

**LAND USE APPLICATION SUMMARY**

*Property Location:* 113 East 26<sup>th</sup> Street  
*Project Name:* 26<sup>th</sup> & Stevens Apartments  
*Prepared By:* Hilary Dvorak, Principal Planner, (612) 673-2639  
*Applicant:* CPM Development  
*Project Contact:* Scott Nelson with DJR Architecture  
*Request:* To construct a new mixed-use building with ground floor commercial space and 70 dwelling units.

*Required Applications:*

<b>Conditional Use Permit</b>	To increase the height of the building.
<b>Variance</b>	To increase the maximum Floor Aare Ratio (FAR) of the building.
<b>Site Plan Review</b>	For a new mixed-use building with ground floor commercial space and 70 dwelling units.

**SITE DATA**

<b>Existing Zoning</b>	C2 Neighborhood Corridor Commercial District PO Pedestrian Oriented Overlay District
<b>Lot Area</b>	29,048 square feet / .67 acres
<b>Ward(s)</b>	10
<b>Neighborhood(s)</b>	Whittier
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Commercial Corridor (Nicollet Avenue, two blocks west) Eat Street (26 <sup>TH</sup> St and Nicollet Ave) Activity Center (one-half block west)
<b>Small Area Plan(s)</b>	Not applicable

<b>Date Application Deemed Complete</b>	September 9, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	November 8, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The property is located on the southwest corner of East 26<sup>th</sup> Street and Stevens Avenue. The property is currently vacant except for a garage structure that is occupied by environmental remediation equipment.

From 1900 until 1986 the majority of the site was occupied by a dry cleaning establishment. In the 1930's and 1940's a gas station operated on a portion of the site. In 1986 the dry cleaning establishment shut down and the site remained vacant until 1994 when it and the single-family dwelling located on the southern portion of the site were demolished. The single-family dwelling was owned by the dry cleaning establishment. As a result of the uses on the property and the storage of underground tanks, the site became contaminated with pollutants. Environmental remediation began in 1994 and continues still today. It is likely that the soil vapor extraction (SVE) system will be required to be incorporated into the building design as access to SVE system and site wells for monitoring and maintenance will be required.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The site is surrounded by residential developments of varying densities, offices, commercial establishments, the Minneapolis College of Art and Design and the Minneapolis Institute of Art. The site is located in the Whittier neighborhood.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a new mixed-use building on the southwest corner of East 26<sup>th</sup> Street and Stevens Avenue. The proposed building will have approximately 3,000 square feet of ground floor commercial space and 70 dwelling units located on floors two through five. There will be ground floor common space for the residents including a lounge, workout room and a bike parking room.

There will be a total of 46 parking spaces provided on the site. Twenty-six of them will be located within the building on the ground floor and 20 will be located outside. The parking areas will be accessed from a curb cut along Stevens Avenue and from the public alley. In the PO District standards for the Nicollet Franklin Area there is no parking requirement for non-residential uses.

The site is zoned C2 Neighborhood Corridor Commercial District and is located in the PO Pedestrian Oriented Overlay District. The site is subject to the specific PO District standards for the Nicollet Franklin Area. The site is subject to a maximum height of 4 stories or 56 feet. The applicant has applied for a conditional use permit to increase the height of the building to 5 stories or 61 feet. The PO District standards for the Nicollet Franklin Area require a minimum FAR of 1.0 and the C2 District has a maximum FAR of 1.7. The development does qualify for the 20 percent density bonus for mixed commercial-residential buildings so the maximum FAR for this development is 2.04. The proposed FAR of the building is 2.41. The applicant has applied for a variance to increase the maximum FAR of the building. Site plan review is also required given the size of the building and the number of proposed dwelling units.

**RELATED APPROVALS.**

Planning Case #	Application	Description	Action
BZZ-2342	Rezoning from R2B to C2. Conditional use permit for 14 dwelling units. Variance to reduce the front yard setback along Stevens Avenue South. Variance to reduce the south interior side yard setback. Variance to reduce the width of the drive aisle. Site Plan Review.	Mixed-use development including commercial space and 14 dwelling units	Approved, June 27, 2005
BZZ-3179	Conditional use permit for 23 dwelling units. Variance of the front yard setback along Stevens Avenue South. Site plan review.	Mixed-use development including commercial space and 23 dwelling units	Approved, September 18, 2006

**PUBLIC COMMENTS.** Public comment letters, including a letter from the Whittier Alliance, are included with the report. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

**ANALYSIS**

**CONDITIONAL USE PERMIT**

The Department of Community Planning and Economic Development has analyzed the application to increase the height of the building based on the following findings:

- 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 height limitation in the C2 zoning district is four stories or 56 feet. The applicant is proposing to construct a building that is five stories or 61 feet. The majority of the building is 56 feet tall however; the parapet walls on the northeast and southeast corners of the building are five feet taller to provide architectural interest therefore making the overall height of the building 61 feet. The proposal to increase the height of the building from four stories or 56 feet to five stories or 61 feet will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The proposal to increase the height of the building from four stories or 56 feet to five stories or 61 feet 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. The majority of the building is 56 feet tall however; the parapet walls on the northeast and southeast corners of the building are five feet taller to provide architectural interest. The building meets or exceeds all of the required setbacks in the C2 zoning district and the building has been designed in an “L” shape with the building mass pushed towards the property lines along the public streets.

The adjacent property to the south is a two-and-a-half-story dwelling. The proposed building will be located 29 feet from the shared interior property line. Across the alley from the site there is a three-story mixed-use building, a one-story commercial building and four two-and-a-half-story dwellings. The closest portion of the proposed building will be located 13 feet from the property line along the alley. This portion of the building is located near the three-story mixed-use building. The remainder of the building will be located 64 feet from the property line along the alley. The alley is 12 feet wide. The mixed-use buildings located across Stevens Avenue from the site range in height from one to two stories and the building across East 26<sup>th</sup> Street is a three-story commercial building.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

The proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

**Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.**

- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

**Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.**

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

The building meets or exceeds all of the required setbacks in the C2 zoning district and the building has been designed in an “L” shape with the building pushed towards the property lines along the public streets. The heights of the buildings in the area range between one and seven stories. The proposed height of the building will be compatible with the surrounding development.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If the requested land use applications are approved, the proposal will comply with all provisions of the C2 Neighborhood Corridor Commercial District and the PO Pedestrian Oriented Overlay District.

### **Additional Standards to Increase Maximum Height**

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in commercial districts:

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

The height of the proposed building will not impede access to light and air for surrounding properties. The adjacent property to the south is a two-and-a-half-story dwelling. The proposed building will be located 29 feet from the shared interior property line. All of the other surrounding properties are separated from the site by a public alley or public streets.

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

The applicant submitted a shadow study depicting shadowing impacts an hour after sunrise, at noon and an hour before sunset on March 22<sup>nd</sup>, June 21<sup>st</sup> and December 22<sup>nd</sup>. The shadow study indicates that the proposed building will cast shadows on the residential properties to the east and west. The shadow study illustrates the differing impacts of the 56-foot tall and 61-foot tall portions of the building. A four-story building that is 56 feet in height would have similar shadowing impacts as the proposed building that is primarily 56 feet in height with only the northeast and southeast corners of the building at 61 feet in height. In addition, staff is not aware of any existing solar energy systems that would be affected by the proposed building.

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

There is a mixture of uses in the area including residential developments of varying densities, offices, commercial establishments, the Minneapolis College of Art and Design and the Minneapolis Institute of Art. The height of the buildings in the area range between one and seven stories. The proposed development will be compatible with the surrounding development.

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

The development site is not located in an historic district. However, the Washburn-Fair Oaks Historic District is located across East 26<sup>th</sup> Street from the site. Given the fact that the area is densely built-out, views of the district from surrounding properties would be blocked whether the proposed building was four stories or five stories in height. It should be noted that the intent of the standard is to preserve public view corridors, not to preserve individual views from private developments.

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum Floor Area Ratio (FAR) of the building based on the following findings:

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.*

The maximum FAR allowed in the C2 zoning district is 1.7. The development does qualify for the 20 percent density bonus for mixed commercial-residential buildings so the maximum FAR for this development is 2.04. The proposed FAR of the building is 2.41. Given the lot size the maximum amount of development that is allowed as of right is 59,257 square feet. The applicant is proposing to construct a building that is 70,108 square feet.

The zoning in the area varies. There is R2B, R4, R5, OR1, OR3, C1, C2, C3A and C4 zoning within 600 feet of the property. There are large amounts of R5 and OR3 zoned properties in the area. These zoning districts allow higher FAR's than the C2 zoning district. The allowed FAR in the R5 zoning district is 2.0 and the allowed FAR in the OR3 zoning district is 3.5. Much of the R5 zoning is located further into the neighborhood. This is a unique circumstance that was not created by the applicant.

In addition, due to the contamination in the soils underground parking is not practical. If it were, the site could qualify for a second density bonus for enclosed parking. It should also be noted that smaller-scale development projects proposed for the site have proven economically infeasible, partly because of the condition of the site's soil.

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.*

The variance request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan. In general, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. The building meets or exceeds all of the required setbacks in the C2 zoning district and the building has been designed in an "L" shape with the building mass pushed towards the property lines along the public streets.

The comprehensive plan designates this site as Urban Neighborhood. Areas designated as Urban Neighborhood are predominantly residential with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. These areas include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Generally these areas are not intended to accommodate significant new growth, other than the replacement of existing buildings with those of similar density.

Nicollet Avenue, located two blocks to the west, is a designated Commercial Corridor in the comprehensive plan and the boundary of the designated Eat Street Activity Center (26<sup>TH</sup> St and Nicollet Ave) begins half of a block to the west. The comprehensive plan policies for Activity Centers encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas. The comprehensive plan defines high-density as 50-120 dwelling units per acre. The proposed development has a density of

104 dwelling units per acre. While the site is not immediately adjacent to the boundary of the Activity Center, all of the properties on the south side of East 26<sup>th</sup> Street, between 1<sup>st</sup> Avenue South and the half block on the east side of Stevens Avenue, are zoned commercial. Further, the site is located between an Activity Center and two large-scale institutions (the Minneapolis College of Art and Design and the Minneapolis Institute of Art).

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.*

Granting the variance would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. In the area there is a mixture of residential developments of varying densities, offices, commercial establishments, the Minneapolis College of Art and Design and the Minneapolis Institute of Art. There are several buildings in the area that occupy the majority of the property that yield higher FAR's than what is allowed by the current zoning code.

## SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

### **I. Conformance to all applicable standards of Chapter 530, Site Plan Review.**

#### **Building Placement and Design – *Requires alternative compliance***

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building will be located up to the front property line along Stevens Avenue and up to the corner side property line along East 26<sup>th</sup> Street, there will be entrances and exits at street level that can be accessed by residents, guests, employees and customers and there will be large windows and balconies on all sides of the development that maximize the opportunities for people to observe adjacent spaces.
- The front yard setback requirement along Stevens Avenue is 25 feet for the first 25 feet north of the south property line. This setback is being met as the building will be located 29 feet from the south property line. The building will be located up to the property line along Stevens Avenue. The corner side yard setback along East 26<sup>th</sup> Street is zero feet. The building will be located up to the property line along East 26<sup>th</sup> Street.
- The building will be located up to the front and corner side property lines.
- The main entrance to the residential portion of the building and the entrances to the two commercial spaces within the building will face East 26<sup>th</sup> Street. East 26<sup>th</sup> Street is a front yard.
- There will be a total of 46 parking spaces provided on the site. Twenty-six of them will be located within the building on the ground floor and 20 will be located outside. The parking areas will be accessed from a curb cut along Stevens Avenue and from the public alley.
- The building is articulated with projecting balconies, varying materials and taller parapets on the northeast and southeast corners of the building.
- There are no portions of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- The exterior materials include brick, Nichiha panel and fiber cement panel. The sides and rear of the building are similar to and compatible with the front of the building.
- Plain face concrete block is not being proposed as an exterior building material.

- The development meets the minimum window percentages required by the zoning code except for the commercial portion of the building facing the parking lot. See Table I. The windows in the development are vertical in nature and are evenly distributed along the building walls. Alternative compliance is needed.
- Twenty-nine percent of the building frontage along Stevens Avenue contains active functions and 100 percent of the building frontage along East 26<sup>th</sup> Street contains active functions. Alternative compliance is needed.
- The principal roof line of the building will be flat. The majority of the commercial, mixed-use and multiple-family residential buildings in the area have flat roofs and the majority of the low-density residential uses in the area have pitched roofs.

**Table I. Percentage of Windows Required for Elevations Facing a Public Street, Sidewalk, Pathway, or On-Site Parking**

	Code Requirement		Proposed	
<b>Residential Uses</b>				
1st Floor facing Stevens Avenue	20% minimum	248 sq. ft.	36%	445 sq. ft.
2nd Floor and Above facing Stevens Avenue	10% minimum	198 sq. ft.	Greater than 10 %	
1st Floor facing East 26 <sup>th</sup> Street	20% minimum	48 sq. ft.	78%	186 sq. ft.
2nd Floor and Above facing East 26 <sup>th</sup> Street	10% minimum	113 sq. ft.	Greater than 10 %	
1st Floor facing the surface parking lot (west wall)	20% minimum	210 sq. ft.	33%	347 sq. ft.
2nd Floor and Above facing the surface parking lot (west wall)	10% minimum	131 sq. ft.	Greater than 10 %	
2nd Floor and Above facing the surface parking lot (north wall)	10% minimum	49 sq. ft.	Greater than 10 %	
<b>Nonresidential Uses</b>				
1st Floor facing Stevens Avenue	40% minimum	138 sq. ft.	49%	168 sq. ft.
1st Floor facing East 26 <sup>th</sup> Street	40% minimum	266 sq. ft.	61%	403 sq. ft.
1st Floor facing the surface parking lot (north wall)	30% minimum	86 sq. ft.	0%	0 sq. ft.

**Access and Circulation – Meets requirements**

- All of the entrances to the building are directly connected to the public sidewalk and the on-site parking.
- There is no transit shelter proposed as part of this development. However, there is a bus stop on Stevens Avenue directly in front of the building.

- On-site parking will be located within the building on the ground floor and outside in a surface parking lot towards the west side of the site. The parking areas will be accessed from a curb cut along Stevens Avenue and from the public alley. Residential developments are permitted to utilize the alley for access to on-site parking.
- There is no maximum impervious surface requirement in the C2 zoning district. According to the materials submitted by the applicant 85 percent of the site will be impervious.

### **Landscaping and Screening – Requires alternative compliance**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. In the PO District standards for the Nicollet Franklin Area the landscaping requirement is increased to 30 percent of the site not occupied by the building. The lot area of the site is 29,048 square feet. The footprint of the buildings is 15,617 square feet. When you subtract the footprint from the lot size the resulting number is 13,431 square feet. Thirty percent of this number is 4,029 square feet. According to the applicant's landscaping plan there will be 4,253 square feet of landscaping on the site or approximately 32 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 six and 27 respectively. The applicant is providing a total of five canopy trees and 78 shrubs on the site. In addition, the applicant is proposing to provide a total of 15 evergreen trees, eight ornamental trees and 119 perennials, grasses and ground cover on the site. CPED is recommending that the required number of canopy trees be provided on the site.
- A seven-foot wide landscaped yard is required 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. A landscaped yard is required along the south and west property lines. There will be a seven-foot wide landscaped yard along the south property line and a five-foot wide landscaped yard along the west property line. Alternative compliance is needed.
- Screening that is six feet in height and not less than 95 percent opaque is required 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. In the landscaped yards along the south and west property lines a four-foot high decorative metal fence is proposed. In addition to the fence, canopy trees, evergreen trees and ornamental trees landscape materials that range in height from three to six feet tall are proposed. CPED is recommending that the landscape materials that are planted in the landscaped yards along the south and west property lines grow to a height of at least six feet.
- Not less than one tree shall be provided for every 25 linear feet of parking lot frontage. The parking lot does not have frontage on a public street.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All of the parking spaces are located within 50 feet of an on-site deciduous tree.
- Tree islands in parking lots must have a minimum width of seven feet in any direction. There is one tree island in the parking lot that has a minimum width of seven feet in every direction.

**Table 2. Landscaping and Screening Requirements**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Lot Area</b>	--	29,048 sq. ft.
<b>Building footprint</b>	--	15,617 sq. ft.
<b>Remaining Lot Area</b>	--	13,431 sq. ft.
<b>Landscaping Required</b>	4,029 sq. ft. (30 % required in the PO District standards for the Nicollet Franklin Area)	4,253 sq. ft.
<b>Canopy Trees (1: 500 sq. ft.)</b>	6 trees	5 trees
<b>Shrubs (1: 100 sq. ft.)</b>	27 shrubs	78 shrubs

**Additional Standards – Meets requirements with Conditions of Approval**

- There will be 20 parking spaces provided in a surface parking lot towards the west side of the site. The parking area will be defined with six-inch by six-inch concrete curbing. Stormwater runoff from the parking lot will drain towards Stevens Avenue. While there is green space provided in the southwest corner of the site it sits at a higher elevation and would therefore not be effective in managing stormwater runoff.
- The development site is not located in an historic district. However, the Washburn-Fair Oaks Historic District is located across East 26th Street from the site. Given the fact that the area is densely built-out, views of the district from surrounding properties would be blocked whether the proposed building was four stories or five stories in height. It should be noted that the intent of the standard is to preserve public view corridors, not to preserve individual views from private developments.
- A shadow study was done that depicts shadowing impacts on December 21<sup>st</sup> at 10 am, 12 noon, 2 pm and 4 pm. The shadow study indicates that there will be shadows cast on the residential buildings to the northwest and northeast at different times of the day; however, the shadowing impacts do not appear to be significant. The applicant submitted a shadow study depicting shadowing impacts an hour after sunrise, at noon and an hour before sunset on March 22nd, June 21st and December 22nd. The shadow study indicates that the proposed building will cast shadows on the residential properties to the east and west. The shadow study illustrates the differing impacts of the 56-foot tall and 61-foot tall portions of the building. A four-story building that is 56 feet in height would have similar shadowing impacts as the proposed building that is primarily 56 feet in height with only the northeast and southeast corners of the building at 61 feet in height. In addition, staff is not aware of any existing solar energy systems that would be affected by the proposed building.
- The building is articulated with projecting balconies, varying materials and taller parapets on the northeast and southeast corners of the building.
- The site plan complies with crime prevention design elements as the building entrances are directly connected to the public sidewalk, there will be large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there will be lights located near all of the building entrances and in the surface parking lot.
- The site is neither locally designated nor located in a historic district. However, the Washburn-Fair Oaks Historic District is located across East 26<sup>th</sup> Street from the site.

**2. Conformance with all applicable regulations of the zoning ordinance.**

The proposed use is *permitted* in the C2 District.

**Off-street Parking and Loading – Meets requirements**

**Table 3. Vehicle Parking Requirements Per Use (Chapter 54I)**

	Minimum Vehicle Parking	Applicable Reductions	Total Minimum Requirement	Maximum Parking Allowed	Proposed
<b>General retail sales and services</b>	4	PO District standards for the Nicollet Franklin Area (4)	0	19	--
<b>Residential dwellings</b>	70	Transit Incentives for Multiple-Family Dwellings (35)	35	0, except when the spaces are not provided within an enclosed structure. In this case there shall be no more than 2 spaces provided per dwelling unit	46
<b>Total</b>	<b>70</b>	<b>(35)</b>	<b>35</b>	<b>159</b>	<b>46</b>

**Table 4. Bicycle Parking and Loading Requirements (Chapter 54I)**

	Minimum Bicycle Parking	Minimum Short-Term	Minimum Long-Term	Proposed	Loading Requirement	Proposed
<b>General retail sales and services</b>	6	Not less than 50%	--	10	None	0
<b>Residential dwellings</b>	35	--	Not less than 90%	67	None	0
<b>Total</b>	<b>41</b>	<b>3</b>	<b>32</b>	<b>77</b>	<b>None</b>	<b>0</b>

**Building Bulk and Height – Requires conditional use permit and variance**

- The site is subject to a maximum height of 4 stories or 56 feet. The applicant has applied for a conditional use permit to increase the height of the building to 5 stories or 61 feet.
- The PO District standards for the Nicollet Franklin Area require a minimum FAR of 1.0 and the C2 District has a maximum FAR of 1.7. The development does qualify for the 20 percent density bonus for mixed commercial-residential buildings so the maximum FAR for this development is 2.04. The

proposed FAR of the building is 2.41. The applicant has applied for a variance to increase the maximum FAR of the building.

**Table 5. Building Bulk and Height Requirements**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Lot Area</b>	--	29,048 sq. ft. / .67 acres
<b>Gross Floor Area (GFA)</b>	--	70,108 sq. ft.
<b>Minimum Floor Area Ratio (GFA/Lot Area)</b>	1.0	2.41
<b>Maximum Floor Area Ratio (GFA/Lot Area)</b>	2.04	2.41
<b>Maximum Building Height</b>	4 stories or 56 ft., whichever is less	5 stories or 61 ft.

**Lot Requirements – Meets requirements**

**Table 5. Lot Requirements Summary**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Dwelling Units (DU)</b>	--	70 DUs
<b>Density (DU/acre)</b>	--	104 DU/acre
<b>Minimum Lot Area</b>	Not applicable	Not applicable
<b>Maximum Impervious Surface Area</b>	Not applicable	Not applicable
<b>Maximum Lot Coverage</b>	Not applicable	Not applicable
<b>Minimum Lot Width</b>	Not applicable	Not applicable

**Yard Requirements – Meets requirements**

**Table 6. Minimum Yard Requirements**

	<b>Zoning District</b>	<b>Overriding Regulations</b>	<b>Total Requirement</b>	<b>Proposed</b>
<b>Front, Stevens Avenue</b>	25 ft. for the first 25 ft. north of the south property line	--	25 ft. for the first 25 ft. north of the south property line	0 ft., the building is not located in the required front yard setback
<b>Front, East 26<sup>th</sup> Street</b>	0 ft.	--	0 ft.	0 ft.
<b>Interior Side (South)</b>	13 ft.	--	13 ft.	29 ft.
<b>Rear, alley</b>	13 ft.	--	13 ft.	13 ft.

**Signs – Meets requirements**

- Signs are subject to Chapter 543 of the Zoning Code. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The sign height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.
- According to the materials submitted by the applicant there are three generic signs shown on the canopy above the commercial spaces. As shown, the signs would meet the requirements of the zoning code. All signs require separate sign permits.

**Screening of Mechanical Equipment – Meets requirements**

- All mechanical equipment is subject to the screening requirements of Chapter 535 and district requirements. The applicant is proposing to locate a transformer next to building towards the northwest corner of the site. The transformer would be screened by vegetation.

**Refuse Screening – Meets requirements**

- All refuse and recycling storage containers are subject to the screening requirements in Chapter 535. The applicant is proposing to locate the refuse and recycling storage containers inside the building.

**Lighting – Meets requirements**

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code, including. A lighting plan showing footcandles was submitted as part of the application materials. And is in conformance with the requirements of the zoning code.

**Fences – Meets requirements**

- Fences must comply with the requirements in Chapter 535. The applicant is proposing to locate a four-foot high decorative metal fence along the south and west property lines. The fence, in conjunction with landscaping, will help screen the parking lot.

**Specific Development Standards – Not applicable**

**PO Overlay District Standards – Meets requirements**

- The proposed development meets all of the requirements of the PO Pedestrian Oriented Overlay District and the PO standards for the Nicollet Franklin Area.

**3. Conformance with the applicable policies of The Minneapolis Plan for Sustainable Growth.**

The Minneapolis Plan for Sustainable Growth identifies the site as Urban Neighborhood on the future land use map. The proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

**Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.**

- 10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

**Urban Design Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.**

- 10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.
- 10.9.2 Promote building and site design that delineates between public and private spaces.
- 10.9.3 Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors.
- 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

**Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.**

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.2 Identify commercial areas in the city that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

**4. Conformance with applicable development plans or objectives adopted by the City Council.**

Not applicable.

**5. Alternative compliance.**

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for alternative compliance. Alternative compliance is requested for the following requirements:

- **Windows.** The development meets the minimum window percentages required by the zoning code except for the commercial portion of the building facing the parking lot as there are no windows. Adjacent to the commercial space on the interior side of the building is the outdoor area for the residents. In order to provide some privacy for the residents while utilizing this space CPED is recommending that the City Planning Commission grant alternative compliance to not require the full 30 percent windows along this wall. However, to help break up the brick wall CPED is recommending that a minimum of 10 percent windows be added to commercial portion of the building facing the parking lot.

- **Active functions.** Twenty-nine percent of the building frontage along Stevens Avenue contains active functions as the remaining 71 percent is dedicated to enclosed parking. Given the contamination issues on the site, locating the parking below ground would very costly if allowed to happen at all. Eliminating all of the enclosed parking would require a variance. CPED is recommending that the City Planning Commission grant alternative compliance.
- **Landscaped yard.** A seven-foot wide landscaped yard is required 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 required landscaped yard along the west property line will be five-feet in width. If the landscaped yard was increased to seven feet in width all of the parking in the surface parking lot would have to be compact in size. As submitted, nine of the 46 parking spaces are compact in size. If the number of compact spaces was increased a variance would be needed. CPED is recommending that the City Planning Commission grant alternative compliance.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by CPM Development for the property located at 113 East 26<sup>th</sup> Street:

### A. Conditional Use Permit to increase the height of the building in the C2 District.

Recommended motion: **Approve** the application for a conditional use permit to increase the height of the building from 4 stories/56 feet to 5 stories/ 61 feet, 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 two years of approval.

### B. Variance of the maximum floor area ratio.

Recommended motion: **Approve** the application for a variance to increase the maximum Floor Area Ratio (FAR) of the building from the permitted 2.04 to 2.41.

### C. Site Plan Review for a new mixed-use building.

Recommended motion: **Approve** the application for a new mixed-use building with ground floor commercial space and 70 dwelling units, subject to the following conditions:

1. Approval of the final site plan, landscaping plan, elevations and lighting plan by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 5, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. There shall be a minimum of six canopy trees provided on the site.
4. The landscape materials that are planted in the landscaped yards along the south and west property lines shall grow to a height of at least six feet.
5. A minimum of 10 percent windows shall be added to commercial portion of the building facing the parking lot.

## ATTACHMENTS

1. PDR report
2. Project description and written responses to the conditional use permit and variance findings submitted by the applicant
3. Environmental contamination history
4. Zoning map
5. Site survey
6. Plans
7. Site context and photos
8. Site aerial
9. Renderings
10. Shadow study
11. Correspondence



Minneapolis Development Review  
250 South 4<sup>th</sup> Street  
Room 300  
Minneapolis, MN 55415

## Preliminary Development Review Report

Development Coordinator Assigned: **DONALD ZART**  
(612) 673-5645  
don.zart@minneapolismn.gov

<b>Status *</b>
<b>RESUBMISSION REQUIRED</b>

<b>Tracking Number:</b>	PDR 1001364
<b>Applicant:</b>	CPM DEVELOPMENT 2919 KNOX AVE S, SUITE 200 MINNEAPOLIS, MN 55408
<b>Site Address:</b>	113 26TH ST E
<b>Date Submitted:</b>	09-SEP-2015
<b>Date Reviewed:</b>	17-SEP-2015

### Purpose

The purpose of the Preliminary Development Review (PDR) is to provide Customers with comments about their proposed development. City personnel, who specialize in various disciplines, review site plans to identify issues and provide feedback to the Customers to assist them in developing their final site plans.

The City of Minneapolis encourages the use of green building techniques. For additional information please check out our green building web page at: [http://www.ci.minneapolis.mn.us/mdr/GreenBuildingOptions\\_home.asp](http://www.ci.minneapolis.mn.us/mdr/GreenBuildingOptions_home.asp).

**DISCLAIMER:** *The information in this review is based solely on the preliminary site plan submitted. The comments contained in this report are preliminary ONLY and are subject to modification.*

### Project Scope

5 story, 70 unit mixed use apartment and retail project

### Review Findings (by Discipline)

#### Zoning - Planning

- Conditional use permit to increase the height of the building
- Variance to increase the FAR of the building
- Site plan review

#### Business Licensing

- Please contact Becky Anger, 612-673-2690, regarding a Health Dept plan review if there is a food related business in the space.

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\*Approved: You may continue to the next phase of developing your project.  
\*Resubmission Required: You cannot move forward or obtain permits until your plans have been resubmitted and approved.

**□ Addressing**

- The proposed address for the project will be as follows based on the doors shown in the first floor plan, from west to east:
- Leasable Space - 111 26th St E
- Leasable Space - 113 26th St E (same space as above but another door, doesn't need to be addressed but providing address in case the space is split up in the future)
- Common Space (apartment entrance) - 115 26TH St E
- Leasable Space - 119 26th St E
- When assigning suite sequences the following guidelines are as follows:
  - The first one to two digits of the suite sequence number will designate the floor number of the site.
  - The last two digits of the suite sequence number will designate the unique ID for the unit (condo, suite, unit, or apartment).
  - Suite sequence digit numbers will be assigned to dwelling, commercial and retail units, not common areas. For example, laundry rooms, saunas, workout rooms, etc., would not be assigned numbers.
  - Please provide each condo, suite, unit or apartment number.
- This building is also considered to have a parking ramp per MCO Chapter 108. As such, within 5 years of the date of the certificate of occupancy being issued, the parking ramp will be required to have annual inspections and apply for a Ramp Operating Certificate.

**□ Parks - Forestry**

- Contact Craig Pinkalla ([cpinkalla@minneapolisparks.org](mailto:cpinkalla@minneapolisparks.org)), Telephone (612)-499-9233 regarding removal or protection of trees during construction in the city right of way.
- Effective January 1, 2014, the City of Minneapolis and the Minneapolis Park and Recreation Board adopted an update to the existing Parkland Dedication Ordinance.
- The adopted City of Minneapolis Parkland Dedication ordinance is located in Section 598.340 of the City's Land Subdivision ordinance:
  - <http://library.municode.com/index.aspx?clientId=11490>.
- As adopted, the fee in lieu of dedication for new residential units is \$1,521 per unit (affordable units excluded per ordinance) and for commercial and industrial development it is \$202.80 per development employee (as defined in ordinance). Any dedication fee (if required) must be paid at the time of building permit issuance. There is also an administration fee that is 5% of the calculated park dedication fee.
- As proposed, for your project at 113 26th St E, the calculated dedication fee is as follows:
- Residential - 70 x \$1521 = \$106,470
- Commercial = \$811
- Subtotal = \$107,281
- Administrative Fee - 5% of \$107,281 (capped at \$1,000)= \$1,000
- Total \$108,281
- This is a preliminary calculation based on your current proposal; a final calculation will be made at the time of building permit submittal.
- For further information, please contact Don Zart at (612)673-2726

Additional notes from Craig Pinkalla. Also see attached for addition Forestry information.

- Recommend continuous open boulevards. 5.5' wide on Stevens Ave and 6.0' wide on 26th St
- If not continuous, openings must be min. 125 sq. ft./ tree.
- Add detail showing planting soil replacement in blvd. 4' long x 24" deep x width of blvd (5.5'-6.0') centered on each added tree.
- Gleditsia and Celtis selected for street trees.
- Prioritize retaining 2 Honey Locust on 26th St.
- If lighting is incorporated on Stevens, poles must be 12' from trees.
- south most tree on Stevens Ave to be located min. 10' from proposed driveway apron
- Genus Count (%)

## □ Right of Way

- An encroachment permit shall be required for all streetscape elements in the Public right-of-way such as: plants & shrubs, planters, tree grates and other landscaping elements, sidewalk furniture (including bike racks and bollards), and sidewalk elements other than standard concrete walkways such as pavers, stairs, raised landings, retaining walls, access ramps, and railings (NOTE: railings may not extend into the sidewalk pedestrian area). Please contact Bob Boblett at (612) 673-2428 for further information.
- Note to the Applicant: Any elements of an earth retention system and related operations (such as construction crane boom swings) that fall within the Public right-of-way will require an encroachment permit application. If there are to be any earth retention systems which will extend outside the property line of the development then a plan must be submitted showing details of the system. All such elements shall be removed from the Public right-of-way following construction with the exception of tie-backs which may remain but must be uncoupled and de-tensioned. Please contact Bob Boblett at (612) 673-2428 for further information.
- In addition, any elements of an earth retention system and related excavations that fall within the Public right-of-way will require a "Right-of-Way Excavation Permit". This permit is typically issued to the General Contractor just prior to the start of construction. However, it is the Applicant's responsibility to insure that all required permits have been acquired by its consultants, contractors, sub-contractor's prior to the start of work.
- Contact Paul Cao at (612) 673-2943 for position and alignment of bike racks proposed in the Public right-of-way. If the racks are privately owned, they will require an encroachment permit.

## □ Street Design

- Various notes for curb removal direct the Contractor to "match existing"; all curb & gutter in the Public right-of-way shall be designed and constructed to City standards, curb & gutter to be City standard B624 Curb and Gutter. Please refer to the following: [http://www.minneapolismn.gov/publicworks/plates/public-works\\_road](http://www.minneapolismn.gov/publicworks/plates/public-works_road). Top of Curb profiles shall be provided for any section of curb replacement in excess of 50 feet.
- Add the appropriate details from the ROAD-1000 Series - Curbs and Gutters (ROAD-1006) to the plans.
- Note to the Applicant: Any currently defective sidewalks or other concrete infrastructure (such as curb) within the public right of way, or any concrete infrastructure damaged during construction, must be removed and replaced. Significant areas of curb and gutter within the project limits are in poor condition; the Applicant should consider replacement of curb and gutter in all areas where curb has deteriorated.

## □ Sidewalk

- Note to the Applicant: Any currently defective sidewalks or other concrete infrastructure within the public right of way, or any concrete infrastructure damaged during construction, must be removed and replaced.
- The proposed sidewalk alignments within the Project limits are not acceptable. The Project streetscape shall be designed in accordance with the Access Minneapolis design guidelines; see <http://www.ci.minneapolis.mn.us/publicworks/transplan/index.htm>. for further information. Specifically, the pedestrian zone is of concern, a minimum 6'-0" clear zone (un-obstructed) sidewalk shall be maintained for the length of any block in a straight line (the clear pedestrian zone cannot "jog" around planters and tree grates). Locations for site furniture, tree grates, planters and other proposed design elements that fall within the Public right-of-way shall be modified to provide for the required pedestrian clear zone space. For further clarification, site plans shall be fully dimensioned in relation to the property lines, Public right-of-way, sidewalks, street furniture, landscaping, utilities, and other obstructions.
- All tree removals and proposed trees in the Public right-of-way are subject to the review and approval of the Minneapolis Park Board. Please contact Craig Pinkalla at (612) 499-9233 to discuss tree species selection, planting method, spacing and locations. Tree planting details shall be included in the plans. For all trees proposed in "hardscape environments" within the Public right-of-way, the Applicant shall provide engineered/structured soil in the form of a tree trench or tree pit for all proposed street trees. Sidewalk layouts and landscaping in the Public right-of-way shall follow established design standards; refer to the following City of Minneapolis Urban Forest Policy:

- ([http://www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/convert\\_282934.pdf](http://www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/convert_282934.pdf).)
- Note to the Applicant: An existing Bus Stop is located on Stevens Ave. S. and is defined by the length of the existing roadway concrete bus pad; Landscaping within the designated Bus Stop location should be avoided.
- ADA compliant pedestrian ramps are required at each crosswalk at the intersection of E. 26th St. and Steven Ave. S. Construct two (2) ADA compliant pedestrian ramps at this location and reference the appropriate details on Sheet C5.3 of the plans. Include the appropriate details and standard plates in the site plan; refer Mn/DOT Standard Plan 5-297.250 Pedestrian Curb Ramp Details at: <http://standardplans.dot.state.mn.us/stdplan.aspx>.

#### □ Traffic and Parking

- The Applicant shall note the location of any existing Metro Transit "bus stops" on the site plan.
- Current ordinance states that all maneuvers associated with loading, parking or sanitation pick up for a private development shall occur on private property. Please provide a narrative explaining the trash removal operations and show turning maneuvers for all truck type vehicles that will be using the site and loading/parking entrance areas. A Solid Waste Collection Point (SWCP) shall be identified on the site plans; per City Ordinance (Section 2, Ch. 225, Article V - 225.750. Solid waste collection point (SWCP):
- Note to the Applicant: The construction of this development will likely require the use of Public right-of-way (roadway and sidewalks) for construction purposes. A request for an estimate of street use and obstruction permit fees can be made to the City's Traffic Department; please contact Scott Kramer at (612) 673-2383 for further information.
- Note to the Applicant: Please add the following notes to the site plan:
  - Street lighting installed as part of the Project shall be inspected by the City. Contractors shall arrange for inspections with the Traffic Department, please contact Dave Prehall at (612) 673-5759 for further information. Any lighting installations not meeting City specifications will be required to be reinstalled at Owner expense.
  - An obstruction permit is required anytime construction work is performed in the Public right-of-way. Please contact Scott Kramer at (612) 673-2383 regarding details of sidewalk and lane closures. Log on to <http://minneapolis.mn.roway.net/> for a permit.
  - Contact Allan Klugman at (612) 673-2743 prior to construction for the temporary removal/temporary relocation of any City of Minneapolis signal system that may be in the way of construction.
  - All costs for relocation and/or repair of City Traffic facilities shall be borne by the Contractor and/or Property Owner.
  - Contact Doug Maday at (612) 673-5755 prior to construction for the removal of any City of Minneapolis right of way signs that may be in the way of construction.

#### □ Water

- All existing and proposed underground Public Utilities (water, sanitary sewer, and storm drain) shall be shown on the site plan with corresponding pipe sizes and types. For Public watermain infrastructure records call (612) 673-2865. Any existing connections not in use shall be noted on the plans for removal, and shall be removed per the requirements of the Utility Connections Department, call (612) 673-2451 for more information.
- Domestic water and fire service connections should run in a line perpendicular from the watermain straight into the proposed building to the meter location. Please contact Rock Rogers at (612) 673-2286 to confirm domestic water and fire service layout, manhole construction, connections, and sizes.

#### □ Sewer Design

- The plan as submitted meets the requirements of the Public Works Surface Waters & Sewers Division.

**❑ Fire Safety**

- Provide required fire suppression system throughout building
- Fire department connection must be located on the address side of building and within 150 feet of a fire hydrant
- Provide required fire alarm system throughout building
- Provide and maintain fire apparatus access at all times

**❑ Historical Preservation Committee**

- The existing structure will need a wrecking permit for its removal, which included a historic preservation review.

**❑ Construction Code Services**

- 2nd exit require from rooftop deck regardless of occupant load
- Handicap parking access aisles are to be marked "no parking" per 502.4.4 ANSI A117.1 2009
- Maximum slope 1:48 for access aisle and parking space per 502.5
- Aisles to be 96" (8') width 502.4.2.
- Maximum slope of exterior accessible routes is 1:20
- Contact the Met Council for a SAC determination. See this link for more information.  
[http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert\\_281675.pdf](http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert_281675.pdf).

**❑ Environmental Health**

- The site is an active State of Minnesota Superfund Site identified as Whiteway Cleaners SR1293. The Minnesota Pollution Control Agency also identifies two active voluntary investigation and cleanup projects, VP 2054 and VP2053. Prior to any site activities that would disturb soil on site an approved remedial action plan (RAP) related to the project must be approved by the MPCA. See below for local permit requirements that are required by the City of Minneapolis for actions required by MPCA approved plans.
- If dewatering is required during site construction see below for city permit requirements. Subgrade structures should be designed to prevent infiltration of groundwater without the need for a permanent dewatering system being installed. If a continuously operating permanent dewatering system is needed it must be approved as part of the sanitary sewer and storm drain site plan approval prior to construction beginning.
- No construction, demolition or commercial power maintenance equipment shall be operated within the city between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or during any hours on Saturdays, Sundays and state and federal holidays, except under permit. Contact Environmental Services at 612-673-3867 for permit information.
- Permits and approval are required from Environmental Services for the following activities: Temporary storage of impacted soils on site prior to disposal or reuse; Reuse of impacted soils on site; Dewatering and discharge of accumulated storm water or ground water, underground or aboveground tank installation or removal, well construction or sealing. Contact Tom Frame at 612-673-5807 for permit applications and approvals.
- A review of the project, permits issued and an inspection from Environmental Service for identification of equipment and site operations that require annual registration with the City of Minneapolis will occur for this project.

END OF REPORT

**26<sup>th</sup> and Stevens Apartment**  
**Statement of Proposed Use and Project Description**  
**August 24, 2015**

Project Description

The proposed project will redevelop a large, vacant site with a 5-story, mixed-use building with 70 apartments and approximately 4,055 SF of retail lease space. The purpose of this development is to add high-density, market-rate housing in an area that has not seen much new construction for many years. The site is close to many social, cultural, transit and recreational amenities, including the Minneapolis College of Art and Design, the Minneapolis Institute of Art, the American Swedish Institute, the Midtown Greenway bike trail, multiple bus routes (on Nicollet, Stevens, 26<sup>th</sup>), and the vibrant and diverse restaurants of the Eat Street Activity Center. It is also close to the medical employment center that includes Abbott Northwestern Hospital.

The 29,048 SF site is vacant and was previously occupied by a dry cleaning business that left highly contaminated soils, which have been undergoing a clean-up process for the past seven years. While the clean-up work has made redevelopment possible, the removal of any additional soil is cost prohibitive, so below grade parking is not a feasible option for the current proposed project.

The proposed project will have 26 enclosed parking spaces on the first floor along Stevens Avenue, with retail space and the apartment entry located on 26th Street East. An additional 21 parking spaces will be provided outside, between the building and the alley. Approximately 54% of the non-garage space will be retail to qualify for a density bonus. The active uses are located at the corners on 26th Street, which is the main pedestrian corridor (and also above the less contaminated section of the site). Floors 2-4 will have 18 units each. The 5th floor will have 16 units and will be stepped back 10' from the west facade of the lower floors to reduce the shading on the building across the alley to the west.

Conditional Use Permit For Increased Height  
Required Findings

A conditional use permit is requested to increase the height for the project from the 4-story/56' limit of the C2 District to 5 stories, 61' to the top of the parapets at the building corners along Stevens Avenue. The parapet height for the majority of the building is 56'. Due to the step back of the 5<sup>th</sup> floor on the west side, the building height is only 44' there, similar to the 42-foot height of the 3-story building across the alley.

*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.*

Construction of a 61-foot tall building on the project site will not be detrimental to or endanger the public health, safety, comfort or general welfare, and granting the CUP will allow a development that will benefit the neighborhood and reinforce goals of the comprehensive plan. The project will redevelop a vacant, contaminated site with mixed-use, high density housing. The building and site design and the addition of commercial uses and residents will activate the pedestrian realm and enhance the Eat Street Activity Center. The new construction will comply with all building and site development codes.

*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 and orderly development and improvement of surrounding property of uses permitted in the district.*

The proposed height will not be injurious to the use and enjoyment of other property or impede development and improvement of surrounding property. The majority of the building is 56' high, which is the height allowed in feet for development in the C2 District. The building is separated from surrounding development on three sides by public streets and an alley. On the south side, the building is setback 31.5' from the lot line. These open space buffers mitigate the impact of the building height on surrounding property.

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

Adequate utilities, access, drainage and other facilities will be provided. The development team will continue to work closely with Public Works, Plan Review and Planning staff to comply with City and other applicable requirements. Vehicular access will be from existing streets - Stevens Avenue and the alley.

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

All required parking will be provided on-site. Loading and trash pick-up will occur off-street from the parking lot.

5) *The conditional use is consistent with the applicable policies of the comprehensive plan.* Although zoned C2, the *Minneapolis Plan for Sustainable Growth* designates 26<sup>th</sup> Street east of 1<sup>st</sup> Avenue as an Urban Neighborhood. Urban Neighborhood areas are predominantly residential with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. The site is located 1½ blocks east of the Nicollet Avenue Commercial Corridor and ½ block from the East Street Activity Center. The project and proposed height are consistent with the following policies and implementation steps from the comprehensive plan.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

Land Use Policy 1.8: 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.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

1.10.5 Encourage the development of high-density housing on Commercial Corridors.

Urban Design Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.

Urban Design Policy 10.6: 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.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

*6) The conditional use shall in all other respects, conform to the applicable regulations of the district in which it is located.*

Upon approval of the submitted applications, the project will conform to the applicable regulations of the C2 zoning district.

Additional factors to be considered when determining the maximum height per §548.110:

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

Public right-of-way separates the proposed development from surrounding properties on three sides and the building is 31.5' from the south lot line. Allowing the requested increase in height will not impede access to light and air for the surrounding properties.

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

The building will cast shadows that are essentially the same as those that would be cast by a 4-story/56' building that is allowed as of right in the C2 District. Shadow impacts will be mitigated because the site is surrounded on three sides by streets and alley. It will not shadow the closest residential property in the R2B District to the south and will only minimally shadow the R2B District to the southwest. The step back of the 5<sup>th</sup> floor from the west facade will mitigate shadowing on the 3-story mixed-use building across the alley. The building will not shadow significant public spaces. No existing solar energy systems are known to be shadowed by the project.

*(3) The scale and character of surrounding uses.*

The scale and character of the proposed building is compatible with surrounding development. The height is comparable to another redevelopment project in the area, a 4-story building located on the north side of 26<sup>th</sup> Street one block to the west. A 7-story building is located at 26<sup>th</sup> Street and 1<sup>st</sup> Avenue. The MCAD building to the northeast is 5 stories. The other buildings closest to the site are 2 and 3 stories. The 5<sup>th</sup> floor has been stepped back so that the height of the building at its west facade is essentially the same as the height of its closest neighboring building.

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

The project will not block views of landmark buildings, significant open spaces or water bodies.

Variance For Floor Area Ratio  
Required Findings

The maximum FAR before density bonuses in the C1 District is 1.7. The project qualifies for one, 20% bonus, which allows an FAR of 2.04. A variance is requested to increase the FAR to 2.42.

*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.*

Practical difficulties exist for building within the FAR limits without a variance and complying with the City's land use policies that support higher-density redevelopment of the site. The site is located within a half block of an Activity Center, which is intended to support, and be supported by, high and very high-density housing. The site is located near the Nicollet Avenue Commercial Corridor and is in close proximity to bus routes, the Midtown Greenway, and a concentrated employment center. These land use features and transit amenities converge to support the higher residential density that can be achieved on this site with the requested FAR variance. Due to the contaminated soils on the site, it is not practical for the project to construct all required parking below grade, which would qualify for a second density bonus. These are unique circumstances, not created by the developer.

*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.*

The proposed FAR is reasonable and consistent with the City's land use guidance for high density development in this area. Variations in building materials, colors and roof height mitigate the perception of the mass of the building from the pedestrian realm, in keeping with the spirit of the ordinance. The proposed FAR is less than that allowed as of right on properties within a half block on either side of the site that are zoned OR3 (base FAR is 3.5) and C3A (base FAR is 2.7).

*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.*

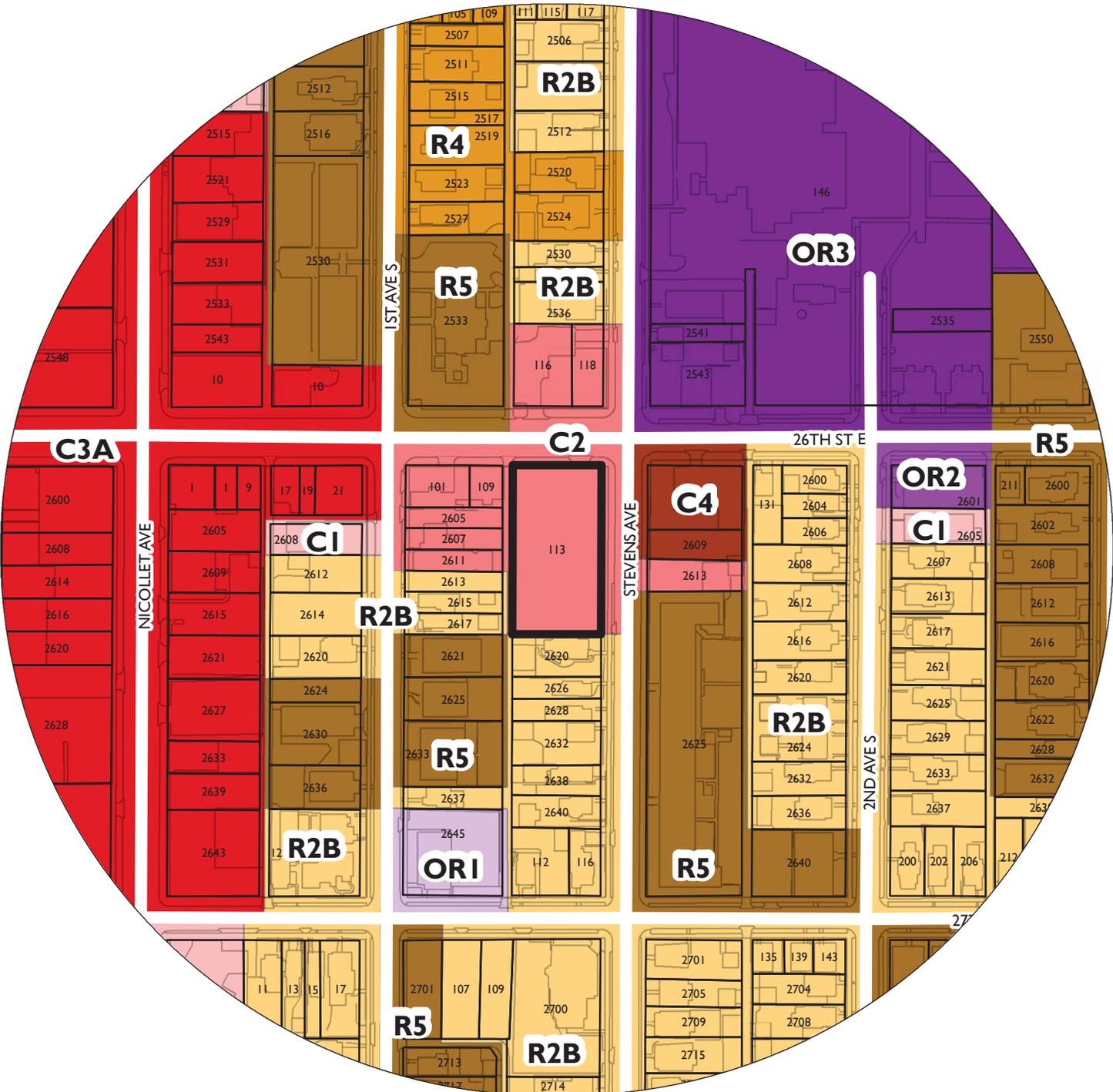
The granting of the variance will not alter the essential character of the area or be injurious to the use or enjoyment of other properties. As noted above, the proposed FAR is less than that allowed on other, nearby properties that are zoned C3A and OR3. The building is separated from surrounding buildings by public right-of-way and generous setbacks. The project will be beneficial to the public health, safety and welfare and to neighboring properties by redeveloping a vacant, contaminated site and providing new, market-rate housing in the Whittier Neighborhood.

# CPM Development

10th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS  
**113 East 26th Street**

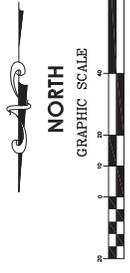
FILE NUMBER  
**BZZ-7381**

# ALTA/ACSM LAND TITLE SURVEY

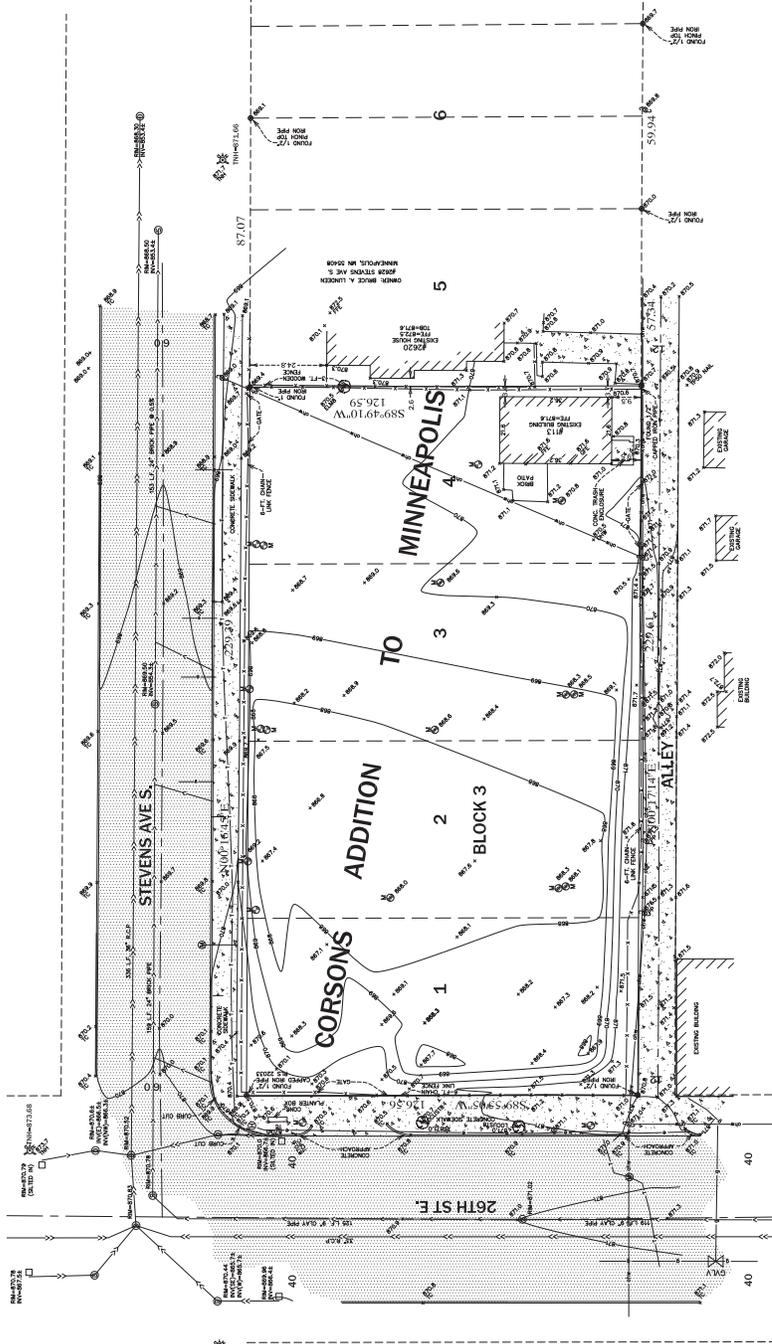
~for~ CIVIL SITE GROUP

PROPERTY ADDRESS: # 113 26th St. E Minneapolis, MN 55404 PID# 34-029-24-42-0484

**BENCHMARK**  
 BASIS FOR ELEVATIONS: NAD 83 VIA REAL TIME GPS  
 MEASUREMENTS UTILIZING MINNESOTA  
 DEPARTMENT OF TRANSPORTATION (MN NETWORK)  
 BASIS FOR BEARINGS: NAD 83 (1983) VIA REAL TIME  
 GPS MEASUREMENTS UTILIZING MINNESOTA  
 DEPARTMENT OF TRANSPORTATION (MN NETWORK)

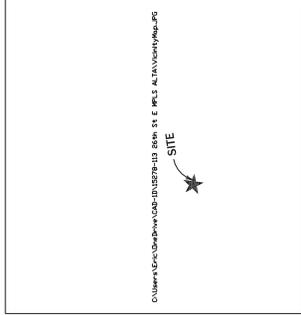


- LEGEND**
- DENOTES IRON MONUMENT FOUND
  - DENOTES SIGN
  - DENOTES TREE
  - DENOTES GAS VALVE POLE
  - DENOTES MONITORING WELL
  - DENOTES ELECTRIC HANDHOLE
  - DENOTES STREET LIGHT
  - DENOTES STORM SEWER MANHOLE
  - DENOTES FIRE HYDRANT
  - DENOTES MISCELLANEOUS MANHOLE
  - DENOTES UNDERGROUND ELECTRIC
  - DENOTES UNDERGROUND TELECOM/FIBER OPTIC
  - DENOTES SANITARY SEWER
  - DENOTES STORM SEWER
  - DENOTES CONCRETE
  - DENOTES BITUMINOUS



**LEGAL DESCRIPTION**  
 Lots 1, 2, 3, and 4, Block 3, CORNSONS ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.  
 TORRENT PROPERTY, CERTIFICATE OF TITLE NO. 122803.

**VICINITY MAP**



- ALTA "TABLE A" NOTES:**
1. All monuments based on property corners.
  2. All monuments are shown as they exist on the ground.
  3. The area of the site is 0.074 acres.
  4. Gross area of parcel is 29,042 sq. ft. (0.674 acres).
  5. Building area is 1,000 sq. ft.
  6. Building area dimensions are as shown on the plan.
  7. BUILDING DIMENSIONS SHOWN.
  8. All dimensions are shown to the center of the line.
  9. No evidence of parking stalls, defined on permit.
  10. There is no evidence of current earth moving work. Site appears to be excavated and a lot of soil has been removed.
  11. All utilities are shown as they exist on the ground. Excavations are not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown on this plan.
  12. The location of the site is shown on the plan. The location of the site is shown on the plan.
  13. The location of the site is shown on the plan. The location of the site is shown on the plan.
  14. All adjacent streets shown. No interlocking street specified by client.
  15. There is no evidence of current earth moving work. Site appears to be excavated and a lot of soil has been removed.
  16. There are no known changes to right-of-ways.
  17. There are no known changes to right-of-ways.
  18. The location of the site is shown on the plan. The location of the site is shown on the plan.
  19. The location of the site is shown on the plan. The location of the site is shown on the plan.
- SCHEDULE B2 SURVEY RELATED NOTES:**
- Item 10. (MNR): Concerning Real Property Contaminated with Hazardous Substances recorded June 10, 2010, as Document No. 1101051-1. This property appears to have contaminated soil, has been excavated and presently the underlying soil is property. - As shown on plan.

I hereby certify to First American Title Insurance Company, "CMA 4, LLC", to their heirs, successors and assigns, that I have surveyed the land shown on this map and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," as jointly established and adopted by ALTA and ACSM in 2011, and include Items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 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CITY OF MINNEAPOLIS, MN  
 JOB #15278

6/20/2015 2:34:02 PM CDT



## CPM – 26<sup>th</sup> & Stevens Land Use Application

### Project Description & Site Background

The proposed project will redevelop a large, vacant site with a 5-story, mixed-use building with 70 apartments and approximately 4,055 SF of retail lease space. The purpose of this development is to add high-density, market-rate housing in an area that has not seen much new construction for many years. The site is close to many social, cultural, transit and recreational amenities, including the Minneapolis College of Art and Design, the Minneapolis Institute of Art, the American Swedish Institute, the Midtown Greenway bike trail, multiple bus routes (on Nicollet, Stevens, 26th), and the vibrant and diverse restaurants of the Eat Street Activity Center. It is also close to the medical employment center that includes Abbott Northwestern Hospital.

The 29,048 SF site is vacant and was previously occupied by a dry cleaning business that left highly contaminated soils, which have been undergoing a clean-up process for the past seven years. While the clean-up work has made redevelopment possible, the removal of any additional soil is cost prohibitive, so below grade parking is not a feasible option for the current proposed project.

The proposed project will have 26 enclosed parking spaces on the first floor along Stevens Avenue, with retail space and the apartment entry located on 26th Street East. An additional 21 parking spaces will be provided outside, between the building and the alley. Approximately 54% of the non-garage space will be retail to qualify for a density bonus. The active uses are located at the corners on 26th Street, which is the main pedestrian corridor (and also above the less contaminated section of the site). Floors 2-4 will have 18 units each. The 5th floor will have 16 units and will be stepped back 10' from the west facade of the lower floors to reduce the shading on the building across the alley to the west.

### Zoning / Variances

The present zoning is C2 and has a pedestrian overlay. In addition to the site plan review the proposed project will require a CUP for height (from 4 stories to 5 stories). Variances for FAR (70,108) proposed 59,258 allowed). The parking requirements are met by utilizing the new parking reduction for sites within the mass transit areas.

### PROJECT DATA:

ADDRESS 113 26<sup>th</sup> STREET EAST  
 SITE AREA 29,048 SF  
 ZONING DISTRICT C2  
 FAR ALLOWED 1.7 (WITH 20% FOR MIXED USE) = 59,258 SF  
 FAR PROPOSED 2.4 = 70,108 SF

### BUILDING SQUARE FOOTAGE:

1ST FLOOR / GARAGE / COMMON / RETAIL 15,617 SF (INCLUDES GARAGE 8,494 SF)  
 2ND FLOOR 15,914 SF  
 3RD FLOOR 15,914 SF  
 4TH FLOOR 15,914 SF  
 5TH FLOOR 15,243 SF  
 TOTAL 78,602 SF

### UNIT COUNT:

2ND FLOOR 18 APARTMENTS  
 3RD FLOOR 18 APARTMENTS  
 4TH FLOOR 18 APARTMENTS  
 5TH FLOOR 16 APARTMENTS  
 TOTAL 70 UNITS

### UNIT MIX:

1 BEDROOM SUITE 30  
 1 BEDROOM STANDARD 24  
 2 BEDROOM 16  
 TOTAL 70

TOTAL BEDROOMS 86

### PARKING PROVIDED:

ENCLOSED 21  
 SURFACE 25  
 TOTAL 46

### PARKING REQUIRED:

UNITS (1 PER UNIT) 70  
 PARKING REDUCTION - 50% 35 REQUIRED

NO REQUIREMENT FOR RETAIL PARKING IN OVERLAY

### BICYCLE PARKING:

RESIDENTIAL – INDOOR 67  
 GUESTS – OUTDOOR 10  
 TOTAL 77

# 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

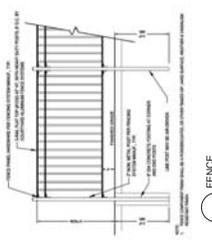
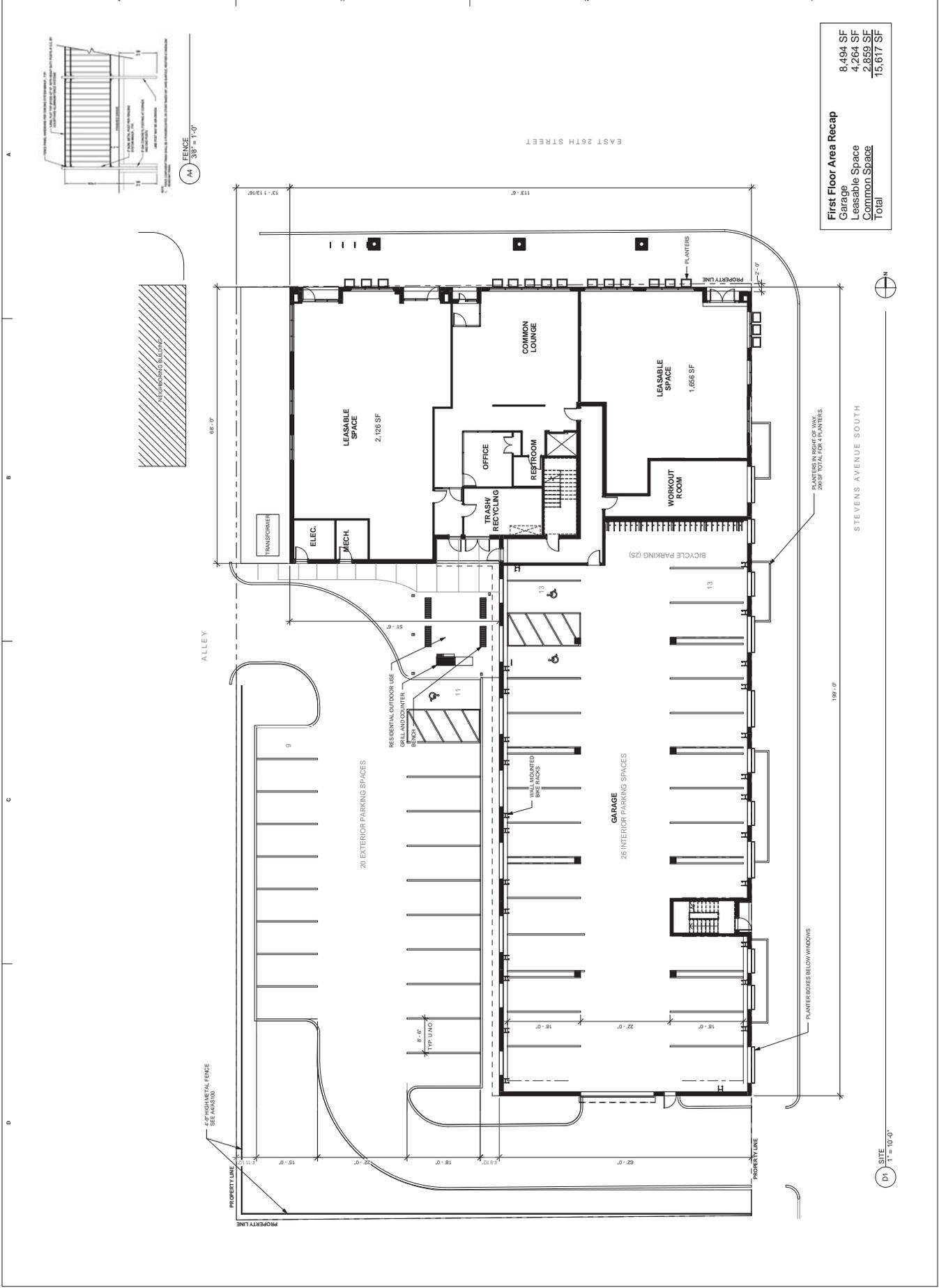
August 21, 2015

Cover Sheet

15-037-00

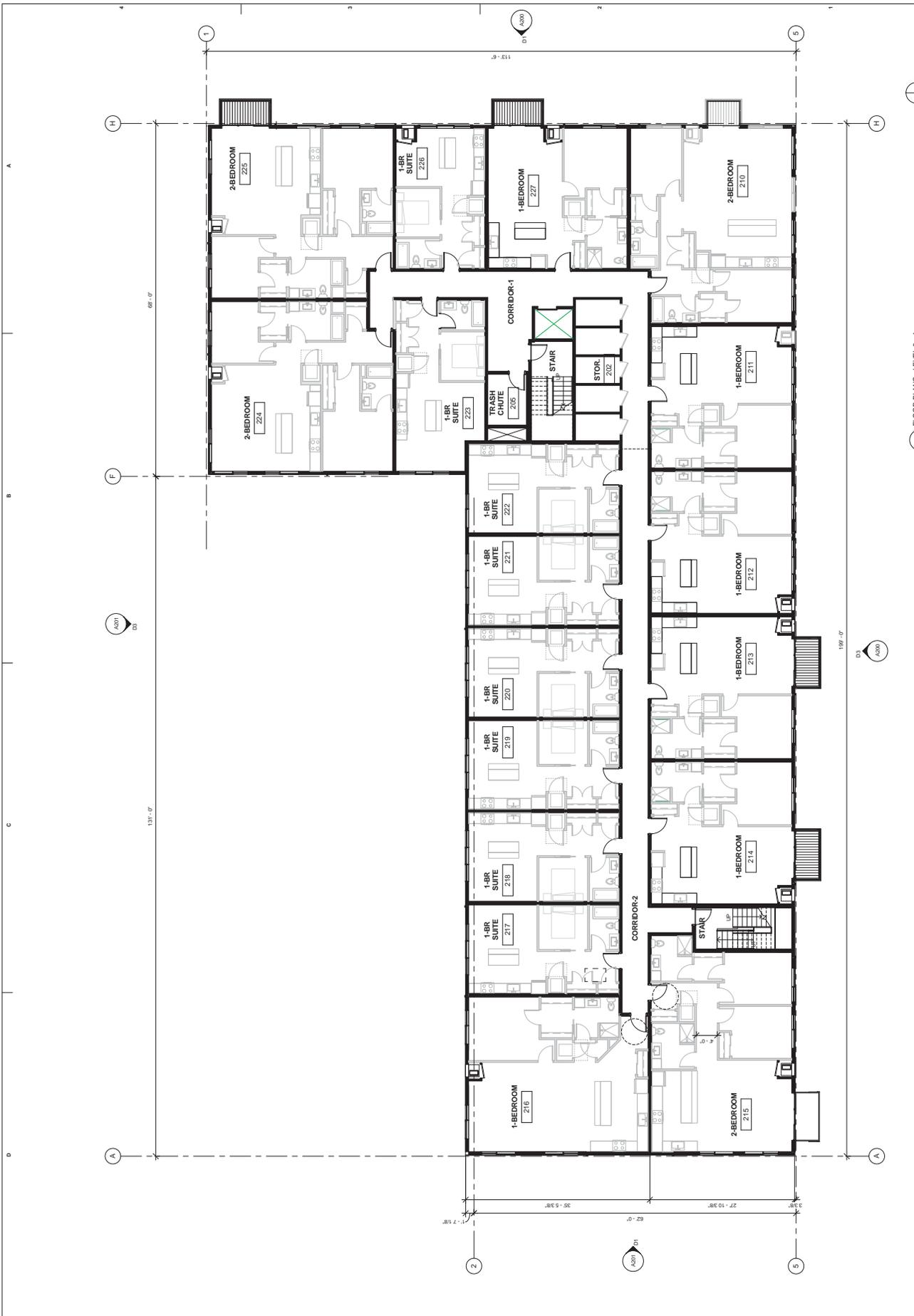


First Floor Area Recap	
Garage	8,494 SF
Leasable Space	4,264 SF
Common Space	2,859 SF
<b>Total</b>	<b>15,617 SF</b>



D1 SITE  
1" = 10'-0"

A1 FLOOR PLANS - LEVEL 2 - 4  
1/8" = 1'-0"



1 LAND USE APPLICATION  
Date: 8/1/2015  
Project #: 15-037  
Date: Issue Date

Checked By: Andrew  
Drawn By: Andrew

Client:  
CPM Development, 4200  
Plymouth Avenue, 55408  
Minneapolis, MN 55408

Contractor:  
Erikson, 1000  
Erikson Avenue, 55415  
St. Paul, MN 55114

Structural:  
Coffey, Thomas Hale, P.E.  
55144 414  
55144 414

MEP:  
Clark Group  
1011 W. 50th Street, 55409  
Minneapolis, MN 55409

Architect:  
DJR Architecture, Inc.  
333 Washington Ave N, Suite 210  
Minneapolis, Minnesota 55401  
612.676.2700 www.djr-inc.com

SCOTT JENSEN  
Architect  
1500 Hennepin Avenue, Suite 210  
Minneapolis, MN 55403  
612.676.2700  
www.djr-inc.com

**CPM DEVELOPMENT**

**DJR ARCHITECTURE, INC.**



1. Always verify that the floor, foundation, and structural steel dimensions are correct before construction. If any discrepancies are found, the contractor shall be responsible for resolving them.

CONTRACTOR  
CPM Development, 4000  
Manningsville, MN 55408  
Structural  
CPM Development, 4000  
Manningsville, MN 55408  
Checked By: Amber  
Drawn By: Amber  
Date: 8/31/2015  
Project #: 15-037  
Date: Issue Date

**CPM DEVELOPMENT**  
**DJR ARCHITECTURE, INC.**  
333 Washington Ave N, Suite 210  
Minneapolis, Minnesota 55401  
612.676.2700 www.djr-inc.com

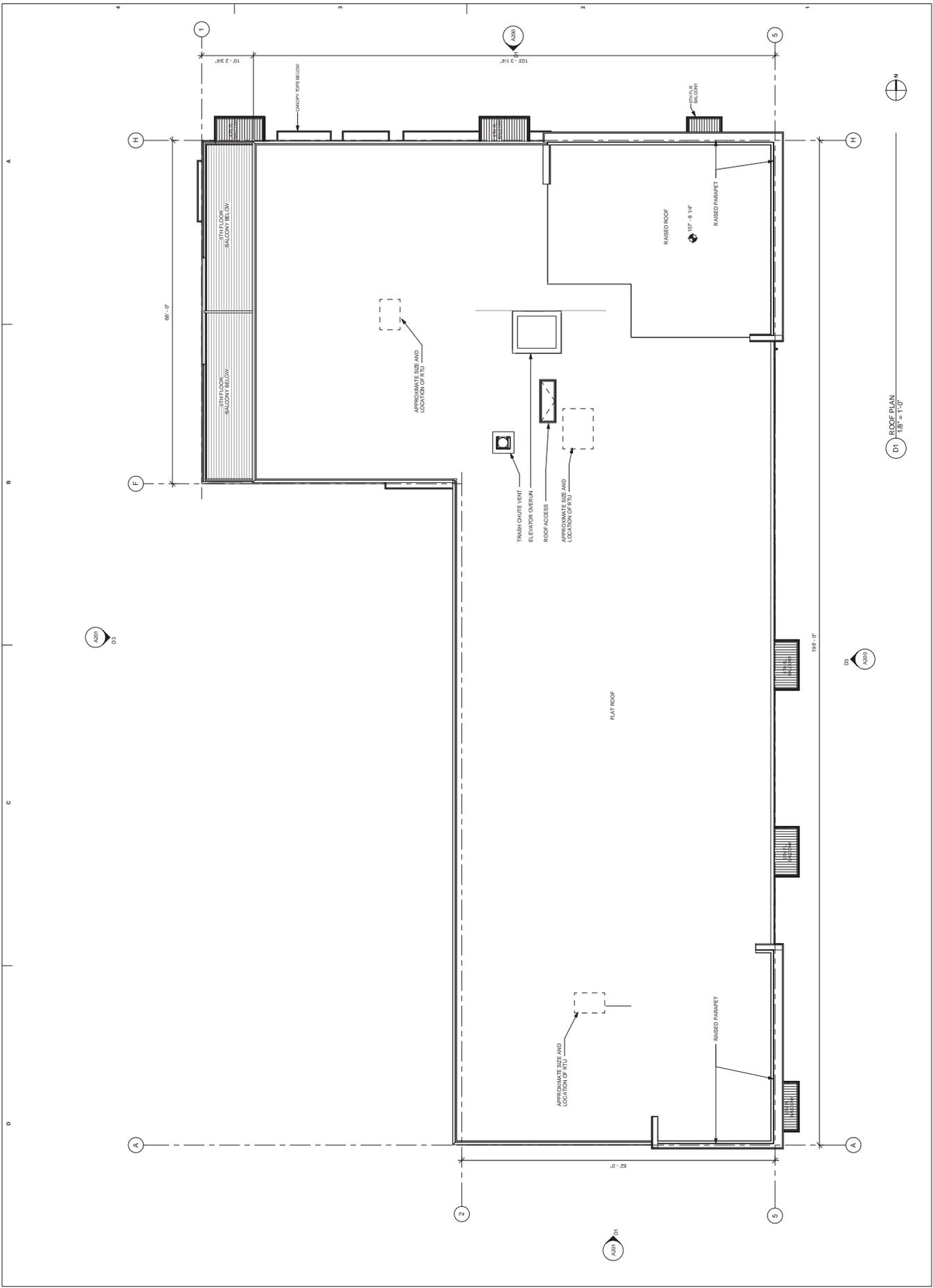
CPM  
401 W. 5th Street, Suite 200  
Minneapolis, MN 55401  
612.676.2700  
www.cpm.com

STRUCTURAL  
CPM Development, 4000  
Manningsville, MN 55408  
Checked By: Amber  
Drawn By: Amber  
Date: 8/31/2015  
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401 W. 5th Street, Suite 200  
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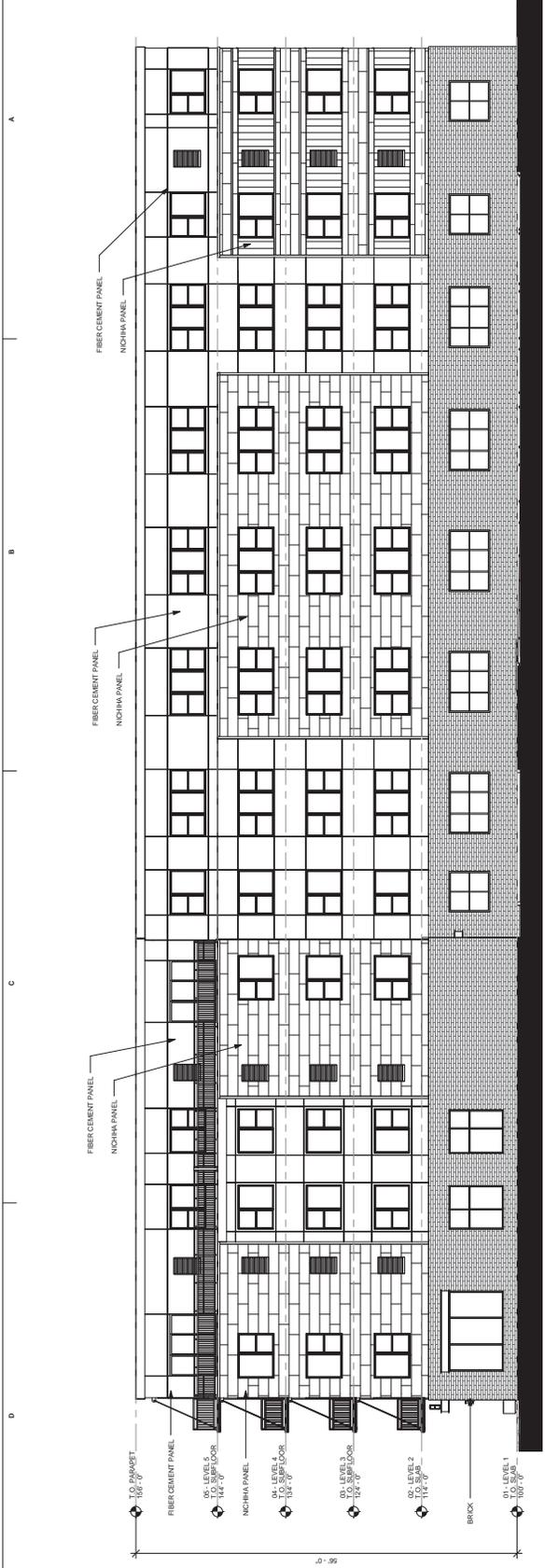
STRUCTURAL  
CPM Development, 4000  
Manningsville, MN 55408  
Checked By: Amber  
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Date: 8/31/2015  
Project #: 15-037  
Date: Issue Date



D1 - ROOF PLAN  
1/8" = 1'-0"

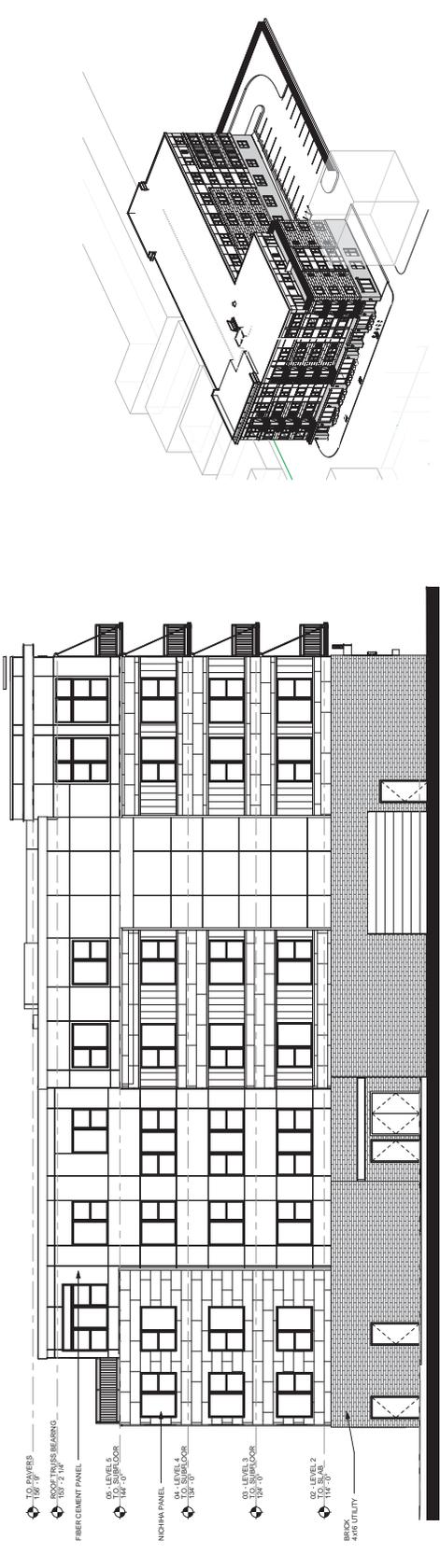






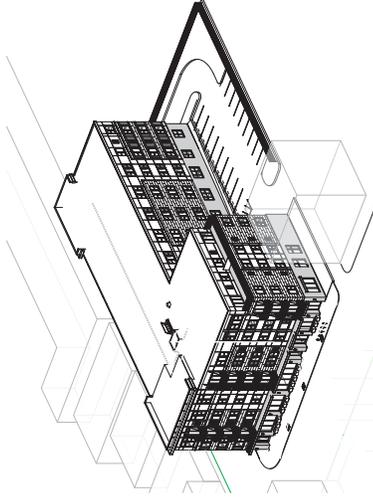
BRICK 18%  
NICHIA 29%  
FIBER CEMENT 25%

D3 WEST EXTERIOR ELEVATION  
1/8" = 1'-0"



BRICK 17%  
NICHIA 25%  
FIBER CEMENT 30%

D1 SOUTH EXTERIOR ELEVATION  
1/8" = 1'-0"



A1 3D VIEW AT NW CORNER



- A. Minneapolis College of Art & Design - 5 Stories
- B. Light Grey Art Lab - 3 Stories
- C. Sigme Burckhardt Manor - 7 Stories
- D. Mixed Use - 4 Stories
- E. Mixed Use - 4 Stories
- F. Mixed Use - 2 Stories
- G. Payday America - 1 Storie
- H. Peninsula Malaysian Cuisine - 1 Storie
- I. Lu's Sandwiches - 1 Storie
- J. Christos Greek - 1 Storie
- K. Black Forest Inn - 1 Storie
- L. Little Tijuana Restaurant - 2 Stories
- M. Gyst Fermentation Bar - 2 Stories
- N. Mixed Use - 3 Stories
- O. Armor Security - 2 Stories
- P. Mixed Use - 2 Stories
- Q. Spark Theater - 2 Stories

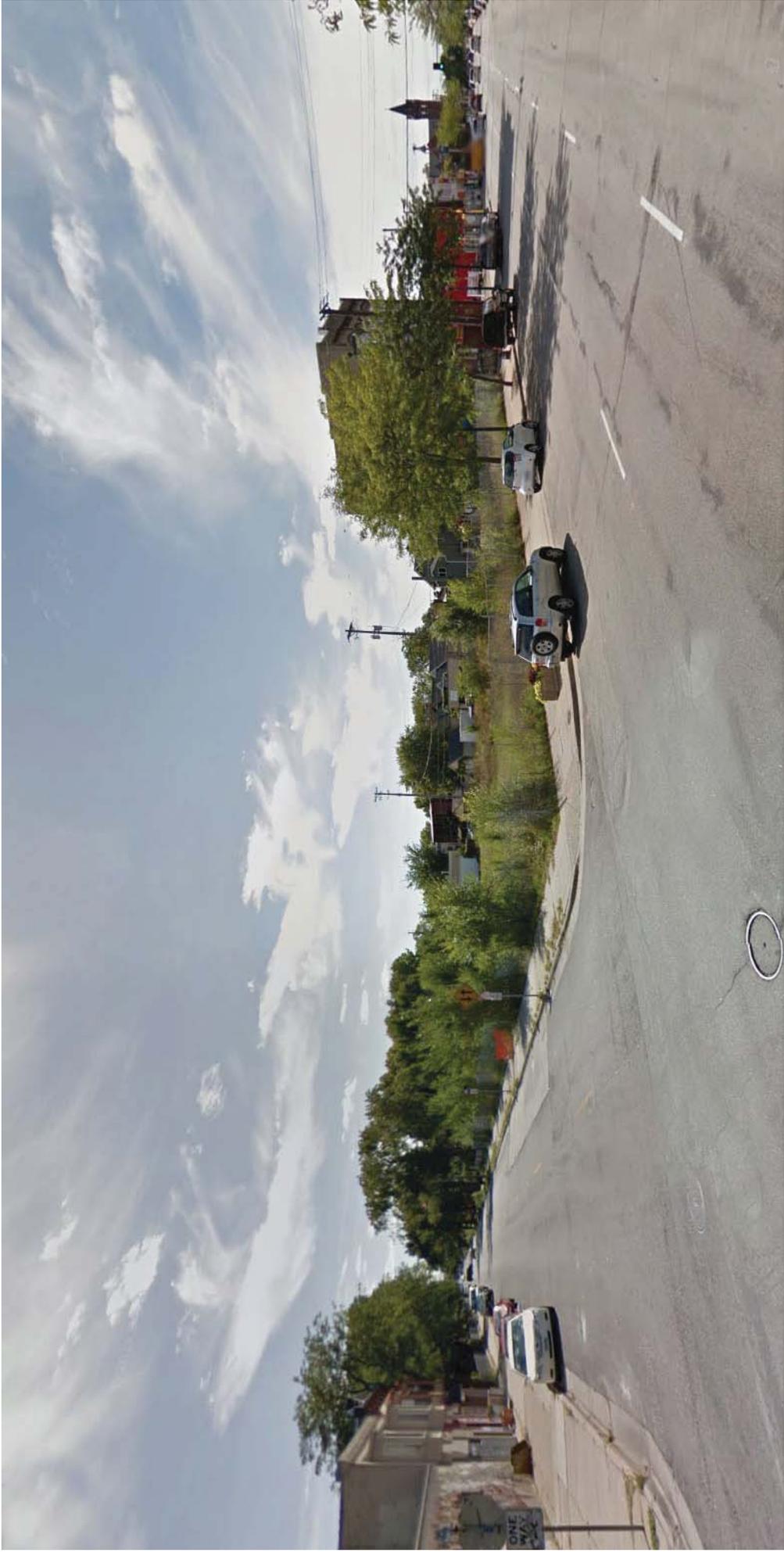
## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

August 21, 2015

Site Context

15-007-00



## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

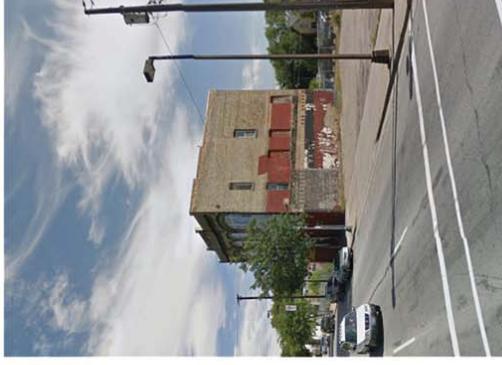
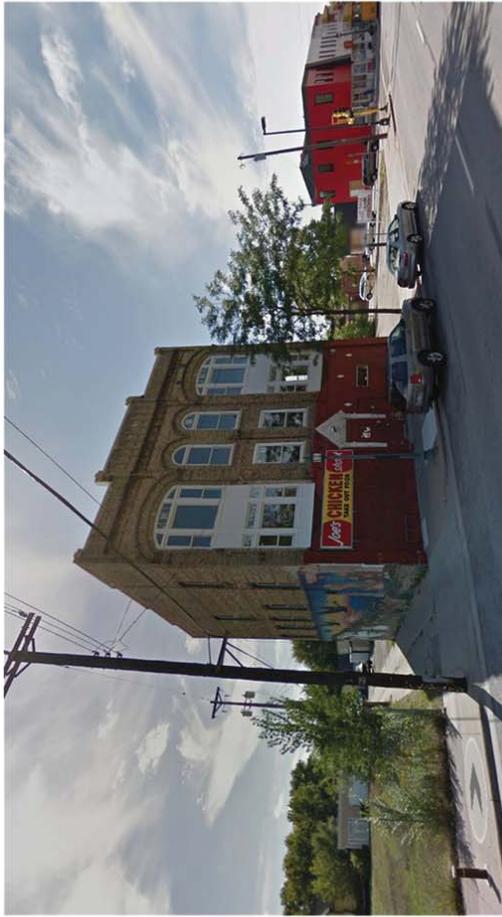
August 21, 2015

Site Perspective Existing

15-007-00



Building Across 26th Street to the north



Building across alley to the west

# 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

August 21, 2015

Site Context

15-007/00



Corner of 1st Ave S and  
26th St. Looking NE.  
7 Story Apt.



Corner of 1st Ave S and  
26th St. Looking NW



Neighborhood  
Murals

## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

August 21, 2015

Site Context

15-007/00



Building across Stevens Ave. Looking South



Current condition of proposed building



Corner of 1st Ave S and 26th St. Looking SW



Nearby fence

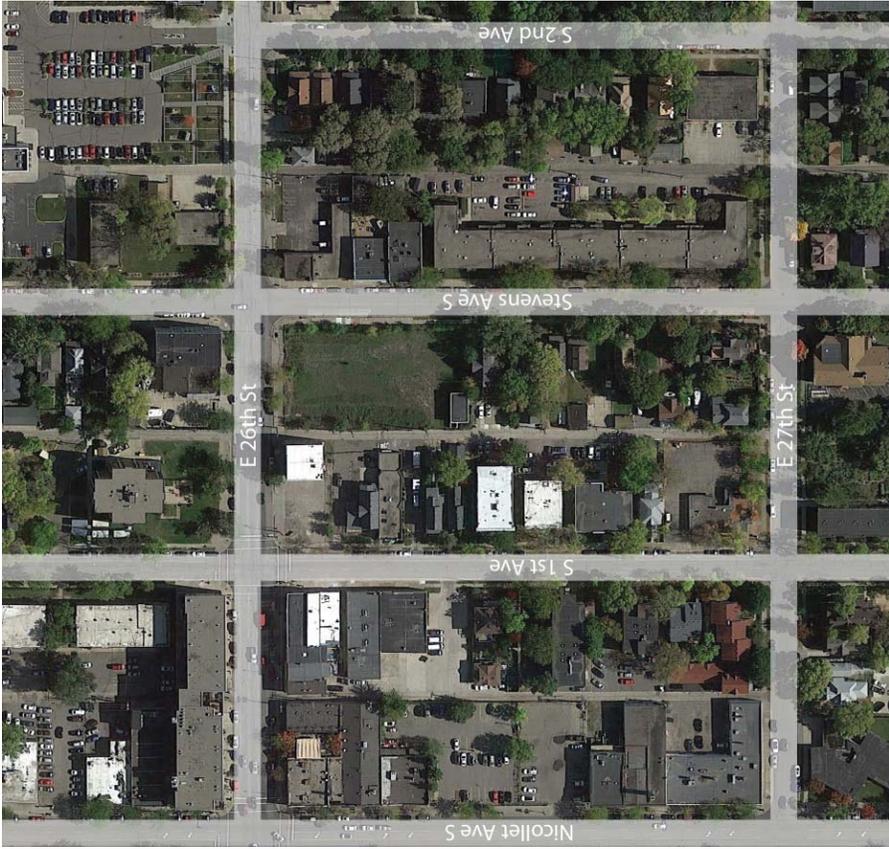
## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

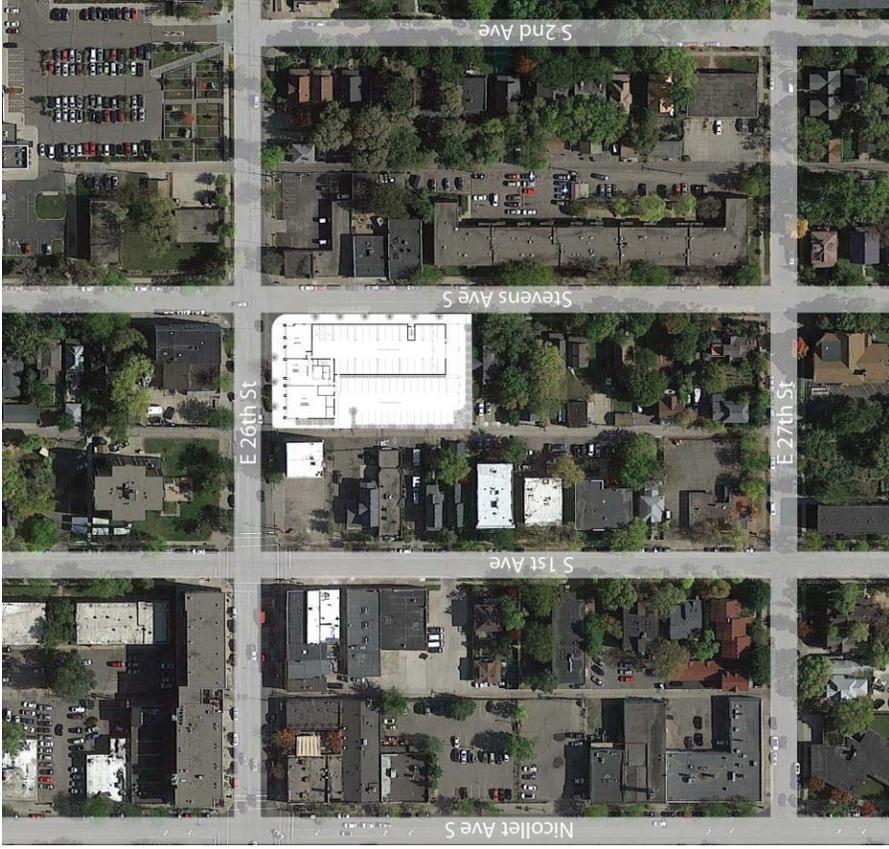
August 21, 2015

### Site Context

15-007/00



EXISTING



PROPOSED

# 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

August 21, 2015

15-007/00

Site Aerial - Existing/Proposed



## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

August 21, 2015

Perspective of Proposed Building

15-007/00

**DJR**  
ARCHITECTURE INC.



## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

August 21, 2015

Perspective of Proposed Building

15-007/00



NORTH ELEVATION  
ALONG 26TH ST.



EAST ELEVATION  
ALONG STEVENS AVE

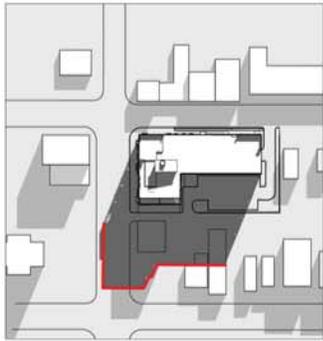
## 26TH & STEVENS APARTMENTS

Minneapolis, Minnesota

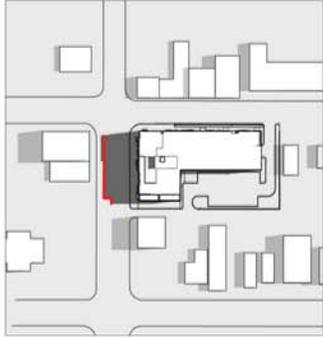
August 21, 2015

North and East Facades

15-007/00



8:16 AM (HOUR AFTER SUNRISE)  
1" = 200'-0"



NOON  
1" = 200'-0"



6:26 PM (HOUR BEFORE SUNSET)  
1" = 200'-0"



RED LINE INDICATES PERMITTED  
BUILDING HEIGHT AT 56'-0"

26th ST. AND STEVENS AVE. S.

MINNEAPOLIS, MN

SHADOW STUDY

MARCH 22

15-037

08/27/15

SS1

DJR  
ARCHITECTURE, INC.



6:26 AM (HOUR AFTER SUNRISE)  
1" = 200'-0"



NOON  
1" = 200'-0"



8:03 PM (HOUR BEFORE SUNSET)  
1" = 200'-0"



RED LINE INDICATES PERMITTED  
BUILDING HEIGHT AT 56'-0"

26th ST. AND STEVENS AVE. S.

MINNEAPOLIS, MN

SHADOW STUDY

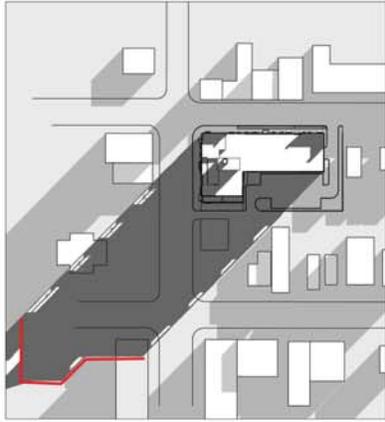
JUNE 21

15:037

08/27/15

SS2

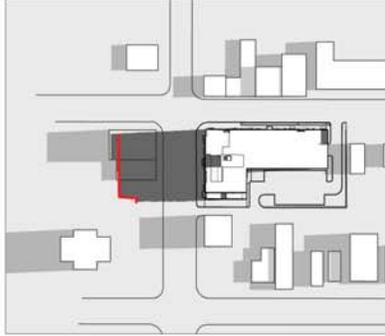
DJR  
ARCHITECTURE, INC.



8:49 AM (HOUR AFTER SUNRISE)  
1" = 200'-0"



RED LINE INDICATES PERMITTED  
BUILDING HEIGHT AT 56'-0"



NOON  
1" = 200'-0"



3:35 PM (HOUR BEFORE SUNSET)  
1" = 200'-0"

26th ST. AND STEVENS AVE. S.

MINNEAPOLIS, MN

SHADOW STUDY

DECEMBER 22

8:00:37

SS3

DJR  
ARCHITECTURE, INC.

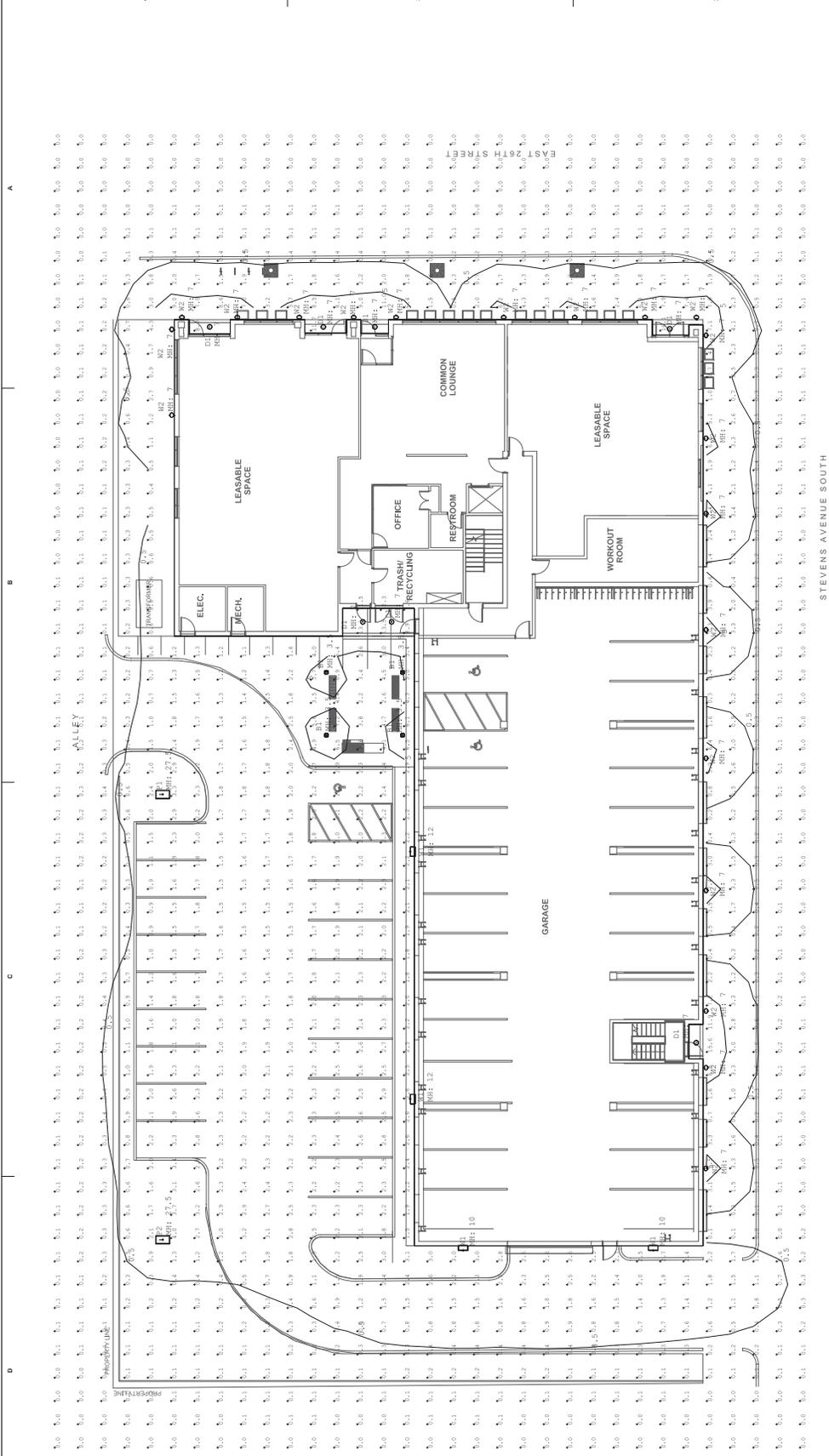
CONTRACTOR  
KELLY B. ARIZ  
9-9-2015  
MINN 26872

DESIGNER  
D.J.R. ARCHITECTURE INC.  
333 Washington Ave N, Suite 210  
Minneapolis, Minnesota 55401  
612.676.2700 www.djr-arch.com

**DJR ARCHITECTURE INC.**  
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**KELLY B. ARIZ**  
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Symbol	Qty	Label	Arrangement	Total Lamp Lumens	DLF	Description
1	1	GLEON-AB-02-LED-E1-SL3	SINGLE	N.A.	0.900	GLEON-AB-02-LED-E1-SL3
2	1	GLEON-AB-02-LED-E1-SL3	SINGLE	N.A.	0.900	GLEON-AB-02-LED-E1-SL3
3	4	BMY-E01-LED-E1-BL3-B030	SINGLE	N.A.	0.900	BMY-E01-LED-E1-BL3-B030
4	20	WP-W2E05-8E2	SINGLE	787.3	1.000	WP-W2E05-8E2
5	7	PR61E031B-F0R6A935-e1VC	SINGLE	N.A.	0.900	PR61E031B-F0R6A935-e1VC
6	4	BRHF1-4-4L33-15-120	SINGLE	N.A.	0.900	BRHF1-4-4L33-15-120

1 SITE PHOTOMETRIC PLAN  
SCALE: 1/8" = 1'-0"



**Invisio**

**ENGINEER-CONTROLLED**

**DESCRIPTION**  
The Invisio lighting fixture is a recessed, surface-mount, LED lighting fixture. It is designed to provide a clean, modern look to any space. The fixture is available in several finishes and is suitable for use in a variety of applications, including residential, commercial, and institutional.

**FEATURES**  
• Recessed, surface-mount design  
• Available in several finishes  
• Suitable for residential, commercial, and institutional use

**INSTALLATION**  
The Invisio lighting fixture is installed by recessing it into a ceiling. The fixture is secured to the ceiling with screws. The wiring is connected to the fixture's terminals. The fixture is then covered with the provided cover plate.

**FINISHES**  
• White  
• Black  
• Silver

**WARRANTY**  
The Invisio lighting fixture is warranted for a period of five years against manufacturing defects.

**GENERAL NOTES**

1. See schedule for fixture specifications.

2. See schedule for fixture finish.

3. See schedule for fixture mounting.

4. See schedule for fixture wiring.

5. See schedule for fixture installation.

6. See schedule for fixture maintenance.

7. See schedule for fixture replacement.

8. See schedule for fixture disposal.

9. See schedule for fixture recycling.

10. See schedule for fixture safety.

11. See schedule for fixture security.

12. See schedule for fixture accessibility.

13. See schedule for fixture sustainability.

14. See schedule for fixture energy efficiency.

15. See schedule for fixture light quality.

16. See schedule for fixture glare control.

17. See schedule for fixture flicker control.

18. See schedule for fixture color rendering.

19. See schedule for fixture beam spread.

20. See schedule for fixture beam angle.

21. See schedule for fixture beam diameter.

22. See schedule for fixture beam length.

23. See schedule for fixture beam width.

24. See schedule for fixture beam height.

25. See schedule for fixture beam depth.

26. See schedule for fixture beam volume.

27. See schedule for fixture beam area.

28. See schedule for fixture beam perimeter.

29. See schedule for fixture beam surface.

30. See schedule for fixture beam volume.

**McGraw-Edison**

**ENGINEER-CONTROLLED**

**DESCRIPTION**  
The McGraw-Edison lighting fixture is a recessed, surface-mount, LED lighting fixture. It is designed to provide a clean, modern look to any space. The fixture is available in several finishes and is suitable for use in a variety of applications, including residential, commercial, and institutional.

**FEATURES**  
• Recessed, surface-mount design  
• Available in several finishes  
• Suitable for residential, commercial, and institutional use

**INSTALLATION**  
The McGraw-Edison lighting fixture is installed by recessing it into a ceiling. The fixture is secured to the ceiling with screws. The wiring is connected to the fixture's terminals. The fixture is then covered with the provided cover plate.

**FINISHES**  
• White  
• Black  
• Silver

**WARRANTY**  
The McGraw-Edison lighting fixture is warranted for a period of five years against manufacturing defects.

**GENERAL NOTES**

1. See schedule for fixture specifications.

2. See schedule for fixture finish.

3. See schedule for fixture mounting.

4. See schedule for fixture wiring.

5. See schedule for fixture installation.

6. See schedule for fixture maintenance.

7. See schedule for fixture replacement.

8. See schedule for fixture disposal.

9. See schedule for fixture recycling.

10. See schedule for fixture safety.

11. See schedule for fixture security.

12. See schedule for fixture accessibility.

13. See schedule for fixture sustainability.

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15. See schedule for fixture light quality.

16. See schedule for fixture glare control.

17. See schedule for fixture flicker control.

18. See schedule for fixture color rendering.

19. See schedule for fixture beam spread.

20. See schedule for fixture beam angle.

21. See schedule for fixture beam diameter.

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23. See schedule for fixture beam width.

24. See schedule for fixture beam height.

25. See schedule for fixture beam depth.

26. See schedule for fixture beam volume.

27. See schedule for fixture beam area.

28. See schedule for fixture beam perimeter.

29. See schedule for fixture beam surface.

30. See schedule for fixture beam volume.

**Halo Commercial**

**ENGINEER-CONTROLLED**

**DESCRIPTION**  
The Halo Commercial lighting fixture is a recessed, surface-mount, LED lighting fixture. It is designed to provide a clean, modern look to any space. The fixture is available in several finishes and is suitable for use in a variety of applications, including residential, commercial, and institutional.

**FEATURES**  
• Recessed, surface-mount design  
• Available in several finishes  
• Suitable for residential, commercial, and institutional use

**INSTALLATION**  
The Halo Commercial lighting fixture is installed by recessing it into a ceiling. The fixture is secured to the ceiling with screws. The wiring is connected to the fixture's terminals. The fixture is then covered with the provided cover plate.

**FINISHES**  
• White  
• Black  
• Silver

**WARRANTY**  
The Halo Commercial lighting fixture is warranted for a period of five years against manufacturing defects.

**GENERAL NOTES**

1. See schedule for fixture specifications.

2. See schedule for fixture finish.

3. See schedule for fixture mounting.

4. See schedule for fixture wiring.

5. See schedule for fixture installation.

6. See schedule for fixture maintenance.

7. See schedule for fixture replacement.

8. See schedule for fixture disposal.

9. See schedule for fixture recycling.

10. See schedule for fixture safety.

11. See schedule for fixture security.

12. See schedule for fixture accessibility.

13. See schedule for fixture sustainability.

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16. See schedule for fixture glare control.

17. See schedule for fixture flicker control.

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24. See schedule for fixture beam height.

25. See schedule for fixture beam depth.

26. See schedule for fixture beam volume.

27. See schedule for fixture beam area.

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29. See schedule for fixture beam surface.

30. See schedule for fixture beam volume.

**WAC LIGHTING**  
Responsible Lighting®

**TUBE - model: WS-W2605, WS-W2604**  
LED/Tub Mount

**DESCRIPTION**  
The WAC Lighting Tube lighting fixture is a recessed, surface-mount, LED lighting fixture. It is designed to provide a clean, modern look to any space. The fixture is available in several finishes and is suitable for use in a variety of applications, including residential, commercial, and institutional.

**FEATURES**  
• Recessed, surface-mount design  
• Available in several finishes  
• Suitable for residential, commercial, and institutional use

**INSTALLATION**  
The WAC Lighting Tube lighting fixture is installed by recessing it into a ceiling. The fixture is secured to the ceiling with screws. The wiring is connected to the fixture's terminals. The fixture is then covered with the provided cover plate.

**FINISHES**  
• White  
• Black  
• Silver

**WARRANTY**  
The WAC Lighting Tube lighting fixture is warranted for a period of five years against manufacturing defects.

**GENERAL NOTES**

1. See schedule for fixture specifications.

2. See schedule for fixture finish.

3. See schedule for fixture mounting.

4. See schedule for fixture wiring.

5. See schedule for fixture installation.

6. See schedule for fixture maintenance.

7. See schedule for fixture replacement.

8. See schedule for fixture disposal.

9. See schedule for fixture recycling.

10. See schedule for fixture safety.

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August 21, 2015

Lisa Bender  
City of Minneapolis – Ward 10  
350 South 5<sup>th</sup> Street, Room 307  
Minneapolis, MN 55415

**STATEMENT OF PROPOSED USE /  
PROJECT NARRATIVE  
FOR  
CPM - 26<sup>TH</sup> & STEVENS**

**PROJECT DESCRIPTION:**

The proposed project will redevelop a large, vacant site with a 5-story, mixed-use building with 70 apartments and approximately 4,055 SF of retail lease space. The purpose of this development is to add high-density, market-rate housing in an area that has not seen much new construction for many years. The site is close to many social, cultural, transit and recreational amenities, including the Minneapolis College of Art and Design, the Minneapolis Institute of Art, the American Swedish Institute, the Midtown Greenway bike trail, multiple bus routes (on Nicollet, Stevens, 26<sup>th</sup>), and the vibrant and diverse restaurants of the Eat Street Activity Center. It is also close to the medical employment center that includes Abbott Northwestern Hospital.

The 29,048 SF site is vacant and was previously occupied by a dry cleaning business that left highly contaminated soils, which have been undergoing a clean-up process for the past seven years. While the clean-up work has made redevelopment possible, the removal of any additional soil is cost prohibitive, so below grade parking is not a feasible option for the current proposed project.

The proposed project will have 26 enclosed parking spaces on the first floor along Stevens Avenue, with retail space and the apartment entry located on 26th Street East. An additional 21 parking spaces will be provided outside, between the building and the alley. Approximately 54% of the non-garage space will be retail to qualify for a density bonus. The active uses are located at the corners on 26th Street, which is the main pedestrian corridor (and also above the less contaminated section of the site). Floors 2-4 will have 18 units each. The 5th floor will have 16 units and will be stepped back 10' from the west facade of the lower floors to reduce the shading on the building across the alley to the west.

**ZONING / VARIANCES:**

The present zoning is C2 and has a pedestrian overlay. In addition to the site plan review the proposed project will require a CUP for height (from 4 stories to 5 stories) and a variance for FAR (70,233 proposed, 59,258 allowed). The parking requirements are met by utilizing the new parking reduction for sites within the mass transit areas.

August 21, 2015

Whittier Alliance  
10 East 25th Street  
Minneapolis, Minnesota 55404

**STATEMENT OF PROPOSED USE /  
PROJECT NARRATIVE  
FOR  
CPM - 26<sup>TH</sup> & STEVENS**

**PROJECT DESCRIPTION:**

The proposed project will redevelop a large, vacant site with a 5-story, mixed-use building with 70 apartments and approximately 4,055 SF of retail lease space. The purpose of this development is to add high-density, market-rate housing in an area that has not seen much new construction for many years. The site is close to many social, cultural, transit and recreational amenities, including the Minneapolis College of Art and Design, the Minneapolis Institute of Art, the American Swedish Institute, the Midtown Greenway bike trail, multiple bus routes (on Nicollet, Stevens, 26<sup>th</sup>), and the vibrant and diverse restaurants of the Eat Street Activity Center. It is also close to the medical employment center that includes Abbott Northwestern Hospital.

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August 31, 2015

Daniel Oberpriller  
CPM Companies  
2919 Knox Avenue South #200  
Minneapolis, MN 55408

Dear Dan,

I am writing to inform you of the action taken by the Whittier Alliance Board at its August 27, 2015, meeting on motions forwarded from the August 10, 2015, Community Issues Committee Meeting regarding the request for a setback variance, a Floor Area Ratio variance and a Conditional Use Permit.

**Motion:** The Whittier Alliance Board supports a Conditional Use Permit for the proposed mixed use development at the SW corner of 26<sup>th</sup> St & Stevens Ave. to increase from four stories to five stories and allow an increase to 62 feet at the two corners (as shown at Community Issues meeting on August 10), with the condition that the developers meet in good faith with the Whittier Alliance Design Review Task Force to address public concerns about the design and durability of the building. **Carried.**

**Motion:** The Whittier Alliance Board supports a setback ratio variance on the alley, from 15 to 13 feet for the proposed mixed use development at the SW corner of 26<sup>th</sup> St & Stevens Ave. **Carried.**

**Motion:** In light of the overwhelming community concern, the Whittier Alliance Board does not support the increased Floor Area Ratio from 59,258 to 66,985 for the proposed mixed use development at the SW corner of 26<sup>th</sup> St & Stevens Ave. **Carried.**

**Motion:** The Whittier Alliance Board requests that the developer meet with the Whittier Alliance's Design Review Task Force and members of the community to address public concerns regarding the design, durability and massing of the proposed mixed use development at the SW corner of 26<sup>th</sup> St & Stevens Ave. **Carried.**

The proposed development at 26<sup>th</sup> St & Stevens Ave was a lengthy discussion at the Whittier Alliance Board meeting. In considering the proposal, the Housing component of the Whittier Alliance Strategic Plan was referenced with goals to: expand housing quality and choice for residents; improve the condition, aesthetic and curb appeal of housing stock in Whittier; preserve and increase single-family and owner-occupied housing in the neighborhood.

There is support in seeing a development on the long vacant Corson Corner site however, significant opposition has risen among community members. In its decision, the Board took into account the online and paper petition signed by over 200 residents rejecting the proposal. The petition references concerns about the development's size and appearance consistent with the Board's. A further concern raised by Board is the durability of the building, with the interior and exterior of the building deteriorating in 10 and 25 years respectively.

Finally, the location of the development site is a critical one for the neighborhood, as it a highly visible gateway corner into the Whittier neighborhood. The Board wants the development to positively represent the community and requests that the CPM and DJR meet with the neighborhood Design Review Task Force. In the past, the Whittier Alliance Design Review Task Force has successfully worked with developers and architects to achieve a mutually satisfactory outcome.

The Whittier neighborhood appreciates your commitment to working with residents and the Whittier Alliance. I will convene the Task Force and contact you about scheduling a meeting.

Sincerely,



Marian Biehn  
Executive Director

Cc: Hilary Dvorak, City Planner  
Councilmember Lisa Bender  
Scott Nelson, DJR Architects

**Dvorak, Hilary A.**

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**From:** Giancarlo Casale <casale@umn.edu>  
**Sent:** Monday, August 24, 2015 3:26 PM  
**To:** Dvorak, Hilary A.  
**Subject:** Concerns about Proposed Corson Corner Development

Dear Hilary,

As the owner and long-time resident of an adjacent property, I am writing to express some concerns about the proposed development at the Corson Corner lot on 26th st. and Stevens Ave S. in Whittier (presented to the Whittier Alliance Community Issues meeting on August 10th).

I have lived in a small house immediately across the alley from this property since 2006. In fact, I and my family moved into our home just a few weeks before a large vacuum pump for the clean-up of the contaminated soil there was installed just behind my garage. As a result, I have long looked forward to the day when this property would finally be ready for development. I should also add that I fully support the city's goal of increasing density along transit routes and adding residents to the inner city, and it is in part for these reasons that I live where I do.

But all of that said, the present proposal is simply out of scale with our neighborhood: at 5 stories and 70 units, it would be by far the largest residential building anywhere in Whittier. It is the kind of development that would be appropriate for a site along the Greenway, or perhaps to replace the K-Mart at Lake and Nicollet. But it is certainly not appropriate for our block, where there are 10 single-family homes, including three that are immediately adjacent to this property.

With this in mind, an aspect of the building's design that I find especially disconcerting is the fact that, in order to squeeze in as many units and as many parking spaces as possible, the planned streetside entry from Stevens Ave. to the parking lot is only one car wide. This means that some 40-50 cars will regularly enter and exit the lot not from Stevens, but through our alley, which is simply not designed for so much traffic.

In the name of neighborhood stability, I would also question the proposed mix of units, which, according to the current plan, are overwhelmingly 1-bedrooms and alcoves. I believe I can speak for the vast majority of my fellow residents in saying that the kind of housing most desperately needed in our neighborhood is not more 1-bedrooms, but rather a wider selection of family-accessible 2- and 3-bedroom housing.

Let me conclude by saying that, when I moved into my house in 2006, I was told by the city that the industrial cleanup of Corson's Corner was expected to last two years. At that time, a 3-story, mixed-use development of townhouses and commercial space was planned for the site once the cleanup was completed. These plans seemed very appealing, and made the short-term prospect of living next to a superfund site seem worth the wait. And even after two years turned into three, and then five, and then seven, and then nine, the wait was made bearable by the appearance of other, equally appealing projects on a similar scale, including one that was presented to the Whittier Alliance as recently as last March. So it was quite a shock when, the very same week that I, my wife and my daughter finally watched the vacuum pumps and decontamination filter being pulled out of the ground behind our house at the beginning of last month, the neighborhood was first presented with this proposal for five stories and seventy units.

In short, had I known something on this scale might be built on the lot behind my house, I would never have moved in to begin with. But since the zoning at the site forbids such a building, I never imagined that it could be built -- at least not without our consent. As the city planner assigned to this project, I trust you will give these comments their due consideration.

Submitted respectfully,

Giancarlo Casale

**Dvorak, Hilary A.**

---

**From:** James W Riley <jimrileymusic@gmail.com>  
**Sent:** Tuesday, September 08, 2015 11:56 AM  
**To:** Dvorak, Hilary A.  
**Subject:** Carson's Corner

Dear Ms. Dvorak,

I am writing to express my opposition to the current design of the proposed mixed-use development at the Corson Corner lot on the corner of Stevens Ave South and 26th. St. I am the owner of a single-family house across the alley from this site at 2617 1st Ave South, where I have lived for over twenty years.

To begin with, the current proposal, as submitted to the Whittier Alliance Community Issues Meeting on August 10th, is too large, far larger than any other building in the vicinity and out of character with the neighborhood. Second, because it consists overwhelmingly of one-bedrooms, and is being developed by a company that specializes in student housing, its design is detrimental to the goal of neighborhood stability (currently, most of the people who live on our block are long-time residents, including several families with children). Finally, I should add that I am a professional driver (I work as a courier), and need regular, unimpeded access to my alley parking as well as a safe entry and exit from the alley at 26th street. I am very concerned that the current plan calls for over 40 more cars to use our alley on a daily basis, while at the same time asks for an encroachment onto the alley entrance at 26th as one of its requested variances.

Call me old fashioned, but I believe that new buildings should conform to local zoning unless 1) the neighbors are in support of a zoning variance and 2) the variance would allow something to be built on a site that is in the interests of the neighborhood as a whole, or at the very least not detrimental to it. Over the years, as we have waited for the cleanup of this site to be completed, the neighborhood has been presented with several projects that would have been real assets to their surroundings. But this building is essentially a high-end private dorm for MCAD students, the last thing one would normally build on a street of single-family homes. If we must live next to a building like this, the least we can ask as residents and property owners is that it not be even bigger, have even more stories, and encroach even more invasively onto the ally than zoning allows.

Also - because I'm low-income - I use an antenna for TV reception and this building will probably cause major reception problems because the signal comes from Shoreview and the structure will be higher than my antenna and is positioned directly in the path of the signal. I'm also concerned about the already-crowded internet airwaves. I'd like to see a study that would clarify these issues.

Thank you for your consideration,

Jim Riley

## **Dvorak, Hilary A.**

---

**From:** Sinem Arcak <sinem004@gmail.com>  
**Sent:** Wednesday, September 16, 2015 11:27 AM  
**To:** Dvorak, Hilary A.  
**Subject:** Development at E 26th St & Stevens Ave S

Dear Ms. Dvorak,

As a neighbor and homeowner, I am writing to express my opposition to the request for variances and a conditional use permit for the proposed mixed-use development at E 26th St. and Stevens Ave South. The project is simply too large, too tall, and has too many units. It will also create an increased level of traffic (particularly in our shared alley) that will present a danger to my children. I do not understand why the developers cannot simply build a structure that conforms to local zoning. Moreover, I have serious concerns about the neighborhood consultative process regarding the variance requests for this development. These concerns are as follows:

- 1) The neighborhood was first informed about a vote on requested variances only three days before the scheduled Community Issues meeting (this notice arrived on a Friday afternoon, in the middle of August, for a meeting the following Monday). Most neighbors were therefore either out of town or caught unaware, and fewer than 30 people voted.
- 2) At the CI meeting, the developer left attendees with the impression that the property had been sitting empty for 10 years waiting for an investor, and many people who voted in favor of the requested variances cited this history as a decisive motive even though they believed the project was too big. But in fact, the environmental clean-up of the site was ongoing from 2004 until the first week of this July, which is the main reason why nothing had been built there. In other words, the property had been ready for development in its current condition not for years but only for a matter of weeks. (I know this because I personally witnessed them shut down the vacuum pump and remove the container of toxic waste from the site in early July, as I live next door). In this sense, the history of the site was gravely misrepresented, and votes were cast under false pretenses.
- 3) At the CI meeting, the developer repeatedly argued that the variances were necessary "to make the project financially viable." But when neighbors asked for specifics to back up this claim, they were refused.
- 4) Subsequent to the CI meeting, as word spread about the details of the project, and neighbors became more informed about the site's history, we circulated a petition requesting that the project be reduced in size to conform to zoning. Close to 200 signatures were then presented to the Whittier Alliance. Yet despite the fact that fewer than 20 people had voted in favor of the requested variances at the CI meeting, and no vote at all was held at the Whittier business meeting (for lack of a quorum), the Whittier Board nevertheless voted to approve the variance requests.
- 5) Thereafter, the developer added several thousand additional square feet to the design proposal submitted to the city, without further consultation with the neighborhood regarding the increased FAR (presumably because, considering how close the first vote at the CI meeting had been, it was clear that an even larger design would never have passed). So the current proposal is not even the one approved by the handful of neighbors who voted for the original project.

Ms. Dvorak, before concluding, I want to say the following: I am an immigrant from Turkey, having lived in the U.S. for 11 years, and at my current address for nine years. Living in this country, and in this city, has been

the fulfillment of a longtime dream for me. But over the past few weeks, as I have learned about this project, and seen how much discontent there is in the neighborhood, I have been shocked by how many times I have heard people say "It's useless for us to fight this. The city doesn't care about zoning. They don't care about the rules. They don't care about what the neighbors want, or about what homeowners think. All they care about are tax revenues and the interests of big developers." Is this really true? It certainly describes my experience of the way things work in Istanbul. But when I came to this country, I expected--and still expect--the system to work differently.

Respectfully,

Sinem Arcak

**Dvorak, Hilary A.**

---

**From:** Brian Foster <foster4artfloors@earthlink.net>  
**Sent:** Thursday, September 17, 2015 5:24 PM  
**To:** Dvorak, Hilary A.  
**Subject:** 26th & Stevens Corsons Corner

Dear Ms. Dvorak,

I am writing in regards to the proposed 70-unit mixed-use development at the corner of E 26th and Stevens Ave South. I am a long-time resident and owner of a single-family house just south of this property on Stevens Ave. I have therefore looked forward to the day when this site could be developed. However, the current proposal, which exceeds zoning both for height and for FAR, is simply too large and invasive to be built immediately next door to a row of single, detached residences.

In particular, I note that the while the main structure of the building is 54' ad five stories (while no other building on our street is above 2.5 stories) , the side of the building directly facing my property features a 61' parapet'. In the city's comprehensive plan, land use policy 1.2 requires "appropriate transitions between uses with different size, scale, and intensity." I challenge the developers to justify how a 61' parapet next to a two-story house is an "appropriate transition," and am writing to voice my opposition both to this feature, and to the overall scale of the building on the Stevens St. side.

I have lived in my home since 1989. I've witnessed many changes on this corner on the city. I have following the history of this site so I'm aware of what we are dealing with. I have patience I'm not ready to jump on the first thing that comes along. We deserve better than this proposal.

Thank you for your time,



Brian Jon Foster ☯ ☯  
2626 Stevens Ave South  
Minneapolis, Minnesota 55408-1634  
e-mail: [brian@brianjonfoster.com](mailto:brian@brianjonfoster.com)  
tethered-line: 612-870-1851  
iPhone: (612) 850-8491

<http://www.brianjonfoster.com/>

Behind every great man is a woman rolling her eyes.

**Dvorak, Hilary A.**

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**From:** Giancarlo Casale <casale@umn.edu>  
**Sent:** Friday, September 18, 2015 2:28 PM  
**To:** Dvorak, Hilary A.  
**Subject:** Neighborhood Petition re. 26th and Stevens  
**Attachments:** petition p.1.pdf; petition p.2.pdf; petition p.3.pdf; petition p.4.pdf; petition p.5.pdf; petition p.6.pdf; petition p.7.pdf; petition p.8.pdf; petition p.9.pdf; Petition Regarding 26th and Stevens.docx; Copy of online signatures.xlsb

Dear Hilary,

For your file regarding the application for variances and a conditional use permit for 26th St. and Stevens Ave, please find attached a neighborhood petition and a list of signatures. Files 1-9 are signatures from the hard copies of the petition that have been circulated. File 10 is the full text of the petition. File 11 is the spread sheet of names from the online version posted on Move.org. You can also find comments associated with these online signatures at: [https://www.change.org/p/only-whittier-residents-should-sign-minneapolis-planning-commission-minneapolis-city-council-stop-the-70-unit-5-story-development-at-26th-st-stevens-ave-s?utm\\_source=guides&utm\\_medium=email&utm\\_campaign=petition\\_created](https://www.change.org/p/only-whittier-residents-should-sign-minneapolis-planning-commission-minneapolis-city-council-stop-the-70-unit-5-story-development-at-26th-st-stevens-ave-s?utm_source=guides&utm_medium=email&utm_campaign=petition_created).

In all there are about 150 signatures to the hard copy and another 55 from the online version (although there may be a handful of duplicates). Please note for the file that signatories include the owners and residents of all the adjacent properties that share an alley with the development site, as well as most of the businesses in the immediate vicinity (including Gyst, Just In Case Staffing, Little Tijuana's, B.s Resale, 102 Architects, and Light Gray Art Lab).

Thanks again for your help, and have a good weekend.

Giancarlo Casale

## **Petition to Stop the 70 Unit, 5-story Development at 26<sup>th</sup> St. & Stevens Ave S.**

**Whereas** a request for zoning variances and a conditional use permit for the property at 26<sup>th</sup> St. and Stevens Ave S. has been recently submitted to the Whittier Alliance for approval:

We, the undersigned, urge the Minneapolis Planning Commission and the Minneapolis City Council **not to approve** the development currently proposed for the Corson's Corner lot at 26<sup>th</sup> St. and Stevens Ave South without significant design changes. As residents of the Whittier neighborhood, we have long looked forward to a mixed-use development at this site that would anchor the unique cultural, artistic, and residential community that surrounds it. But the current building plan for the site, presented at the Whittier Alliance Community Issues meeting on August 10<sup>th</sup>, is both uninspired in its design and of a physical scale so out of proportion with its surroundings that it threatens the future vitality of our community. We therefore petition:

- 1) **That the design of the building should reflect the unique character of the site.** As currently proposed, the development is virtually indistinguishable from several residential buildings either recently built or currently under construction in various neighborhoods throughout the city. It does not do justice to the uniqueness of its immediate surroundings, which include the Washburn-Fair Oaks Historic District, the MCAD Sculpture Garden, and the Fall Out Arts Coop (all directly facing the site), as well as a Designated Historical Landmark (the Despatch Laundry "Onion Dome" at 2611 1<sup>st</sup> Ave) and another recently renovated historic building (the former "Joe's Chicken Shack") that are both immediately adjacent properties. **We support a structure with a daring, innovative design that will accentuate the architectural heritage of this unique corner of the city.**
  
- 2) **That the size of the development should be reduced to conform to existing zoning ordinances and the site plan adjusted to allow occupancy by families.** As currently proposed, with five stories and 70 units (all but 16 of which are standard one-bedroom or smaller), this structure would be far larger than any residential building in Whittier, and out of character with the large proportion of families with children that are currently residents and/or looking for housing in the neighborhood. **We support a structure with a maximum of 4 stories (as required by local zoning), with a reduced number of units to stay within the allowed FAR, and with a wider mix of 2 and 2+ bedroom apartments to accommodate families.**

To conclude: the Corson's Corner lot at 26<sup>th</sup> St. and Stevens Ave South stands just two blocks from the heart of Eat Street along Whittier's main point of entry from the east. It is, in many ways, the gateway to the neighborhood. As residents, we have waited patiently for over a decade for the industrial cleanup of this property to be completed,

trusting that it would one day become the site for a special kind of building—one that sets us on an exciting path of future development while preserving and celebrating the uniqueness of our community. The current proposal for the site accomplishes neither of these things. Both our neighborhood, and our city, deserve better.

Submitted respectfully,

Printed Name	Signature	Address	Comment
Kerry Collins	Kerry Collins	2533 1 <sup>st</sup> Ave S.	
Kathy Hajdukiewicz	Kathy Hajdukiewicz	2533 1 <sup>st</sup> Ave. S	Ugly - Big
Chad Thomas	Chad Thomas	118 26 <sup>th</sup> Ave East	
Cody Hoskins	Cody Hoskins	118 26 <sup>th</sup> St mpls	Disgusting for Traffic + Noise
Megan Kottstad	Megan Kottstad	2605 2nd Ave	
Leana Harris	Leana Harris	2640 2nd Ave S apt 29	Too Big.
Don Zurek	Don Zurek	2616 2nd Ave S apt 4	BIG!
Sia Ross	Sia Ross	2603 2nd Ave S	Don't need to over crowd is it really feasible?
Cecci Svalle	Cecci Svalle	2621 3 <sup>rd</sup> Ave #30N	Too big
Jane Crandall	Jane Crandall	206 East 27 <sup>th</sup> St Lower	Too big
Mike Crandall	Mike Crandall	206 E 27 <sup>th</sup> St upper	Too big
Angela Wilson	Angela Wilson	206 E 27 <sup>th</sup> St Upper	Too Big.
DOMINIC THOMKE	Dominic Thomke	2708 2nd Ave S	
Mike Heuchert	Mike Heuchert	2731 2nd Ave S.	Too big + too
Jan Rogers	Jan Rogers	2778 Stevens Ave	stay with current zoning
Jesse Nagamatsu	Jesse Nagamatsu	205 E 27 <sup>th</sup> St apt 14	
Hopi Hohmeyer	Hopi Hohmeyer	2714 Stevens Ave	
Rachel Scepaniak	Rachel Scepaniak	2716 Stevens Ave	

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Submitted respectfully,

Printed Name	Signature	Address	Comment
Cheryl Reelinger & Humphrey Long	<i>[Signature]</i>	APT 223 2633 STEVENS AVENUE Mpls 55408	
MARK MAHONEY	<i>[Signature]</i>	102 E. 25th St. Mpls. MN 55404	Development - B Path Switch
DIANE E GORNEY	<i>[Signature]</i>	2524 Stevens Ave Mpls 55404	
Deb Girdwood	<i>[Signature]</i>	100 E 25th St 55404	
Brooks Mahoney	<i>[Signature]</i>	102 E. 25th St 55404	
Donna Kelly	<i>[Signature]</i>	111 East 25th St. 55404	
Sam Milsten	<i>[Signature]</i>	109 East 25th St. 55404	
Steve Kelly	<i>[Signature]</i>	111 E. 25th St. 55404	
COLE STREHLICH	<i>[Signature]</i>	205 E 27th St 55408	
John H. Myer	<i>[Signature]</i>	2040 2nd Ave S Mpls 55406	
Janic Upzajal	<i>[Signature]</i>	2028-2nd Ave S	
Judi Nelson	<i>[Signature]</i>	2624 2nd Ave S	
Adam Lawrence	<i>[Signature]</i>	2637 2nd Ave S	No Thanks
Megan Craig-Kuhn	<i>[Signature]</i>	2616 2nd Ave S	Item #2
Wanda Classen	<i>[Signature]</i>	2701 STEVENS AVE	was at meeting, it to leave before vote
Alexis Walstad	<i>[Signature]</i>	2701 Stevens Ave	Unable to attend want more discuss
Arella Vargas	<i>[Signature]</i>	2721 Stevens Ave	
Andrea Dahl	<i>[Signature]</i>	2728 Stevens Aves.	
Jamal Ahma	<i>[Signature]</i>	2734 Stevens Ave	Too Big
Osman Aden	<i>[Signature]</i>	2736 STEVEN AVE	

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Submitted respectfully,

Printed Name	Signature	Address	Comment
Jeanne Kaether		2707 1st Ave S Minneapolis 55408	
Paul Fedenberg		2705 16th Ave S 55408	more bedrooms
Victoria Bortolow		2815 1st Ave S	stewart
Jared Stulen		267 E 27th St. #B 55406	
Josent West			
Andre Thomas		2625 1st Ave	
Pete Akola		2625 1st Ave	
MICO G.		2625 1st Ave	
SOCORRO		2743 1st Ave S. #106	
Jennings Lane		27th Stevens Ave	
Neok Chau		2717 1st Ave. S.	please no!
James Byrdell		2701 1st Ave S.	
DREW ALLAS		2646 PLEASANT AVE	AFFORDABLE HOUSING FOR LOW INCOME F
Paulmer Johnson		2507 Nicollet Ave	
Lionana Tosca		2507 Mullet Ave #9	
Lisa Kill		2529 1st Ave S Mpls	
KEARA BAILEY		2445 1st Ave. S. Mpls, MN 55404	
Laura Van Riper		2445 1st Ave S Mpls, MN 55404	
E. Nahr		2445 1st Ave S Mpls, MN 55404	
Liana Killard		2445 1st Ave S 55404	

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Submitted respectfully,

Printed Name	Signature	Address	Comment
Bruce Landeen		2628 Stevens Ave	Too high!
Don Goldstein		144 26th St.	Too tall!
CHRIS HATNY		118 E 26th ST	
LINDSAY NOHK		business owner - bakery 118 E 26th ST #101	NEEDS A NICE Bldg. TOO VGLY!
Jenny Booker		118 E. 26th Street suite 101	
John C. Dender		2834 Stevens	Not right <sup>for the</sup> neigh but keep affordable
		2421 Clifton Ave	
Kermit Graber		2501 Stevens Ave	MCAD employee
Alex Knutson		2408 4th Ave	MCAD student
Christopher Schudt		2011 3rd Ave S	We want a more creative design!
LEONEL REYES		2011 3rd Ave S	1 BDRooms?
Sterling Edwards		2501 Stevens Avenue 2540	MCAD Student
Akash Jaahav		2500 Stevens Ave	MCAD stud
CARLY HAACK		118 E 26th St Apt 103	its ugly
Dora Klenchenko		2449 3rd Ave. So.	TOO BIG FOR SITE!
Nancy Hicks		2341 3rd Ave S.	Rude.
JONATHAN HERRECA		2541 3rd Ave S. Unit 1.	5790 Berger Dr. my comment
Rebelle John Sam		211 E 26th St	Too High
Margaret Berg		2625 Stevens Ave.	Zoning prohibits
Grant M. R. O.		2530 Stevens Ave.	

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Submitted respectfully,

Printed Name	Signature	Address	Comment
Bob Zehrer ← CO/owners		2406 Irving Ave S. also 2621 1st Ave S.	too large... lacking character!
Wyn Huynh		2621 1st Ave S.	
Jessie Scoggin		2621 1st Ave S. #4	too large, not for
KARL SASS		2621 1st Ave S #3	no thanks, eyes
Rosemary Kimball		2621 1st Ave S #8	
Spencer Witter		2621 1st Ave S #1	
Steven McCormick		2621 1st Ave S #2	Not in my neighborhood
Brianne Berger		2621 1st Ave S #7	11 b
Jesse <sup>Nevman</sup> Peterson		2620 Stevens Ave #2	
TAM JOHNSON		114 W 27th ST	TO LARGE
Shana Vachhani		225 W 27th St	
Steven Stodtka		231 W 27th St	Too High
Gretchen Roesler		2632 Harriet Ave	too large
Brigid Butler		2628 Harriet Ave	too large
Paul Martin		2628 Harriet Ave	
Julia LaMour		2017 2nd Ave S	too expensive

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Submitted respectfully,

Printed Name	Signature	Address	Comment
Elliot Hebert		2527 1st Ave S #1	Keep it cool
Thomas Conzel		2511 1st Ave S #1	
Say Mahinney		2527 1st Ave S #2	too cool,
KEVIN BEANSON		100 E. 25th St	
Jill Clearman		25 E 25th St #21	
MARISA NAVARRO		22 E 25th St #5	
Todd Kohn		2440 1st Ave S. #1	
Theresa Peterson		14161 Belfast Ct.	
TORI KURT		2516 Harper Ave #1	
MITCHELL EGERT		2516 HARPER AVE	
Andy Schost		2432 1st Ave	
ROSE WITTEBERG		2312 1st AVE	Keep OUR NEIGHBORS
Nicola Valentines		2312 1st Ave	So cool
Ben Bothweyer		2319 1st Ave S.	
Neil Dereshin		2319 1st Ave S	
DALILA FRIEDMAN		2405 1st Ave S	
Catherine D. Stocker		10 E 26th St Apt 315	
Irene P. Faass		105 E 25th St.	

Jeff

JS MALAKAI 1.0@gmail.com

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Submitted respectfully,

Printed Name	Signature	Address	Comment
<del>JS</del> MALAKAI, Jeff		2645 Stevens	
Jessica Conklin		2622 3rd Aves.	Condos Suck!
Garrett Johnson		2634 Blaisdell Ave.	
Kathleen Javor		2634 Blaisdell	
COUN GATLING		2512 1st Ave. S.	
Lisa Smyth		2512 1st Ave. S.	!
Chelsea Draken		2017 2nd Ave S	eww!
<del>Delia Johnson</del>		2005 1st Ave S	
Bennett Datas		14 east 27th st	
Mary Medill		12 E 27th St.	
Danz McDill		12 E 27th St.	too dense!
DAVE La Vidette		2721 STEVENS AVE	Way too High!
Marcos Mireles		2740 1st Ave S.	
SJR Atwood		2638 2nd Ave	
BRIAN FOSTER		2626 STEVENS	
Sinem Arcah		2615 1st Ave S	ugly!
Hardy Griffin		2645 1st Ave	





Name	City	State	Postal Code	Country	Signed On
Sinem Casale	Minneapolis	Minnesota	55408	United States	8/17/2015
Aron Goodner	Minneapolis	Minnesota	55407	United States	8/17/2015
Brian Foster	Minneapolis	Minnesota	55406	United States	8/18/2015
Heather Cram	Minneapolis	Minnesota	55404	United States	8/18/2015
Conor OBrien	Minneapolis	Minnesota	55404	United States	8/18/2015
Susan Swanson	Minneapolis	Minnesota	55412	United States	8/18/2015
Jessica Pollak	Minneapolis	Minnesota	55404	United States	8/18/2015
Dave La Violette	Minneapolis	Minnesota	55408	United States	8/18/2015
dylan rosen	Minneapolis	Minnesota	55408	United States	8/18/2015
Anna flores	Minneapolis	Minnesota	55405	United States	8/18/2015
Richmond Hayes	Minneapolis	Minnesota	55404	United States	8/19/2015
Chloe Scholtus	Minneapolis	Minnesota	55404	United States	8/19/2015
Evan Murnane	Minneapolis	Minnesota	55411	United States	8/19/2015
Charles Test	Minneapolis	Minnesota	55408	United States	8/19/2015
izaak thompson	Minneapolis	Minnesota	55404	United States	8/19/2015
Wesley Lummus	Minneapolis	Minnesota	55414	United States	8/19/2015
John Manke	Minneapolis	Minnesota	55455	United States	8/19/2015
peter wohler	Minneapolis	Minnesota	55408	United States	8/19/2015
Jillian Wilzbacher	Minneapolis	Minnesota	55408	United States	8/19/2015
Danielle Gray	Minneapolis	Minnesota	55408	United States	8/19/2015
Michael Hudy	Minneapolis	Minnesota	55408	United States	8/20/2015
Daniel Schulz-Jackson	Liberal	Kansas	67901	United States	8/20/2015
Rebekah Schulz-Jackson	Minneapolis	Minnesota	55404	United States	8/20/2015
Jackson Marketon	Minneapolis	Minnesota	55408	United States	8/20/2015
Andrea Dahl	Minneapolis	Minnesota	55408	United States	8/20/2015
osla thomason	Minneapolis	Minnesota	55404	United States	8/20/2015
Sarah Kolman-Keen	Minneapolis	Minnesota	55408	United States	8/20/2015
Rachel Blanford	Minneapolis	Minnesota	55405	United States	8/20/2015
Eric Levy	Minneapolis	Minnesota	55404	United States	8/20/2015
Leo Whitebird	Mpls	Minnesota	55408	United States	8/21/2015
Karin Dahlin	Minneapolis	Minnesota	55404	United States	8/21/2015
kelly minard	Minneapolis	Minnesota	55408	United States	8/21/2015
Jorge Rivas	Minneapolis	Minnesota	55408	United States	8/21/2015
Megan Merrill	Minneapolis	Minnesota	55408	United States	8/21/2015
Amesha Williams	Minneapolis	Minnesota	55407	United States	8/21/2015
Steph Lee	Minneapolis	Minnesota	55405	United States	8/22/2015
Alex Ives	Minneapolis	Minnesota	55419	United States	8/22/2015
Julian Ward	Minneapolis	Minnesota	55414	United States	8/23/2015
C. John Hildebrand	Minneapolis	Minnesota	55407	United States	8/23/2015
Marco Sgarbi	Padova		35127	Italy	8/23/2015

Bryan Frank	Minneapolis	Minnesota	55419 United States	8/23/2015
Paul Fudenberg	Minneapolis	Minnesota	55408 United States	8/23/2015
Patrick Hamilton	Minneapolis	Minnesota	55403 United States	8/24/2015
Emily Bujold	Minneapolis	Minnesota	55406 United States	8/24/2015
Reem El-Radi	Minneapolis	Minnesota	55408 United States	8/26/2015
Erik Farseth	Minneapolis	Minnesota	55405 United States	8/26/2015
Ashley Day	Minneapolis	Minnesota	55404 United States	8/26/2015
Brooke Depenbusch	Minneapolis	Minnesota	55405 United States	8/26/2015
Brian Foster	Minneapolis	Minnesota	55408 United States	8/26/2015
Matt King	Minneapolis	Minnesota	55404 United States	8/27/2015
Selen Özakhun	Minneapolis	Minnesota	55401 United States	8/27/2015
Laurna Vasquez	Minneapolis	Minnesota	55404 United States	8/27/2015
Sara Tucker	Minneapolis	Minnesota	55404 United States	9/1/2015
Nolan Morice	Minneapolis	Minnesota	55404 United States	9/3/2015
Catherine Katt	Minneapolis	Minnesota	55404 United States	9/9/2015

Neighbors' Response to the 26<sup>th</sup> and Stevens  
Statement of Proposed Use and Project Description

The following has been prepared by the owners and occupants of residential properties in the immediate vicinity of the proposed development at 26<sup>th</sup> St. and Stevens, and summarizes our position regarding the application for a conditional use permit and FAR variance. In principle, we support the idea of a multi-story mixed use development at the site, and would be happy to endorse a proposal that addresses our concerns regarding appropriate design, safety, and particularly the size and height of the building on the Stevens Ave side. But we strongly oppose the proposal in its current form, take issue with many of the application's justifications for the present design, and urge the planning commission not to approve either the conditional use permit to increase the height of the building or the zoning variance to increase maximum FAR.

Response to the Description of the Site:

The applicants' proposal describes the site's location as "an area that has not seen much new construction in many years." A more accurate description might be that the area around 26<sup>th</sup> St. and Stevens Ave features an unusually high concentration of historic and architecturally significant buildings. These include a registered architectural landmark adjacent to the development site (the "Despatch Laundry" at 2611 1<sup>st</sup> Ave), and the Washburn-Fair Oaks historic district that begins across the street.

The area is also in the midst of a wave of remodeling and restoration of its historic housing stock. In just the past year, two 19<sup>th</sup>-century buildings immediately to the west of the development site on 26<sup>th</sup> street have been extensively renovated, while three other buildings directly facing the site on both 26<sup>th</sup> and Stevens Ave have been upgraded or repainted. At the same time, the intersection has become the center of a thriving arts and design district, with multiple architectural firms, design studios, art galleries and performance spaces located within a one-block radius. The owners of these businesses have been attracted to the area in large measure because of its unique architectural character, and many are signatories to the residents' petition (submitted separately) that expresses concerns about the current project's design, its scale, and its impact on the neighborhood. To summarize: through the thoughtful utilization of its architectural assets, over the past few years 26<sup>th</sup> and Stevens has become a vibrant, culturally significant corner of the city. It is therefore deserving of careful stewardship on the part of the planning commission to ensure that heavy-handed development does not jeopardize its continued growth.

A second consideration regarding the site has to do with its north-south orientation, meaning that its primary street frontage is on Stevens Ave, not on 26<sup>th</sup> street. As shown in Image #1 below, the 2600-block of Stevens Ave is a low-density residential street, with no structures that are more than 2.5 stories, and with a row of detached, two-story homes immediately to the

south of the proposed development site. Unfortunately, the applicants' project description makes no effort to address the suitability of their proposal with regard to existing structures and current land use on Stevens Ave, where the development will in fact have the greatest impact on its surroundings. Instead, it focuses exclusively on the site's relationship to 26<sup>th</sup> St., its secondary frontage, and to Nicollet Ave, two blocks to the east.



**Image #1: A view of the 2600-block of Stevens Ave, looking south. The property line of the proposed development is immediately adjacent to the yellow house on the far right.**

A third consideration not adequately addressed by the applicants has to do with the site's history. For the last ten years (not seven, as the description states) 26<sup>th</sup> and Stevens was the site of a superfund cleanup of toxic volatile organic compounds in its soil. In consequence, any development proposed for the site at any point during the last decade would have had to accommodate an environmental cleanup that was still ongoing. As of this July, however, the cleanup been completed and the collected toxins have been moved offsite, meaning that the conditions for developing the property have substantially changed. As a result, while section 3.5.10 of the comprehensive plan calls for the city to "support the timely development of infill housing on vacant lots," this property should not be considered a vacant lot that has struggled to find a developer over an extended period of time. It is, instead, a site that has only recently (within the last three months) become available for development in its present condition.

Response to the Findings for Conditional Use Permit for Increased Height:

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.*

While the applicants find that their proposal will not endanger the public's health, safety, or general welfare, **we have serious safety concerns about the increase in alley traffic that will**

**be caused by this development, and seriously exacerbated by the request to add an additional fifth story to the building** (thereby increasing the total number of residential units and, consequently, traffic). Specifically, the current proposal calls for only a one-lane entrance from Stevens Ave to the back surface parking lot, with a second one-lane entrance to the parking lot from the alley to the west. This narrow access, combined with the fact that 26<sup>th</sup> St. has one-way traffic, virtually guarantees that 40+ cars will routinely enter or exit the parking lot not from the street but from the one-lane alley, which currently serves low-density residential housing and is simply not equipped to handle so much traffic. This presents a danger not only to residents of properties along the alley itself (which currently house multiple families with children), but also to car traffic entering the alley from 26<sup>th</sup> St.

*2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity, and will not impede the orderly development and improvement of surrounding property of uses permitted in the district.*

As already stated in the above Description of the Site, the 2600 block of Stevens Ave is a quiet residential street consisting of low-density housing, with no buildings higher than 2.5 stories. The same is true of the properties on the 2600 block of 1<sup>st</sup> Ave, which share the same alley (see figure #2). Particularly for those properties situated on 1<sup>st</sup> Ave immediately behind the development site (including two single-family houses at 2615 and 2617 1<sup>st</sup> Ave, and a restored 19<sup>th</sup>-century residential building at 2621-2623 1<sup>st</sup> Ave), **the current design represents a serious infringement of privacy, as several dozen new units will have direct lines of sight into the back bedroom windows of these residences.** The addition of a fifth story to the development intensifies these concerns, not only because of the increased number of units but also because these units' higher vantage point will make mitigation with trees and other barriers ineffective.



**Image #2: A view of the 2600-block of 1<sup>st</sup> Ave, facing southeast. The low-density private residences pictured here are immediately behind the proposed development, and dozens of its units will have direct lines of site into their back bedrooms.**

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

As already discussed in item 1, we believe the current street access from Stevens Ave to the surface parking lot is inadequate for the size of the parking lot, and will cause a dangerous volume of traffic to pass through the alley.

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

Please see above comments for items 1 & 3.

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

The land use policies cited by the applicants to justify additional height and an additional 5<sup>th</sup> story are policies that primarily address the goal of increasing high-density housing on commercial corridors (land use policies 1.5, 1.8, 1.10.4 & 1.10.5). But the proposed development is **not situated on a commercial corridor**. Instead, it faces a quiet street **two blocks to the east** of a commercial corridor, on a site bordering low density housing on three sides and **immediately adjacent to multiple single-family detached houses**. Moreover, as the applicants themselves point out, the 2600 block of Stevens is designated as an Urban Neighborhood. According to the comprehensive plan, density in such neighborhoods “vary, but consist predominantly of low density (8-20 du/acre), and are not intended to accommodate significant new growth or density.”

With this in mind, we refer back to two other policies from the comprehensive plan cited in the application:

Land Use Policy 1.2: Ensure **appropriate transitions** between uses with different size, scale, and intensity.

Urban Design Policy 10.5: Support the development of multi-family residential dwellings of **appropriate form and scale**.

We challenge the applicants to justify as an “appropriate transition” the placement of a 5-story building, with a 61’ parapet at its south edge, immediately next to a cluster of single-family homes on a low-density residential street. If the development in question were on a much smaller lot, primarily situated on 26<sup>th</sup> street rather than Stevens, a building of the proposed height and density might well be considered appropriate. But **we are unaware of any comparable instance, anywhere in the city, in which a building of these dimensions would be considered an “appropriate transition” to a row of detached houses on a street that is not a commercial corridor.**

*Additional factors to be considered: (3) the scale and character of surrounding uses:*

Please note that the MCAD building referred to in the application is only four stories tall, not five as indicated by the applicants. Additionally, the 7-story building referred to on 26<sup>th</sup> street has a tiny footprint, and is set far back from the street and from neighboring properties in all directions. It is not of comparable character to the proposed development.

#### Response to the Variance for Floor Area Ratio Required Findings

*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.*

The applicants' claim for practical difficulties is based on two points: 1) the high cost of building underground parking at the site due to soil contamination, and 2) a desire to comply with the city's goal of building higher density housing along commercial corridors. With regard to parking, we simply note that because the proposed development is on a transit corridor, **the applicants face no requirement to provide the currently planned number of parking spaces.** In fact, according to the applicants' own presentation at the Whittier Alliance Community Issues Meeting of August 10<sup>th</sup> (as recorded in the official minutes), **the city requested that they significantly reduce the currently planned number of parking spots.** Even if the applicants continue to resist this suggestion, we note that a smaller building, with a FAR conforming with zoning and with 4 rather than 5 stories, would have proportionally much more space for surface parking on a per unit basis, thereby alleviating the need for either underground or enclosed parking. It would also keep the design closer in scale to surrounding construction, and address neighborhood safety concerns regarding traffic in the alley.

With regard to the objective of building higher density housing along commercial corridors, we note that increased housing density, while a laudable goal, cannot serve in itself as a justification to disregard zoning—particularly at a site that is not on a commercial corridor, and in the face of strong neighborhood opposition. Moreover, **in this case neither the increased FAR nor an additional fifth story are necessary to fulfill the goal of greater housing density,** since a mixed-use, 4-story building with a FAR conforming with local zoning would already rank among the largest and highest-density residential buildings anywhere in Whittier.

With all of this in mind, it is difficult to avoid the conclusion that the applicants are attempting to build a structure larger and taller than zoning allows for reasons that are, in reality, purely economic, while using the goal of increased density, as well as the site's past history of soil contamination, as *ex post facto* justifications. This motivation was in fact stated clearly by the applicants at the August 10<sup>th</sup> CI meeting, in which (again according to the official minutes of this meeting) they insisted that "taking 7000 square feet off the building would be a huge problem for financials, particularly with current property taxes."

*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.*

The applicants' claim that "variations in color, building materials and roof height mitigate the perception of mass from the pedestrian realm" is not credible. From Stevens, the face of the building that will have the greatest impact on its surroundings, the only variations in roof height are the two parapets, which make the building *higher* and *more massive* than it otherwise would be, not less so. The variations in color and building materials are also minimal by the standards of recent construction throughout the city, and are out of character compared to surrounding structures.

We have already expressed elsewhere our disagreement with the claim that an increased FAR is "consistent with the city's land use guidance for high density development in this area," but we wish to reiterate here that that the city's guidance for high density housing refers to construction on commercial corridors, which this site is not. Nor are the two existing nearby buildings cited in the application comparable structures, as the applicants suggest they are. The first of these is a building that is situated directly on the Nicollet Corridor and surrounded exclusively by properties zoned C3A or R5, not two blocks away on a residential street. The second is the main building of the Minneapolis College of Art And Design, which occupies its own dedicated 2-city block residential campus, and is set back more than a hundred feet from the street in most directions.

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

As already stated, the current proposal would create the largest and most massive residential structure anywhere in Whittier, on a site bordering low-density residential properties on three sides. A pioneering structure of this kind might be appropriate for Nicollet Ave itself, Lake St., or the area along the Greenway, but not for a quiet residential street such as Stevens Ave.

#### Concluding Remarks:

Despite our many objections to this proposal in its current form, we do not want to leave the impression of being categorically opposed to a multi-story mixed-use development for the corner of 26<sup>th</sup> Street and Stevens. On the contrary, as long-time residents who have spent years dealing with the noise, nuisance, and health hazards of living next to a superfund cleanup site, we have long looked forward to the day when this property would finally be ready for development.

As such, there are any number of possible accommodations that would address our concerns without undermining the viability of a mixed-use development on this site. For example, a

design with five stories on the side facing 26<sup>th</sup> Street, but that gradually descended from four stories to three stories on the Stevens Ave side, would present a convincing transition from the high-density of the Nicollet activity center to the low density of Stevens, and would also add architectural interest to the design of the building. Both of these effects could be magnified with setbacks and terraces on the top floor. Similarly, a significantly wider street cut and parking access on Stevens Ave, capable of easily accommodating two lanes of traffic, would go a long way towards addressing neighborhood concerns about congestion in our shared alley.

To conclude, chapter 3.2.2 of the city's comprehensive plan directs developers to "engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses." Unfortunately, such dialogue has so far been inadequate. To our collective surprise, at no point were any of the property owners on the immediate perimeter of this development site ever contacted by the applicants to discuss our perspectives. After some of us subsequently expressed concerns about the project's scale and design at the Whittier Community Issues meeting in July, where it was first presented to the public, the applicants responded by *adding* six more units to their design. After we then circulated a petition expressing similar concerns, they added several thousand additional feet to the floor plan. And at the second CI meeting in August, where neighbors again expressed concerns about the design and scale of the project, the applicants' response was that we should "speak at the planning meeting."

In the hopes that this suggestion was made in good faith, we now appeal to the planning commission to help us in making sure that our concerns about this project are finally heard, as a first step in finding a new design for this site that serves the interest of both the applicants and the neighborhood as a whole.

Signed,

Giancarlo Casale, 2615 1<sup>st</sup> Ave (co-owner/resident since 2006)

Sinem Arcak, 2615 1<sup>st</sup> Ave (co-owner/resident since 2006)

Michael Garrity, 2615 Stevens Ave (owner/resident since 1980)

Brian Jon Foster, 2626 Stevens Ave (owner/resident since 1989)

Jim Riley, 2617 1<sup>st</sup> Ave (owner/resident since 1994)

Bob Zehrer, 2621-23 1<sup>st</sup> Ave (co-owner since 1987)

Nguyen Huynh, 2621-23 1<sup>st</sup> Ave (co-owner since 1987)

Dave La Violette, 2721 Stevens Ave, apts. #1 & #3 (resident since 1986)