

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ 4270

Date: December 8, 2008

Applicant: One Call Property Solutions

Addresses of Property: 633 and 635 Ontario Street SE

Project Name: 633 and 635 Ontario Street SE

Contact Person and Phone: Jason Klohs, (612) 669-5877

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: November 14, 2008

End of 60-Day Decision Period: January 13, 2009

Ward: 2 Neighborhood Organization: Prospect Park & East River Road Improvement Association

Existing Zoning: R5 Multiple Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Legal Description: Not applicable for this application

Proposed Use: Six unit multiple family residential structure

Concurrent Review:

- **Conditional use permit** to allow for six dwelling units
- **Variance** to reduce the required parking from 6 spaces to 2 spaces (Additional compact spaces are provided that cannot be counted toward the minimum parking requirement.)
- **Variance** to allow for a parking area to be located within 6 feet of a dwelling
- **Variance** to reduce the minimum width of a two-way drive aisle from 22 feet to 16 feet 10 inches
- **Site Plan Review**

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances; Chapter 530 Site Plan Review; Chapter 541 Off-Street Parking and Loading; Chapter 546 Residence Districts

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Background: The applicant, Jason Klohs, on behalf of Patrick Burns, is proposing to construct a six unit residential building located at 633 and 635 Ontario Street SE. The subject property includes two existing substandard lots, approximately 25 feet in width, and the present uses include one single family home and a duplex. The subject property is located within the University District Moratorium Area. The proposed construction of the six dwelling units is not subject to the moratorium, which captures the conversion, construction and or demolition of dwellings with one to four units. However, if the applicant was to apply for a demolition permit for the existing structures during the interim ordinance, a waiver application would be required.

The property is located in a high density residential area West of I-94 and Northeast of East River Parkway and the Mississippi River. A multiple-family dwelling with more than 5 units requires a conditional use permit in the R5 Multiple Family District.

The minimum parking requirement for multiple family dwellings is one space per dwelling unit. Therefore six off-street parking spaces are required. However, traffic and on-street parking congestion is a problem for the surrounding residential neighborhoods. Although this site is not within the boundaries in the Marcy Holmes neighborhood, parking demand for multi-family, student-oriented housing within the University District Area is generally higher than multi-family housing elsewhere in the city. Specifically, the *Marcy Holmes Master Plan* states, “The neighborhood strongly supports...student housing in the Marcy Holmes neighborhood to have 0.5 parking spaces for each bed proposed in a development. The neighborhood has unique challenges with respect to the new type of apartment buildings with four or more bedrooms per apartment compared to the old model of one and two bedroom apartments.” Two 2-bedroom units and four 3-bedroom units are proposed. A total of 16 bedrooms are proposed. To help minimize traffic congestion in the public streets, the applicant is proposing to provide a total of 9 parking spaces for the proposed use. One space would be a handicapped stall and the eight remaining stalls would be compact size, 8 feet by 15 feet. In addition, the applicant is proposing to install bicycle racks, supporting a minimum of four bicycles and provide six mopeds, one for each dwelling unit. The applicant is providing two of the required six off-street parking stalls per the zoning code; one by the handicapped parking stall and the other by the bicycle rack. Therefore, a variance is required to reduce the requirement of six off-street parking spaces to two, where additional compact spaces are provided, but cannot be counted towards the minimum requirement.

The applicant is proposing to locate the access aisle for the handicapped parking stall and one compact parking stall within 6 feet of the proposed dwelling. Both will be located approximately four feet from the proposed dwelling. The applicant has requested a variance to locate a parking area within 6 feet of the dwelling, in order to maximize the off-street parking for the proposed use.

The two-way drive aisle for the majority of the parking spaces is proposed to be 19 feet 10 inches wide; however, the drive aisle behind the handicapped parking is 16 feet 10 inches. The minimum drive aisle width for a two-way drive aisle is 22 feet; therefore the applicant is requesting a variance to reduce the minimum width of a two-way drive aisle from 22 feet to 16 feet 10 inches.

Finally, site plan review is required for any new use containing five or more dwelling units.

Staff has not yet received any correspondence from the PPERIA neighborhood organization. Staff will forward any comments, if received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

There are a total of three dwelling units on the subject property. The applicant is proposing to demolish the existing single family dwelling and duplex to construct a six unit building. A new six unit building on the site should not prove detrimental to public health, safety, comfort or general welfare provided the building complies with all applicable building codes and life safety ordinances.

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 subject property is located within the University District Moratorium Area. One of the goals of the moratorium is to preserve the character of the existing housing stock in the affected neighborhoods. The proposed development would replace two existing 2.5 story, low density structures with a 3.5, medium density structure. Although new construction of units greater than 4 units is not reviewed under the moratorium, the proposed development may have an adverse affect on future development in the area. In addition, the lack of sufficient off-street parking for the proposed development would likely contribute to congestion in the streets. The applicant is providing two of the required six off-street parking stalls; one by the handicapped parking stall and the other by the bicycle rack. Staff believes the demonstration of the inability to park standard vehicles on the site to meet the minimum parking requirement—even upon paving nearly the entire back yard—proves the incompatibility of the proposed use on the subject lot. On-street parking is limited in this area. Increasing density without providing a sufficient off-street parking facility could negatively affect the use and enjoyment of other property in the vicinity by further exacerbating a parking shortage.

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

The site is served by existing infrastructure. Ontario Street SE is a one-way street traveling north. The vehicle access for the proposed use is to the rear of the site via a one-way alley accessed from Fulton Street SE and exits onto Erie Street SE.

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

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The zoning code requires 6 spaces (one space per unit). However, traffic and on-street parking congestion is a problem for the surrounding residential neighborhoods. The proposed use has a total of 16 bedrooms and is intended for student housing, which typically has a higher parking demand. To help minimize traffic congestion in the public streets, the applicant is proposing to provide a total of 9 parking spaces for the proposed use. One space would be a handicapped stall and the eight remaining stalls would be compact size, 8 feet by 15 feet. In addition, the applicant is proposing to install bicycle racks, supporting a minimum of four bicycles and provide six mopeds for shared use among the residents. The applicant is providing two of the required six off-street parking stalls; one by the handicapped parking stall and the other by the bicycle rack. Staff believes the demonstration of the inability to park standard vehicles on the site to meet the minimum parking requirement proves the incompatibility of the proposed use on the subject lot. Staff believes that the applicant has an opportunity to change the density of the use, the bulk of the building or locate the parking underground, which will allow for a reasonable use of the property.

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

According to Map 9.10, as found in *The Minneapolis Plan*, this site is designated as single and two-family residential. In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.9 states that, “Minneapolis will grow by increasing its supply of housing.” One of the implementation steps of this policy states that the City should “support the development of new medium- and high-density housing in appropriate locations throughout the City.” The sites proximity to several universities could make it appropriate for medium density and could be in compliance with the goals of *The Minneapolis Plan*.

The comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, was recently amended and will soon be adopted by the City Council. In the amended plan, the site is designated as Urban Neighborhood. Urban Neighborhood is defined as a predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors.

Chapter 10 states that “new housing development provides an opportunity to reinforce the urban character of specific areas of the city. Building more housing close to or within commercial developments is the key to stronger commercial and other mixed-use markets. At all times, multi-family residential development needs to have a clear connection to the street with adequate windows, architectural details and landscaping. The scale of the development should be compatible with the character of the surrounding area.” While the scale may be similar to other buildings in the area, the architecture and design are not consistent with the general area.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

The use of the site for a multi-family residence would conform to the applicable regulations of the districts in which it is located upon approval of the variances and site plan review.

VARIANCES -- 1) The variance to reduce the minimum parking requirement from 6 spaces to 2 spaces, where additional compact spaces are provided that cannot be counted toward the minimum parking requirement; 2) The variance to reduce the minimum width of a two-way drive aisle from 22 feet to 16 feet 10 inches; and 3) The variance to allow for a parking area to be located within six feet of a dwelling

Findings Required by the Minneapolis Zoning Code for the Proposed 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.**

Parking space reduction: The zoning code requires 6 spaces (one space per unit). However, traffic and on-street parking congestion is a problem for the surrounding residential neighborhoods. The proposed use has a total of 16 bedrooms and is intended for student housing, which typically has a higher parking demand. To help minimize traffic congestion in the public streets, the applicant is proposing to provide a total of 9 parking spaces for the proposed use. One space would be a handicapped stall and the eight remaining stalls would be compact size, 8 feet by 15 feet. In addition, the applicant is proposing to install bicycle racks, supporting a minimum of four bicycles and provide six mopeds for shared use among the residents. The applicant is providing two of the required six off-street parking stalls; one by the handicapped parking stall and the other by the bicycle rack. Staff believes the demonstration of the inability to park standard vehicles on the site to meet the minimum parking requirement proves the incompatibility of the proposed use on the subject lot. Staff believes that the applicant has an opportunity to change the density of the use, the bulk of the building or locate the parking underground, which will allow for a reasonable use of the property.

Drive aisle width and parking location within six feet of the dwelling: The applicant is requesting variances to reduce the drive aisle of the proposed parking area and to locate the parking areas within 6 feet of the dwelling in order to maximize the parking area on the site. The proposed parking arrangement does not meet the minimum stall and drive aisle sizes and location required by the Minneapolis zoning code to accommodate maneuvering and parking of vehicles. Staff believes that the site is insufficient in size to accommodate the parking demand of the proposed building. Staff believes that the applicant has an opportunity to change the density of the use, the bulk of the building or locate the parking underground, which will allow for a reasonable use of the property.

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.**

All variances: The applicant is proposing to demolish the existing buildings in order to construct the proposed building and parking area. To help minimize traffic congestion in the public streets, the applicant is proposing eight compact stalls, one handicapped stall all with a reduced two-way

drive aisle located within six feet of the proposed dwelling. Staff believes the inability to park standard vehicles, with a minimum drive aisle and at least 6 feet to the dwelling on the site demonstrates the incompatibility of the proposed use on the subject lot. Staff believes that these are circumstances created by the applicant and not the land; the applicant has an opportunity to change the density of the use, the bulk of the building or locate the parking underground, which will allow for a reasonable use of 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.**

All variances: The area is fully developed. Parking regulations are established to provide for the orderly development and use of land and to minimize conflicts among land uses. However, measures have not been provided to accommodate the parking demand. Increasing density without providing a sufficient, functional off-street parking facility does not meet the intent of the ordinance and could negatively affect the use and enjoyment of other property in the vicinity by further exacerbating a parking shortage.

- 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.**

All variances: The applicant has stated that there will be several bicycle parking spaces and six mopeds provided for residents. There are Metro Transit bus routes within walking distance along Washington Avenue SE and Huron Boulevard. However, on-street parking is limited in this area. To help minimize traffic congestion in the public streets, the applicant is proposing eight compact stalls, one handicapped stall all with a reduced two-way drive aisle located within six feet of the proposed dwelling. Staff believes the inability to park standard vehicles, with a minimum drive aisle and at least 6 feet to the dwelling on the site demonstrates the incompatibility of the proposed use on the subject lot. Although transit options and alternative methods of transportation are available, the proposed development would likely further increase traffic congestion in the area. The proposed variance should not increase the danger of fire or endanger public safety.

Required Findings for Site Plan Review

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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 530.120 of the zoning code.

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

Conformance with above requirements:

The building is located up to or beyond the required setbacks for residential buildings in the R5 district.

The principal entrance faces the public street along Ontario Street SE. The area between the building and the lot line will include an open porch and landscaping. The applicant has stated that the building is designed to be compatible with nearby residential properties.

The parking area is located off the alley to the rear of the structure.

The building shows sufficient architectural detail and amounts of windows to avoid large blank walls, not exceeding twenty-five (25) feet in length.

The exterior materials of the structure are similar and compatible on all four sides. The proposed exterior material is fiber cement board lap siding. Plain face concrete block would not be used as a primary exterior building material.

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The principal entrance will be clearly defined with an open porch and walkways connecting the public sidewalk to the front door.

The applicant is required to provide a minimum of 20% glazing on the first floor and 10% on the second floor on two of the elevations; east and west. The applicant has provided the following percentages: 14.2% on the first floor and 20% on the second and third floors of the West elevation facing the Ontario Street SE, 10.5% on the first floor, 15.2% on the second floor of the and 17.6% on the third floor along the East elevation facing the alley and parking area. The applicant is requesting alternative compliance to reduce the required window percentage on the first floors facing the West and East elevations facing Ontario Street SE and the parking area. The floor plan indicates living rooms, kitchens and a common hallway along both elevations, where additional windows would be difficult to provide without significant changes. The building's design exceeds the number of required windows on all other elevations. Staff is recommending denial of the application for the project and the site plan review application.

A proposed roof is a 6/12 pitched roof, with four dormers on the interior sides with an 8/12 pitch. There are a variety of roof styles and pitches in the area. The proposed roof line appears to be visually consistent with other structures in the area.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

The applicant has provided walkways connecting the principal entrance to the adjacent public sidewalk. There is a rear door that accesses the building from the parking area.

There are no transit shelters within the proposed development; however, there are Metro Transit bus stops within walking distance along Washington Avenue SE and Huron Boulevard.

Public works has reviewed and preliminarily approved the alley access to the parking area at the rear of the site.

The site plan shows a significant increase in the amount of impervious surface than what currently exists on the site. The proposed plan would pave nearly the entire back yard of the proposed development.

LANDSCAPING AND SCREENING:

• **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**

• **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**

• **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**

• **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**

• **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**

- **A decorative fence.**
- **A masonry wall.**
- **A hedge.**

• **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**

• **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**

• **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**

• **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**

• **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**

• **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**

• **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**

• **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

The zoning code requires at least 20 percent of the site not occupied by buildings be landscaped. The lot area is 7,107 square feet and the proposed building footprint is 2,632 square feet. The lot area minus the building footprints therefore consists of approximately 4,475 square feet. At least 20 percent of the net site area (895 square feet) must be landscaped and the applicant is providing 1,975 square feet, which equals 44 percent of the net site area.

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The zoning code requires at least one canopy tree for each 500 square feet and at least one shrub for each 100 square feet of required green space. In addition, not less than one (1) tree shall be provided for each twenty-five linear feet or fraction thereof of parking lot frontage along a public street. The tree and shrub requirement for this site is 2 and 9 respectively. The applicant has shown 2 deciduous trees on the property; however, the types have not been specified. The applicant has also shown 14 shrubs on the property.

A seven-foot landscaped yard adjacent to the parking area is required along the north and south property lines due to adjacency of the property to other residential uses. The applicant is attempting to maximize the parking area to the rear of the site and has not provided any landscaping adjacent to the parking area due to insufficient area and has therefore requested alternative compliance. Staff believes the inability to park standard vehicles, with a minimum drive aisle and any area for a landscaped yard adjacent to the parking area demonstrates the inappropriateness of the proposed use on the subject lot.

Screening, not less than 6 feet and 95% opaque for approximately is required for 40 feet along the north and south property lines and approximately 50 feet along the alley due to the adjacency of the parking area to a public street and residential uses. The applicant has shown a fence along the north and south property lines that meets the screening requirement. The applicant is not proposing any screening along the east property line adjacent to the alley due to the impracticality of providing screening where vehicles will be maneuvering. Staff is recommending that the planning commission grant alternative compliance, if the project is approved, from the requirement of a 6 foot high, 95% opaque fence along the alley to allow for the maneuvering of vehicles in and out of the parking area.

Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

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.**

Conformance with above requirements:

The applicant is not proposing to install any curbing or wheel stops adjacent to the parking areas and the proposed fencing, structure or trash enclosure. With the proposed landscaping, the property should be able to support a fair amount of on-site filtration along the front and interior side yards. However, the applicant is proposing to pave the entire back yard and it appears as though the water may drain onto other properties adjacent to the subject property.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility to allow views into the area.

The existing structures are neither historic nor eligible for historic 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: The site is zoned R5. Multiple family dwellings of five units or more are conditional uses in the R5 District.

Parking: The off-street parking requirement for multiple family dwellings is one space per dwelling unit. The applicant has requested a variance to reduce the required number of parking stalls from six to two, where additional compact stalls are provided that cannot be counted towards meeting the minimum requirement.

Maximum Floor Area: The maximum floor area ratio in the R5 District is 2.0. The lot area is 7,107 square feet. The proposed structures are 7,896 square feet. The floor area ratio is 1.11..

Height and Bulk: The maximum building height in the R5 District is limited to four stories or 56 feet, whichever is less. The proposed structure is three and a half stories and 34 feet in height.

Minimum Lot Area: The minimum lot area for multiple family dwellings in the R5 District is 900 square feet of lot area per dwelling unit. The applicant is proposing 1184.5 square feet per dwelling unit.

Dwelling Units per Acre: There are 36.8 dwellings per acre proposed.

Yard Requirements: The subject site is zoned R5 and there are yard requirements along the all four property lines due. The proposed structure, egress windows and parking areas are within the required yards.

Hours of Operation: Not applicable

Signs: All new signage is required to meet the requirements of the code.

Refuse screening: The proposed refuse containers and screening is shown adjacent to the proposed addition and will be collected on site. Staff is recommending that the refuse container meet 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 uses.

Lighting: Lighting proposed for the development complies with Chapter 536 Specific Development Standards for the canopy lighting, Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

See findings under #5 for the Conditional Use Permit.

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, 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 for the following standards:

- Twenty percent windows – first floor east elevation facing the parking area

The applicant is required to provide a minimum of 20% glazing on the first floor and 10% on the second floor on two of the elevations; east and west. The applicant has provided the following percentages: 14.2% on the first floor and 20% on the second and third floors of the West elevation facing the Ontario Street SE, 10.5% on the first floor, 15.2% on the second floor of the and 17.6% on the third floor along the East elevation facing the alley and parking area. The applicant is requesting alternative compliance to reduce the required window percentage on the first floors facing the West and East elevations facing Ontario Street SE and the parking area. The floor plan indicates living rooms, kitchens and a common hallway along both elevations, where additional windows would be difficult to provide without significant changes. The building's design exceeds the number of required windows on all other elevations. Staff is recommending denial of the application for the project and the site plan review application.

- Parking area landscaping

A seven-foot landscaped yard adjacent to the parking area is required along the north and south property lines due to adjacency of the property to other residential uses. The applicant is attempting to maximize the parking area to the rear of the site and has not provided any landscaping adjacent to the parking area due to insufficient area and has therefore requested alternative compliance. Staff believes the inability to park standard vehicles, with a minimum drive aisle and any area for a landscaped yard adjacent to the parking area demonstrates the inappropriateness of the proposed use on the subject lot.

- Parking area screening – adjacent to the east property line

Screening, not less than 6 feet and 95% opaque is required along the alley due to the adjacency of the parking area to a public street and residential uses. Staff is recommending that the planning commission grant alternative compliance to providing a 6 foot high, 95% opaque fence along the alley to allow for the maneuvering of vehicles in and out of the parking area.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit to allow for six dwelling units for the property located at 633-635 Ontario Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance to reduce parking requirement:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the required parking from 6 spaces to 2 spaces, where additional compact spaces are provided that cannot be counted toward the minimum parking requirement, for the proposed multiple family dwelling located at 633-35 Ontario Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance to allow for a parking area to be located within 6 feet of a dwelling:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to allow for a parking area to be located within 6 feet of a dwelling for the proposed multiple family dwelling located at 633-35 Ontario Street SE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance to reduce the minimum width of a two-way drive aisle from 22 feet to 16 feet 10 inches:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the minimum width of a two-way drive aisle from 22 feet to 16 feet 10 inches for the proposed multiple family dwelling located at 633-35 Ontario Street SE.

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Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for site plan review for the proposed multiple family dwelling located at 633-35 Ontario Street SE.

Attachments:

1. PDR Report
2. Statement of use and findings
3. June 12, 2008, e-mail to PPERRIA
4. July 3, 2008, e-mail to CM Gordon
5. Zoning map
6. Site plan, building elevations and floor plans
7. Photos of the site and surrounding area
8. Oblique aerials