be pervious (71 percent impervious).

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 79,018 square feet. The footprint of the buildings is 42,182 square feet. When you subtract the footprint from the lot size the resulting number is 36,836 square feet. Twenty percent of this number is 7,367 square feet. According to the applicant's landscaping plan there is 22,229 square feet of landscaping on the site or approximately 60 percent of the site not occupied by the building.

- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 15 and 74 respectfully. The applicant is proposing to have 15 canopy trees and 496 shrubs on the site. In addition there will be eight ornamental trees and 1,184 perennials on the site. The applicant is also proposing to plant 14 canopy trees in the right-of-way adjacent to the site. There will be four different varieties of trees, 12 different varieties of shrubs and 14 different varieties of perennials provided on the site. The proposed plant materials will provide seasonal interest.

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.**
- **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:

- All of the on-site parking associated with this development is located in two levels of underground parking.
- There are no landmark buildings, significant open spaces or water bodies that the proposed development would block views of. The Midtown Greenway is located in the trench between Colfax Avenue South and Dupont Avenue South so the development will not block views of this regional trail from surrounding properties.
- Shadow studies have been included as an attachment to the staff report and include shadowing impacts at 9 am, 12 noon and 3 pm during March 21st/September 21st, June 21st and December 21st. The shadow study indicates that there will be minimal shadowing cast on the residential properties located on the north side of the development site during March and September. However, it should be noted that it is the four-story portion of the development that is casting the shadows on the adjacent residential properties during March and September. Four story buildings are permitted in the R5 zoning district. The shadow study also indicates that there will be more extensive shadowing

of surrounding residential properties during December. At 9 am and at 12 noon it is again the four-story portion of the development that is casting shadows on the adjacent residential properties to the north. At 3 pm the entire development is casting shadows on surrounding residential properties but at 3 pm on December 21st everything is casting a shadow.

- This development should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there is series of internal walkways that connect all of the entrances to one another, there are large windows, balconies and patios on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are lights located near all of the pedestrian entrances and throughout the site.
- The project site is partially located within the boundary of the Chicago, Milwaukee and St. Paul Railroad Grade Separation historic district. The Chicago, Milwaukee and St. Paul Railroad Grade Separation historic district was listed in the National Register of Historic Places in 2005. The District is also considered eligible for local designation.

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:** Planned Unit Developments require a conditional use permit in the R5 zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: In the R5 zoning district the zoning code requires a minimum of 1.0 parking space per dwelling unit. For 217 dwelling units the parking requirement would be 217 spaces. The applicant is proposing to provide a total of 246 parking spaces on the site.

Maximum automobile parking requirement: There is no maximum parking for dwellings in the R5 zoning district.

Bicycle Parking: The bicycle parking requirement for a multiple-family development is one space per two dwelling units. The bicycle parking requirement for this development is 109 spaces. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. In total, 98 of the required bicycle parking spaces need to be enclosed. The applicant has indicated that there will be 120 bicycle parking spaces provided in the enclosed parking garage. However, as a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on the site.

Loading: The loading requirement for a multiple-family development with 100 to 250 dwelling units is one small loading space. There is no on-site loading area proposed for the development but the applicant is proposing to have a 30-foot long loading zone provided along Colfax Avenue South.

- **Maximum Floor Area:** The maximum FAR in the R5 zoning district is 2.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.4. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 2.8. The lot in question is 79,018 square feet in area. The applicant proposes a total of 217,949 square feet of gross floor area, an FAR of 2.76.
- **Building Height:** Building height in the R5 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is six stories or 68 feet in height. The applicant has applied for a conditional use permit to increase the height of the building.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 589 square feet per dwelling unit. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 506 square feet per dwelling unit. With 217 dwelling units on a lot of 79,018 square feet, the applicant proposes 364 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.
- **Dwelling Units per Acre:** The site is 1.81 acres in size. There are 119.9 dwelling units per acre proposed on the site.
- **Yard Requirements:** The front yard setback requirement along Colfax Avenue South is 15 feet. The building is setback 16 feet from Colfax Avenue South however there are patios, balconies, walkways and stairways that encroach into the required front yard. The front yard setback requirement along Dupont Avenue South is 22.7 feet. The building is setback 16 along Dupont Avenue South and there are patios, balconies, walkways and stairways that encroach into the required front yard. The setback requirement along the north and south interior side yards is $5+2x$, where x equals the number of stories above the first floor. The resulting setback for a six story building is 15 feet. The building meets the setback requirement along both the north and south property lines.
- **Specific Development Standards:** The specific development standard for a planned unit development says that the development shall conform to the standards of Chapter 527, Planned Unit Development.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the R5 zoning district one can have one wall identification sign not exceeding 32 square feet with a maximum height of 12 feet or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one freestanding ground sign not exceeding 32 square feet in area and eight feet in height.

The applicant is not proposing any signs at this time. However, the applicant has indicated that the sign plan will conform to the requirements of Chapter 543, On-Premise Signs.

- **Refuse storage:** There will be a trash and recycling storage area provided in each of the buildings. The recyclable materials will be collected in bins located in the garage level of the buildings. Each of the trash and recycling storage areas is located near an elevator for easy access.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

The property is located mid-block between West 28th Street and the Midtown Greenway along Colfax Avenue South. The property is located three blocks west of Lyndale Avenue south, one block north of West Lake Street and four blocks east of Hennepin Avenue South all of which are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. Centered around the intersections of Lyndale Avenue South and West Lake Street and Hennepin Avenue South and West Lake Street are designated Activity centers in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Ensure appropriate transitions between uses with different size, scale and intensity (Land Use Policy 1.2).
- Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit (Land Use Policy 1.3).
- Support the development of residential dwellings that are of high quality design and compatible with surrounding development (Urban Design Policy 10.4).
- Maintain and strengthen the architectural character of the city's various residential neighborhoods (Urban Design Policy implementation Step 10.4.1).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks (Urban Design Policy Implementation Step 10.6.1).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Urban Design Policy Implementation Step 10.6.3).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Urban Design Policy Implementation Step 10.6.4).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Urban Design Policy Implementation Step 10.6.5).
- Integrate transit facilities and bicycle parking amenities into the site design (Urban Design Policy Implementation Step 10.6.6).

- Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems (Urban Design Policy 10.17).

There are two small area plans that provide guidance for this area. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007, and the Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. Both of these small area plans call for a publicly accessible promenade along the north side of the Midtown Greenway.

The Planning Division believes the proposed development is in conformance with the policies of *The Minneapolis Plan for Sustainable Growth*, the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan*.

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:

Alternative compliance is not needed for this development.

VACATION (Vac1587) – That part of the alley located within Blocks 4 and 13, Windom’s Addition to Minneapolis, lying South of the easterly extension of the north line of the South 5 feet of Lot 8, said Block 4, to the centerline of the alley, and South of the westerly extension of the north line of the South 3.5 feet of Lot 5, said Block 4 to the centerline of the alley, and lying North of the north line of Lots 5 and 8, said Block 13, extended; and the alley easement per Document 400146 being the North 30 feet of the West 18 feet of Lot 4, said Block 13.

Development Plan: The development plans are included in the report. The area to be vacated will be developed into housing. The public alley on the block currently dead ends in the middle of the property. As part of the development the alley will be rerouted to Colfax Avenue South which will allow the residents on the block the option of exiting either to West 28th Street or Colfax Avenue South.

Responses from Utilities and Affected Property Owners: Of the utilities and/or affected property owners that have responded no one has requested an easement.

Findings: The Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

PRELIMINARY AND FINAL PLAT - PL-257

Required Findings:

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The applicant is proposing to replat several lots into one new lot. Individual lots within PUD's are exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The subdivision is in conformance with the design requirements of the land subdivision regulations.

Section 598.260 Planned unit developments and cluster design, requires the design of a subdivision for a cluster development to implement the site plan as approved by the Planning Commission and shall include a deed restriction designating the following:

1. The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).

The applicant will own all of the land so this provision is not necessary.

2. Provision for access to each lot that does not have frontage on a public street.

The lot will have frontage on a public street.

3. A requirement that an owner's association be created. The duties and responsibilities of the owner's association shall include maintaining the elements of the cluster development as authorized under the zoning ordinance or other applicable regulations.

The applicant will own all of the land so the creation of an owner's association is not necessary.

4. A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.

The applicant will own all of the land so this provision is not necessary.

- 5. A requirement that any disposition of any of the common property situated within the cluster development shall not be made without the prior approval of the Planning Commission.**

If an amendment is made to the PUD the proposed amendments shall be reviewed and approved by the City Planning Commission.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The applicant is proposing to replat several lots into one new lot.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site is flat and does not present the above hazards.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The parcel created by this application presents no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

- 5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

RECOMMENDATIONS

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 the Minneapolis City Council adopt the above findings and **approve** the rezoning of the parcel located at 2820 Colfax Avenue South from R3 to R5.

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 a Planned Unit Development including 217 dwelling units located at 2821 and 2825 Dupont Avenue South and 2820, 2824, 2828 and 2836 Colfax Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 35 points: public right-of-way dedication, underground parking, decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways, shared vehicles, decorative fencing, enhanced exterior lighting, enhanced landscaping, heated drives or sidewalks, recycling storage area, water feature, ornamental street lights and living wall along the Midtown Greenway.
3. A minimum of 20 percent of the modular block retaining wall shall be covered with panels or something similar that allows the Boston Ivy to grow on.
4. There shall be a maximum of 217 dwelling units provided in the building.
5. There shall be a minimum of 217 bicycle parking spaces provided in the building.
6. There shall be a minimum of 12 bicycle parking spaces provided on the site for guests.

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 to increase the height of the building from 4 stories/56 feet to 6 stories/68 feet located at

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2821 and 2825 Dupont Avenue South and 2820, 2824, 2828 and 2836 Colfax Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The height of the buildings on the south end of the site shall not exceed 6 stories/68 feet and the height of the building on the north end of the site shall not exceed 4 stories/48 feet.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area per dwelling unit from 506 square feet to 364 square feet (28 percent) for the property located at 2821 and 2825 Dupont Avenue South and 2820, 2824, 2828 and 2836 Colfax Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 2821 and 2825 Dupont Avenue South and 2820, 2824, 2828 and 2836 Colfax Avenue South subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Community Planning and Economic Development Department – Planning Division.
2. All site improvements shall be completed by August 19, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the application to vacate that part of the alley located within Blocks 4 and 13, Windom’s Addition to Minneapolis, lying South of the easterly extension of the north line of the South 5 feet of Lot 8, said Block 4, to the centerline of the alley, and South of the westerly extension of the north line of the South 3.5 feet of Lot 5, said Block 4 to the centerline of the alley, and lying North of the north line of Lots 5 and 8, said Block

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13, extended; and the alley easement per Document 400146 being the North 30 feet of the West 18 feet of Lot 4, said Block 13.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary and final plat:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application for the property located 2821 and 2825 Dupont Avenue South and 2820, 2824, 2828 and 2836 Colfax Avenue South.

Attachments:

1. Preliminary Development Review report from December 29, 2010
2. Statement of purpose and description of project and PUD amenity information
3. Conditional use permit findings for the PUD
4. Travel Demand Management Strategies
5. Conclusions from the Traffic Impact Statement
6. Conditional use permit findings for increased height
7. Variance findings
8. Vac-1587 information and responses from the City of Minneapolis and utility companies
9. Subdivision findings, including copies of the preliminary and final plat
10. Subdivision findings
11. July 8, 2011, memo from Public Works regarding the plat
12. July 1, 2011, letter from the City Attorney's office regarding the plat
13. May 23, 2011, letters to Council Member Tuthill and the Lowry Hill East Neighborhood Association
14. June 29, 2011, letter from the Lowry Hill East Neighborhood Association
15. Letters from surrounding property owners and/or residents

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16. Zoning Map
17. Civil plans, site plan, landscaping plans, floor plans and elevations including photos of the site, shadow studies, architectural renderings and a context study