

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-1867

Date: August 23, 2004

Applicant: Heggem & Associates, LLC

Address of Property: 2850 Cedar Avenue South

Project Name: Greenway Terrace

Contact Person and Phone: Dustin Heggem, (612) 338-0055

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

Date Application Deemed Complete: July 26, 2004

End of 60-Day Decision Period: September 25, 2004

End of 120-Day Decision Period: November 24, 2004

Ward: 6 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: R2B and R6

Proposed Zoning: R6

Zoning Plate Number: 26

Legal Description: That part of Lots 6 and 7, Block 4, "Layman and Colburns addition to Minneapolis", lying southerly of Hennepin County Regional Railroad Authority Property Map No. 35.

That part of vacated Twenty-Ninth Street, as dedicated in the plat of "Layman's fourth addition to Minneapolis", lying between the northerly extensions of the east line of Lot 1, Block 1, said plat, and the west line of Lot 12, said Block 1, and southerly of Hennepin county regional railroad authority property map no. 35.

Proposed Use: 26 for-sale condominium units

Concurrent Review:

Rezoning: from R2B to R6

Conditional Use Permit: for 26 dwelling units.

Variance: to reduce the front yard setback along Cedar Avenue from the required 15 feet to 0 feet.

Variance: to reduce the corner side yard setback along East 29th Street from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies.

Variance: to reduce the interior side yard setback from the required 9 feet to 0 feet.
Major site plan review.

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

Background: Since 1999 the property located at 2850 Cedar Avenue South has been used by Bratt Trec which is a tree care business. Please note that the site is not zoned properly for this type of use. The applicant is proposed to purchase the property from the current owner and construct a three-story, 26-unit residential building with one level of enclosed parking below the building. The dwelling units range between 700 square-foot studios to 1,100 square-foot two-bedrooms. All but one of the units will have either an outdoor patio or balcony and there will be a community room located on the first floor of the building which all of the residents can utilize.

The East Phillips Improvement Coalition reviewed the development proposal by Heggem & Associates, LLC at the general membership meeting on August 12, 2004. At the meeting the Coalition voted to support the development as proposed.

REZONING – from R2B to R6

Findings as Required by the Minneapolis Zoning Code:

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

The parcel of land that is proposed to be rezoned has two different zoning classifications on it; R2B and R6. The parcel is designated as undeveloped/unused land in the comprehensive plan. The site is located on a triangular shaped parcel of land bounded by Cedar Avenue on the east, East 29th Street on the south, 18th Avenue South on the west and the Midtown Greenway on the north. Cedar Avenue is a designated Community Corridor. The site is located one block north of East Lake Street which is a designated Commercial Corridor and also within the Lake Street/Midtown Transit Station Area. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density.
- Maintain and strengthen the character of the city’s various residential areas.
- Support efforts that recognize the increased visibility of corner properties.
- Use both infill development and new development opportunities to increase housing in the city.
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.
- Promote more intensive residential development along Community Corridors where appropriate.

- Encourage both a density and mix of land uses in Transit Station Areas that both support ridership for transit as well as benefit from its users

This development supports these principles and policies.

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

The amendment will allow the applicant to construct a 26-unit residential development. Through the adoption of *The Minneapolis Plan*, City stakeholders have identified Cedar Avenue as a Community Corridor and located this site within the Lake Street/Midtown Transit Station Area where they believe more intensive residential development such as the proposed development would be appropriate.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The parcel of land that is proposed to be rezoned has two different zoning classifications on it; R2B and R6. The parcel is bordered by R2B and R6. Other zoning classifications within 350 feet of the site include C1, C2, C4, I1 and I3. Adjacent uses include a mixture of residential development of varying densities, a cemetery, commercial establishments and industrial uses. Given the mixture of zoning classifications and uses in the area staff believes that the R6 zoning district would be compatible in this location.

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

There are reasonable uses of the property permitted under the R2B zoning district. The R2B zoning district is a two-family district. Permitted uses in the R2B district include, but are not limited to, the following:

- Single-family dwelling
- Two-family dwellings
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

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

There has not been a change in the character of development in the general area over the past several years. However, there is a housing development under review by the Planning Division one block to the north located at 2750 Cedar Avenue. In addition, with the implementation of Light Rail Transit, changes are anticipated in and around the station located at Hiawatha Avenue and East Lake Street which is located within a half-mile of this site.

CONDITIONAL USE PERMIT – for 26 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Department of 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, morals, comfort or general welfare.

The Planning Division does not believe that 26 dwelling units will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. According to the 2000 Census, approximately 78 percent of the dwellings in the Phillips neighborhood (please note that when the 2000 Census was taken, the Phillips neighborhood had not been divided into the four smaller neighborhoods) are rental. The for-sale condominiums will increase the owner-occupied base and add a stabilizing element to the neighborhood.

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 Planning Division does not believe that this development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The site is truly an island upon itself as it is surrounded on three sides by public streets and on the fourth side by the Midtown Greenway. The site is currently underutilized and constructing a 26-unit residential development on the site will only foster new development in the area, increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

The applicant will be working 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 to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for this development is one parking space per dwelling unit or 26 spaces. There are 25 parking spaces located in one level of enclosed parking below the building that is accessed via a driveway off of East 29th Street. There is also one enclosed accessible parking space located at street level which is also accessed via the driveway off of East 29th Street.

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

See rezoning finding number one.

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.

With the approval of the rezoning, the conditional use permit, the variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the front yard setback along Cedar Avenue from the required 15 feet to 0 feet

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

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

Front yard setback along Cedar Avenue South: The applicant is seeking a variance to reduce the front yard setback along Cedar Avenue from the required 15 feet to 0 feet. The applicant has indicated that there are several unique circumstances of this parcel of land. First, the site is a through lot and has two front yard setback requirements along both Cedar Avenue and 18th Avenue South. Second, the site is triangular in shape and because of that it decreases the area on which to build upon compared to a regular shaped site. And third, in order to meet the Public Works requirement of setting the driveway twenty feet back from the corner of East 29th Street and 18th Avenue South and to allow for a ramp leading to the one level of enclosed parking below the building the building needed to be moved closer to Cedar Avenue.

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.

Front yard setback along Cedar Avenue South: The fact that the site is a through-lot, is shaped like a triangle and that the driveway and ramp leading to the one level of enclosed parking below the building have to meet minimum standards are all unique circumstances of this parcel of land

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.

Front yard setback along Cedar Avenue South: The granting of the setback variance would alter the essential character of the area given that none of the buildings along Cedar Avenue within 350 feet of the site are located directly up to the property line. Although the applicant will be installing a landscaped area between the building and the public sidewalk the building will still be located much closer to the street than the other buildings along Cedar Avenue in the immediate area.

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.

Front yard setback along Cedar Avenue South: Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE – to reduce the corner side yard setback along East 29th Street from the from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies

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

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

Corner side yard setback along East 29th Street: The applicant is seeking a variance to reduce the corner side yard setback along East 29th Street from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies. The applicant has indicated that the site is triangular in shape and because of that it decreases the area on which to build upon compared to a regular shaped site.

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

Corner side yard setback along East 29th Street: The fact that the site is shaped like a triangle is a unique circumstance of this parcel of land.

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.

Corner side yard setback along East 29th Street: The granting of the setback variance would not significantly affect the essential character of the area given that the site is truly an island upon itself as it is surrounded on three sides by public streets and on the fourth side by the Midtown Greenway. Since

there are no other parcels of land adjacent to the site the proposed five-foot setback from East 29th Street would not impact any other properties.

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.

Corner side yard setback along East 29th Street: Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the interior side yard setback from the required 9 feet to 0 feet

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

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

Interior side yard setback: The applicant is seeking a variance to reduce the interior side yard setback from the required 9 feet to 0 feet. The applicant has indicated that the site is triangular in shape and because of that it decreases the area on which to build upon compared to a regular shaped site. It should be noted that 37 percent of the length of the wall is setback nine feet or greater from the interior side property line.

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.

Interior side yard setback: The fact that the site is shaped like a triangle is a unique circumstance of this parcel of land.

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.

Interior side yard setback: The granting of the setback variance would not significantly affect the essential character of the area given that the site is truly an island upon itself as it is surrounded on three sides by public streets and on the fourth side by the Midtown Greenway. Given the amount of space and foliage between the interior side property line and the actual pathways of the Midtown Greenway the building will appear to have a greater setback that is actually does.

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.

Interior side yard setback: Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE

- 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.**
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- In larger buildings, architectural elements shall be emphasized.**
- 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 where visible from a public street or a residence or office residence district.**
- Entrances and windows:**
- Residential uses shall be subject to section 530.110 (b) (1).**
- Nonresidential uses shall be subject to section 530.110 (b) (2).**
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant is proposing to locate the building directly up to the property line along Cedar Avenue South, five feet from the property line along East 29th Street and approximately 66 feet from the property line along 18th Avenue South. In the areas between the building and the property lines there is landscaping.
- The principal entrance to the building is located on the Cedar Avenue side of the building and is located directly at the property line. There are two additional doors facing East 29th Street. These two doors are for exiting purposes only.
- The exterior materials of the building include brick, corrugated metal siding and Hardi-Plank lap siding. The percentage of windows and/or doors required on the three sides of the building that face a public street is 20 percent. According to the submitted drawings, all three sides of the building meet or exceed the percentage of windows and/or doors required.

ACCESS AND CIRCULATION

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The principal entrance to the building is connected to the public sidewalk via a walkway.
- Given that the applicant's property is located directly up to the street curb along East 29th Street there is no public sidewalk on the north side of the street. It should be noted that there is no parking allowed along the north side of East 29th Street so there will be no vehicles parking along this side of the building. However, in order to accommodate pedestrian circulation, staff is encouraging the applicant to incorporate a pathway of some sort into their landscaping plan along East 29th Street.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan provided by the applicant.
- The applicant has indicated that snow will be stored on the site.

LANDSCAPING AND SCREENING

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**

- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant has indicated that approximately 58 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 6 trees and 30 shrubs. According to the plant schedule there will be a total of 8 trees and 50 shrubs planted on the site. In addition, the applicant will be planting perennials on the site and will also be planting trees and shrubs in the right-of-way along Cedar Avenue.
- The applicant is proposing to have a four-foot high decorative fence located between the building on Cedar Avenue and the bridge that crosses over the Midtown Greenway. Staff is recommending that the same fence also be located along the interior side property line in order to distinguish between private and public property.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan showing footcandles was not submitted as part of the application. Staff is recommending that a lighting plan showing footcandles be submitted as part of the final plans.
- This development should not block views of important elements within the city.
- Given the amount of space and foliage between the interior side property line and the actual pathways of the Midtown Greenway the building should not cast shadows on the adjacent Midtown Greenway or other surrounding properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, sufficient lighting needs to be located near all entrances and exits, there needs to be a defined edge to the retention pond, the doors facing the Midtown Greenway need heavy duty hardware installed on them and there needs to be a fence located along the interior side property line in order to distinguish between private and public property.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

See conditional use permit findings number six.

THE MINNEAPOLIS PLAN

See rezoning finding number one.

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

There are no small area plans adopted by the city for this particular location.

ALTERNATIVE COMPLIANCE

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

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Alternative compliance is not warranted for this development.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning application from R2B to R6 for the property located at 2850 Cedar Avenue South.

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 conditional use permit application for 26 dwelling units located at 2850 Cedar Avenue South subject to the following conditions:

1. There shall be no more than 26 dwelling units located within the building.

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 findings above and **deny** the variance application to reduce the front yard setback along Cedar Avenue from the required 15 feet to 0 feet for the property located at 2850 Cedar Avenue South.

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 findings above and **approve** the variance application to reduce the corner side yard setback along East 29th Street from the required 14 feet to 5 feet for the building, to 2 feet for three bay windows and to 1-foot for ten balconies for the property located at 2850 Cedar Avenue South.

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 findings above and **approve** the variance application to reduce the interior side yard setback from the required 9 feet to 0 feet for the property located at 2850 Cedar Avenue South.

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 findings above and **approve** the site plan review application for 26 dwelling units located at 2850 Cedar Avenue South subject to the following conditions:

1. The applicant is encouraged to incorporate a pathway of some sort into their landscaping plan along East 29th Street to accommodate pedestrian circulation.
2. The same fence located along Cedar Avenue between the building and the bridge over the Midtown Greenway shall be located along the interior side property line in order to distinguish between private and public property.
3. The applicant shall submit a lighting plan showing footcandles as part of the final plans.

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4. There shall be a defined edge to the retention pond. How this is achieved shall be reflected on the final landscaping plan.
5. The doors facing the Midtown Greenway shall have heavy duty hardware installed on them.
6. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
7. All site improvements shall be completed by August 23, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
8. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Attachments:

1. Statement of proposed use
2. CUP and variance findings
3. July 7, 2004 letter to CM Zimmerman and the East Phillips Improvement Coalition
4. August 16, 2004 letter from the East Phillips Improvement Coalition
5. Zoning Map
6. Lake Street Light Rail Transit Station Area map
7. Site plan, floor plans and elevations
8. Photographs of the site and surrounding area