

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

Conditional Use Permit, Variances and Site Plan Review
BZZ-5280

Date: October 3, 2011

Applicant: France 44, LLC, Attn: Scott Carlston, 11200 W. 78th Street, Eden Prairie, MN 55344, (612) 889-7898

Address of Property: 4525 France Avenue South

Project Name: 4525 France Avenue South

Contact Person and Phone: Mohagen Hansen Architectural Group, Attn: Todd Mohagen, 1000 Twelve Oaks Center Drive, Suite 200, Wayzata, MN 55391, (952) 426-7401

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

Date Application Deemed Complete: August 25, 2011

End of 60-Day Decision Period: October 23, 2011

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

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

Existing Zoning: C1 (Neighborhood Commercial) district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 29

Lot area: 6,350 square feet or .15 acres

Legal Description: Not applicable for this application

Proposed Use: Construct a new mixed-use development.

Concurrent Review:

- Conditional Use Permit to allow 6 dwelling units.
- Variance of the front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet at the closest point to allow a new mixed-use development.
- Variance of the interior side yard setback requirement along the south property line due to a side residential entrance that faces the lot line.
- Variance to allow surface parking within 6 feet of a dwelling unit.
- Variance to allow surface parking within the interior side yard setback along the north property line (*This application has been returned*).

- Site plan review for a new 3-story, 42 foot tall, mixed-use development that includes a single 1,000 square foot ground level commercial space and 6 dwelling units in the C1 (Neighborhood Commercial) district.

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 demolish the existing single-family home located on the site and construct a new 3-story, mixed-use development that incorporates a singular 1,000 square foot ground level commercial space and 6 dwelling units. The property is zoned C1 which permits residential uses over 5 units with a conditional use permit. The commercial tenant is expected to be either retail sales and service or an office type use which are both permitted uses in the C1 district. A variance is required to locate the building within the front yard setback along the west property line adjacent to France Avenue South for the first 40 feet from south to north from approximately 15 feet to 0 feet at the closest point. Typically, the property would not be subject to a front yard requirement, however, due to the location of the apartment building to the south and R5 zoning, a front yard equal to the lesser of the front yard required by such residence district or established front yard shall be provided in the commercial district for the first 40 feet from such residence boundary/residential property. The building to the south is setback approximately 30 feet from the front property line; the R5 district which is the abutting zoning district typically requires a setback of 15 feet for the first 40 feet from south to north. Therefore, the development is subject to the 15 foot yard requirement which is the lesser of the two. Also, walkway widths are wider than allowed as a permitted obstruction and a bicycle rack is located within the required front yard as well. A variance is also necessary based on the location of the side residential entrance that is located on the south elevation of the building. Per Section 535.250 of the Zoning Code, a 15 foot yard is required for all multiple-family dwellings with side entrances. Additionally, a variance is required to locate surface parking within 6 feet of a dwelling unit. Site plan review is required for the new mixed-use structure. The variance to allow surface parking within the interior side yard setback along the north property line has been returned.

The street level or basement level would incorporate a 1,000 square foot commercial space fronting on France Avenue South as well as apartment tenant storage and the principal apartment entry. The upper floors, 1-3 would incorporate 2 units per floor with two stairways and elevator access.

The project was originally scheduled for the September 19, 2011, City Planning Commission meeting but was continued one cycle in order to re-notice the project for the October 3, 2011, meeting as an additional variance had been identified as necessary based on the location of the side residential entrance that is located on the south elevation of the building.

Staff has not received official correspondence from the Linden Hills Neighborhood Council prior to the printing of this report. Any correspondence received shall be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT - for 6 dwelling units

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division believes that the construction of a relatively small, mixed-use development that incorporates 6 dwelling units would not have negative impacts on the area. The proposal complements other uses in the area and the additional residential units would further strengthen the existing commercial base within the broader neighborhood. The proposal would be below the allowable density for the site as a total of 10 units are permitted with a density bonus for mixed-use. Planning Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

2. The conditional use 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 construction of a new mixed-use development that includes 6 dwelling units would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. The subject parcel is located on the westernmost edge of the City. The area has a mixture of uses including residential developments of varying densities as well as various commercial uses. The proposed development 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 the alley at the rear of the property. A total of 6 off-street parking spaces are provided for the residents. No commercial parking is required or provided on site. 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 would be required 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 plan be approved. This would be required 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 taken to minimize traffic congestion in the public streets.

Chapter 541, Off-Street Parking and Loading requires one off-street parking space per dwelling unit or a total of 6 parking spaces for the proposed residential component of the project. Non-residential uses with 1,000 square feet or less are exempt from the minimum off-street parking requirements. The applicant is proposing to provide a total of 6 spaces for the residential component which meets the requirement.

The applicant is also proposing to provide 6 bicycle parking spaces; 3 for the commercial component and 3 for the residential component. The development requires 3 spaces for the residential component; the commercial component is exempt from the bicycle parking provision.

A Travel Demand Management Plan (TDMP) was not required for the proposed development.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located within the designated Neighborhood Commercial Node located at West 44th Street and France Avenue South (Morningside) and are slated for mixed-use development. Additionally, West 44th Street, approximately a block away from the subject site is a designated Community Corridor in this location. Properties to the west are located in the City of Edina. Properties to the north along France Avenue South are zoned C1 and C2 in this area, and to the south along France Avenue South are zoned R5 and R2B. Properties to the east are zoned R2B. The uses within the area are varied and include various residential and commercial uses. The following relevant provisions of *The Minneapolis Plan for Sustainable Growth* apply to the proposal to construct a new 3-story, mixed-use development that includes a 1,000 square foot ground level commercial space and 6 dwelling units:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.3 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation step: (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use Policy 1.5 of *The Minneapolis Plan for Sustainable Growth* states, “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.”

Land Use Policy 1.9 of *The Minneapolis Plan for Sustainable Growth* states, “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.” This policy includes the following applicable implementation steps: (1.9.2) “Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes; (1.9.6) “Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Land Use Policy 1.11 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses. This policy includes the following applicable implementation steps: (1.11.2) “Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes; (1.11.4) Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character; (1.11.5) Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.

Housing Policy 3.1 of *The Minneapolis Plan for Sustainable Growth* states, “Grow by increasing the supply of housing.”

Housing Policy 3.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

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

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

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

VARIANCE – (1) Variance of the front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet at the closest point; (2) Variance of the interior side yard setback requirement along the south property line due to a side residential entrance that faces the lot line; (3) Variance to allow surface parking within 6 feet of a dwelling unit.

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

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

Front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet at the closest point:

The applicant proposes to reduce the front yard setback from approximately 15 feet to 0 feet at the closest point along the west property line adjacent to France Avenue South for the first 40 feet from south to north. Typically, the property would not be subject to a front yard requirement, however, due to the location of the apartment building to the south and R5 zoning, a front yard equal to the lesser of the front yard required by such residence district or established front yard shall be provided in the commercial district for the first 40 feet from such residence boundary/residential property. The building to the south is setback approximately 30 feet from the front property line; the R5 district which is the abutting zoning district typically requires a setback of 15 feet for the first 40 feet from south to north. Therefore, the development is subject to the 15 foot yard requirement which is the lesser of the two. Also, walkways widths are wider than allowed as a permitted obstruction as the walkway to the residential entrance is 7 feet and the walkway to the commercial entrance is 9 feet wide. Further, a bicycle rack is located within the required front yard as well which is not a permitted obstruction. Practical difficulties exist in complying with the ordinance. Planning Staff believes that the circumstances requiring the setback variance are unique as the applicant is attempting to construct a new mixed-use building that is consistent with adopted policies within neighborhood commercial nodes. Because of the relatively small size of the commercially zoned lot, requiring the development to comply with a 15 foot setback for the first 40 feet, would allow the structure to be constructed at a 0 foot setback for approximately 1 foot as the lot is only 50 feet wide, and is subject to an interior side yard setback of 9 feet (5+2x).

Interior side yard setback requirement along the south property line due to a side residential entrance that faces the lot line:

The building would typically have an interior side yard setback requirement of 9 feet (5+2x) along the south property line. Due to the fact that the applicant proposes to locate a secondary entrance on this building elevation, per Section 535.250 of the Zoning Code, a 15 foot yard is required for all multiple-family dwellings with side entrances. There are two doors located on the south elevation of the building. One leads to the entrance corridor and the other to a stairwell. There is a principal residential entrance located directly off of the public sidewalk along France Avenue South or the west elevation of the proposed structure. The secondary entrance requires a setback variance from 15 feet to 9 feet. Planning Staff believes that the circumstances are unique as the applicant is attempting to provide a secondary means of ingress/egress from a proposed development that is consistent with adopted City policies as well as bicycle rack.

Surface parking within 6 feet of a dwelling unit: The applicant is proposing to locate 3 of the 6 surface parking spaces within 6 feet of the east building wall of the proposed structure. This requires a variance. Practical difficulties exist in complying with the ordinance as the applicant is attempting to meet applicable drive aisle width requirements as well as accommodate all required parking for the proposed development.

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

Front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet at the closest point: The proposal to reduce the front yard setback requirement for the first 40 feet from south to north from 15 feet to 0 feet at the closest point along France Avenue South for the structure and to locate wider walkways and a bicycle rack is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The adjacent commercial property also located within the neighborhood commercial node located to the north of the site along France Avenue South is similarly situated as it is located approximately 3 feet from the property line.

Interior side yard setback requirement along the south property line due to a side residential entrance that faces the lot line: The proposal to reduce the interior side yard setback from 15 feet to 9 feet for a secondary point of ingress/egress to a mixed-use, 6 unit structure and a bicycle rack is reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan.

Surface parking within 6 feet of a dwelling unit: Allowing a reduction in the space between the east building wall and 3 of the 6 required surface parking spaces would be reasonable and would be in keeping with the spirit and the intent of the ordinance. It should be noted that one of the parking spaces, appears to abut windows within the ground-level residential unit. However, the location of the patio helps to create some separation between the dwelling and the other spaces. The applicant is attempting to meet as many of the criteria as possible while complying with the minimum off-street parking requirement and adopted city policies.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet at the closest point: The proposal to reduce the required setback from 15 feet to 0 feet at the closest point for the first 40 feet from south to north for the proposed structure, wider walkways and a bicycle rack would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is contextually appropriate and is consistent with adopted city policies. The applicant proposes to recess the southwest corner of the building in order to respect the transition from the residential property to the south.

Interior side yard setback requirement along the south property line due to a side residential entrance that faces the lot line: The proposal to reduce the required setback from 15 feet to 9 feet in order to allow a secondary means of ingress/egress into the proposed mixed-use building and to allow a bicycle rack would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property

or nearby properties. The proposal is contextually appropriate and is consistent with adopted city policies. Further, due to the small size of the development, the secondary entrance would likely not result in adverse impacts on the adjacent property to the south. The nearest portion of the residential building to the south is also an entryway, which reduces the impact of the variance, and the dwelling units on the property to the south are approximately 20 feet from the proposed side entrance.

Surface parking within 6 feet of a dwelling unit: The granting of this variance would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The variance impacts 3 of the 6 off-street spaces located on the premises exclusively for the residents of the proposed structure.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

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

- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.
Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

A total of 6 dwelling units are proposed for the site in addition to a singular 1,000 square foot commercial/office space on the ground floor of the building. The building is subject to a front yard setback for the first 40 feet along the west property line adjacent to France Avenue South of 15 feet. The applicant proposes to vary the required yard to 0 feet at the closest point. There are two recessed portions of the building along France Avenue South, with the proposed commercial entrance located approximately 3 feet from the property line and the proposed residential entrance located approximately 8 feet from the property line. The proposed building is oriented towards the public streets and the use of progressive design and street-oriented building alignments is reinforced. The design also maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along France Avenue South.

The west elevation of the building is subject to a 30% window requirement and the east elevation of the building is subject to a 20% window requirement. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets and facing on-site parking areas.

On the west elevation of the proposed structure facing France Avenue South, the proposal exceeds the 30% window requirement as a total of 47% are provided. The windows are vertical in nature and evenly distributed.

The east elevation of the proposed structure facing the on-site parking area exceeds the 20% window requirement as approximately 29% are provided. The windows are evenly distributed and vertical in proportion.

The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking areas. The windows in the building are vertical in nature and are more or less evenly distributed along the building walls.

The building complies with the active functions provision as outlined above.

The exterior materials and appearance of the rear and side walls of the proposed building would be similar to and compatible with the front of the building. The materials on the proposed structure would include brick, stone and hardiboard panels and siding. Decorative metal elements would also be included. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the elevations. The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found.

There is no parking garage proposed as part of the project. A 6-space surface parking lot is located at the rear of the site adjacent to the public alley.

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 principal entrance to the ground level commercial/office space and residential entrance are located off of France Avenue South and would be connected via walkways of at least 4 feet in width to the public sidewalk. There is also a secondary side residential entrance on the south side of the building that leads to the shared residential lobby as well; a variance has been applied for to reduce the required setback in this location. See the findings as noted above.

The site is not immediately adjacent to a transit stop however it is in relative close proximity to several bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The off-street parking for the proposed development would be provided at the rear of the site and accessed via the public alley. No curb cuts are proposed to France Avenue South.

There is a public alley adjacent to the site. The surface parking lot would be accessed via the public alley.

The site has been designed to minimize the use of impervious surfaces as a total of approximately 54% of the net site and 89% of the site not occupied by buildings is pervious as a result of utilizing permeable pavers in the surface parking lot and providing landscaping. Note that pervious pavement is subject to the standards of Section 541.305 of the Zoning Code.

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.**

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 6,350 square feet. The footprint of the building is 2,530 square feet. When you subtract the footprint from the lot size the resulting number is 3,820 square feet; 20% of this number is 764 square feet. According to the applicant's landscaping plan there is 1,485 square feet of landscaping on the site or approximately 39% percent of the site not occupied by the building.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 trees and 8 shrubs. The applicant is proposing to plant 4 canopy trees and 33 shrubs on the site. The proposal meets the quantity requirements.

A seven-foot wide landscaped yard is required between the parking area and the east and south property lines. The applicant is providing a 0 foot wide landscaped yard along the east property line and a 5 foot wide landscaped yard along the south property line. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the applicant is attempting to accommodate all required off-street parking on the premises as well as comply with applicable drive aisle dimensions. It would not be practical to require compliance as 7-foot wide landscaped yards along both the east and south property lines would result in the elimination of 3 off-street parking spaces. Additionally, screening equal to 95 percent opacity is required in the landscaped areas between the parking area and the east and south sides of the site. The current plan is meeting this requirement as a solid 6 foot tall cedar fence is proposed.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The applicant is proposing a total of 6 spaces in the surface parking lot; therefore, these provisions do not apply to this proposal.

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.**

A 6-space surface parking lot is proposed on the premises that would be accessed off of the public alley at the rear of the site. The surface parking lot will have concrete curbing. Planning Staff would request that the applicant include curb openings adjacent to the landscape areas for on-site retention and filtration.

Staff would not expect the proposal to result in the blocking of views. The proposed structure would be expected to have negligible shadowing impacts on adjacent properties and be expected to have minimal impacts on light, wind and air in relation to the surrounding area as well.

The site appears to incorporate the applicable CPTED principles. Planning Staff has no additional comments or concerns at this time.

There are no designated or eligible historic structures on the subject property.

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 commercial/office use is permitted in the C1 District and the residential component is allowed as a conditional use.

With the approval of the conditional use permit, variances and site plan review, this development would meet the requirements of the C1 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541, Off-Street Parking and Loading requires one off-street parking space per dwelling unit or a total of 6 parking spaces for the proposed residential component of the project. As proposed the commercial component of the development would be 1,000 square feet in size. Non-residential uses with 1,000 square feet or less are exempt from the minimum off-street parking requirements. The applicant is proposing to provide a total of 6 spaces for the residential component which meets the requirement.

Maximum automobile parking requirement: The maximum automobile parking requirement for residential uses is 2 spaces per dwelling unit (excluding those parking stalls within an enclosed structure which doesn't apply to this proposal). A total of 6 residential units are proposed which would have a maximum parking requirement of 12 spaces.

The maximum parking provision states that uses subject to a maximum parking requirement may provide parking up to the amount specified in Table 541-1 (based on 1,000 square feet – a general retail sales and services use or office use would have a maximum of 5 spaces at 1 per 200 square feet) provided that a development with 1 or more non-residential uses shall not be restricted to fewer than 10 total accessory parking spaces on a zoning lot.

Therefore, the combined maximum parking requirement for the proposed mixed-use development would be 22 off-street parking spaces. The development is in compliance with this provision.

Bicycle parking requirement: Multiple-family dwellings with 5 or more units have a minimum bicycle parking requirement of 1 space per 2 dwelling units. A total of 3 bicycle parking spaces are required for the residential component of the development. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 3 bicycle parking spaces are provided for the residents; however, the location will need to be modified so that the spaces are within the building.

Non-residential uses 1,000 square feet or less are exempt from the bicycle parking provision. The applicant proposes to locate a bicycle rack with parking for 3 bicycles in front of the building along France Avenue South.

Loading: Not applicable for this development.

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 trash room is provided within first level of the building.

Signs: No signage is proposed at this time. Any signage must meet the requirements as outlined in Chapter 543 of the Zoning Code. Separate permits are required from the Zoning Office for any proposed signage.

Lighting: The applicant is proposing to install decorative wall mounted light fixtures at the entries as well as decorative landscape lighting. A photometric plan was not submitted as part of the application but will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the C1 District is the gross floor area of the building which is 10,185 square feet divided by the area of the lot which is 6,350 square feet. The outcome is 1.6 which is less than the maximum of 1.7 that is permitted in the C1 District. The development is in compliance prior to the consideration of a 20% density bonus for the mixed-use aspect of the proposed development.

Minimum Lot Area: The minimum lot area per dwelling unit in the C1 zoning district is 700 square feet. With 6 proposed dwelling units on a lot of 6,350 square feet, the applicant proposes 1,058 square feet of lot area per dwelling unit. The project is eligible for a 20% density bonus for the mixed-use component as over 50% of the gross floor area of the ground level is devoted to commercial uses. Therefore, a total of 10 dwelling units could be provided on site with the density bonus or approximately 635 square feet of lot area per dwelling unit.

Dwelling Units per Acre: With 6 dwelling units on a site having 6,350 square feet of lot area, the proposal would include approximately 41 dwelling units per acre.

Height: Maximum building height for principal structures located in the C1 District is typically 2.5 stories or 35 feet, whichever is less. However, in the C1 district, the maximum height may be increased to 3 stories or 42 feet, whichever is less provided the project qualifies for a bonus for mixed-use. The project does qualify and as such the proposal to construct a 3 story, 42 foot tall structure with a 3 foot tall parapet conforms with the C1 district requirements.

Yard Requirements: The required yards are as follows:

Front: 15 feet for the first 40 feet from south to north

Interior side yard/rear (5+2x): 9 feet – except the along the south property line where a residential entrance creates a setback of 15 feet

The proposal requires a variance of the front yard setback along the west property line and a variance of the interior side yard along the south property line.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

See the above listed response to finding #5 in the conditional use permit application for 6 dwelling units. The policies and implementation steps apply to the site plan review application as well.

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

There are no adopted neighborhood or small area plans for this geographical area of the City.

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.**

7 foot wide landscaped yard: A seven-foot wide landscaped yard is required between the parking area and the east and south property lines. The applicant is providing a 0 foot wide landscaped yard along the east property line and a 5 foot wide landscaped yard along the south property line. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance as the applicant is attempting to accommodate all required off-street parking on the premises as well as comply with applicable drive aisle dimensions. It would not be practical to require compliance as 7-foot wide landscaped yards along both the east and south property lines would result in the elimination of 3 off-street parking spaces. Screening would be provided in both locations.

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 6 dwelling units on the property located at 4525 France Avenue South 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 of the front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet for the proposed building and to allow wider walkways and a bicycle rack on the property located at 4525 France Avenue South.

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

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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 interior side yard setback requirement along the south property line for a side residential entrance that faces the lot line from 15 feet to 9 feet and to allow a bicycle rack on the property located at 4525 France 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 above findings and **approve** the application for a variance to allow surface parking within 6 feet of a dwelling unit on the property located at 4525 France 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 has **returned** the application for a variance to allow a surface parking space within the interior side yard setback along the north property line on the property located at 4525 France 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 **approve** the site plan review application for a new 3-story, mixed-use development that includes a single 1,000 square foot commercial space and 6 dwelling units on the property located at 4525 France Avenue South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by October 3, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Curb openings adjacent to the landscape areas shall be provided within the surface parking lot for on-site retention and filtration.
4. The required bicycle parking for the residential component of the development shall meet the location requirements as outlined in Section 541.180 of the Zoning Code.
5. The pervious pavement proposed within the surface parking lot is subject to the standards of Section 541.305 of the Zoning Code.

Attachments:

1. Statement of use and description of the project
2. Findings for CUP and Variances
3. Correspondence
4. Zoning map
5. Plans, site, landscape, floor, elevations, civils
6. Photos
7. PDR notes