

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances, Site Plan Review and Preliminary and Final Plat  
BZZ-5607 and PL-266

**Date:** July 30, 2012

**Applicant:** David Reed with Greystar GP II LLC

**Address of Property:** 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West

**Project Name:** Bennett Residential Redevelopment Center and West Blocks

**Contact Person and Phone:** Carol Lansing with Faegre Baker Daniels, (612) 766-7005

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

**Date Application Deemed Complete:** June 28, 2012

**End of 60-Day Decision Period:** August 27, 2012

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

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East Neighborhood Association

**Existing Zoning:** R3, Multiple-family District and R5, Multiple-family District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 24

**Legal Description:** Not applicable for this development

**Proposed Use:** 387-unit, Planned Unit Development

**Concurrent Review:**

**Conditional use permit:** for a Planned Unit Development with 387 dwelling units

**Variance:** of the minimum lot area

**Variance:** of the maximum impervious surface coverage

**Variance:** to reduce the required setbacks

**Variance:** to increase fence height

**Site plan review**

**Preliminary and final plat (PL-266)**

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**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(2) “to vary the lot area or lot width requirements up to thirty (30) percent...”, Section 525.520(15) “to vary the maximum lot coverage and impervious surface coverage requirement”, Section 525.520(1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, Section 525.520(5) “to permit an increase in the maximum height of a fence”, Chapter 527, Planned Unit Development, Chapter 530, Site Plan Review and Chapter 598, Land Subdivision Regulations.

**Background:** In July of 2011, the Planning Commission approved land use applications for the first phase of a Planned Unit Development (PUD). The first phase included a total of 203 dwelling units and is located on the south half of the block bounded by Colfax Avenue South, Dupont Avenue South, the Midtown Greenway and West 28<sup>th</sup> Street. The applicant is now proposing to construct 219 dwelling units with 275 parking spaces on the block between Dupont Avenue South and Emerson Avenue South and 168 dwelling units and 189 parking spaces on the block between Emerson Avenue South and Fremont Avenue South.

The development located between Dupont Avenue South and Emerson Avenue South will be made up of one building. The building will be arranged in the shape of a “U”. The portion of the building nearest the Midtown Greenway will be six stories in height and will step down to four stories in height towards the north end of the site. Located towards the interior of the building will be an outdoor courtyard and a swimming pool. A public promenade will be constructed just north of the Midtown Greenway connecting Dupont Avenue South to Emerson Avenue South. This development site is 84,671 square feet in size and is zoned R5.

The development located between Emerson Avenue South and Fremont Avenue South will be made up of four buildings. The building nearest the Midtown Greenway will be six stories in height and the buildings nearest West 28<sup>th</sup> Street will be three stories in height. Located towards the southeast corner of the site will be an outdoor courtyard and a swimming pool. A public promenade will be constructed just north of the Midtown Greenway connecting Emerson Avenue South to Fremont Avenue South. This development site is 83,732 square feet in size and is zoned both R5 (60,555 square feet) and R3 (23,177 square feet).

**Historical Significance:** The property located at 2828 Emerson Avenue South is located within the boundary of the Chicago, Milwaukee and St. Paul Railroad Grade Separation historic district, which was listed in the National Register of Historic Places in 2005. The historic district is also considered eligible for local designation. Key contributing elements in the district include the trench, the bridges built to carry street traffic over the trench, and the buildings/sites that edge the trench.

In 2005 when the designation of the Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District was listed, the building located at 2828 Emerson Avenue South was identified as a non-contributing property in the district. However, the property is associated with the historic district in that it helps to define the vertical plane of the trench. The existing wall on this block will be removed and a new 21-foot tall vertical wall will be rebuilt in its place. The integrity of the verticality of the wall will remain after construction of the new wall is complete.

**Environmental Assessment Worksheet (EAW):** The applicant has development options on three former industrial parcels of land located in south Minneapolis between Colfax Avenue South and Fremont Avenue South and directly north of the Midtown Greenway. The total project area encompasses approximately 5.6 acres of land. Given the potential amount of development (more than 375 total dwelling units) that could occur on all three parcels the applicant submitted an EAW to the City of Minneapolis. On May 13, 2011, the Minneapolis City Council determined that the project does not have the potential for significant environmental effects and therefore no Environmental Impact Statement (EIS) was required.

**Travel Demand Management Plan (TDMP) and Traffic Impact Statement:** The TDMP and Traffic Impact Study that were completed for this development concluded that the existing street capacity is adequate to support the traffic that will be generated by this development. The TDMP and Traffic Impact Study that were done for this development were completed as part of the EAW. At that time, it was believed that a total of 710 dwelling units would be constructed on the three parcels of land. Now, the total number of units proposed for the three blocks is 591 units, 16.9 percent less than initially proposed. Given the reduction in the total number of units, the Public Works Department asked the applicant to prepare a Travel Demand Management Plan Amendment Memo which is included in this report. The conclusions from the initial TDMP and Traffic Impact Study still stand. As a condition of the TDMP, there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on the site.

**Neighborhood Comments:** The Lowry Hill East Neighborhood Association has submitted a letter of support for the development. The letter is included in the staff report. Additional letters from surrounding property owners and/or residents are also included in the staff report.

**CONDITIONAL USE PERMIT** - for a Planned Unit Development including 387 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 does not believe that the establishment of a new 387-unit residential development will be detrimental to or endanger the public health, safety, comfort or general welfare. Redevelopment of the sites will transform currently vacant pieces of land. Adjacent uses include a mixture of residential developments of varying densities and the Midtown Greenway. The proposed development will complement the existing uses in the area.

**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 Planning Division does not believe that a 387-unit residential development would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. Redeveloping the vacant parcels of land will improve the surrounding area. As a result of the development, the public promenade that is located along the north side of the Midtown Greenway will be extended an additional two blocks, a staircase will be constructed as part of the center block redevelopment which will provide access to the Midtown Greenway, additional boulevard trees will be planted along Dupont, Emerson and Fremont Avenues, decorative street lights will replace existing standard overhead street lights and an abundance of green space and plant materials will be added to the sites.

**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 taken to minimize traffic congestion in the public streets.**

In the R3 and R5 zoning districts, the zoning code requires a minimum of 1.0 parking space per dwelling unit. There are 219 dwelling units on the center block and the applicant is proposing to provide a total of 275 parking spaces on this block. There are 153 dwelling units on the west block and the applicant is proposing to provide a total of 189 parking spaces on this block. As a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on each of the sites. The Planning Division is recommending that there be a minimum of 30 bicycle parking spaces provided on the site for guests and that at least ten of the guest bicycle parking spaces be located near the Midtown Greenway. The site is also located within blocks of three major transit routes: Lyndale Avenue South, West Lake Street and Hennepin Avenue.

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

In general, the development site is bounded by Colfax Avenue South on the east, the Midtown Greenway on the south, Fremont Avenue South on the west and West 28<sup>th</sup> Street on the north. The properties are located three blocks west of Lyndale Avenue South, one block north of West Lake Street and two blocks east of Hennepin Avenue South all of which are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. Centered around the intersections of Lyndale Avenue South and West Lake Street and Hennepin Avenue South and West Lake Street are designated Activity Centers in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the properties as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses (Land Use Policy 1.8).

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- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Land Use Policy Implementation Step 1.8.1).
- Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors (Land Use Policy Implementation Step 1.10.6).
- Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas (Land Use Policy Implementation Step 1.12.7).
- Grow by increasing the supply of housing (Housing Policy 3.1).
- Support the development of new medium- and high-density housing in appropriate locations throughout the city (Housing Policy Implementation Step 3.1.1).
- Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city (Housing Policy Implementation Step 3.1.2).
- Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities (Housing Policy 3.2).
- 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 Implementation Step 3.2.1).

There are two small area plans that provide guidance for this area of Minneapolis. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for high density housing on both of the R5 zoned properties and medium density housing on the R3 zoned property. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. The future land use map in this small area plan calls for high density housing on both of the R5 zoned properties and medium density housing on the R3 zoned property. The property is located in the Urban Village character area as designated in the *Uptown Small Area Plan*. Policy for this area says that “high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28<sup>th</sup> Street and the Greenway”. The plan continues to say “Further north of the Greenway, on the half block south of 28<sup>th</sup> Street, efforts should be made to preserve the existing residential fabric of small apartments and single family homes”.

In *The Minneapolis Plan for Sustainable Growth*, high-density residential developments have densities ranging between 50 and 120 units per acre and medium-density residential developments have densities ranging between 20 and 50 units per acre. The proposed development on the center block has a density of 112.9 dwelling units per acre and the proposed development on the R5 portion of the west block has a density of 110.1 dwelling units per acre. The R3 portion of the west block has a density of 28.8 units per acre. The Planning Division believes the proposed development is in conformance with the policies of *The Minneapolis Plan for Sustainable Growth*, the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan*.

**6. The conditional use shall, 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, site plan review and preliminary and final

plat applications this development will meet the applicable regulations of the R3, Multiple-family District and R5, Multiple-family District.

**Findings Required for Planned Unit Developments:**

- A. The planned unit development conforms to the applicable standards for alternatives and amenities (see section A below for evaluation).
- B. Additional uses (see section B below for evaluation).
- C. The planned unit development conforms to the required findings for a planned unit development (see section C below for evaluation).

**Section A: Authorized Alternatives and Amenities Provided**

- All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

*Alternatives requested:*

- **Placement and number of principal residential structures:** The center block and the R5 lot on the west block have been designed with only one principal residential building on the site. However, the R3 lot on the west block has been designed with three principal buildings on the site.
- **Bulk regulations:**

**Maximum Floor Area:**

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**Center Block:** The maximum FAR in the R5 zoning district is 2.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.4. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 2.8. The lot in question is 84,671 square feet in area. The applicant proposes a total of 236,771 square feet of gross floor area, an FAR of 2.79.

**West Block:** The maximum FAR in the R5 zoning district is 2.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.4. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 2.8. The lot in question is 60,555 square feet in area. The applicant proposes a total of 164,899 square feet of gross floor area, an FAR of 2.72.

The maximum FAR in the R3 zoning district is 1.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 1.2. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 1.4. The lot in question is 23,177 square feet in area. The applicant proposes a total of 30,033 square feet of gross floor area, an FAR of 1.3.

**Building Height:** Building height in the R3 zoning district is limited to two-and-a-half stories or 35 feet and building height in the R5 zoning district is limited to four stories or 56 feet. On both the center and west blocks, the proposed buildings in the R5 zoning district are proposed to be six stories or 71 feet in height. On the west block the proposed buildings in the R3 zoning district are proposed to be three stories or 35 feet.

In addition to the conditional use standards and planned unit development standards, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

**1. Access to light and air of surrounding properties.**

Increasing the height of the proposed development should not impede access to light and air that the surrounding properties receive. All other surrounding properties are separated from the site by either a surface parking lot or a public street or alley.

**2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.**

A shadow study has been included as an attachment to the staff report that depicts shadowing impacts at 9 am, 12 noon and 4 pm during June, March and December. The shadow study indicates that there will be shadows cast on the surrounding residential properties located

towards the east, north and west sides of the development site during March and December. As expected, the shadowing impacts are worse during these months due to the angle of the sun. The Planning Division believes that the shadowing impacts have been minimized by the building layout on the site and the stepping down in height of the different buildings. Given the development's location on the north side of the Midtown Greenway, no significant public spaces will be impacted by the development. In addition, the applicant has indicated that there are no existing solar energy systems that will be impacted by the development.

### **3. The scale and character of surrounding uses.**

The building on the center block has been designed to be six stories on the south end of the site nearest the Midtown Greenway and four stories on the north end of the site as it approaches the existing residential properties on the block. The building on the R5 portion of the west block is six stories in height and the building on the R3 portion of the west block is three stories in height. The six-story buildings are both 71 feet in height, the four-story portion of the building on the center block is 52 feet in height and the three story building on the west block is 35 feet in height. The existing residential buildings on the two blocks are all three stories in height. The height of other buildings in the broader area ranges between two stories and ten stories.

The character of the buildings in the neighborhood is varied. Many of the existing single-family homes and duplexes were built in the early 1900's while many of the multiple-family dwellings were built in the middle of the 20<sup>th</sup> Century. There are however several infill buildings that have been built in the last ten years.

### **4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

There are no landmark buildings, significant open spaces or water bodies that the proposed development would block views of. The Midtown Greenway is located in the trench between Dupont Avenue South and Fremont Avenue South so the development will not block views of this regional trail from surrounding properties.

- **Lot area requirements:**

**Center Block:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 587 square feet per dwelling unit. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 503 square feet per dwelling unit. With 219 dwelling units on a lot of 84,671 square feet, the applicant proposes 387 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.

**West Block:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 587 square feet

per dwelling unit. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 504 square feet per dwelling unit. With 153 dwelling units on a lot of 60,555 square feet, the applicant proposes 396 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.

The minimum lot area per dwelling unit in the R3 zoning district is 1,500 square feet. With 15 dwelling units on a lot of 23,177 square feet, the applicant proposes 1,545 square feet of lot area per dwelling unit.

- **Yards:**

**Center Block:** The front yard setback requirement along Dupont and Emerson Avenues is 15 feet. The building is set back a minimum of 15 feet from both streets; however there are porches, balconies, walkways and stairways that encroach into the required front yard. The setback requirement along the north and south interior side yards is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a six story building is 15 feet. The building is set back 12.5 feet from the north property line and 29.5 feet from the south property line. The applicant is requesting an alternative through the PUD for the front yard setback requirement along both Dupont and Emerson Avenues to allow porches, balconies, walkways and stairways. The applicant has applied for a variance to reduce the north interior side yard setback.

**West Block:** The front yard setback requirement in the R5 zoning district is 15 feet. This is the setback requirement along both Emerson and Fremont Avenues. The building is set back a minimum of 15 feet from both streets; however there are porches, balconies, patios, walkways and stairways that encroach into the required front yard. The setback requirement along the north and south interior side yards is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a six story building is 15 feet. The building is set back ten feet from the north property line and 33 feet from the south property line. The applicant is requesting an alternative through the PUD for the north interior side yard setback requirement to allow the building and for the front yard setback requirement along both Emerson and Fremont Avenues to allow porches, balconies, patios, walkways and stairways.

The front yard setback requirement in the R3 zoning district is 20 feet. This is the setback requirement along Emerson Avenue South. The buildings are set back between 15 feet four inches and 16 feet four inches from the front property line and there are porches and balconies that encroach into the required front yard. The corner side yard setback along West 28<sup>th</sup> Street is  $8+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a three story building is 12 feet. The building is set back eight feet from the corner side property line and there are porches and balconies that encroach into the required corner side yard. The setback requirement along the south interior side yard and west rear yard is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a three story building is 9 feet. The buildings are set back five feet from the south interior side property line and a minimum of 11 feet from the west rear property line. The applicant is requesting an alternative through the PUD for the front yard setback

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requirement, corner side yard setback requirement and south interior side yard setback requirement to allow the building, porches and balconies.

- **On-premise signs:** No alternative requested.
- **Off-street parking and loading:**

**Parking:** No alternative requested.

**Loading:** The loading requirement for a multiple-family development with 100 to 250 dwelling units is one small loading space. There is no on-site loading area proposed on the center block, but the applicant is proposing to provide one small loading space on the west block along the alley. The applicant is proposing to provide five points worth of amenities in lieu of an on-site loading space on the center block. The applicant is proposing to have a 25-foot long loading zone provided along Emerson Avenue South for the residents of the center block.

***Points required:***

- Minimum required amenity(ies) – **10 points.**
- Placement and number of principal residential structures – **5 points.**
- Bulk regulations, FAR – **5 points.**
- Bulk regulations, height – **5 points**
- Lot area requirements – **5 points.**
- Yard, internal and periphery – **5 points.**
- Off-street loading – **5 points.**
- **Total – 40 points.**

***Amenities provided:*** Staff believes that 46 points worth of amenities are proposed as described below.

Table 527-1 Amenities

The applicant proposes the following amenities from Table 527-1, Amenities:

***Leadership in Energy and Environmental Design (LEED) - The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements.*** The applicant has indicated that the entire development will qualify for LEED Silver certification. The applicant will be required to submit the LEED checklist and documentation, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements prior to building permits being issued. This provision is worth 10 points.

***Outdoor open space*** – The required standards for outdoor open space are:

- **Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs.** Large areas of contiguous open space are proposed around the perimeter of the buildings. On the center block a terraced courtyard is proposed

that steps down approximately ten feet with a direct connection to the Midtown Greenway. A water feature that cascades down from one level of the courtyard to the other is also proposed. A swimming pool is also provided on the lower level of the courtyard. On the west block a large courtyard is proposed on the southeast corner of the site which also includes a swimming pool.

- **Rain gardens, where appropriate, are encouraged.** There are no rain gardens proposed on any of the sites.
- **Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials.** A portion of the northern most east/west walkway on the center block, the internal walkways through the center block, the walkways leading to the principal entrances to the buildings on both blocks, the area around the pool on the west block and the walkways near the surface parking spaces on the west block will be made of decorative materials.
- **A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous.** The applicant has indicated that approximately 62 percent of the center block, 62 percent of the R5 portion of the west block and 36 percent of the R3 portion of the west block not occupied by buildings will be landscaped. More than 50 percent of the open space on each site will be contiguous.
- **The open space must be immediately accessible from the principal structure.** The open space will be immediately accessible from the buildings on the site.
- **Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.** The building on the center block is arranged in the shape of a “U”. This arrangement will provide shelter from the wind. The “U” opens up towards the south which will maximize access to sunlight. The building on the R5 portion of the west block is arranged in the shape of a backwards “L”; however the southeast corner of the building has been carved out leaving room for an outdoor courtyard and swimming pool. The location of the courtyard on the south side of the site will maximize access to sunlight. This provision is worth 5 points. The applicant is requesting an additional 5 points for this amenity (see below).

*Pedestrian Improvements* - The required standards for pedestrian improvements are:

- **A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review.** The center block has been designed with two walkways connecting Dupont Avenue South to Emerson Avenue South. The southern most walkway connecting the two streets is the publicly accessible promenade located along the north side of the Midtown Greenway. There will also be a series of walkways that connect the two walkways between the two streets. Each of the ground floor dwelling units will have direct access to the public sidewalk and the building will have direct access to the Midtown Greenway. Along Dupont Avenue South, a green boulevard will be installed between the street and the public sidewalk which doesn't exist currently. The west block has been designed with one walkway connecting Emerson Avenue South to Fremont Avenue South which is the publically accessible promenade located along the north side of the Midtown Greenway. Again on this block each of the ground floor dwelling units will have direct access to the public sidewalk. A walkway will be constructed parallel to the public alley allowing access to the public sidewalk

along West 28<sup>th</sup> street from the western most townhouse building on the R3 portion of the site. Along Emerson Avenue South a green boulevard will be installed between the street and the public sidewalk which doesn't exist currently.

- **The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.** A portion of the northern most east/west walkway on the center block, the internal walkways through the center block, the walkways leading to the principal entrances to the buildings on both blocks, the area around the pool on the west block and the walkways near the surface parking spaces on the west block will be made of decorative materials. The Planning Division believes that the entire length of the northern most east/west walkway on the center block and the accessible routes leading to the principal entrances to the buildings on both blocks should be made of decorative materials. Landscaping and pedestrian level lighting will be used throughout both blocks. The northern most east/west walkway, the internal walkway on the center block and the area around the pool on the west block will be gated off for security purposes.

The Planning Division believes that with the suggested changes to the amount of decorative pavement on the site that this provision is worth 3 points.

*Decorative fencing* – The required standards for decorative fencing are:

- **Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway.** Decorative metal fencing will be installed along the top of the retaining walls along the Midtown Greenway, approximately 50 feet back from both Dupont and Emerson Avenues underneath the building on the center block, along the southern edge of the courtyard on the center block, around the pool on the west block and along the top of the retaining wall leading to the underground parking on the west block.
- **The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site.**
- **In no case shall chain-link fencing be considered decorative fencing.** No chain link fencing will be used on either of the blocks.

This provision is worth 1 point.

*Enhanced exterior lighting* – **Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.** Illuminated bollard light fixtures will be located along the public promenade on the west block. Up lighting will be used near most of the trees throughout both sites which have been located along the internal walkways on both blocks. Both of the swimming pools and the water feature on the center block will have lighting incorporated into them. And the staircases in the courtyard on the center block and the staircase leading to the Midtown Greenway will have step lighting incorporated into them. The lighting will comply with the standards of Chapter 535, Regulations of General Applicability. This provision is worth 1 point.

*Enhanced landscaping* – The required standards for enhanced landscaping are:

- **A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review.** Chapter 530, Site Plan Review requires that 20 percent of the site not occupied by the

building be landscaped. It also requires that at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space be planted on the site. The required amount of landscaping for all three sites is 17,502 square feet and the tree and shrub requirement for all three sites is 35 and 175 respectfully. The applicant is proposing to have a combined total of 50,595 square feet of landscaping on all three sites, 40 canopy trees and 1,302 shrubs. In addition there will be 92 ornamental trees and a variety of perennials on the site. The applicant is also proposing to plant 37 canopy trees in the right-of-way adjacent to Dupont, Emerson and Fremont Avenues. There will be six different varieties of trees, seven different varieties of shrubs and several different varieties of perennials provided on the site. The proposed plant materials will provide seasonal interest.

- **The landscaped areas shall have a resource efficient irrigation system.** A resource efficient irrigation system including drip irrigation and rain sensors will be provided.
- **The landscaping plan shall be prepared by a licensed landscape architect.** The landscape plan has been prepared by a licensed architect.

This provision is worth 1 point. The applicant is requesting an additional 3 points for this amenity (see below).

*Recycling storage area* – **Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.** There will be a recycling storage area provided in each of the buildings located in the R5 zoning district. The recyclable materials will be collected in bins located inside the buildings. Each of the recycling storage areas is located near an elevator for easy access. For each of the townhomes in the R3 zoning district, each of the units will have their own individual recycling bin which will stored in the individual garages. This provision is worth 1 point.

*Water feature* - **A water feature, including but not limited to a reflecting pond, a children’s play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.** A water feature that cascades down from one level of the courtyard to the other is proposed on the center block. The water feature will be visible to those on the public promenade. There will also be a swimming pool provided on both blocks but neither of them will be available for use by the public. This provision is worth 1 point.

Amenities that significantly exceed standards described in Table 527-1

The commission may consider up to an additional five (5) points to the point value listed for any amenity in Table 527-1, Amenities, where the commission finds the proposed amenity substantially exceeds the standards required in Table 527-1, Amenities, for the amenity.

*Outdoor open space* – As described above, the total amount of outdoor open space is well in excess of the required 30 percent and much of the open space is contiguous which will allow for useable outdoor areas throughout the three sites. The applicant is requesting an additional 5 points for the outdoor open space amenity. The Planning Division believes the additional requested points are warranted.

*Enhanced landscaping* – As described above, the total amount of landscaping on the site and the total amount of landscape materials that will be planted on the site and within the right-of-way are well in excess

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of the minimum required. The applicant is requesting an additional 3 points for the enhanced landscaping amenity. The Planning Division believes the additional requested points are warranted.

Amenities proposed by the applicant

The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign 1, 5, or 10 points based on the proportionality. The applicant is proposing three other amenities:

*Promenades and Stairway to Greenway* - Both the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan* call for a publicly accessible promenade along the north side of the Midtown Greenway. The applicant is proposing to construct an eight-foot wide public promenade located towards the south property line on both blocks of the development. Given how the site slopes on the center block the applicant is proposing to construct a bridge connecting the east side to the west side of the block in order to provide for an accessible route along the promenade. In addition to the promenade the applicant is proposing to construct a staircase that connects the public sidewalk along Emerson Avenue South to the Midtown Greenway. This staircase will be constructed on Hennepin County right-of-way. The applicant is requesting 10 points for this amenity.

*Ornamental street lights* – The applicant is proposing to install 12 ornamental street lights as part of the development. Six will be located on the center block, including two on the promenade and one on the Midtown Greenway, and six will be located on the west block, including one on the promenade. The proposed street lights will match the street lights that are used throughout the Lowry Hill East Neighborhood north of West 28<sup>th</sup> Street. The applicant is requesting 10 points for this amenity. The Planning Division does not believe that providing 12 ornamental street lights is equivalent to the authorized amenities that are worth 10 points. Therefore, the Planning Division is recommending that 5 points be awarded for this amenity.

*Living wall along the Greenway* – The applicant is proposing to plant Boston Ivy along the base of the new modular block retaining wall along the Midtown Greenway. The applicant has indicated that the plant material will cover the 21-foot high wall within five years of planting. The plant material will provide seasonal interest. The applicant is requesting 1 point for this amenity. The Planning Division believes that simply planting Boston Ivy along the base of the retaining wall is not worth one point.

Points Summary

Amenity		Points Requested by Applicant	Points Recommended by Staff
Amenities from Table 527-1	Leadership in Energy and Environmental Design (LEED)	10	10
	Outdoor open space	5	5
	Pedestrian Improvements	3	3
	Decorative fencing	1	1
	Enhanced exterior lighting	1	1
	Enhanced landscaping	1	1
	Recycling storage area	1	1
	Water feature	1	1
Amenities that significantly exceed standards described in Table 527-1	Outdoor open space	5	5
	Enhanced landscaping	3	3
Amenities proposed by the applicant	Promenades and Stairway to Greenway	10	10
	Ornamental street lights	10	5
	Living wall along the Greenway	1	0
<b>Total</b>		<b>55</b>	<b>46</b>

**Phasing plan.** – The applicant has options on three former industrial parcels of land located in south Minneapolis between Colfax Avenue South and Fremont Avenue South and directly north of the Midtown Greenway. The total project area encompasses approximately 5.6 acres of land. Each parcel will be developed independently of one another but construction on all three parcels of land is expected to occur simultaneously.

**Section B: Additional Uses**

- **In general.** The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.
- **Residence and OR1 Districts.** The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.
- **OR2 and OR3 Districts.** The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit

**developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.**

Additional uses are not proposed.

### **Section C: Conformance with Required Planned Unit Development Findings**

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- 1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
  - a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.**

A multiple-family residential development with 387 dwelling units is proposed. The mix of units includes studio, one, two and three-bedrooms. Adjacent uses include a mixture of residential developments of varying densities and the Midtown Greenway. The proposed development will complement the existing uses in the area.

- b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.**

The TDMP and Traffic Impact Study that were completed for this development concluded that the existing street capacity is adequate to support the traffic that will be generated by this development. The TDMP and Traffic Impact Study that were done for this development were completed as part of the EAW. At that time it was believed that a total of 710 dwelling units would be constructed on the three parcels of land. Now, the total number of units proposed for the three blocks is 591 units, 16.9 percent less than initially proposed. Given the reduction in the total number of units, the Public Works Department asked the applicant to prepare a Travel Demand Management Plan Amendment Memo which is included in this report. The conclusions from the initial TDMP and Traffic Impact Study still stand.

There will be a minimum of one parking space provided for every unit on the site. Access to the underground parking garage on the center block will be provided along Emerson Avenue South. Access to the underground parking garage on the R5 portion of the west block will be provided along Emerson Avenue South and from the alley. In addition, access to the

individual garages on the R3 portion of the west block will be provided along Emerson Avenue South and from the alley. The loading requirement for a multiple-family development with 100 to 250 dwelling units is one small loading space. There is no on-site loading area proposed on the center block but the applicant is proposing to provide one small loading space on the west block along the alley. The applicant is proposing to have a 25-foot long loading zone provided along Emerson Avenue South for the residents of the center block.

An access door from the underground parking garage to the adjacent Midtown Greenway will be provided on the center block which will give residents direct access to regional biking and walking paths. As a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on the site. The site is also located within blocks of three major transit routes: Lyndale Avenue South, West Lake Street and Hennepin Avenue.

- c. **The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.**

The site amenities include Leadership in Energy and Environmental Design (LEED), outdoor open space, pedestrian improvements, decorative fencing, enhanced exterior lighting, enhanced landscaping, a recycling storage area, a water feature, promenades and a stairway to the Midtown Greenway, ornamental street lights and a living wall along the Midtown Greenway.

- d. **The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

On both blocks the buildings nearest the Midtown Greenway are six stories in height and step down to three and four story buildings as they approach the existing residential structures in the neighborhood. The buildings have been arranged on the sites to take advantage of solar access and provide protection from the wind. All of the parking for the developments will be located either underground or in enclosed garages. A public promenade will be constructed over both blocks just north of the Midtown Greenway.

- e. **An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.**

There are two three-story buildings located on the property to the north of the proposed building on the center block. A surface parking lot separates the existing buildings from the proposed building. The proposed building will be located 12.5 feet from the shared interior

property line. An existing six-foot high wood fence stands on the adjacent property and will remain after construction is complete. Landscaping will be added between the existing fence and the proposed building. There are also two three-story buildings located on the west side of the public alley across from the proposed buildings on the west block. Surface parking for the adjacent buildings are located between the alley and the buildings themselves. The proposed six-story building will be located 24 feet from the west property line and the proposed three-story buildings will be located between 11 and 15 feet from the west property line. Landscaping will be located between the buildings and the property line.

- f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

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. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

- g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.**

During construction the proposed development will utilize sustainable building practices including green construction practices and materials specification, thermal high-efficiency window and exterior envelope systems, the pursuit of LEED certification and participation in the Xcel Energy Design Assistance Program.

- 2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

Please refer to the preliminary and final plat section of this staff report.

**VARIANCE** - to reduce the minimum lot area per 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.**

**Minimum lot area per dwelling unit:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. After the 20 percent density bonus for enclosed parking and the 20 percent density bonus through the Planned Unit Development are taken into consideration the applicant is seeking a

variance to reduce the minimum lot area per dwelling unit from 503 square feet to 387 square feet (23 percent) on the center block and a variance to reduce the minimum lot area per dwelling unit from 504 square feet to 396 square feet (22 percent) on the R5 portion of the west block.

There are two small area plans that provide guidance for this area of Minneapolis. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for high density housing on both of these properties. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. The future land use map in this small area plan calls for high density housing on both of these properties. The property is located in the Urban Village character area as designated in the *Uptown Small Area Plan*. Policy for this area says that “high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28<sup>th</sup> Street and the Greenway”. The plan continues to say “Further north of the Greenway, on the half block south of 28<sup>th</sup> Street, efforts should be made to preserve the exiting residential fabric of small apartments and single family homes”. In *The Minneapolis Plan for Sustainable Growth* high-density residential developments have densities ranging between 50 and 120 units per acre. The proposed development on the center block has a density of 112.9 dwelling units per acre and the proposed development on the R5 portion of the west block has a density of 110.1 dwelling units per acre. The site’s location in an area that is guided for high-density housing in both the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan* is a unique circumstance of these properties.

**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.**

**Minimum lot area per dwelling unit:** The Planning Division believes that building a development that falls within the range allowed for high-density housing in *The Minneapolis Plan for Sustainable Growth* would be a reasonable use of the property.

**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.**

**Minimum lot area per dwelling unit:** The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. A number of high density residential developments have been constructed, are under construction or have been approved by the City of Minneapolis in the last five years. Those developments include Blue, Murals, Flux, Track 29 and Buzza Lofts. The proposed development would be consistent with the trend of development in the surrounding area and the proposed density would be consistent with adopted policy guidance. The Planning Division does not believe that the granting of the variance would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The TDMP and Traffic Impact Study that were completed for this development conclude that the existing street capacity is adequate to support the traffic that will be

generated by this development. There will a minimum of one parking space and one bicycle space provided for every unit in the underground parking garages.

**VARIANCE** - of the maximum impervious surface coverage

**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.**

**Maximum impervious surface coverage:** The applicant is seeking a variance of the maximum impervious surface coverage on the R3 portion of the west block from 65 percent to 79 percent. The site has been designed with three walk-up style townhouse buildings on it arranged in the shape of a “U”. The fronts of the buildings face the two adjacent streets and the public alley. The applicant has indicated that in order to design walk-up style townhomes on the site with tuck under garages facing the interior of the site that a “T” shaped driveway needs to be constructed. The driveway width between the three buildings ranges between 25 feet and 31 feet. Although the driveway could be as narrow as 22 feet the applicant has indicated that it has been designed to provide greater maneuvering room between the buildings. Although the amount of impervious surface on the site exceeds that is allowed by the zoning code the amount of landscaping provided on the site exceeds the minimum required amount in Chapter 530, Site Plan Review by 16 percent. Further the maximum allowed impervious surface coverage in the R5 district, the zoning for the rest of the PUD, is 85 percent. The amount of impervious surface proposed for the entire PUD is 65 percent of the site area.

There are two small area plans that provide guidance for this area of Minneapolis. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The site is located in the neighborhood-oriented development district that calls for rowhouse/townhouse types of buildings. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. In this plan the site is also located in the neighborhood-oriented intensity area. One style of building that is called out as appropriate for this area is townhouses. The site’s location in an area that is guided for townhouse style development in both the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan* is a unique circumstance of this property.

**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.**

**Maximum impervious surface coverage:** The Planning Division believes that the applicant is proposing to utilize the property in a reasonable manner. Walk-up style townhomes with tuck under garages facing the interior of the site are an appropriate style of building for this location and will complement surrounding development quite well. The amount of impervious surface proposed for the entire PUD is 65 percent of the site area.

**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.**

**Maximum impervious surface coverage:** The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, the Planning Division does not believe that the granting of the variance would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As mentioned, although the amount of impervious surface on the site exceeds that is allowed by the zoning code the amount of landscaping provided on the site exceeds the minimum required amount in Chapter 530, Site Plan Review by 16 percent and the amount of impervious surface proposed for the entire PUD is 65 percent of the site area.

**VARIANCE** - to reduce the required setbacks

**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.**

**Setback requirement:** The applicant is seeking a variance to reduce the required setback along the north property line of the center block from the required 15 feet to 12.5 feet to allow the building. The applicant has indicated that practical difficulties exist in complying with the required setback along the north property line as the building has been set back 29.5 feet from the south property line in order to accommodate the public promenade, including the bridge, and the connections to the Midtown Greenway. The greater setback from the south property line allows for a more expansive public realm and enhanced interaction between the building and the Midtown Greenway. The Planning Division does agree that the existence of City policies encouraging the private development of a publicly accessible promenade on this property is a unique circumstance.

**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.**

**Setback requirement:** The Planning Division believes that the applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The 15-foot setback requirement is based on an overall building height of six stories. However, the portion of the building that is nearest the north property line is four stories in height. If the entire building was four stories in height the north interior side yard setback would be 11 feet which is being met as the building is proposed to be setback 12.5 feet from the north interior property line.

**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.**

**Setback requirement:** The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, the Planning Division does not believe that the granting of the variance would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The property immediately to the north of the site is a parking lot for the two multiple family residential buildings located along West 28<sup>th</sup> Street. Between the building and the adjacent property to the north the applicant is proposing to include shrubs and trees.

**VARIANCE** - to increase fence height

**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.**

**Increase fence height:** The applicant is seeking a variance to increase the height of the fence located in the required front yard along Emerson Avenue South from the permitted 4 feet to 6 feet. The fence is proposed to be located five feet from the front property line. There is 91 feet of fencing located in the required front yard. Of the 91 feet, 71 feet runs parallel to Emerson Avenue South and 20 feet runs perpendicular to Emerson Avenue South (ten feet on the north end and ten feet on the south end). The proposed fence will be made out of decorative metal and will be less than 60 percent opaque. Located between the fence and the public sidewalk, the applicant is proposing to plant a row of six Firebird Flowering Crab trees spaced every 15 feet apart and accent plantings. The site has been designed with a swimming pool located in the southeast corner of the site therefore requiring the need for the taller fence. The applicant has indicated that the swimming pool has been sited on the southeast corner of the property to take advantage of solar access.

The redevelopment of the site stretches from West 28<sup>th</sup> Street to the Midtown Greenway. The development itself is establishing the setback along the street as the entire block will be redeveloped. The building setbacks along the west side of Emerson Avenue South range between 15 feet four inches and 61 feet. Redeveloping an entire block frontage is a unique circumstance. However, the Planning Division believes that the fence should be located 10 feet from the front property line along Emerson Avenue South. With this setback all of the proposed landscaping, the proposed Firebird Flowering Crab trees, the accent plantings and the deciduous shrubs would be located between the fence and the property line which will help make the fence disappear as one moves along the street.

**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.**

**Increase fence height:** The Planning Division believes that the applicant is proposing 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 if the fence is located ten feet from the front property line along Emerson Avenue South. Although the fence will be two feet taller than what is allowed it will be made out of decorative metal and will be less than 60 percent opaque. The proposed landscaping will help screen the fence which should make the fence disappear as one moves along the street.

**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.**

**Increase fence height:** The Planning Division believes that the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, the Planning Division does not believe that the granting of the variance would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. There are no other uses located on the west side of Emerson Avenue South between West 28<sup>th</sup> Street and the Midtown Greenway.

## **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.**
  - **Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.**
- **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 at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.**

- **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.**

**PLANNING DEPARTMENT RESPONSE:**

- The buildings reinforce the street wall, facilitate pedestrian access and maximize natural surveillance. The buildings are set close to the front property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows, porches and balconies on all sides of the development that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The building walls fronting along Dupont Avenue South, Emerson Avenue South and Fremont Avenue South are required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The front yard setback requirement in the R5 zoning district is 15 feet, the front yard setback requirement in the R3 zoning district is 20 feet and the corner side yard setback in the R3 zoning district is 12 feet. Portions of both buildings located in the R5 zoning district exceed the district setback of 15 feet along Dupont Avenue South, Emerson Avenue South and Fremont Avenue South. Alternative compliance is needed. The townhomes located in the R3 zoning district are located closer than 20 feet from the front property line along Emerson Avenue South and are located closer than 12 feet from the corner side property line along West 28<sup>th</sup> Street.
- The area in between the buildings and the front property lines will contain porches, balconies,

walkways, stairways, and landscaping. On the west block, the pool and the patio around the pool will also be located between the building and the front property line.

- Each of the buildings has its own principal entrance. The building on the center block has a principal entrance on both Dupont and Emerson Avenues. The building on the R5 portion of the west block has a principal entrance on Emerson Avenue South and each of the townhomes on the R3 portion of the west block has its own principal entrance.
- All of the on-site parking associated with this development is located either underground or is enclosed, except for the four parking spaces that are located underneath the building on the west block.
- The exterior materials of the structures include stone, brick, cement board siding, metal and glass. The sides and rear of the building are similar to and compatible with the front of the building.
- The ends of the townhomes are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Alternative compliance is needed.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the Dupont Avenue South, Emerson Avenue South, Fremont Avenue South and the Midtown Greenway sides of the building are required to be windows. The project's compliance with these requirements is as follows:

**Center Block**

- Dupont Avenue South: the percentage of windows on the first floor of the building is 29 percent and the percentage of windows on the upper levels of the building exceeds 10 percent.
- Emerson Avenue South: the percentage of windows on the first floor of the building is 37 percent and the percentage of windows on the upper levels of the building exceeds 10 percent.
- Midtown Greenway: the percentage of windows on the first floor of the building is 22 percent and the percentage of windows on the upper levels of the building exceeds 10 percent. There are additional windows on the first floor of the building but they are set back almost 200 feet back from the south edge of the building so they were not included in the calculation.

**R5 portion of West Block**

- Emerson Avenue South: the percentage of windows on the first floor of the building is 23 percent and the percentage of windows on the upper levels of the building exceeds 10 percent. There are additional windows on the first floor of the building but they do not count towards the minimum window area calculation as the bottom of the window is greater than four feet above grade.
- Fremont Avenue South: the percentage of windows on the first floor of the building is 40 percent and the percentage of windows on the upper levels of the building exceeds 10 percent.
- Midtown Greenway: the percentage of windows on the first floor of the building is 42 percent and the percentage of windows on the upper levels of the building exceeds 10 percent.

**R3 portion of West Block**

- Emerson Avenue South: the percentage of windows on the first floor of the building is 10 percent and the percentage of windows on the upper levels of the building exceeds 10 percent. Alternative compliance is needed.
- West 28<sup>th</sup> Street: the percentage of windows on the first floor of the building is 13 percent and the percentage of windows on the upper levels of the building exceeds 10 percent. Alternative compliance is needed.
- The windows in the development are vertical in nature and are evenly distributed along the building walls.

- The entire building frontage along Dupont Avenue South, the Midtown Greenway, the west side of Emerson Avenue South, Fremont Avenue South and West 28<sup>th</sup> Street contain active functions. Eighty-six percent of the building frontage along the east side of Emerson Avenue South contains active functions. The remaining 14 percent is occupied by the entrance to the underground parking garage and a small storage room.
- The principal roof line of the buildings will be flat. In the neighborhood there is a mixture of pitched roofed and flat roofed buildings.

**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.**

**PLANNING DEPARTMENT RESPONSE:**

- All of the entrances leading into the building are connected to the public sidewalk via a series of walkways that run through the sites.
- No transit shelters are proposed as part of this development.
- All of the on-site parking associated with this development is located either underground or is enclosed, except for the four parking spaces that are located underneath the building on the west block.
- There is no public alley on the center block. The public alley on the west block runs on the east side of the development. The alley will be utilized to access the development.
- The maximum impervious surface requirement in the R5 zoning district is 85 percent and the maximum impervious surface requirement in the R3 zoning district is 65 percent. According to the materials submitted by the applicant 69 percent of the center block will be impervious, 67 percent of the R5 portion of the west block will be impervious and 79 percent of the R3 portion of the west block will be impervious. The amount of impervious surface proposed for the entire PUD is 65 percent of the site area. The applicant is seeking a variance of the maximum impervious surface coverage on the R3 portion of the west block from 65 percent to 79 percent.

**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.**

**PLANNING DEPARTMENT RESPONSE:**

**Center Block**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 84,671 square feet. The footprint of the building is 42,743 square feet. When you subtract the footprint from the lot size the resulting number is 41,928 square feet. Twenty percent of this number is 8,386 square feet. According to the applicant's landscaping plan there is 25,873 square feet of landscaping on the site or approximately 62 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 be planted on the site. The tree and shrub requirement for this site is 17 and 84 respectfully. The applicant is proposing to have 32 canopy trees and 618 shrubs on the site. In addition there will be 44 ornamental trees and a variety of perennials on the site. The applicant is also proposing to plant 18 canopy trees in the right-of-way adjacent to Dupont and Emerson Avenues.

**R5 portion of West Block**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 60,555 square feet. The footprint of the building is 28,139 square feet. When you subtract the footprint from the lot size the resulting number is 32,416 square

feet. Twenty percent of this number is 6,483 square feet. According to the applicant's landscaping plan there is 19,941 square feet of landscaping on the site or approximately 62 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 be planted on the site. The tree and shrub requirement for this site is 13 and 65 respectfully. The applicant is proposing to have 18 canopy trees and 448 shrubs on the site. In addition there will be 29 ornamental trees and a variety of perennials on the site. The applicant is also proposing to plant 14 canopy trees in the right-of-way adjacent to the site.
- The zoning code requires that a seven-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The loading space is located adjacent to the public alley. The applicant is not proposing to have a landscaped yard between the alley and the loading space as the alley is used to maneuver into and out of the space itself. Alternative compliance is needed.
- The zoning code requires screening that is six feet in height and equal to 95 percent opacity be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The applicant is not proposing to screen the loading space from the alley as the alley is used to maneuver into and out of the space itself. Alternative compliance is needed.

### **R3 portion of West Block**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 23,177 square feet. The footprint of the buildings is 10,011 square feet. When you subtract the footprint from the lot size the resulting number is 13,166 square feet. Twenty percent of this number is 2,633 square feet. According to the applicant's landscaping plan there is 4,781 square feet of landscaping on the site or approximately 36 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 be planted on the site. The tree and shrub requirement for this site is 5 and 26 respectfully. The applicant is proposing to have five canopy trees and 261 shrubs on the site. In addition there will be 15 ornamental trees and a variety of perennials on the site. The applicant is also proposing to plant five canopy trees in the right-of-way adjacent to the site.

### **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.**

**PLANNING DEPARTMENT RESPONSE:**

- All of the on-site parking associated with this development is located either underground or is enclosed, except for the four parking spaces that are located underneath the building on the west block.
- There are no landmark buildings, significant open spaces or water bodies that the proposed development would block views of. The Midtown Greenway is located in the trench between Dupont Avenue South and Fremont Avenue South so the development will not block views of this regional trail from surrounding properties.
- A shadow study has been included as an attachment to the staff report that depicts shadowing impacts at 9 am, 12 noon and 4 pm during June, March and December. The shadow study indicates that there will be shadows cast on the surrounding residential properties located towards the east, north and west sides of the development site during March and December. As expected, the shadowing impacts are worse during these months due to the angle of the sun. The Planning Division believes that the shadowing impacts have been minimized by the building layout on the site and the stepping down in height of the different buildings. Given the development's location on the north side of the Midtown Greenway no significant public spaces will be impacted by the development.
- This development should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there is series of internal walkways that connect all of the entrances to one another, there are large windows, porches and balconies on all sides of the buildings that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are lights located near all of the pedestrian entrances and throughout the site. The northern most east/west walkway, the internal walkway on the center block and the area around the pool on the west block will be gated off for security purposes.
- The property located at 2828 Emerson Avenue South is located within the boundary of the Chicago, Milwaukee and St. Paul Railroad Grade Separation historic district, which was listed in the National Register of Historic Places in 2005. The historic district is also considered eligible for local designation. Key contributing elements in the district include the trench, the bridges built to carry street traffic over the trench, and the buildings/sites that edge the trench. In 2005, when the designation of the Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District was listed the building located at 2828 Emerson Avenue South was identified as a non-contributing property in the district. However, the property is associated with the historic district in that it helps to define the vertical plane of the trench. The existing wall on this block will be removed and a new

21-foot tall vertical wall will be rebuilt in its place. The integrity of the verticality of the wall will remain after construction of the new wall is complete.

**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:**

- **Use:** Planned Unit Developments require a conditional use permit in the R3 and R5 zoning districts.

- **Off-Street Parking and Loading:**

**Minimum automobile parking requirement:** In the R3 and R5 zoning districts the zoning code requires a minimum of 1.0 parking space per dwelling unit. There are 219 dwelling units on the center block and the applicant is proposing to provide a total of 275 parking spaces on this block. There are 153 dwelling units on the west block and the applicant is proposing to provide a total of 189 parking spaces on this block.

**Maximum automobile parking requirement:** There is no maximum parking for dwellings in the R3 or R5 zoning districts.

**Bicycle Parking:** The bicycle parking requirement for a multiple-family development is one space per two dwelling units. The bicycle parking requirement for the center block is 110 spaces and the bicycle parking requirement for the west block is 77 spaces. Not less than 90 percent of the required bicycle parking spaces shall meet the standards for long-term bicycle parking. 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. In total, 99 of the required bicycle parking spaces on the center block need to be enclosed and 69 of the required bicycle parking spaces on the west block need to be enclosed. The applicant has indicated that there will be 219 bicycle parking spaces provided in the enclosed parking garage on the center block and 183 bicycle parking spaces provided in the enclosed parking garage on the west block. However, as a condition of the TDMP there shall be at least one bicycle parking space provided for every dwelling unit. In addition, bicycle parking for guests shall also be provided on each of the sites.

**Loading:** The loading requirement for a multiple-family development with 100 to 250 dwelling units is one small loading space. There is no on-site loading area proposed on the center block but the applicant is proposing to provide one small loading space on the west block along the alley. The applicant is proposing to provide five points worth of amenities in lieu of an on-site loading space on the center block. The applicant is proposing to have a 25-foot long loading zone provided along Emerson Avenue South for the residents of the center block.

- **Maximum Floor Area:**

**Center Block:** The maximum FAR in the R5 zoning district is 2.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.4. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 2.8. The lot in question is 84,671 square feet in area. The applicant proposes a total of 236,771 square feet of gross floor area, an FAR of 2.79.

**West Block:** The maximum FAR in the R5 zoning district is 2.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 2.4. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 2.8. The lot in question is 60,555 square feet in area. The applicant proposes a total of 164,899 square feet of gross floor area, an FAR of 2.72.

The maximum FAR in the R3 zoning district is 1.0. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a maximum FAR of 1.2. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a maximum FAR of 1.4. The lot in question is 23,177 square feet in area. The applicant proposes a total of 30,033 square feet of gross floor area, an FAR of 1.3.

- **Building Height:** Building height in the R3 zoning district is limited to two-and-a-half stories or 35 feet and building height in the R5 zoning district is limited to four stories or 56 feet. On both the center and west blocks the proposed buildings in the R5 zoning district are proposed to be six stories or 71 feet in height. On the west block the proposed buildings in the R3 zoning district are proposed to be three stories or 35 feet. The applicant is proposing to provide five points worth of amenities to increase the height of the buildings.
- **Minimum Lot Area:**

**Center Block:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 587 square feet per dwelling unit. A second 20 percent density bonus has been requested as an alternative per Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 503 square feet per dwelling unit. With 219 dwelling units on a lot of 84,671 square feet, the applicant proposes 387 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.

**West Block:** The minimum lot area per dwelling unit in the R5 zoning district is 700 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 587 square feet per dwelling unit. A second 20 percent density bonus has been requested as an alternative per

Chapter 527, Planned Unit Development. When calculated, the second density bonus would result in a minimum lot area of 504 square feet per dwelling unit. With 153 dwelling units on a lot of 60,555 square feet, the applicant proposes 396 square feet of lot area per dwelling unit. The applicant has applied for a variance to reduce the minimum lot area.

The minimum lot area per dwelling unit in the R3 zoning district is 1,500 square feet. With 15 dwelling units on a lot of 23,177 square feet, the applicant proposes 1,545 square feet of lot area per dwelling unit.

- **Dwelling Units per Acre:**

**Center Block:** The lot is 1.94 acres in size. There are 112.9 dwelling units per acre proposed on the center block.

**West Block:** The lot in the R5 zoning district is 1.39 acres in size. There are 110.1 dwelling units per acre proposed on this site. The lot in the R3 zoning district is .53 acres in size. There are 28.8 dwelling units per acre proposed on this site.

- **Yard Requirements:**

**Center Block:** The front yard setback requirement along Dupont and Emerson Avenues is 15 feet. The building is set back a minimum of 15 feet from both streets; however there are porches, balconies, walkways and stairways that encroach into the required front yard. The setback requirement along the north and south interior side yards is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a six story building is 15 feet. The building is set back 12.5 feet from the north property line and 29.5 feet from the south property line. The applicant is requesting an alternative through the PUD for the front yard setback requirement along both Dupont and Emerson Avenues to allow porches, balconies, walkways and stairways. The applicant has applied for a variance to reduce the north interior side yard setback.

**West Block:** The front yard setback requirement in the R5 zoning district is 15 feet. This is the setback requirement along both Emerson and Fremont Avenues. The building is set back a minimum of 15 feet from both streets; however there are porches, balconies, patios, walkways and stairways that encroach into the required front yard. The setback requirement along the north and south interior side yards is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a six story building is 15 feet. The building is set back ten feet from the north property line and 33 feet from the south property line. The applicant is requesting an alternative through the PUD for the north interior side yard setback requirement to allow the building and for the front yard setback requirement along both Emerson and Fremont Avenues to allow porches, balconies, patios, walkways and stairways.

The front yard setback requirement in the R3 zoning district is 20 feet. This is the setback requirement along Emerson Avenue South. The buildings are set back between 15 feet four inches and 16 feet four inches from the front property line and there are porches and balconies that encroach into the required front yard. The corner side yard setback along West 28<sup>th</sup> Street is  $8+2x$ , where  $x$

equals the number of stories above the first floor. The resulting setback for a three story building is 12 feet. The building is set back eight feet from the corner side property line and there are porches and balconies that encroach into the required corner side yard. The setback requirement along the south interior side yard and west rear yard is  $5+2x$ , where  $x$  equals the number of stories above the first floor. The resulting setback for a three story building is 9 feet. The buildings are set back five feet from the south interior side property line and a minimum of 11 feet from the west rear property line. The applicant is requesting an alternative through the PUD for the front yard setback requirement, corner side yard setback requirement and south interior side yard setback requirement to allow the building, porches and balconies.

- **Specific Development Standards:** The specific development standard for a planned unit development says that the development shall conform to the standards of Chapter 527, Planned Unit Development.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the R5 zoning district, on a lot greater than 43,560 square feet, one can have one wall identification sign not exceeding 32 square feet with a maximum height of 12 feet or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one freestanding ground sign not exceeding 32 square feet in area and eight feet in height. In the R3 zoning district, on a lot between 10,000 and 43,559 square feet, one can have one nonilluminated, flat wall identification sign not exceeding 32 square feet with a maximum height of 14 feet or top of wall, whichever is less. On a corner lot, two such signs per building.

The applicant is not proposing any signs at this time. However, the applicant has indicated that the sign plan will conform to the requirements of Chapter 543, On-Premise Signs.

- **Refuse storage:** There will be a trash and recycling storage area provided in each of the buildings located in the R5 zoning district. Each of the trash and recycling storage areas are located near an elevator for easy access. For each of the townhomes in the R3 zoning district each of the units will have their own individual trash and recycling bin which will be stored in the individual garages.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

**MINNEAPOLIS PLAN:**

In general, the development site is bounded by Colfax Avenue South on the east, the Midtown Greenway on the south, Fremont Avenue South on the west and West 28<sup>th</sup> Street on the north. The properties are located three blocks west of Lyndale Avenue South, one block north of West Lake Street and two blocks east of Hennepin Avenue South all of which are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. Centered around the intersections of Lyndale Avenue South and West Lake Street and Hennepin Avenue South and West Lake Street are designated Activity Centers in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for*

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*Sustainable Growth* designates the properties as Urban Neighborhood. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Ensure appropriate transitions between uses with different size, scale and intensity (Land Use Policy 1.2).
- Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit (Land Use Policy 1.3).
- Support the development of residential dwellings that are of high quality design and compatible with surrounding development (Urban Design Policy 10.4).
- Maintain and strengthen the architectural character of the city’s various residential neighborhoods (Urban Design Policy implementation Step 10.4.1).
- New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level (Urban Design Policy 10.6).
- Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks (Urban Design Policy Implementation Step 10.6.1).
- Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses (Urban Design Policy Implementation Step 10.6.3).
- Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces (Urban Design Policy Implementation Step 10.6.4).
- Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level (Urban Design Policy Implementation Step 10.6.5).
- Integrate transit facilities and bicycle parking amenities into the site design (Urban Design Policy Implementation Step 10.6.6).
- Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems (Urban Design Policy 10.17).

There are two small area plans that provide guidance for this area of Minneapolis. The Minneapolis City Council adopted the *Midtown Greenway Land Use and Development Plan* on February 23, 2007. The future land use map in this plan calls for high density housing on both of the R5 zoned properties and medium density housing on the R3 zoned property. The Minneapolis City Council adopted the *Uptown Small Area Plan* on February 1, 2008. The future land use map in this small area plan calls for high density housing on both of the R5 zoned properties and medium density housing on the R3 zoned property. The property is located in the Urban Village character area as designated in the *Uptown Small Area Plan*. Policy for this area says that “high-density housing should line the north side of the Greenway and extend to approximately mid-block between 28<sup>th</sup> Street and the Greenway”. The plan continues to say “Further north of the Greenway, on the half block south of 28<sup>th</sup> Street, efforts should be made to preserve the exiting residential fabric of small apartments and single family homes”. Both of these small area plans call for a publicly accessible promenade along the north side of the Midtown Greenway.

The Planning Division believes the proposed development is in conformance with the policies of *The Minneapolis Plan for Sustainable Growth*, the *Midtown Greenway Land Use and Development Plan* and the *Uptown Small Area Plan*.

**ALTERNATIVE COMPLIANCE:**

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

**PLANNING DEPARTMENT RESPONSE:**

- The building walls fronting along Dupont Avenue South, Emerson Avenue South and Fremont Avenue South are required to be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. The front yard setback requirement in the R5 zoning district is 15 feet, the front yard setback requirement in the R3 zoning district is 20 feet and the corner side yard setback in the R3 zoning district is 12 feet. Portions of both buildings located in the R5 zoning district exceed the district setback of 15 feet along Dupont Avenue South, Emerson Avenue South and Fremont Avenue South. Per Chapter 527, Planned Unit Development, the applicant is providing amenities as alternatives to meet these yard requirements.
- The ends of the townhomes are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The exterior walls on the ends of the townhomes are occupied by an internal stairway and the garage. The exterior walls on the ends of the townhomes are broken up with different materials but instead of layering them vertically they are layered horizontally. The applicant is proposing to plant shrubs at the end of each townhome in order to provide visual relief along these expanses of walls. The Planning Division is recommending that the landscape materials planted along the ends of the townhomes grow to be at least six feet in height and that a variety of plant materials be used.
- At least 20 percent of the first floor and at least 10 percent of the upper floors of the townhouse buildings facing Emerson Avenue South and West 28<sup>th</sup> Street are required to be windows. The percentage of windows on the first floor of the building facing Emerson Avenue South is 10 percent and the percentage of windows on the first floor of the building facing West 28<sup>th</sup> Street is 13 percent.

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Because the first floor is elevated five feet above grade, the steps leading to the front entrances reduce the amount of area on the first floor available to provide windows. The applicant proposes to provide 29 percent windows on the second floor facing Emerson Avenue South and 24 percent windows on the second floor facing West 28<sup>th</sup> Street.

- The zoning code requires that a seven-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The loading space is located adjacent to the public alley. The applicant is not proposing to have a landscaped yard between the alley and the loading space as the alley is used to maneuver into and out of the space itself. The Planning Division believes that strict adherence to the requirements is impractical because the alley is used to maneuver into and out of the loading space itself.
- The zoning code requires screening that is six feet in height and equal to 95 percent opacity be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The applicant is not proposing to screen the loading space from the alley as the alley is used to maneuver into and out of the space itself. The Planning Division believes that strict adherence to the requirements is impractical because the alley is used to maneuver into and out of the loading space itself.

**PRELIMINARY AND FINAL PLAT** - PL-266

**Required Findings:**

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The applicant is proposing to replat several lots into three new lots. Individual lots within PUD's are exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The subdivision is in conformance with the design requirements of the land subdivision regulations.

Section 598.260 Planned unit developments and cluster design, requires the design of a subdivision for a cluster development to implement the site plan as approved by the Planning Commission and shall include a deed restriction designating the following:

- 1. The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).**

The applicant will own all of the land so this provision is not necessary.

- 2. Provision for access to each lot that does not have frontage on a public street.**

Each lot will have frontage on a public street.

- 3. A requirement that an owner's association be created. The duties and responsibilities of the owner's association shall include maintaining the elements of the cluster development as authorized under the zoning ordinance or other applicable regulations.**

The applicant will own all of the land so the creation of an owner's association is not necessary.

- 4. A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.**

The applicant will own all of the land so this provision is not necessary.

- 5. A requirement that any disposition of any of the common property situated within the cluster development shall not be made without the prior approval of the Planning Commission.**

If an amendment is made to the PUD the proposed amendments shall be reviewed and approved by the City Planning Commission.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The applicant is proposing to replat several lots into three new lots.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The Planning Division believes that the land intended for building can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard. Although there is a grade change on the center block the applicant is proposing to design the building to follow the slope of the land and provide direct access from the site to the Midtown Greenway.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

### **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 conditional use permit application for a Planned Unit Development including 387 dwelling units located at 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West subject to the following conditions:

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.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 46 points: Leadership in Energy and Environmental Design (LEED), outdoor open space, pedestrian improvements, decorative fencing, enhanced exterior lighting, enhanced landscaping, a recycling storage area, a water feature, promenades and a stairway to the Midtown Greenway and ornamental street lights.
3. The applicant shall submit the LEED checklist and documentation, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements prior to building permits being issued.
4. The entire length of the northern most east/west walkway on the center block and the accessible routes leading to the principal entrances to the buildings on both blocks should be made of decorative materials.
5. There shall be a maximum of 387 dwelling units provided in the buildings.

6. There shall be a minimum of 387 bicycle parking spaces provided in the buildings.
7. There shall be a minimum of 30 bicycle parking spaces provided on the site for guests. At least ten of the guest bicycle parking spaces shall be located near the Midtown Greenway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area per dwelling unit from 503 square feet to 387 square feet (23 percent) on the center block and **approve** the variance to reduce the minimum lot area per dwelling unit from 504 square feet to 396 square feet (22 percent) on the R5 portion of the west block for the property located at 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the maximum impervious surface coverage on the R3 portion of the west block from 65 percent to 79 percent for the property located at 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required setback along the north property line of the center block from the required 15 feet to 12.5 feet to allow the building for the property located at 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the height of the fence located in the required front yard along Emerson Avenue South from the permitted 4

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feet to 6 feet for the property located at 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West subject to the following conditions:

1. The fence shall be located ten feet back from the front property line along Emerson 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 above findings and **approve** the site plan review for the property located at 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Community Planning and Economic Development Department – Planning Division.
2. All site improvements shall be completed by July 30, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The landscape materials that are planted along the ends of the townhomes shall grow to be at least six feet in height and a variety of plant materials shall be used.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary and final plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application for the property located 2820 and 2828 Dupont Avenue South and 2812 and 2828 Emerson Avenue South and 1209 28<sup>th</sup> Street West.

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**Attachments:**

1. Preliminary Development Review report from May 24, 2012 – Center block
2. Preliminary Development Review report from May 24, 2012 – West block
3. Statement of project purpose and description of project and PUD amenity information
4. Conditional use permit findings for the PUD
5. Variance findings
6. Subdivision findings, including copies of the preliminary and final plat
7. June 20, 2012, memo from Public Works regarding the plat
8. July 2, 2012, letter from the City Attorney's office regarding the plat
9. Travel Demand Management Plan Amendment Memo
10. June 5, 2012, letters to Council Member Tuthill and the Lowry Hill East Neighborhood Association
11. July 12, 2012, letter from the Lowry Hill East Neighborhood Association
12. June 29, 2012, letter from the Midtown Greenway Coalition
13. May 31, 2012, and July 2, 2012, letters from the Hennepin County Regional Railroad Authority
14. Letters from surrounding property owners and/or residents
15. Zoning Map
16. Civil plans, site plan, landscaping plans, floor plans and elevations including photos of the site, shadow studies and architectural renderings