

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-5794

Date: October 29, 2012

Applicant: Seward Redesign, Inc. & CommonBond Communities

Address of Property: 2304 Snelling Avenue

Project Name: Seward Senior Housing

Contact Person and Phone: Brian Miller, Seward Redesign, Inc., (612) 338-8729

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 21, 2012

End of 60-Day Decision Period: November 20, 2012

Ward: 2 Neighborhood Organization: Seward Neighborhood Group

Existing Zoning: I2 Medium Industrial District, IL Industrial Living Overlay District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 60 dwelling units

Concurrent Review:

- Conditional use permit to allow a multiple family dwelling in the IL Overlay District.
- Variance to reduce the minimum parking requirement from 54 spaces to 37 spaces.
- Variance to reduce the minimum lot area requirement by 20 percent.
- Variance to reduce the rear yard requirement adjacent to the west lot line from 11 feet to 8.9 feet to allow the building.
- Variance of the PO overlay district standard requiring the first floor of a building to be located within 8 feet of an adjacent street to allow the first floor to be set back more than 8 feet from Snelling Avenue.
- Site plan review.

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Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; 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,” (2) “To vary the lot area or lot width requirements up to thirty (30) percent...,” (6) “To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces,” and (20) “To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District;” Chapter 530 Site Plan Review.

Background: The applicant is proposing a new four-story residential building with 60 units. The building includes one level of below-grade parking. The project would be located on the property of 2304 Snelling Avenue. A one-story nonresidential building on the site will be demolished to make way for the proposed development.

For the proposed development, the following applications are required:

- A multiple-family dwelling is a conditional use in the IL Overlay District. Upon approval of the conditional use permit, the actions must be recorded with Hennepin County as required by state law.
- The minimum parking requirement for a multiple-family dwelling is one space per dwelling unit. In the Franklin Avenue LRT Station PO Overlay District, multiple family dwellings are required to provide spaces equal to only 90 percent of this requirement. Therefore, 54 spaces must be provided. In the below-grade parking garage, 37 spaces would be provided. A variance is required to reduce the minimum parking requirement.
- The minimum lot area requirement in the IL Overlay District is 900 square feet per dwelling unit, or 54,000 square feet for 60 units. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for at least 20 percent of the dwellings units meeting the definition of affordable housing. With the density bonuses in a transit station area PO Overlay District, the minimum lot size requirement is reduced to 563.3 square feet per unit, or approximately 33,800 square feet for 60 units. The proposed lot area per dwelling unit is 450.6 square feet. A variance is required to reduce the minimum lot area requirement by 20 percent.
- Where residential uses containing windows face an interior side yard or a rear yard, an interior side yard and rear yard of at least five feet plus two feet for each story above the first floor is required, but is not to exceed 15 feet if no other yard requirements apply. The residential use would contain windows facing the rear lot line located on the west side of the property. For a four-story building, the minimum interior side yard requirement is 11 feet. Where the residential use would contain windows facing the rear lot line, the walls would be set back 8.9 to 14.2 feet. A variance is required to allow the part of the building with residential windows where it would be located less than 11 feet from the rear lot line.
- In the PO Overlay District, the first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Along Snelling Avenue, the first floor of the building would be located 4 to 88 feet from the property line. A variance of this overlay district standard is required.
- Site plan review is required for any development with five or more new dwelling units.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward any comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: To allow a multiple family dwelling in the IL Overlay District.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic 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 multiple-family dwelling with 60 units for senior housing on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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.

Uses in the immediate area are primarily industrial. North of 24th Street, the long range vision in the comprehensive plan for this area is transit oriented development. Directly south of the subject site, a mixed use development that includes 40 dwelling units is currently under construction. Provided residents of the development understand that they are living in an industrial area that involves large truck traffic and other reasonable industrial activity, surrounding uses should continue to operate (and may continue to operate in a legal fashion) without incident. Existing and future development of uses allowed in the industrial districts or IL Overlay District should not be negatively affected by the use.

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

The site would be served by existing infrastructure. Vehicle access would be from Snelling Avenue. The Public Works Department has reviewed the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The minimum parking requirement is 54 spaces. In the below-grade parking garage, 37 spaces would be provided for the development. Although a variance is requested to reduce the minimum parking requirement, the applicant has provided information showing that the proposed amount of parking would be sufficient for the population served. Forty short-term and 37 long-term bicycle parking spaces would be provided (30 are required). The site is located within two blocks of two bus transit stops and the Franklin Avenue LRT station. There is direct access to the Midtown Greenway

adjacent to the southwest corner of the site. With these measures and the close proximity to alternative modes of transportation, the development should have little effect on congestion in the streets.

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

The proposed use would be consistent with the applicable policies of the comprehensive plan. The future land use designation of the site is transitional industrial in *The Minneapolis Plan for Sustainable Growth*. The site is located two blocks from the Franklin Avenue LRT station. For reference, the southern boundary for the Franklin Avenue LRT Station activity center is located at the north end of the block and the northern boundary for the Seward/Hiawatha industrial employment district is located on 24th Street south of the subject site. The following principals and policies apply to this proposal:

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

Housing Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Housing Policy 3.3: Increase housing that is affordable to low and moderate income households.

Housing Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

3.6.1 Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time.

3.6.5 Promote accessible housing designs to support persons with disabilities and the elderly.

The site is also located within the boundaries of the *Franklin-Cedar/Riverside Area Master Plan* that was adopted by the City Council in 2001. The plan recommends that a transit-oriented use, including higher density housing, be developed on this site.

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 proposed use will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit, variances, and site plan review.

VARIANCE: To reduce the minimum parking requirement from 54 spaces to 37 spaces.

Findings as required by the Minneapolis Zoning Code:

- 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.**

The minimum parking requirement for a multiple-family dwelling is one space per dwelling unit. In the Franklin Avenue LRT Station PO Overlay District, multiple family dwellings are required to provide spaces equal to only 90 percent of this requirement. Therefore, 54 spaces must be provided. In the below-grade parking garage, 37 spaces would be provided. The applicant has provided information attached to this report showing that the proposed amount of parking would be sufficient for the senior population served based on parking demand for other similar developments. The site is also located within two blocks of two bus transit stops and the Franklin Avenue LRT station. There is direct access to the Midtown Greenway adjacent to the southwest corner of the site. Additional parking cannot fit in the excavated area under the building. Providing surface parking would reduce the amount of green space on the site. The population served and the site's location and access to alternative modes of transportation reduces the need to provide additional parking.

- 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.**

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The applicant has provided information attached to this report showing that the proposed amount of parking would be sufficient for the senior population served based on parking demand for other similar developments. The site has convenient access to alternative modes of transportation. More than twice the amount of required bicycle parking would be provided for the residents and their guests. Encouraging the use of alternative modes of transportation is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 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.**

Because the parking demand for the senior population in this development is projected to be less than the amount of required parking, multiple alternative transportation options are available in the immediate area, and an abundant amount of bicycle parking would be provided, granting of the variance should not increase congestion in the area or effect surrounding properties. It would also not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: To reduce the minimum lot area requirement by 20 percent.

Findings as required by the Minneapolis Zoning Code:

- 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.**

Because the development qualifies for two density bonuses, the minimum lot size requirement is reduced to 563.3 square feet per unit, or approximately 33,800 square feet for 60 units. The proposed lot area per dwelling unit is 450.6 square feet. The *Franklin-Cedar/Riverside Area Master Plan* recommends that a transit-oriented use, including higher density housing, be developed on this site. Between 50 and 120 dwelling units per acre is considered high density. The proposed density is 96.7 dwelling units per acre. Rezoning the subject property to a zoning district that would allow higher density would be supported by comprehensive plan policies. However, rezoning the subject site would result in a situation where the shared driveway with the mixed-use development located directly to the south would not be allowed by the zoning code. Minimizing the number of curb cuts is also supported by several comprehensive plan policies.

- 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.**

Lot area requirements are established to ensure compatibility with surrounding uses. Policies from the comprehensive plan and the small area plan support high density residential development at this location. The proposed number of dwelling units is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 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.**

Uses in the immediate area are primarily industrial. North of 24th Street, the long range vision in the comprehensive plan for this area is transit oriented development. Directly south of the subject site, a mixed use development that includes 40 dwelling units is currently under construction. The proposed variance will not alter the character of and should have little effect on the surrounding area. Granting the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: to reduce the rear yard requirement adjacent to the west lot line from 11 feet to 8.9 feet to allow building walls with residential windows.

Findings as required by the Minneapolis Zoning Code:

- 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.**

Where residential uses containing windows face a rear lot line, a rear yard of at least five feet plus two feet for each story above the first floor, is required. The residential wall facing the rear lot line located on the west side of the property would contain windows. For a four-story building, the minimum rear yard requirement is 11 feet. Of the 140 foot wide west facing wall, only 34.5 feet of the wall would be located less than 11 feet from the rear lot line. Chapter 530 Site Plan Review standards require emphasizing architectural elements, including recesses and projections, to divide larger buildings into smaller identifiable sections. The Midtown Greenway corridor abuts the west side of the property. The bike path is located 16 feet from the west lot line. These circumstances have not been created by the applicant.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard requirements. The Midtown Greenway corridor abuts the west side of the property. The bike path is located 16 feet from the west lot line. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 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.**

The proposed variance will not alter the character of the surrounding area. Granting the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: of the PO Pedestrian Oriented Overlay District standard requiring the first floor of a building to be located within 8 feet of an adjacent street to allow the first floor to be set back more than 8 feet from Snelling Avenue.

Findings as required by the Minneapolis Zoning Code:

- 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.**

In a PO Overlay District, all ground floor building walls are required to be located not more than eight feet from a lot line adjacent to a street. The proposed building is “L” shaped. At one end of the

“L,” the building would be located 4 feet from the front lot line. This is where the main entrance is located. Where the building is set back further, a courtyard with landscaping, seating, game tables, pergolas, a lawn area for games, and a focal feature, such as a water element or public art, is proposed between the building and the street. The north wall of the mixed use development located to the south of the subject site runs parallel to the shared lot line for almost the full depth of the site. A courtyard between the two buildings will ensure adequate exposure to light for dwelling units in both developments.

- 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.**

The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. In general, policies of the comprehensive plan also support the intent of this ordinance. The main entrance would be located within close proximity to the front lot line. The applicant is proposing a courtyard with amenities intended to promote an active space for users of the development between the building and the street. The amount of windows on each level of the wall facing Snelling Avenue exceeds the minimum requirements by approximately 7 percent. The request is reasonable and consistent with the spirit and intent of the ordinance and the comprehensive plan.

- 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.**

Setting the building back would allow for a courtyard that can also be viewed by the public. Windows in excess of what is required would be provided on all levels to allow views of the adjacent spaces. The north wall of the mixed use development located to the south of the subject site runs parallel to the shared lot line for almost the full depth of the site. A courtyard between the two buildings will also ensure adequate exposure to light for dwelling units in both developments. The building orientation also contributes to natural surveillance and visibility of the Midtown Greenway on the west side of the site. Granting of the variance would have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

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, 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.

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- 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.

Conformance with above requirements:

- Along Snelling Avenue, the first floor of the building would be located 4 to 88 feet from the property line. Alternative compliance is requested for this requirement.
- Amenities, including a courtyard with landscaping, seating, games tables, pergolas, a lawn area for games, and a focal feature, such as a water element or public art, would be located between the building and the adjacent street.
- The principal entrance would face Snelling Avenue.
- All parking would be enclosed below the building.
- The building would include recesses and projections, changes in materials and windows on all sides to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on all sides of the building, except on 28 feet of the first floor north building elevation. Alternative compliance is requested to allow this blank wall.
- The primary exterior materials would be durable and include brick and metal. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material.
- The principal entrance would be recessed, surrounded by windows and sheltered to emphasize its importance.
- The first floor walls facing Snelling Avenue and the Midtown Greenway are subject to the minimum window requirements. Measured between 2 and 10 feet above the adjacent grade, twenty percent of the walls are required to be windows. The amount of windows proposed on these walls meeting these criteria is as follows:
 - East (Snelling Avenue): 26.6%
 - West (Midtown Greenway): 20%

Windows on these levels would be vertical in proportion and distributed in a more or less even manner.

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- Each wall above the first floor facing Snelling Avenue and the Midtown Greenway is subject to the 10 percent window requirement. The amount of windows proposed on these walls is as follows:
 - East (Snelling Avenue), Floors 2-4: 16.9%
 - West (Midtown Greenway), Floors 2-4: 15.8%Windows on these levels would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of the ground floor building walls facing a street or public pathway would accommodate spaces with active functions.
- A flat roof is proposed. Buildings in the immediate area primarily have flat 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.

Conformance with above requirements:

- Well-lit walkways 4 feet in width or greater would connect the public sidewalk to the main entrance.
- Transit shelters are not proposed as part of the development.
- Vehicle access to the below-grade parking garage would be from a shared, 20-foot wide curb cut on Snelling Avenue. The driveway is shared with the mixed use development, including a residential use, located to the south of the subject site. There are no other residential properties located in the immediate area. A second, 15 foot wide driveway, is proposed on the north end of the site to provide access to a bike room and trash room. The applicant has indicated that refuse containers will be wheeled to the curb. The access is located where it will have the least amount of conflict with pedestrian traffic.
- The site is not adjacent to a public alley.
- All parking would be enclosed below the building. The amount of impervious surface proposed for parking areas and driveways is not excessive.

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.

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- 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.

Conformance with above requirements:

- The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The proposed lot area of the site is approximately 27,040 square feet. The building footprint would be approximately 12,712 square feet. The lot area minus the building footprint therefore consists of approximately 14,328 square feet. At least 20 percent of the net site area (2,865.6 square feet) must be landscaped. Approximately 8,965 square feet of the site would be landscaped. That is equal to 62.6 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 and 29 respectively. The applicant would provide 22 deciduous canopy trees and 167 shrubs on-site.
- The remainder of the landscaped area would be covered with ornamental and coniferous trees, sod and perennials.

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 shared driveway is defined by 6 inch by 6 inch continuous concrete curbing. Stormwater runoff from the driveway would drain to an infiltration tank under the driveway. Curbing is not proposed for the other driveway which is designed to drain out the curb cut because the existing grades make on-site filtration of stormwater impractical at that location.
- The proposed building should not impede views of important elements of the city.
- To the extent practical, the building would be located and arranged to minimize shadowing on public spaces and adjacent properties. Because the Midtown Greenway is located to the west of the site, shadowing of the greenway would only occur during morning hours.
- The building is designed to minimize the generation of wind currents at the ground level.
- The development includes environmental design elements to prevent crime. Windows would be provided on all sides of the building. Landscaping would be arranged to allow views of adjacent spaces and public sidewalks and to guide pedestrian movement through the site. Fencing would be used to restrict access to areas on the sides of the building.
- The applicant has not obtained a Historic Review Letter from CPED in order to determine whether or not the existing structure is a historic resource that may be eligible for local historic designation. It is not locally designated.

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 I2 with the IL overlay district and the PO overlay district. A multiple-family dwelling is a conditional use in the IL overlay district.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple-family dwelling is one space per dwelling unit. In the Franklin Avenue LRT Station PO Overlay District, multiple family dwellings are required to provide spaces equal to only 90 percent of this requirement. Therefore, 54 spaces must be provided. In the below-grade parking garage, 37 spaces would be provided. A variance is required to reduce the minimum parking requirement. At least one accessible space is required. Two accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. Nine compact sized spaces (24 percent of the 37 spaces) would be provided.

Maximum automobile parking requirement: There is not a maximum parking requirement for a multiple-family dwelling when all parking is enclosed.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking spaces must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must 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

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dwelling units. With 60 dwelling units, the minimum bicycle requirement is 30 spaces of which at least 27 must meet the long-term parking requirements. The applicant has indicated they would provide 37 long-term spaces in the parking garage. The location of the enclosed spaces will need to be shown on the final plans. Forty short-term spaces, divided between locations adjacent to the Snelling Avenue and Midtown Greenway entrances, would also be provided.

Loading: No loading space is required for a multiple-family dwelling with less than 100 units.

Proposed Lot Area: The proposed lot area is 27,040 square feet.

Maximum Floor Area: The maximum FAR allowed in the I2 district is 2.7. The building would have a total of 50,191 square feet, which is an FAR of approximately 1.86.

Minimum Lot Area: The minimum lot area requirement in the IL Overlay District is 900 square feet per dwelling unit, or 54,000 square feet for 60 units. The development qualifies for two density bonuses for enclosing all required parking spaces and for at least 20 percent of the dwellings units meeting the definition of affordable housing. With the density bonuses in a transit station area PO Overlay District, the minimum lot size requirement is reduced to 563.3 square feet per unit, or approximately 33,800 square feet for 60 units. The proposed lot area per dwelling unit is 450.6 square feet. A variance is required to reduce the minimum lot area requirement by 20 percent.

Dwelling Units per Acre: The applicant proposes a density of 96.7 dwelling units per acre.

Building Height: The maximum height allowed in the I2 district is 4 stories or 56 feet, whichever is less. The proposed height is 4 stories and 55 feet as measured from the grade 10 feet out from the front center of the building along Snelling Avenue to the roof of the stair tower.

Yard Requirements: Where residential uses containing windows face an interior side yard or a rear yard, an interior side yard and rear yard of at least five feet plus two feet for each story above the first floor is required, but is not to exceed 15 feet if no other yard requirements apply. The residential use would contain windows facing the interior side lot line on the north and south sides of the property and facing the rear lot line located on the west side of the property. For a four-story building, the minimum interior side yard requirement is 11 feet. Where the residential use would contain windows facing the interior side lot lines, the walls would be set back 14 feet or more. Where the residential use would contain windows facing the rear lot line, the walls would be set back 8.9 to 14.2 feet. A variance is required to allow the part of the building with residential windows where it would be located less than 11 feet from the rear lot line.

Specific Development Standards: Not applicable for multiple-family dwellings located in the IL Overlay District.

PO Pedestrian Oriented Overlay District Standards: The following standards apply to this development:

- Drive-through facilities, automobile services uses, transportation uses, self-service storage, commercial parking lots (including the expansion of any existing commercial parking lot), and the

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conversion of any accessory parking lot to a commercial parking lot are prohibited. These uses are not proposed.

- The first floor of the building must be located within eight feet of a lot line adjacent to a street unless a greater yard is required. Along Snelling Avenue, the first floor of the building would be located 4 to 88 feet from the property line. A variance of this overlay district standard is required.
- Amenities are required between the building and lot lines adjacent to a street. Amenities, including a courtyard with landscaping, seating, game tables, pergolas, a lawn area for games, and a focal feature, such as a water element or public art, would be located between the building and the adjacent street.
- At least one principal entrance must face the street. A principal entrance would face Snelling Avenue.
- Awnings and canopies are encouraged, but backlit awnings and canopies are prohibited. A canopy is proposed over the main entrance and would not be backlit.
- Pole signs, backlit awning and canopy signs, and backlit insertable panel projecting signs are prohibited. These types of signs are not proposed.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. All parking would be enclosed below the building.
- Parking lots are limited to 60 feet of street frontage. A parking lot is not proposed.
- The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The proposed driveways on Snelling Avenue would be 12 and 20 feet wide.
- A minimum floor area ratio of 1.0 is required for new development. The proposed development would have an FAR of 1.86.

Signs: All signs must conform to the requirements of Chapter 543, On-Premise Signs and section 551.950 in the zoning code. The applicant is not proposing signage at this time. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse storage containers would be stored in the building.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

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- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Lighting must comply with 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 arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (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: In addition to the principals and policies identified in the conditional use permit section of this staff report, the following also apply:

Chapter 1. Land Use

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Chapter 10. Urban Design

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

Policy 10.6: 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.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

10.6.6 Integrate transit facilities and bicycle parking amenities into the site design.

Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.

10.9.2 Promote building and site design that delineates between public and private spaces.

10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Franklin-Cedar/Riverside Area Master Plan

The site is located within the boundaries of the *Franklin-Cedar/Riverside Area Master Plan* that was adopted by the City Council in 2001. The plan recommends that a transit-oriented use be developed on this site. Two guiding principals of the small area plan apply to this project:

- Land uses within ½ mile of the station should provide opportunities for higher density housing, high

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employment work places, and other high activity uses (schools, entertainment and retail) which maximize the benefits of the LRT system.

- The urban form of development near station areas should promote a high quality environment that provides an attractive pedestrian environment, facilitates bus, vehicle, and bicycle traffic, and promotes community values.

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.

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

Building placement within 8 feet of lot lines adjacent to streets

Part of the first floor would be located more than 8 feet from Snelling Avenue. A variance of the PO Overlay District standard requiring the first floor of the building to be located not more than 8 feet from a lot line adjacent to a street is also required. Staff is recommending approval of the variance. The proposed building is “L” shaped. At one end of the “L,” the building would be located 4 feet from the front lot line. This is where the main entrance is located. Where the building is set back further, a courtyard with landscaping, seating, game tables, pergolas, a lawn area for games, and a focal feature, such as a water element or public art, is proposed between the building and the street. The amount of windows on each level of the wall facing Snelling Avenue exceeds the minimum requirements by approximately 7 percent. For these reasons, staff is also recommending that the Planning Commission grant alternative compliance for this standard because the proposed alternatives meet the intent of the requirement, the site plan includes amenities that address adverse effects of the alternative, the security of the surrounding area has been considered, and visual interest has been created with the proposed amenities and architectural features.

No blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

A 28 foot wide wall without sufficient architectural detail to meet this requirement is proposed on the first floor north building elevation. The exterior material is brick of two different color types at this location. Changing the color of the material isn’t sufficient to meet the intent of this requirement, therefore alternative compliance is requested. The wall is adjacent to a stairwell and abuts the east building elevation facing Snelling Avenue. A window or other architectural element could be added to the wall to prevent a blank, uninterrupted wall without architectural elements exceeding 25 feet in width. For these reasons, staff is recommending that the Planning Commission not grant alternative compliance for this requirement.

RECOMMENDATIONS

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 a multiple-family dwelling with 60 units for the property located at 2304 Snelling Avenue, 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 variance to reduce the minimum parking requirement from 54 spaces to 37 spaces for the property located at 2304 Snelling Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area requirement by 20 percent for the property located at 2304 Snelling Avenue.

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 rear yard requirement adjacent to the west lot line from 11 feet to 8.9 feet to allow building walls with residential windows for the property located at 2304 Snelling Avenue.

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 of the PO Pedestrian Oriented Overlay District standard requiring the first floor of a building to be located within 8 feet of an adjacent street to allow the first floor to be set back more than 8 feet from Snelling Avenue for the property located at 2304 Snelling Avenue, subject to the following condition:

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1. The first floor setbacks shall be as shown on the plans.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for a multiple-family dwelling with 60 units for the property located at 2304 Snelling Avenue, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by October 29, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Architectural elements shall be added to the first floor north facing wall to prevent a blank, uninterrupted wall that exceeds 25 feet in length as required by section 530.120 of the zoning code.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Zoning map
- 4) Plans
- 5) Photos