

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit, Variances and Site Plan Review
BZZ-4151

Date: October 6, 2008

Applicant: Gateway Commons, LLC, Attn: Amri Elsafy, 5661 International Parkway,
New Hope, MN 55428, (612)250-2232

Address of Property: 110 18th Street East

Project Name: Dunwoody Apartments

Contact Person and Phone: Adsit Architecture and Planning, Attn: Mina Adsit, 1229
Harmon Place, Minneapolis, MN 55403, (612) 343-8013 ext.10

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

Date Application Deemed Complete: September 8, 2008

End of 60-Day Decision Period: November 6, 2008

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

Ward: 6 Neighborhood Organization: Stevens Square Community Organization

Existing Zoning: OR3 (Institutional Office Residence) District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 20

Lot area: 74,585 square feet or 1.71 acres

Legal Description: Not applicable for this application.

Proposed Use: Renovation and restoration of an existing building for 124 residential dwelling units.

Concurrent Review:

- Conditional Use Permit to allow 124 residential dwelling units.
- Variance to allow parking in the required front yard adjacent to the west property line along 1st Avenue South and adjacent to the east property line along Stevens Avenue South.

- Variance to allow parking in the required corner side yard adjacent to the north property line along East 17th Street.
- Variance to allow a reduction in the required one-way and two-way drive aisle requirements within the underground parking garage.
- Variance to allow parking within 6 feet of a dwelling unit.
- Variance of the off-street parking requirement.
- Site Plan review for a 124-unit rental residential development to occupy the former Abbott Hospital building.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Article IX, Variances and Chapter 530 Site Plan Review.

Background: The applicant proposes to renovate and rehabilitate the former Abbott Hospital building for a 124-unit rental residential development on the property located at 110 18th Street East. The subject site is bounded to the north by the Copenhagen Apartments and a surface parking lot which are adjacent to East 17th Street, to the south by East 18th Street, to the east by Stevens Avenue South, to the west by 1st Avenue South. The property is zoned OR3 and residential uses with 5 units or more are conditional uses in the OR3 district. Several variances are required for the proposed development in order to maximize the available on-site parking which include: (1) Variance to allow parking in the required front yard adjacent to the west property line along 1st Avenue South and adjacent to the east property line along Stevens Avenue South; (2) Variance to allow parking in the required corner side yard adjacent to the north property line along East 17th Street; (3) Variance to allow a reduction in the required one-way and two-way drive aisle requirements within the underground parking garage; (4) Variance to allow parking within 6 feet of a dwelling unit; (5) Variance of the off-street parking requirement from 111 parking spaces to 104 parking spaces. Site plan review is also required for the proposed development.

The proposal recently received approval from the Heritage Preservation Commission (HPC) in June of 2008, for a Certificate of Appropriateness subject to conditions. The HPC actions are attached for reference. Staff has verified that the submitted plans match those that were approved by the HPC. The former hospital complex represents five (5) construction episodes beginning with the construction of the original Abbott Hospital, known as the Dunwoody building in 1910, with connected additions completed in 1919-1920, 1938, 1954, and 1957. The Dunwoody building (1910) is contributing to the Stevens Square Historic District and also contributing to the National Register of Historic Places District. The four-story Janney Pavilion Building (1919-1920) is non-contributing to the local district, but is contributing to the National Register District. The additional buildings on the site: the Wyman Addition (1938); the Janney Pavilion Addition (1954) and the Stevens Addition (1957) are noncontributing to both the local and national districts. The applicant intends to seek national historic designation through the State Historic Preservation Office (SHPO).

The proposed exterior work involves the refurbishment of existing windows, the addition of windows, reopening blocked windows, tuck-pointing and cleaning of existing masonry, and the removal of mechanical equipment. The proposed interior work includes the removal of mechanical equipment, lighting and partition walls to reconfigure the space for apartment use. The historic interior finishes are proposed to be saved wherever possible. Other interior building features including lighting, corridor size, ceiling heights and detailing will be restored to the period of their respective construction.

There have been various past proposals submitted to both the HPC and the Planning Commission on the subject site. The most recent proposal known as Fusion Flats was approved by the Planning Commission in July of 2006, after several HPC reviews. The proposal included the demolition of three structures, the 1938, 1957 and 1962 additions to the Abbott Hospital in order to construct a new L-shaped building on the premises containing 82 residential condominiums. Final plans were never submitted for permits following the approvals.

Staff has not received official correspondence from the Stevens Square Community Organization prior to the printing of this report. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

CONDITIONAL USE PERMIT –to allow 124 residential dwelling units

Findings as required by the Minneapolis Zoning Code:

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

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

Renovating and rehabilitation an existing building for 124 residential dwelling units should not have negative impacts on the area. The proposal complements other uses in the area and the additional residential units would strengthen the existing commercial base within the neighborhood. The proposal would be below the allowable density for the site as a total of 248 units are permitted. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The building is currently vacant. The reuse of the structure and the proposed density of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Further, utilizing the existing structure for 124 units of apartments would provide additional opportunities for housing within the neighborhood as well as support the existing commercial uses within the general vicinity.

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

The site would be accessed off of 1st Avenue South via one singular curb cut to the proposed surface parking lots as well as to the underground parking garage. Egress from the site will occur on to either 1st Avenue South or via a one-way driveway to Stevens Avenue South. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant will be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

As stated in Section 541.410 of the zoning code, in the OR districts .9 spaces are required per dwelling unit. Based on the 124 residential units proposed for the development, a total of 112 parking spaces would be required. The applicant proposes to include a bicycle rack in lieu of one required residential parking space. The bike rack must accommodate four spaces for the use that is having its parking requirement reduced by one space. The applicant proposes to provide a total of 104 parking spaces for the proposed development within a single-story underground parking garage and within the surface parking lots on the premises which would not meet the minimum requirements. The applicant has applied for a variance to reduce the off-street parking requirement from 111 parking spaces to 104 parking spaces. Please see the applicable variance findings as listed below. The proposal also includes parking for 10 bicycles as well as a large bicycle storage area within the basement of the underground parking garage.

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

The conditional use permit to allow 124-units of housing is generally consistent with the following provisions of the *Minneapolis Plan*. The parcel is in close proximity to Nicollet Avenue which is a designated Commercial Corridor in this area. The following provisions are relevant to the proposed development:

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

- *Relevant Implementation Step:*
Support the development of new medium and high-density housing in appropriate location throughout the City.

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

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

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

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

Policy 9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

The proposal is in conformance with the above noted policies and implementation steps of the *Minneapolis Plan*.

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

If all land use/zoning applications are approved including the conditional use permit, variances and site plan review, the proposal would comply with all provisions of the OR3 District.

VARIANCES – (1) Variance to allow parking in the required front yard adjacent to the west property line along 1st Avenue South and adjacent to the east property line along Stevens Avenue South; (2) Variance to allow parking in the required corner side yard adjacent to the north property line along East 17th Street; (3) Variance to allow a reduction in the required one-way and two-way drive aisle requirements within the underground parking garage; (4) Variance to allow parking within 6 feet of a dwelling unit; (5) Variance of the off-street parking requirement from 111 parking spaces to 104 parking spaces.

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

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

Variance to allow parking in the required front yard: Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. The OR3 district requires a front yard setback of 15 feet adjacent to both 1st Avenue South and Stevens Avenue South and parking located within the required yard requires a variance. There is currently parking located within the front yard along 1st Avenue South but not along Stevens Avenue South. Essentially, a total of two parking spaces would be located within the required yard along 1st Avenue South and a total of 6 compact parking spaces would be located within the required yard along Stevens Avenue South. The applicant is attempting to maximize the available off-street parking provided for the proposed residential development. Further, there are site constraints due to the fact that the building is existing on the premises which essentially limits the parking options and configurations which are available. Further, the site has frontage on four public streets.

Variance to allow parking in the required corner side yard: Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. The OR3 district requires a corner side yard setback of 14 feet (due to the existing height of the structure) adjacent to both East 17th Street and East 18th Street. There is currently parking located within the corner side yard along East 17th Street. The building is existing along East 18th Street. Essentially, a total of 13 parking spaces would be located within the required corner side yard along East 17th Street. The applicant is attempting to maximize the available off-street parking provided for the proposed residential development. Further, there are site constraints due to the fact that the building is existing on the premises which essentially limits the parking options and configurations which are available. Further, the site has frontage on four public streets.

Variance to allow a reduction in the required one-way and two-way drive aisle requirements: Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. In order to maximize the available parking provided on the premises and in order to deal with existing locations of support beams, a reduction in the one-way and two-way drive aisle dimensions is necessary. Essentially, the applicant is proposing to reduce the required one-way drive aisle dimension requirement from 20 feet to 12 feet at the closest point and proposing to reduce the two-way drive aisle dimension requirement from 22 feet to 17 feet, 2 inches at the closest point.

Variance to allow parking within 6 feet of a dwelling unit: Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. The subject parking space is located approximately 5.5 feet away from the north building wall. Requiring that the project comply with the spacing requirement would result in the loss of one parking space. Planning Staff believes that it is reasonable to allow a 6 inch encroachment into the required 6 feet in order to allow a single parking space for the proposed development.

Variance of the off-street parking requirement: Staff would argue that the property could be put to a reasonable use under the conditions allowed however; strict adherence to the regulations of the zoning ordinance would cause undue hardship. The proposed development requires a total of 111 parking spaces and 104 parking spaces are being provided. Based on the proximity to various bus lines as well as the fact that there are site constraints, Staff believes that allow a reduction of 7 off-street parking spaces is a reasonable request. The applicant is also proposing to include a large bike storage area in the underground parking garage.

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

Variance to allow parking in the required front yard: The circumstances could be considered unique as the applicant is proposing to restore and renovate an existing building that has historical significance. There are limitations in term of how and where off-street parking for the adaptive reuse of the structure could be provided. The applicant is providing both underground and surface parking in order to maximize the availability. There is currently parking located within the front yard along 1st Avenue South but not along Stevens Avenue South. Essentially, a total of two parking spaces would be located within the required yard along 1st Avenue South and a total of 6 compact parking spaces would be located within the required yard along Stevens Avenue South.

Variance to allow parking in the required corner side yard: The circumstances could be considered unique as the applicant is proposing to restore and renovate an existing building that has historical significance. There are limitations in term of how and where off-street parking for the adaptive reuse of the structure could be provided. There is currently parking located within the corner side yard along East 17th Street. Essentially, a total of 13 parking spaces would be located within the required corner side yard along East 17th Street.

Variance to allow a reduction in the required one-way and two-way drive aisle requirements: The circumstances could be considered unique as the applicant is proposing to provide new underground parking on a developed site as part of the proposal. There are some structural limitations as a result of attempting to retrofit the site to accommodate underground parking. Allowing internal reductions in the underground parking garage for one-way and two-way drive aisles is a reasonable and appropriate use of the subject site.

Variance to allow parking within 6 feet of a dwelling unit: The circumstances could be considered unique as the applicant is proposing to accommodate as much required parking as possible on the premises for the proposed development. This variance affects a singular surface parking space which is located approximately 5.5 feet away from the north building wall. Requiring that the project comply with the spacing requirement would result in the loss of one parking space. Planning Staff believes that it is reasonable to allow a 6 inch encroachment into the required 6 feet in order to allow a single parking space for the proposed development.

Variance of the off-street parking requirement: The circumstances could be considered unique as the applicant is proposing to accommodate as much required parking as possible on the premises as with all of the existing constraints. The structure is existing and the applicant is provided new underground parking as part of the development proposal as well as surface parking. Allowing a 7 stall parking reduction is reasonable when considering the unique circumstances present on the site.

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

Variance to allow parking in the required front yard: The granting of the variance to allow parking in the required front yard along both 1st Avenue South and Stevens Avenue South would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As previously mentioned, parking is currently existing along 1st Avenue South but not along Stevens Avenue South. Essentially, a total of two parking spaces would be located within the required yard along 1st Avenue South and a total of 6 compact parking spaces would be located within the

required yard along Stevens Avenue South. With the provision of landscaping and screening adjacent to both frontages, the request to allow parking is a reasonable request.

Variance to allow parking in the required corner side yard: The granting of the variance to allow parking in the required corner side yard adjacent to East 17th Street would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. There is currently parking located within the corner side yard along East 17th Street. Essentially, a total of 13 parking spaces would be located within the required corner side yard along East 17th Street. The applicant is attempting to maximize the available off-street parking provided for the proposed residential development despite the site constraints which essentially limits the parking options and configurations which are available. With the provision of landscaping and screening adjacent to the street frontage, the request to allow parking is a reasonable request.

Variance to allow a reduction in the required one-way and two-way drive aisle requirements: The granting of the variance to allow reductions in the minimum one-way and two-way drive aisles in the underground parking ramp would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The proposed variances apply only to drive-aisles within the underground parking garage.

Variance to allow parking within 6 feet of a dwelling unit: The granting of the variance to allow a singular parking space within 6 feet of the existing north building wall would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The variance affects a singular parking space in the surface parking lot which is located approximately 5.5 inches from the north building wall.

Variance of the off-street parking requirement: The granting of the parking variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The applicant is proposing to include as much parking as feasible on the premises. Relaxing the parking requirement by 7 off-street parking spaces would be in keeping with the spirit and the intent of the ordinance provided the applicant includes substantial bicycle parking as proposed.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance to allow parking in the required front yard: Staff believes that the granting of the variance to allow parking in the required front yards would likely have no impact

on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Variance to allow parking in the required corner side yard: Staff believes that the granting of the variance to allow parking in the required corner side yard would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Variance to allow a reduction in the required one-way and two-way drive aisle requirements: Staff believes that the granting of the variance to allow reductions in the required one-way and two-way drive aisle requirements in the underground parking garage would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Variance to allow parking within 6 feet of a dwelling unit: Staff believes that the granting of the variance to allow a singular surface parking space to be located within 6 feet of the existing residential structure would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Variance of the off-street parking requirement: Staff believes that the granting of the off-street parking variance would likely have little impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If**

located on corner lot, the building wall abutting each street shall be subject to this requirement.

- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

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

between the building and a public street, public sidewalk or public pathway.

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

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

The development is subject to required yards along all sides of the property. A total of 124 residential units are proposed to be located within the existing structure on the site. The proposal to reuse the structure involves significant restoration and rehabilitation. The existing building is oriented towards both 1st Avenue South and East 18th Street as well as to the interior of the site. The design maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along the street frontages. The area between the building and the public streets would have new tree and shrub plantings.

The building is existing and the elevations of the building and the associated window openings are existing. The proposed modifications to the existing structure including the addition of some window openings have been reviewed and approved by the HPC. Because the building is existing, the window opening areas will not be evaluated; however, typically residential developments are subject to a 20% window requirement on the ground floor and a 10% window requirement on upper floors. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The development would appear to comply with the above-listed window requirements. The existing windows are distributed in a more or less even manner and are also vertical in proportion.

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

The existing structure is composed of different types of masonry and stucco. The building forms and various roof lines including a flat and pitched roof are existing. As mentioned in the background section, the City's Heritage Preservation Commission (HPC) approved all of the proposed rehabilitation and renovation measures in June of 2008.

A single-story underground parking ramp is proposed as part of the development as well as two surface parking lots. All parking would be accessed off of 1st Avenue South with egress to either 1st Avenue South and/or Stevens Avenue South.

ACCESS AND CIRCULATION:

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

The shared/connected principal entry to the lobby of the structure is located off of both East 18th Street SE and off the opposite (north) elevation of the structure off the surface parking lot. The development is located adjacent to the public sidewalk and is also connected via walkways that are a minimum of 4 feet in width.

There are no transit shelters within the development, however the site is located one block from a Metro Transit bus line.

The development is existing and has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts has been minimized to the extent practical.

There is no public alley adjacent to the site.

The site has somewhat been designed to minimize the use of impervious surfaces through landscaping. Approximately 81% of the site is impervious and approximately 33% of the site not occupied by buildings will be landscaped. There are relatively large surface parking lots proposed as part of the development.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.

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

According to the applicant, once the project is complete, approximately 14,597 square feet or 33% of the site not occupied by buildings will be landscaped, which would exceed the 20% landscaping requirement. The site is approximately 74,585 square feet in size with buildings occupying a footprint of 30,570 square feet. Based on the site information, approximately 8,803 square feet of landscaping would be required. The zoning code requires that there be at least 18 trees and 88 shrubs planted on the site. The applicant is proposing to have 1 canopy tree on the premises (as well as 9 ornamental trees and 15 canopy trees located in the public right-of-way), 256 shrubs and 804 perennials on the site. The proposal is exceeding the minimum landscape quantity requirements for shrubs but is not meeting the canopy tree requirement. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require partial compliance with this provision as it is practical to provide at least 8 canopy trees on the site.

There are two surface parking lots proposed as part of the development. One of the surface parking lots is located on the northwest corner of the site adjacent to 1st Avenue South and East 17th Street. There are 38 parking spaces located within this surface parking lot. The site is subject to a 7-foot wide perimeter landscaping requirement adjacent to East 17th Street, 1st Avenue South and the adjacent residential building located on the northeast corner of the site. The parking lot is in compliance adjacent to 1st Avenue South; however, along East 17th Street and for a portion of the site adjacent to the residential building, the landscaped area is only 5 feet wide. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require the two additional feet as it would require variances to the drive aisles as well as result in a lack of functionality within the parking lot. Screening is being provided as required in the form of fencing and landscaping along 1st Avenue South and East 17th Street which is in compliance with the required standards. Screening is also required adjacent to the apartments; however, due to the parking lot configuration and the easements in place as well as the existing parking configuration for the apartments, it would not be practical to require screening in this location. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance. One tree is required for

each 25-linear feet of parking or loading area lot frontage. The proposed plan is meeting this requirement along 1st Avenue South but not along East 17th Street. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require the development to comply with this requirement. Based on Staff's calculations, a total of 5 trees would be required in the landscaped area adjacent to East 17th Street. Additionally, there is one landscaped island located in this parking lot which meets the minimum width of 7 feet in any direction. With the exception of two parking spaces located adjacent to the north elevation of the building, all other parking spaces are located within 50 feet of an on-site deciduous tree. Alternative compliance would be necessary. Planning Staff will recommend that the applicant install an additional canopy tree in the landscape island in order to meet this requirement.

The other surface parking lot is located adjacent to Stevens Avenue South and is located more centrally on the premises. There are a total of 25 parking spaces located within this parking lot. The site is subject to a 7-foot wide perimeter landscaping requirement adjacent to Stevens Avenue South and adjacent to the residential building located on the northeast corner of the site. The parking lot is in compliance adjacent to Stevens Avenue South; however, for a portion of the site adjacent to the residential building, the landscaped area is only 3 feet wide. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require the 4 additional feet as it would require variances to the drive aisles as well as result in a lack of functionality within the parking lot. Screening is being provided as required in the form of fencing and landscaping along Stevens Avenue South and adjacent to the apartments which is in compliance with the required standards. One tree is required for each 25-linear feet of parking or loading area lot frontage. The proposed plan is not meeting this requirement along Stevens Avenue South. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require the development to comply with this requirement. Based on Staff's calculations, a total of 2 trees would be required in the landscaped area adjacent to Stevens Avenue South. There are no landscaped islands located in this parking lot. No parking spaces within this parking lot are located within 50 feet of an on-site deciduous tree. Alternative compliance would be necessary. With the addition of trees in the landscaped area adjacent to Stevens Avenue South, some of the parking spaces would be in compliance with this provision. It would not be practical to require additional trees, as this parking lot is located above an underground parking garage. The soil depth required to sustain a tree would not be present; therefore, it would not be practical in this circumstance.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**

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

All parking for the residential development is being provided in a single-story underground parking garage and within two surface parking lots which are accessed off of 1st Avenue South. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is encouraged to explore on-site retention and filtration.

The City's CPTED officer did require the applicant to contact her to discuss safety, security and crime prevention measures. Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

Staff would not expect the proposal to result in the blocking of views as the building is existing. The existing structure would also not be expected to have any additional shadowing impacts on adjacent properties and public spaces or on light, wind and air in relation to the surrounding area as well.

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

ZONING CODE - The proposed use is conditional in the OR3 District

With the approval of the conditional use permit, variances and site plan review this development would meet the requirements of the OR3 zoning district.

Parking and Loading: As stated in Section 541.410 of the zoning code, in the OR districts .9 spaces are required per dwelling unit. Based on the 124 residential units proposed for the development, a total of 112 parking spaces would be required. The applicant proposes to include a bicycle rack in lieu of one required residential parking space. The bike rack must accommodate four spaces for the use that is having its parking requirement reduced by one space. The applicant proposes to provide a total of 104 parking spaces for the proposed development within a single-story underground parking garage and within the surface parking lots on the premises which would not meet the minimum requirements. The applicant has applied for a variance to reduce the off-street

parking requirement from 111 parking spaces to 104 parking spaces. Please see the applicable variance findings as listed below. The proposal also includes parking for 10 bicycles as well as a large bicycle storage area within the basement of the underground parking garage.

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

Signs: No signage is proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development. Any proposed signage may be subject to HPC review.

Maximum Floor Area: The maximum F.A.R. for multiple-family dwelling units in the OR3 District is the gross floor area of the building which is 123,140 square feet divided by the area of the lot which is 74,585 square feet. The outcome is 1.65 which is less than the maximum of 3.5 that is permitted in the OR3 District. The proposed development is in compliance with this provision.

Minimum Lot Area: The project would meet the minimum lot area requirement of the OR3 District. There is no minimum lot width requirement in the OR3 district. The lot has 74,585 square feet of lot area. For multiple-family dwellings 5,000 square feet or 300 square feet per dwelling unit is required, whichever is greater. Based on the proposal to include 124 residential units, 37,200 square feet of lot area would be required. The project is in compliance with the minimum lot area requirements as a total of 248 residential units would be permitted on the premises.

Dwelling Units per Acre: Based on the lot area of 74,585 or 1.71 acres and a total of 124 units provided, 72 dwelling units per acre are being provided based on the proposal.

Height: Maximum building height for principal structures located in the OR3 District is 6 stories or 84 feet, whichever is less. The proposal would conform with this requirement as the existing building is 4 stories or 43 feet in height.

Yard Requirements: The required yards are as follows:

Front (along 1st Avenue South and Stevens Avenue South): 15 feet

Corner Side (along E. 17th Street & E. 18th Street): $(8+2x)= 14$ feet

Rear/Interior side yard: $(5+2x)= 11$ feet

The proposal requires variances to allow parking in the front and corner side yards. The structure is existing and does not require variances for its existing placement.

Building coverage: The maximum building coverage in the OR3 District is 70 percent. Buildings would cover approximately 41 percent of the lot.

Impervious surface area: The maximum impervious surface coverage in the OR3 District is 85 percent. Impervious surfaces would cover approximately 81 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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

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

ALTERNATIVE COMPLIANCE

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

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

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

- ***Landscape quantities:*** The zoning code requires that there be at least 18 trees and 88 shrubs planted on the site. The applicant is proposing to have 1 canopy tree on the premises (as well as 9 ornamental trees and 15 canopy trees located in the public right-of-way), 256 shrubs and 804 perennials on the site. The proposal is exceeding the minimum landscape quantity requirements for shrubs but is not meeting the

canopy tree requirement. Alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require partial compliance with this provision as it is practical to provide at least 8 canopy trees on the site.

Parking lot on the northwest corner of the site:

- Perimeter landscaping: The site is subject to a 7-foot wide perimeter landscaping requirement adjacent to East 17th Street, 1st Avenue South and the adjacent residential building located on the northeast corner of the site. The parking lot is in compliance adjacent to 1st Avenue South; however, along East 17th Street and for a portion of the site adjacent to the residential building, the landscaped area is only 5 feet wide. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require the two additional feet as it would require variances to the drive aisles as well as result in a lack of functionality within the parking lot.
- Screening: Screening is also required adjacent to the apartments; however, due to the parking lot configuration and the easements in place as well as the existing parking configuration for the apartments, it would not be practical to require screening in this location. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance.
- Linear tree requirement: One tree is required for each 25-linear feet of parking or loading area lot frontage. The proposed plan is meeting this requirement along 1st Avenue South but not along East 17th Street. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require the development to comply with this requirement. Based on Staff's calculations, a total of 5 trees would be required in the landscaped area adjacent to East 17th Street.
- Within 50 feet of an on-site deciduous tree: With the exception of two parking spaces located adjacent to the north elevation of the building, all other parking spaces are located within 50 feet of an on-site deciduous tree. Alternative compliance would be necessary. Planning Staff will recommend that the applicant install an additional canopy tree in the landscape island in order to meet this requirement.

Parking lot on the east side of the site:

- Perimeter landscaping: The site is subject to a 7-foot wide perimeter landscaping requirement adjacent to Stevens Avenue South and adjacent to the residential building located on the northeast corner of the site. The parking lot is in compliance adjacent to Stevens Avenue South; however, for a portion of the site adjacent to the residential building, the landscaped area is only 3 feet wide.

Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require the 4 additional feet as it would require variances to the drive aisles as well as result in a lack of functionality within the parking lot.

□ Linear tree requirement: One tree is required for each 25-linear feet of parking or loading area lot frontage. The proposed plan is not meeting this requirement along Stevens Avenue South. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require the development to comply with this requirement. Based on Staff's calculations, a total of 2 trees would be required in the landscaped area adjacent to Stevens Avenue South.

□ Within 50 feet of an on-site deciduous tree: No parking spaces within this parking lot are located within 50 feet of an on-site deciduous tree. Alternative compliance would be necessary. With the addition of trees in the landscaped area adjacent to Stevens Avenue South, some of the parking spaces would be in compliance with this provision. It would not be practical to require additional trees, as this parking lot is located above an underground parking garage. The soil depth required to sustain a tree would not be present; therefore, it would not be practical in this circumstance.

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 124 dwelling units on the property located at 110 18th Street East subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow parking in the required front yard

adjacent to the west property line along 1st Avenue South and adjacent to the east property line along Stevens Avenue South for the property located at 110 18th Street East.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow parking in the required corner side yard adjacent to the north property line along East 17th Street for the property located at 110 18th Street East.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow a reduction in the required one-way drive aisle to 12 feet at the closest point and a reduction in the two-way drive aisle to 17 feet, 2 inches at the closest point within the underground parking garage for the property located at 110 18th Street East.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow parking within 6 feet of a dwelling unit for the property located at 110 18th Street East.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the off-street parking requirement from 111 parking spaces to 104 parking spaces for property located at 110 18th Street East subject to the following condition:

1. A total of 5 bike racks with parking for a minimum of four (4) bicycle parking spaces shall be provided.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for a 124-unit residential development on the property located at 110 18th Street East subject to the following conditions:

1. All site improvements shall be completed by October 6, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. A minimum of 8 canopy trees shall be provided on the premises.
4. Compliance with the linear tree requirement adjacent to East 17th Street and Stevens Avenue South.
5. An additional canopy tree shall be planted in the landscaped island located within the surface parking lot.
6. A 7-foot wide perimeter landscaped buffer shall be provided adjacent to 1st Avenue South and a minimum of a 5-foot wide landscaped buffer shall be provided along East 17th Street.
7. A 7-foot wide perimeter landscaped buffer shall be provided adjacent to Stevens Avenue South and a 3-foot wide landscaped buffer adjacent to the residential building located on the northeast corner of the site.

Attachments:

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