

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-5745

Date: October 1, 2012

Applicant: Mark Dwyer with Linden Hills Redevelopment, LLC

Addresses of Property: 4250 and 4264 Upton Avenue South

Project Name: 4250 Upton

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

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

Date Application Deemed Complete: August 27, 2012

End of 60-Day Decision Period: October 26, 2012

End of 120-Day Decision Period: Not applicable for this application

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: C1, Neighborhood Commercial District and LH Linden Hills Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 29

Legal Description: Not applicable for this application

Proposed Use: Mixed-use building including 18 dwelling units and 6,052 square feet of ground floor commercial space

Concurrent Review:

Variance: to reduce the north interior side yard setback from 9 feet to 3 feet for three rooftop terraces and to 6 feet for two balconies with awnings and to reduce the west interior property line from 10 feet to 7 feet for two balconies with awnings and from 9 feet to 5 feet for two rooftop terraces and to 6 feet for two balconies with awnings.

Site plan review: for a mixed-use building including 6,052 square feet of commercial space and 18 dwelling units.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, and Chapter 530 Site Plan Review.

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Background: The site is located on the northwest corner of the intersection of Upton Avenue South and West 43rd Street in the Linden Hills Neighborhood in Southwest Minneapolis. The site is comprised of two separate parcels of land; 4250 and 4264 Upton Avenue South. The property located at 4250 Upton is occupied by a two-story office building and 4264 Upton is occupied by a Famous Dave’s restaurant. The applicant is proposing to construct a mixed-use building including 18 dwelling units and 6,052 square feet of ground floor commercial space on the site.

The proposed development would be a three-story building with one level of below grade parking. The development would also include 22 enclosed parking spaces at grade. The 6,052 square feet of ground floor commercial space is proposed to be broken up into four individual tenant spaces. All of the spaces will be designated for retail or office tenants. The unit mix includes one-, two- and three-bedroom units.

There will be a total of 62 parking spaces on the site. Of the 62 spaces, 40 will be located in one level of below ground parking and the remaining 22 will be located within the building at grade level. The parking requirement for the residential portion of the development is 18 spaces. The 40 spaces located below grade will be reserved for the residents of the building. The remaining 22 enclosed parking spaces will be reserved for the commercial portion of the development. The parking requirement for the commercial portion of the development is eight spaces. The applicant is also proposing to honor existing parking agreements for ten spaces within the building after the development is complete. There will also be bicycle parking spaces provided within the building for the residents and both inside and outside of the building for guests and retail customers.

The applicant had completed a Travel Demand Management Plan (TDMP) for a former development project proposed for the site. The plan found that all intersections included within the study area would operate acceptably at Level of Service B or better in the weekday a.m. and p.m. peak hours with the addition of the development traffic and that there was adequate parking being provided on the site. This TDMP was approved by both Public Works and CPED Planning. A new TDMP was not required for this development but a TDMP Amendment was prepared and is included within the staff report.

The pocket park located on the corner of Upton Avenue South and West 43rd Street will remain in place after construction is complete. The applicant is not proposing to make any modifications to the pocket park but will instead build around it.

Staff received a letter from the Linden Hills Neighborhood Council stating no opposition to the requested variances. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

VARIANCE – to reduce the north interior side yard setback from 9 feet to 3 feet for three rooftop terraces and to 6 feet for two balconies with awnings and to reduce the west interior property line from 10 feet to 7 feet for two balconies with awnings and from 9 feet to 5 feet for two rooftop terraces and to 6 feet for two balconies with awnings.

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

North and west interior setback for rooftop terraces and balconies: The applicant is seeking a variance to reduce the north interior side yard setback from 9 feet to 3 feet for three rooftop terraces and to 6 feet for two balconies with awnings and to reduce the west interior property line from 10 feet to 7 feet for two balconies with awnings and from 9 feet to 5 feet for two rooftop terraces and to 6 feet for two balconies with awnings. There are fabric awnings located over the balconies that also require a setback variance as they project 4 feet from the building where a 2-foot projection is permitted. The zoning code allows balconies, decks and ground level patios not exceeding 50 square feet in area and projecting not more than 4 feet into the required yard. Such balcony, deck or ground level patio may project into a required interior side yard of a multiple family dwelling of 4 or more stories, provided such balcony, deck or ground level patio shall be located no closer than 10 feet from the interior lot line. The development does not qualify for the exception for permitted obstructions because the building is not 4 stories or more in height and because the rooftop terraces and balconies are located closer than 10 feet from the interior property line.

Given that the site is zoned C1, Neighborhood Commercial District and is located in a designated Neighborhood Commercial Node the applicant is trying to balance the policies that support increased commercial activity and residential density on the site and the need to provide outdoor space for the residents. Given this the development has been designed as a mixed-use building. The property is shaped like an “L” and the building footprint follows the shape of the lot which makes it difficult to accommodate outdoor open space for the residential units. To accommodate some outdoor space for the residents rooftop terraces and balconies with awnings over them have been provided for each unit. The Planning Division believes that practical difficulties exist in complying with the ordinance because of circumstances unique to the property.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

North and west interior setback for rooftop terraces and balconies: The request to allow a reduced setback along the north interior property line and the west rear property line to accommodate residential rooftop terraces and balconies with awnings over them is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan. The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed rooftop terraces and balconies with awnings over them will not diminish light, air or open space for the adjacent properties. There is a surface parking lot located to the north of the development site and the single-family homes located to the west of the development site are located more than 65 feet away.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not

be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

North and west interior setback for rooftop terraces and balconies: Granting the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Again, there is a surface parking lot located to the north of the development site and the single-family homes located to the west of the development site are located more than 65 feet away.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.

- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
 - **Entrances, windows, and active functions:**
 - **Residential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

PLANNING DIVISION RESPONSE:

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the front property lines, there are entrances at street level that can be accessed by residents, guests, employees and customers and there are large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The site is located on a reverse corner lot, which requires that both walls abutting the streets be located within eight feet of the property line. The building will be located within eight feet of both Upton Avenue South and West 43rd Street.
- The area between the building and the property lines will be used for additional sidewalk space and landscaping. The applicant is proposing to locate a transformer in the northeast corner of the site between the building and Upton Avenue South. The Planning Division is recommending that landscape materials that reach a minimum height of five feet be used to screen the transformer from the public sidewalk.
- The principal entrance to the building is oriented towards Upton Avenue South. In addition, each of the individual commercial tenant spaces has an entrance facing either Upton Avenue South or West 43rd Street.
- All of the proposed parking is located below ground or enclosed within the building.
- The exterior materials of the building will include stone, brick, metal and Nichiha. The sides and rear of the building are similar to and compatible with the front of the building.
- The building wall along Upton Avenue South is approximately 197 feet in length. The applicant has used a variety of materials, recesses in the building wall, bay windows and different size window openings to break the facade up into smaller sections.
- The northern portion of the first floor west building wall is over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The Planning Division is recommending that the area between the columns be reduced to a length that is less than 25 feet in order to comply with this provision. It should be noted that the applicant is proposing to construct a six-foot high fence along the west property line so the majority of this building wall will not be visible from the adjacent properties to the west. The applicant is also proposing to landscape along the west property line.
- At least 40 percent of the first or ground floor of the building that faces a public street or sidewalk is required to be windows or doors of clear or lightly tinted glass that allow views into and out of the building. And at least 10 percent of the upper floors of the building that face a public street, public sidewalk, public pathway, or on-site parking lot are required to be windows. The window requirement pertains to the Upton Avenue South and West 43rd Street sides of the building. Please note that the minimum window calculation for the first floor of the building is measured between two and ten feet above the finished level of the first floor. The analysis of the project's compliance with these requirements follows:

- Upton Avenue South: the percentage of windows on the first floor is 40 percent and the percentage of windows on floors two and three exceed ten percent.
- West 43rd Street: the percentage of windows on the first floor is 63 percent and the percentage of windows on floors two and three exceed ten percent.
- The windows are vertical in nature and are evenly distributed along the building walls.
- Seventy-four percent of the building frontage along Upton Avenue South and 60 percent of the building frontage along West 43rd Street contains active functions. Alternative compliance is required for the frontage along West 43rd Street.
- The principal roof line of the building will be flat. The majority of the commercial buildings and the multiple-family buildings in the area have flat roofs and the majority of the single-family homes in the area have pitched roofs.

ACCESS AND CIRCULATION:

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

PLANNING DIVISION RESPONSE:

- All of the principal entrances leading into and out of the building are connected to the public sidewalk either directly or via a walkway.
- No transit shelters are proposed as part of this development.
- All of the proposed parking is located below ground or enclosed within the building.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the C1 zoning district. According to the materials submitted by the applicant 90 percent of the site will be impervious. Currently 94 percent of the site is impervious.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**

- A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DIVISION RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the entire site is 25,052 square feet. The footprint of the buildings is 21,076 square feet. When you subtract the footprint from the lot size the resulting number is 3,976 square feet. Twenty percent of this number is 795 square feet. According to the information that was submitted there is approximately 2,617 square feet of landscaping proposed on the site or approximately 66 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is two and eight respectively. The applicant is providing a total of three canopy trees and 20 shrubs on the site and is proposing to provide a variety of perennials on the site. The applicant is also proposing new canopy trees and other landscape materials in the right-of-way along both Upton Avenue South and West 43rd Street.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**

- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DIVISION RESPONSE:

- There are no surface parking spaces proposed on the site.
- There are no important elements of the city near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrances are located up to the front property lines, there are windows where people can see in and out along all levels of the building and there are lights located near all of the entrances and throughout the grounds.
- This site is neither historically designated nor located in a historic district.

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

ZONING CODE:

- **Use:** Multiple-family dwellings of five or more units and general retail sales and services uses are permitted uses in the C1 zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for the development is 26 spaces assuming that the commercial spaces will be occupied by general retail sales and services uses. There will be a total of 62 parking spaces provided on the site, as shown within the table below.

Maximum automobile parking requirement: There is no maximum parking requirement for residential uses. The maximum parking requirement for the commercial portion of the development is 12 spaces. The LH Linden Hills Overlay District limits the maximum number of accessory parking spaces for nonresidential uses to 150 percent of the minimum required parking spaces. There will be a total of 62 parking spaces provided on the site, as shown within the table below.

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	City Requirements	
	Minimum	Maximum
Residential Uses		
Condos (18 units)	18 (1 stall per unit)	n/a
Stalls Provided for Residential Uses: 40		
On-Site Commercial Uses		
Retail Between 1,000 & 4,000 square feet (2 spaces)	8 (minimum of 4 stalls per use)	12 (150% of minimum)
Retail Less Than 1,000 square feet (2 spaces)	0	9 (1/200 sq ft per use)
Total Requirement for Commercial Uses	8	21
Stalls Provided for Commercial Uses: 22		
Easement Uses		
Stalls Provided Per Easement: 10		
Total Stalls Required Per Code and Easement 36		
Total Stalls Provided 62		

Bicycle Parking: The bicycle parking requirement for a multiple-family dwelling of five or more units is one space per two dwelling units. The bicycle parking requirement for the residential portion of the development is nine spaces. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The applicant will be providing 18 bicycle racks in the below grade parking garage for the residents of the building.

The bicycle parking requirement for general retail sales and services uses is three spaces per use. Uses that are less than 1,000 square feet are exempt from the bicycle parking requirement. There are a total of two commercial spaces over 1,000 square feet in the building so the total bicycle parking requirement for the commercial portion of the building is six spaces. Not less than 50 percent of the required bicycle parking spaces for the retail sales and services portion of the development shall meet the standards for short-term bicycle parking. The applicant will be providing four bicycle racks along Upton Avenue South near the intersection of West 43rd Street. Each bicycle rack can accommodate up to two bicycles. There will also be a bicycle parking area provided within the building at grade level.

Loading: None of the uses within the development have a loading space requirement. However, an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot is required. For shipping and receiving purposes, motor vehicles could pull into the enclosed parking area if needed.

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The LH Linden Hills Overlay District requires that all commercial deliveries and shipments of products, merchandise or supplies conform to existing road and truck use restrictions on residential streets, and are encouraged to be provided by use of straight trucks or smaller vehicles and not semi-tractor trailers.

- **Maximum Floor Area:** The maximum FAR in the C1 zoning district is 1.7. The lot in question is 25,052 square feet in area. The applicant proposes a total of 42,421 square feet of gross floor area, resulting in an FAR of 1.69.
- **Building Height:** The height limitation in the C1 zoning district is two and a half stories or 35 feet. However, when a development qualifies for the mixed commercial-residential buildings density bonus the height limitation increases to three stories or 42 feet. This development qualifies for the mixed-use density bonus as there are residential units located above the ground floor which is more than 50 percent occupied by commercial uses. The building height is 3 stories or 42 feet.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C1 zoning district is 700 square feet. With 18 dwelling units on a lot of 25,052 square feet, the applicant proposes 1,391 square feet of lot area per dwelling unit.
- **Dwelling Units per Acre:** The site is 25,052 square feet or .58 acres in size. There are 31 dwelling units per acre proposed on the site.
- **Yard Requirements:** The front yard setback along Upton Avenue South and West 43rd Street is zero feet. In the C1 zoning district setback requirements do not typically apply when adjacent to another commercial zoned property. But when the use is residential and there are windows facing an interior side or rear property line a setback of $5+2x$, where x equals the number of stories above the first floor, is required. This provision applies to the north interior property line and the southern portion of the west rear property line. The resulting setback along these two property lines is 9 feet. The northern portion of the west rear building wall is adjacent to property that is zoned R1 so the west rear interior setback is $6+2x$, where x equals the number of stories above the first floor. The resulting setback along this property line is 10 feet. The footprint of the building meets all of the setback requirements. The applicant has applied for variances to reduce the north interior and west rear setbacks to accommodate rooftop terraces and balconies with awnings over them.
- **Specific Development Standards:** There are no specific development standards for residential uses or general retail sales and services uses.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to

one. The applicant is not proposing any signage at this time. All signage will require zoning office review, approval, and permits.

- **Refuse storage:** There will be trash and recycling rooms located on the first floor of the building.
- **Lighting:** A lighting plan showing footcandles will need to be submitted that conforms to the requirements of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

The development site is located on the northwest corner of Upton Avenue South and West 43rd Street. The site is located in a designated Neighborhood Commercial Node in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support the development of residential dwellings that are of high quality design and compatible with surrounding development (Urban Design Policy 10.4).
- Maintain and strengthen the architectural character of the city's various residential neighborhoods (Urban Design Policy Implementation Step 10.4.1).
- Support the development of multi-family residential dwellings of appropriate form and scale (Urban Design Policy 10.5).
- Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes (Urban Design Policy Implementation Step 10.5.1).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks (Urban Design Policy Implementation Step 10.6.1).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Urban Design Policy Implementation Step 10.6.3).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Urban Design Policy Implementation Step 10.6.4).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Urban Design Policy Implementation Step 10.6.5).
- Encourage development that provides functional and attractive gathering spaces (Urban Design Policy 10.14).
- Wherever possible, restore and maintain the traditional street and sidewalk grid as part of new development (Urban Design Policy 10.15).
- Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal (Urban Design Policy 10.16).
- Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota (Urban Design Policy Implementation Step 10.16.1).

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- Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements (Urban Design Policy Implementation Step 10.16.2).
- Integrate placement of street furniture and fixtures, including landscaping and lighting, to serve a function and not obstruct pedestrian pathways and pedestrian flows elements (Urban Design Policy Implementation Step 10.16.3).
- Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks elements (Urban Design Policy Implementation Step 10.16.4).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

- **The first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than 30 percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.** Sixty percent of the building frontage along West 43rd Street contains active functions. The Planning Division is recommending that alternative compliance be granted to allow more than 30 percent of the building wall facing West 43rd Street to contain inactive functions. Given the location of the existing pocket park on the corner of Upton Avenue South and West 43rd Street, approximately one-third of the site does not have frontage on the public street or sidewalk. If the pocket park were not there this provision would be met as the area within the building that is located in back of the pocket park contains active functions.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the north interior side yard setback from 9 feet to 3 feet for three rooftop terraces and to 6 feet for two balconies with awnings and to reduce the west interior property line from 10 feet to 7 feet for two balconies with awnings and from 9 feet to 5 feet for two rooftop terraces and to 6 feet for two balconies with awnings for the property located at 4250 and 4264 Upton Avenue South.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 4250 and 4264 Upton Avenue South subject to the following conditions:

1. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by October 1, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Landscape materials that reach a minimum height of five feet shall be used to screen the transformer from the public sidewalk along Upton Avenue South.
4. The area between the columns on the northern portion of the first floor west building wall shall be reduced to a length that is less than 25 feet.

Department of Community Planning and Economic Development – Planning Division
BZZ-5745

Attachments:

1. Preliminary Development Review report from July 18, 2012, meeting
2. Statement of proposed use and description of the project
3. Variance findings
4. Historic review letters
5. August 3, 2012, letter to Council Member Hodges and the Linden Hills Neighborhood Council
6. September 18, 2012, letter of support from the Linden Hills Neighborhood Council
7. Comment letters
8. Travel Demand Management Plan (TDMP) Amendment and approved TDMP for previous project
9. Zoning map
10. Civil plans, landscape plans, architectural plans
11. Photos of the site and the surrounding area