

**Department of Community Planning and Economic Development – Planning
Division**
Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-4113
Preliminary and Final Plat
PL-230

Date: August 4, 2008

Applicant: St. Maron Maronite Catholic Church, Attn: James Thompson, 602 University Avenue NE, Minneapolis, MN 55413, (612) 379-2758

Address of Property: 617, 621 and 623 2nd Street NE
(PL-230 includes: 601, 611, 613, 617, 621 and 623 2nd Street NE)

Project Name: Peter Nasseff Maronite Home

Contact Person and Phone: St. Maron Maronite Catholic Church, Attn: James Thompson, 602 University Avenue NE, Minneapolis, MN 55413, (612) 379-2758

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

Date Application Deemed Complete: July 7, 2008

End of 60-Day Decision Period: September 4, 2008

End of 120-Day Decision Period: On July 25, 2008, Staff sent a letter to the applicant extending the decision period to no later than November 3, 2008.

Ward: 3 **Neighborhood Organization:** Saint Anthony West Neighborhood Organization

Existing Zoning: R2B (Two-family) District

Proposed Zoning: R5 (Multiple-family) District

Zoning Plate Number: 14

Lot area: 14,547 square feet or .33 acres

Legal Description: Lots 11 and 12, Block 12, Town of Saint Anthony, Hennepin County, Minnesota.

Proposed Use: Construction of a 3-story, 21-unit senior housing facility.

Concurrent Review:

- Petition to rezone the subject parcel from the R2B (Two-family) district to the R5 (Multiple-family) district.
- Conditional Use Permit to allow 21 residential dwelling units.
- Variance of the minimum lot area per dwelling unit from approximately 765 square feet to 693 square feet, or a variance of approximately 10%.
- Variance of the front yard setback requirement adjacent to the west property line along 2nd Street NE from approximately 26 feet to 20 feet.
- Site Plan review for a 3-story structure with 21 senior housing rental residential units.
- Preliminary and Final plat.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Chapter 525: Article VII Conditional Use Permits, Article IX, Variances, Chapter 530 Site Plan Review and Chapter 598, Land Subdivision Regulations.

Background: The applicant proposes to construct a new 3-story, 21-unit senior housing facility on the properties located at 617, 621 and 623 2nd Street NE. The property is zoned R2B and a rezoning is necessary in order to develop the property as proposed. The applicant is proposing to rezone the subject site to the R5 district. Apartments with 5 units or more are conditional uses in the R5 district. Variances are required for the proposed development which include: (1) variance of the minimum lot area per dwelling unit from approximately 765 square feet to 693 square feet or a variance of approximately 10%; (2) variance of the front yard setback requirement adjacent to the west property line along 2nd Street NE from 26 feet to 20 feet. Site plan review is also required as is a preliminary and final plat for the proposed development. The preliminary and final plat includes additional properties (601, 611, 613, 617, 621 and 623 2nd Street NE). Please note that the plans show the adjacent surface parking lot located at the corner of 2nd Street NE and 6th Avenue NE. This parking lot requires no site improvements as a result of the proposed development, however, the applicant is proposing to bring the property into compliance with some of the design and maintenance provisions outlined in Chapter 530 of the Zoning Code.

The development would provide a combination of one and two bedroom unit types as well as amenities such as a community room and library that face 2nd Street NE and the community park located across the street. The applicants are also proposing to update the existing surface parking lot located at the corner of 2nd Street NE and 6th Avenue NE to meet current design and maintenance provisions as outlined in Chapter 530 of the Zoning Code.

Staff has not received official correspondence from the Saint Anthony West Neighborhood Organization or any other correspondence prior to the printing of this report. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including single-family and multi-family development as well as within an area with services and commercial uses and cultural and entertainment uses. The subject site is also located across the street from a park, and located a half block off of University Avenue NE which is a designated Community Corridor. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

4.9 *Minneapolis will grow by increasing its supply of housing.*

Implementation Steps:

- Support the development of new medium and high-density housing in appropriate locations throughout the city.
- Support the development of infill housing on vacant lots.

4.11 *Minneapolis will improve the availability of housing options for its residents.*

Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

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

Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

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

9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.*

The proposal to rezone the parcel from the R2B district to the R5 district in order to construct a multi-family structure with 21 dwelling units is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

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

A rezoning to the R5 district would be considered in the interest of both the property owner, as it would allow a higher intensity residential zoning classification, and in the public interest insofar as it would allow a level of density and uses that support the other commercial and cultural uses in the 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 site is currently zoned R2B and located a half block off of University Avenue NE which is a designated Community Corridor. The subject site is located within an area that has a mixture of uses. The properties to the north and west are zoned R2B, the properties to the south and east are zoned R5. Adjacent uses include a mixture of residential uses and church uses as well as some commercial uses. Given the surrounding zoning classifications and uses in the area Staff believes that the R5 zoning district would be compatible in this location.

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

There are reasonable, however, limited uses of the property permitted under the R2B zoning district, however, the uses would likely result in the under utilization of the subject site due to the area in which the parcel is located. The R2B zoning district is a Two-family district. Permitted uses in the R2B district include, but are not limited to, the following:

- Single-family dwellings
- Two-family dwellings
- Community residential facilities serving six or fewer persons
- Community gardens
- Public parks

- Places of assembly

Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

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

Under the 1963 Zoning Code, the subject property and the surrounding area were zoned similarly to what they are zoned today. The properties are currently occupied by single-family residential structures. Due to the proximity to R5 zoning as well as the mix of uses within the general area as well as the immediate vicinity, Staff believes that the rezoning request is reasonable and appropriate and is consistent with adopted policy.

CONDITIONAL USE PERMIT –to allow 21 residential dwelling units

Findings as required by the Minneapolis Zoning Code:

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

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

Construction of a 21 unit residential development should not have negative impacts on the area. The proposed development complements other uses in the area and the additional residential units would strengthen the existing commercial base within the neighborhood. The proposal would be slightly over the allowable density for the site as a total of 19 units are permitted with the application of one density bonus for enclosed/underground parking. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The site is currently occupied by three single-family residential structures that will be demolished to make way for the proposed development. The proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the site for 21 units of senior apartments would provide additional opportunities

for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would be accessed off of 2nd Street NE via one curb cut to the partially underground parking garage. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue to work 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 should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Chapter 541 of the zoning code requires one off-street parking space per dwelling unit; therefore a total of 21 parking spaces would be required for the residential development. The applicant proposes to provide a total of 21 parking spaces in a partially underground parking garage. Staff would suggest that based on the above listed information that adequate measures would be provided to minimize traffic congestion in the public streets.

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

See the above listed response to finding #1 in the rezoning application.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including the rezoning, conditional use permit, variances, site plan review, preliminary and final plat, the proposal would comply with all provisions of the R5 District.

VARIANCES – (1) Variance of the minimum lot area per dwelling unit from approximately 765 square feet to 693 square feet, or a variance of approximately 10%; (2) Variance of the front yard setback requirement adjacent to the west property line along 2nd Street NE from approximately 26 feet to 20 feet.

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Variance of the minimum lot area per dwelling unit: Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The base minimum lot area in the R5 district is 900 square feet per dwelling unit and with one 20% bonus for enclosed/underground parking, the development is allowed a reduction in minimum lot area per dwelling unit to approximately 765 square feet. In order to allow 2 additional dwelling units which would be necessary to approve the development as proposed at a total of 21 units, a further reduction to approximately 693 square feet per dwelling unit would be required. Planning Staff would argue that the proposed density is appropriate on the subject site.

Front yard setback requirement along 2nd Street NE from approximately 26 feet to 20 feet: Staff would argue that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The R5 district typically requires a 15 foot front yard setback, however, the property is subject to a front yard increase per Section 546.160(b) along 2nd Street NE due to the location of the structure to the north. Requiring that the building adhere to a 26 foot front yard setback would result in undue hardship as it would result in the necessity to reconfigure the development on the subject site.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Variance of the minimum lot area per dwelling unit: The circumstances could be considered unique as the applicant is attempting to provide housing for independent seniors in close proximity to their place of worship. Based on the location of the development site as well as the character of the existing development within the neighborhood, the variance is a reasonable request.

Front yard setback requirement along 2nd Street NE from approximately 26 feet to 20 feet: The circumstances could be considered unique as the applicant is subject to a front yard increase due to the location of the structure to the north of the site. The structure, originally designed for residential purposes, is located approximately 26 feet from the property line along 2nd Street NE which is greater than what the R5 district typically requires at 15 feet. The development is being proposed at a setback of 20 feet. Further, the location of the proposed structure is setback at a distance similar to and greater than two of the existing structures that are being removed on the premises for the

development. These circumstances have not been created by any persons presently having an interest in the property.

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

Variance of the minimum lot area per dwelling unit: The granting of the minimum lot area variance to allow an additional 2 units on the subject site would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There are various types of residential development within the immediate area including medium density multi-family developments. Based on the proximity of the subject site to University Avenue NE as well as the character present within the area, Planning Staff would argue that the proposed development fits well into the neighborhood.

Front yard setback requirement along 2nd Street NE from approximately 26 feet to 20 feet: The granting of the front yard setback variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There proposed location of the structure is comparable and consistent with other residential structures located within the immediate vicinity.

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.

Variance of the minimum lot area per dwelling unit: : Staff believes that the granting of the variance of the minimum lot area per dwelling unit would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Front yard setback requirement along 2nd Street NE from approximately 26 feet to 20 feet: Staff believes that the granting of the variance of the front yard setback requirement would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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 and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. **Windows shall be vertical in proportion.**
- b. **Windows shall be distributed in a more or less even manner.**
- c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The development is subject to required yards along all sides of the property. A total of 21 residential units are proposed for the site. The building would not be oriented towards the front yard adjacent to 2nd Street NE, nor would the design of the structure maximize natural surveillance and visibility, or facilitate pedestrian access and circulation along the street frontages. The building is more oriented towards the south interior side yard. The west elevation facing 2nd Street NE is dominated by a large garage door located within the center of the structure. Planning Staff has encouraged the applicant to consider relocating the garage entry through an easement from their property to the south. Although there is a principal entry that is technically facing 2nd Street NE, it is recessed approximately 35 feet from the property line and located on the south elevation of the structure. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require that the building be redesigned to have an actual prominent street facing entry on the west elevation of the structure. According to the submitted floor plans, it would appear to be possible to meet this stipulation without a major redesign of the project. The area between the building and the public street would have new tree and shrub plantings.

The elevation of the building along 2nd Street NE does not incorporate windows that meet the 20% window requirement as approximately 5% are provided. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is not meeting the intent of this requirement; alternative compliance would be necessary.

Planning Staff would recommend that the Planning Commission require partial compliance with this provision and suggests 10% as the minimal amount. Should the Planning Commission agree with Planning Staff and recommend that the entrance be relocated to the west elevation, additional opportunities for the installation of windows between 2 and 10 feet would be possible. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The windows in the upper floors are also distributed in a more or less even manner and are also vertical in proportion. The proposed development is not subject to the window requirement facing the adjacent parking lot as it is not considered an on-site parking lot as it serves the church, not the proposed residential structure on the subject site.

There are no blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements.

The exterior materials would be compatible on all sides of the proposed building as different types of brick, cast stone, stucco, rock faced CMU and cedar lap siding as well as various metal elements would be utilized. The proposed building form and flat roof would be considered compatible with other buildings in the area.

A partially underground single-story parking garage is proposed as part of the development. The parking is accessed off of 2nd Street NE.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The principal entry to the lobby of the residential portion of the structure would be located on the south elevation of the building. The development is connected to the public sidewalk via walkways that are at least 4 feet in width.

There are no transit shelters within the development, however the site is located in close proximity to a Metro Transit bus line.

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

There is no public alley adjacent to the site.

The site has somewhat been designed to minimize the use of impervious surfaces through landscaping. Approximately 71% of the site is impervious and approximately 74% of the site not occupied by buildings will be landscaped. There is a large driveway that bisects the property in front of the proposed development in order to access the partially underground parking garage. With the exception of the driveway, the rest of the site not occupied by the building footprint, is predominantly landscaped.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, 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.**

According to the applicant, once the project is complete, approximately 4,249 square feet or 74% of the site not occupied by buildings will be landscaped, which would exceed the 20% landscaping requirement. The site is approximately 14,547 square feet in size with buildings occupying a footprint of 8,862 square feet. Based on the site information, approximately 1,137 square feet of landscaping would be required. The zoning code requires that there be at least 3 trees and 12 shrubs planted on the site. The applicant is proposing to have 0 canopy trees (6 ornamental trees are proposed, however) on the premises and 68 shrubs as well as 32 perennials on the site. The proposal is not meeting

the minimum landscape quantity requirements for canopy trees. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it is practical to provide the minimum quantity of canopy trees on the site.

Please note that the plans outline modifications to the existing parking lot located at the corner of 2nd Street NE and 6th Avenue NE. The applicant is proposing to bring this existing surface parking lot into compliance with some of the design and maintenance provisions of Chapter 530 of the Zoning Code. Despite the fact that some provisions of the design and maintenance standards are not being met, the parking lot reconfiguration has been deemed acceptable because the parking lot is technically not subject to design and maintenance and because it exists and is being pulled to the south compared to its existing configuration. As previously mentioned, these alterations are not required as a result of the development proposed on the adjoining lot.

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.**

All parking for the residential development is being provided in a partially underground parking garage which is accessed off of 2nd Street NE. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is encouraged to explore on-site retention and filtration.

The City's CPTED officer had no comments on the proposed development as the plan met the City of Minneapolis requirements for police safety. Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

Staff would not expect the proposal to result in the blocking of views. The proposed structure would be expected to have negligible shadowing impacts on adjacent properties and public spaces. The proposed structure would be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

There are no historic structures located on the premises. Heritage Preservation Commission (HPC) Staff shall review the demolition permits for the homes existing on the properties.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The proposed use of the site for 21 dwelling units is conditional in the R5 District.

With the approval of the rezoning, conditional use permit, variances, site plan review, and preliminary and final plat, this development would meet the requirements of the R5 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit, therefore a total of 21 parking spaces would be required for the proposed development. The applicant proposes to provide a total of 21 parking spaces in a partially underground parking garage.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is included within the proposed parking garage.

Signs: All signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any signage on site.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the R5 District is the gross floor area of the building which is 26,586 square feet divided by the area of the lot which is 14,547 square feet. The outcome is 1.83 which is less than the maximum of 2.0 that is permitted in the R5 District. The proposed development is also eligible for one 20% density bonus for underground/enclosed parking which is not necessary based on the development proposed for the site. The proposed development is in compliance with the maximum F.A.R.

Minimum Lot Area: The project would meet the minimum lot width requirements of the R5 District as the development is situated on a lot greater than 40 feet in width. However, a variance is being requested for the minimum lot area requirement per dwelling unit. Multiple-family developments in the R5 District require 900 square feet per dwelling unit. A 21-unit development with one 20% bonus for underground/enclosed parking would require a lot having an area of no less than 16,065 square feet. The subject parcel is 14,547 square feet in size. A variance is being requested to minimize the minimum lot area per dwelling unit from approximately 765 square feet per dwelling unit to 693 square feet per dwelling unit or a variance of approximately 10%.

Dwelling Units per Acre: With 21 dwelling units on a site having 14,547 square feet of lot area, the proposal would include approximately 63 dwelling units per acre.

Height: Maximum building height for principal structures located in the R5 District is 4 stories or 56 feet, whichever is less. The proposal would conform with this requirement as the structure is proposed to be 3 stories or 41 feet tall.

Yard Requirements: The required yards are as follows:

Front - adjacent to 2nd Street NE, subject to a front yard increase: 26 feet

Rear/Interior side yards (5+2x): 9 feet

Building coverage: The maximum building coverage in the R5 District is 70 percent. Buildings would cover approximately 60 percent of the site.

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

MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the following standards:

Building Orientation: The building would not be oriented towards the front yard adjacent to 2nd Street NE, nor would the design of the structure maximize natural surveillance and visibility, or facilitate pedestrian access and circulation along the street frontages. The building is more oriented towards the south interior side yard. The west elevation facing 2nd Street NE is dominated by a large garage door located within the center of the structure giving the proposed building a suburban feel. Although there is a principal entry that is technically facing 2nd Street NE, it is recessed approximately 35 feet from the property line and located technically on the south elevation of the structure. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require that the building be redesigned to have an actual prominent street facing entry on the west elevation of the structure. According to the submitted floor plans, it would appear to be possible to meet this stipulation without a major redesign of the project. The area between the building and the public street would have new tree and shrub plantings.

20% Window Requirement: The elevation of the building along 2nd Street NE does not incorporate windows that meet the 20% window requirement as approximately 5% are provided. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is not meeting the intent of this requirement; alternative compliance would be necessary. Planning Staff would recommend that the Planning

Commission require partial compliance with this provision and suggests 10% as the minimal amount. Should the Planning Commission agree with Planning Staff and recommend that the entrance be relocated to the west elevation, additional opportunities for the installation of windows between 2 and 10 feet would be possible.

Landscape quantities: The zoning code requires that there be at least 3 trees and 12 shrubs planted on the site. The applicant is proposing to have 0 canopy trees (6 ornamental trees are proposed, however) on the premises and 68 shrubs as well as 32 perennials on the site. The proposal is not meeting the minimum landscape quantity requirements for canopy trees. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it is practical to provide the minimum quantity of canopy trees on the site.

PRELIMINARY AND FINAL PLAT – (PL-230)

Required Findings:

1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Ordinance and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations. The site would be a fully developed property should the land use applications be approved.

ZONING CODE

With the approval of the rezoning, conditional use permit, variances, site plan review, and preliminary and final plat, this development would meet the applicable requirements of the R5 zoning district.

MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application.

2. 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 plat will create two lots, one for the proposed development and another for the existing surface parking lot located at the corner of 2nd Street NE and 6th Avenue NE.

There are various conditions of approval on the site plan that should address any potential negative impacts of the development.

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 lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm water runoff, and temporary and permanent erosion control in accordance with 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 does not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 617, 621 and 623 2nd Street NE from the R2B district to the R5 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and

approve the application for a conditional use permit to allow 21 dwelling units on the properties located at 617, 621 and 623 2nd Street NE subject to the following condition:

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.

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 application for a variance of the minimum lot area per dwelling unit from approximately 765 square feet to 693 square feet or a variance of approximately 10% for the properties located at 617, 621 and 623 2nd Street NE.

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 application for a variance of the front yard setback requirement adjacent to the west property line along 2nd Street NE from approximately 26 feet to 20 feet for the properties located at 617, 621 and 623 2nd Street NE.

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 **approve** the site plan review application for a 21-unit, residential development on the properties located at 617, 621 and 623 2nd Street NE subject to the following conditions:

1. All site improvements shall be completed by September 26, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Incorporation of a prominent, principal entry on the west elevation of the building facing 2nd Street NE subject to Planning Staff review and approval.
4. Incorporation of 10% windows on the ground floor elevation of the building along 2nd Street NE.

5. Compliance with the minimum landscape quantity requirement for canopy trees on the premises.

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 properties located at 601, 611, 613, 617, 621 and 623 2nd Street NE.

Attachments:

1. Rezoning Matrix
2. PDR Report
3. Statement of use / description of the project
4. Findings – CUP
5. Correspondence
6. Zoning map
7. Plans – Site, landscape, elevations, floor plans, shadow survey, etc.
8. Photos
9. Oblique aerial