

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

Conditional Use Permit, Variances, Site Plan Review
BZZ-1883

Date: August 23, 2004

Applicant: Chad Schwitters, Urban Homeworks, Inc., 3530 E. 28th Street, Minneapolis,
MN 55406, 612-275-2855

Address of Property: 2750 Cedar Avenue South

Project Name: Cedar Avenue Condominiums

Contact Person and Phone: Chad Schwitters, Urban Homeworks, Inc., 3530 E. 28th
Street, Minneapolis, MN 55406, 612-275-2855

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

Date Application Deemed Complete: July 28, 2004

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

End of 120-Day Decision Period: Not applicable

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

Existing Zoning: R6 – Multiple-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Lot area: 9,800 square feet or .22 acres

Legal Description: Not applicable for this application

Proposed Use: Four-story, 15 unit owner-occupied condominium development

Concurrent Review:

- Conditional use permit for a multi-family residential development of 15 dwelling units in the R6 District.
- Variance to reduce the required front yard setback along 28th Street East (on a reverse corner lot) from 15 feet to 2 feet for the proposed condominium development.

- Variance to reduce the required interior south side yard setback from 15 feet to 11 feet for the proposed condominium development.
- Major site plan review for any use containing five (5) or more new or additional dwelling units.

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

Background: The applicant, Urban Homeworks, proposes to construct a 4-story, 15-unit, owner-occupied condominium development located on the property at 2750 Cedar Avenue South. Three levels of housing will be located above the first level which will consist of the enclosed parking garage. The site is zoned R6 which allows multi-family residential, however, a conditional use permit and major site plan review are required with residential developments consisting of 5 or more units.

The property is a reverse corner lot. The property directly to the west is platted so that its front yard is along 28th Street, thus the development of the property is subject to a required front yard along 28th Street in addition to the “true” front yard along Cedar Avenue.

The applicant initially filed an application for a 3 story, 10-unit townhome development that was heard by the Planning Commission on May 17, 2004. The Planning Commission approved a conditional use permit for up to 10 units and approved a setback variance off of 28th Avenue from 15 feet to 10 feet 2 inches off of the property line (0 feet was requested). However, the Planning Commission denied the major site plan application, denied a front setback variance off of Cedar Avenue (from 15 to 0), denied a rear setback variance (from 9 feet to 2.5 feet), denied an interior side yard setback variance (from 15 feet to 11 feet) and also denied a variance of the maximum lot coverage permitted for principal and accessory structures (from 70 percent (%) to 79 percent (%)).

According to documentation provided by the applicant, since the Planning Commission hearing on May 17, 2004 the applicant has attempted to work with both the Block Club and the East Phillips Improvement Coalition (EPIC). The email summarizing those efforts has been attached for reference. EPIC does not support the submittal and has submitted a letter that has also been attached for your reference. Additionally, the applicant has attained permits to address potential environmental concerns (impacted soils and soil correction issues) on the site. Correspondence regarding the environmental testing has also been attached.

The property is currently vacant and has been vacant for nearly 20 years. The property was occupied from 1939-1974 by a gas station called Ashland Oil Company.

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

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.

Development of a 4-story residential townhome development should not have negative impacts on the area. Residential development of moderate density would be consistent with the intent of Community Corridors. 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 site is currently not utilized. The scale and intensity of the project would prove compatible with the surrounding uses and should not impede normal and orderly development of the area provided an adequate transition through landscaping and/or fencing is maintained between the project and the residential dwelling to the north. Staff will require that the applicant provide more of a buffer than what currently is proposed along the north property line. The proposed sod area located adjacent to the walkway will need to include landscaping in order to provide an appropriate buffer.

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

The site would be accessed via the public alley to the fully enclosed 1st level parking garage. There is no surface parking proposed with this project. 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.

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

Existing curb cuts (3) would be removed and replaced restoring the boulevard, inclusive of curb, sidewalk, etc., per City standards. The project would comply with the minimum number (15) of required off-street parking spaces. All parking

spaces will be located in an enclosed parking garage located on the first floor of the proposed building.

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

The conditional use permit to allow 15 units of housing in a townhome development is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant policy: **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

The proposed conditional use permit would allow residential development of moderate density on the Community Corridor.

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 two variances and a major site plan review, the proposal will comply with all provisions of the R6 District.

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

Front yard setback (along 28th Street): The property is a reverse corner lot, creating two front yard setback requirements on the property. Further, the required setback would prevent the applicant from matching the established front yard setback of the property immediately to the west, which is the property that causes the applicant's lot to be a reverse corner lot. Based on the information submitted by the applicant the proposed location of the building along 28th Street would match the setback of the existing single-family home to the west on 28th Street, adjacent to the alley.

Interior north side yard setback: Compliance with the required 15 foot setback due to the proposed emergency exit located on the interior side yard would cause undue hardship. Staff believes that a variance request of 4 feet to 11 feet is not unreasonable as the door will only be utilized in emergency situations. Typical side yard setbacks in the R6 zone district for a development of this scale would require an 11 foot setback, which the applicant is able to achieve.

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 28th Street): The fact that the property is a reverse corner lot and the established setback of the residential building to the west are all unique factors that have not been created by the applicant.

Interior north side yard setback: The design of the townhome building has essentially caused any hardship, however it is Staff's opinion that a 4 foot encroachment is reasonable as the door is an emergency exit only and will not be utilized for routine entering or exiting of the premises.

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 28th Street): Provided the area between the building and the public sidewalk along 28th Street is landscaped and maintained, the proposed setback would meet the intent of the ordinance and would appear to match the front yard setback of the residential property to the west. No portions of the building should project into/over the public right of way.

Interior north side yard setback: The required north side yard setback would typically be 11 feet for the development. However, to ensure privacy of the adjacent residential property, the zoning code requires a 15-foot setback when either an entrance or exit face the interior lot line. Staff does not believe that a 4 foot encroachment into that setback would not be injurious to the use or enjoyment of other property in the vicinity as the door is for emergency purposes only.

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 28th Street): Reducing the required front yard setback would not be expected to be detrimental to public safety or welfare. Staff believes that the placement of the building would still allow some visibility between vehicles exiting the public alley and pedestrians on the public sidewalk. Conflicts may be minimized as 28th Street is a one-way street and therefore does not allow two-way traffic.

Interior north side yard setback: Provided the project complies with the building code, Staff does not anticipate that granting the variance would affect public safety in any way.

Required Findings for Major 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. (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.**

A variance for a front yard setback along 28th Street has been requested. The proposed building placement would be consistent with the placement of other buildings on the block. Additional transparent windows will be required along Cedar Avenue to provide natural surveillance. Pedestrian access to the site would be adequate, with a large walkway serving the primary entrance off of Cedar Avenue. There will be an additional egress door from the parking garage out to Cedar Avenue.

Landscaping is proposed between the building and the front property line along 28th Street. However, the applicant is applying for a variance, leaving only 2 feet available for landscaping on the subject property. However, there is an 8 foot interior boulevard along 28th Street. The applicant is proposing to landscape the public right of way between the sidewalk and the property line along 28th Street and Cedar Avenue. The applicant will need to acquire an encroachment permit for the landscaping. Additionally, the applicant proposes to landscape the median located along 28th Street East to provide a traffic calming effect as well as add an aesthetic element.

The principal entrance will face 28th Street. A secondary exit will be located along Cedar Avenue. The layout of the building also has an emergency exit located off the interior side yard as well.

On-site accessory parking facilities would be located in an enclosed garage which would be located on the first floor of the proposed building. Staff will require that the applicant reconfigure the location of the trash and water service area in the first level of the building in order to allow for more landscaping on the northwest side of the building adjacent to the alley. Staff is concerned with the amount of impervious area located adjacent to the alley in the rear yard.

Architectural detail is provided in the proposed building, with some use of projections and recesses into the façade along 28th Street and Cedar Avenue. Proposed building materials would be similar and compatible on all sides. The primary exterior building materials would be a mix of brick and stucco. These materials must be similar and compatible on all sides.

Additional windows should be installed to break up the façade however; overall windows and doors are evenly distributed. According to Staff calculation, approximately 28 percent of the first floor area along Cedar Avenue between two and 10 feet above grade would be doors or windows. Approximately 22 percent of the first floor area facing 28th Street would be doors or windows. Staff recommends that some of the glass block windows located on the first floor facade of the building along Cedar Avenue be transparent.

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.**

All building entrances are connected to public sidewalks with walkways of at least four feet in width. The walkway to the primary entrance will need to be modified so that it is no greater than six (6) feet in width. It currently is approximately 8.5 feet wide.

The site is not immediately adjacent to a transit stop however it is in close proximity to the Hiawatha Light Rail Transit line.

Appropriately, vehicle access to the enclosed garages would take place via the public alley.

Staff expects that some vehicles would drive the entire length of the public alley. Due to its close proximity to 28th Street, the majority of vehicle trips will utilize 28th Street to enter and leave the site.

The applicant has indicated that snow will be removed from the site.

Staff is not generally concerned with impervious surfaces on site. The areas of the site not occupied by the proposed building are almost entirely landscaped.

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.**

The proposed on site landscaping would meet the minimum 20 percent requirement as 720 square feet would be required and the applicant proposes to install 2,034 square feet.

The proposed plan appears to comply with the required number of shrubs and trees based on the amount of net site area.

Turf will cover all other areas that are not paved or landscaped.

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.**

Decorative wall-mounted sconce lights are proposed along Cedar Avenue and 28th Street. Additionally, wall pac light fixtures that are downcast and shielded to avoid undue glare will be located along the north (interior lot line) and east side (rear) of the building. Adequate lighting shall be provided to ensure safety, however consideration should be taken to minimize impact on the single family residence located on 28th Street directly to the west.

Headlight glare from vehicles leaving the parking garage could possibly impact the single family residence located on 28th Street directly to the west. Any development proposed on this specific site that utilizes the alley would impact that adjacent property. The applicant should explore alternatives to minimize the impacts on that property owner.

Significant views would not be blocked by the development. Some shadowing of public sidewalks would be expected. Wind currents should not be major concern.

There is no fencing proposed for the site. Staff will suggest that the applicant provide a decorative fence along the north property line in order to allow for appropriate definition of private versus public space.

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

ZONING CODE: The site is currently zoned R6.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. The applicant proposes to provide 15 enclosed parking spaces for the proposed development which meets the requirement. Additionally, the applicant has provided bike racks for the development as well, which would technically eliminate one required parking space.

Signs: No signs are proposed.

Maximum Floor Area: The maximum F.A.R. for multiple-family dwelling units in the R6 District is the gross floor area of the building which is 18,252 square feet divided by the area of the lot which is 9,800 square feet. The outcome is 1.86 which is less than the maximum of 3.0 that is permitted in the R6 District. Additionally, the parking for the proposed development is entirely enclosed which would allow the applicant a 20% density bonus or a maximum F.A.R. of 3.6. As previously mentioned, the applicant is proposing a F.A.R. that is below the district standard without the density bonus.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the R6 District. Multiple-family developments in the R6 District require 5,000 square feet of lot area or 400 square feet per dwelling unit, whichever is greater and must be situated on a lot at least 40 feet in width. The lot has 9,800 square feet of lot area and is situated on a lot greater than 40 feet in width.

Height: Maximum building height for multiple-family dwelling units in the R6 District is 6 stories, not to exceed 84 feet. The condominium would comply with this limitation as the proposed development is 4 stories or 49 feet 8 inches

Yard Requirements: The required yards are as follows:

Front (along both 28th Street and Cedar Avenue; reverse corner lot): 15 feet

Rear yard: 11 feet

Interior side yards: Typically 11 feet but due to the emergency exit facing the interior lot line, the setback would increase the minimum side yard setback to 15 feet as indicated in 535.250 of the zoning code.

Building coverage: The maximum building coverage in the R6 District is 70 percent. Buildings would cover approximately 63 percent.

Impervious surface area: The maximum impervious surface coverage in the R6 District is 85 percent. Impervious surfaces would cover approximately 79 percent of the site.

Specific Development Standards: Not applicable.

MINNEAPOLIS PLAN: In addition to the relevant policies discussed above, the following policies are also relevant the proposed site layout and building form.

Relevant 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.

Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

The project would be compatible with area properties. Staff suggests, however, that the applicant consider modifying the proposed roof line.

Relevant policy: **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

The project would incorporate moderate density on a Community Corridor.

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

Staff is unaware of any conflict between the proposal and any development plan or objective adopted by the city council.

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.**

Alternative compliance is not necessary for this site.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow 15 dwelling units on the property located at 2750 Cedar Avenue South subject to the following conditions:

1. There shall be no more than 15 dwelling units in the building.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard setback along 28th Street East (on a reverse corner lot) from 15 feet to 2 feet for the property located at 2750 Cedar Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required interior side yard (north) setback from 15 feet to 11 feet for the property located at 2750 Cedar Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a 15 unit residential building located at 2750 Cedar Avenue South subject to the following conditions:

1. Planning Staff shall review and approve the final site, elevation and landscaping plans.
2. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit.
3. All site improvements shall be completed by August 15, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. The proposed sod area located adjacent to the walkway along the north property line will need to include landscaping in order to provide an appropriate buffer. The landscape plan will need to be modified and reviewed by Planning Staff prior to final approval.
5. Landscaping the median along 28th Street subject to Public Works review and approval.
6. Decorative fencing must be installed adjacent to the north property line in order to provide a definition of private versus public space.
7. Planning Staff will require that the applicant reconfigure the location of the trash and water service area in the first level of the building in order to allow for more landscaping on the northwest side of the building adjacent to the alley. Staff may require patterned or colored concrete to break-up the large asphalt area.
8. Additional transparent windows will be required along Cedar Avenue to provide natural surveillance.

Department of Community Planning and Economic Development – Planning Division
BZZ-1883

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos