



LAND USE APPLICATION SUMMARY

Property Location: 2707 E 38th Street, 3800-3812 28th Avenue S
Project Name: 38th Street Mixed Use
Prepared By: Kimberly Holien, Principal Planner, (612) 673-2402
Applicant: 3828 LLC, c/o The Lander Group
Project Contact: Tony Kriha
Request: To construct a new four-story, mixed-use building with 53 dwelling units.
Required Applications:

Rezoning	Petition to rezone the property at 3806 28th Avenue S from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district, retaining the Pedestrian Oriented Overlay district.
Rezoning	Petition to rezone the property at 3812 28 th Avenue S from the R1A, Single-family District to the C2, Neighborhood Corridor Commercial district and the PO, Pedestrian Oriented Overlay district.
Variance	To increase the maximum floor area ratio in the C2 district from 2.21 to 2.32.
Variance	To reduce the required front yard setback for the south 25 feet along 28th Avenue S from 19 feet to 14 feet due to the adjacent residential zoning.
Variance	To reduce the interior side yard setback along the south property line from five feet to four feet for surface parking.
Variance	To reduce the east interior side yard setback and north interior side yard setbacks adjacent to the existing building at 3800 28th Avenue S from 11 feet to zero.
Variance	To reduce the west interior side yard setback from 11 feet to zero.
Variance	To reduce the south rear yard setback from five feet to approximately one foot for parking.
Variance	To the requirements of the PO, Pedestrian Oriented Overlay district to allow portions of the building to be setback more than 8 feet from the front lot line along 28th Avenue S.
Site Plan Review	For a new four-story, mixed-use building with 53 dwelling units and surface parking.
Vacation	Vacation of air rights over the north end of the alley that exits onto 38th Street E.
Minor Subdivision	To adjust the lot line between 2702 E 38th Street and 3800 28th Avenue S.

Date Application Deemed Complete	June 3, 2016	Date Extension Letter Sent	June 17, 2016
End of 60-Day Decision Period	August 2, 2016	End of 120-Day Decision Period	October 1, 2016

SITE DATA

Existing Zoning	C2, Neighborhood Corridor Commercial District C1, Neighborhood Commercial District RIA, Single-family District PO, Pedestrian Oriented Overlay District
Lot Area	22,524 square feet / 0.517 acres
Ward	12
Neighborhood	Standish-Ericcson
Designated Future Land Use	Mixed Use Urban Neighborhood
Land Use Features	Community Corridor (38 th Street E) Neighborhood Commercial Node Transit Station Area
Small Area Plan	<u>38th Street Station Area Master Plan (2006)</u>

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site is a series of parcels that front along E 38th Street and 28th Avenue S. The portion of the site that fronts along 38th Street is currently occupied by an auto repair use and surface parking. The parcels that front along 28th Avenue S include a single-story commercial building and a duplex. The existing buildings on these three properties would be demolished as part of the project. The public hearing notice included the address at 3800 28th Avenue S. The two-story building at this address will be retained and the applicant is proposing to subdivide the parcel to create a larger redevelopment site along 38th Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by a mix of commercial and residential uses. The neighboring buildings along E 38th Street are each two stories in height with commercial uses on the ground floor and residential uses above. Directly to the north, across E 38th Street, is the Northbound Smokehouse and Brewpub. To the east, across 28th Avenue S, there is a three-story mixed use building. The uses to the south on the subject block are all single-family homes. The project is approximately two blocks west of the Blue Line LRT station at E 38th Street and Hiawatha Avenue.

PROJECT DESCRIPTION. The project includes a 4-story mixed use building with 53 dwelling units and three ground floor commercial spaces. The proposed building will be L-shaped with frontage on E 38th Street and 28th Avenue S, reading as three separate buildings. The proposed building will wrap around the existing building at the corner of 38th Street E and 28th Avenue S, preserving the existing building. The ground floor of the building will have three retail spaces fronting along 38th Street E and walk-up units fronting along 28th Avenue S. Each of the retail spaces is less than 1,000 square feet. The upper floors contain residential units that cantilever over surface parking on the back side of the building. A total of 44 parking stalls are provided. The residential unit mix includes three studio units, 40 one-bedroom units, and ten two-bedroom units.

The main residential entrance is on the east side of the building, facing 28th Avenue S. The retail spaces each have individual entrances facing 38th Street E. The primary exterior materials are stucco, metal

panel and brick on the portions of the building that front along 38th Street and fiber cement lap siding where the building fronts along 28th Avenue S. Fiber cement panels and fiber cement lap siding are proposed on the interior elevations. The north elevation, facing 38th Street E, is designed to appear as two distinct buildings separated by the alley at grade. The applicant is requesting to vacate air rights above the alley and build over the alley at the third and fourth floors.

PUBLIC COMMENTS. One e-mail was received by the time of publication and it has been attached to this report for consideration. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the property at 3806 28th Avenue S from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district, retaining the Pedestrian Oriented Overlay district based on the following findings:

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

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as mixed use on the future land use map and is within the boundaries of a neighborhood commercial node at E 38th Street and 28th Avenue S. East 38th Street is a Community Corridor in this location and the parcel is located within a Transit Station Area, as it is within 1/4 mile of the LRT station at E 38th Street and Hiawatha Avenue.

The following principles and policies outlined in the plan apply to this proposal:

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.

- I.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- I.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

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.

- I.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- I.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Land Use Policy I.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.

- I.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 I.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- I.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- I.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Land Use Policy I.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- I.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node's main intersection.
- I.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood Commercial Nodes.
- I.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.
- I.11.5 Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.

Land Use Policy I.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- I.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- I.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.
- I.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

The proposed project provides infill development with small-scale commercial uses and 53 dwelling units along a Community Corridor, in a Neighborhood Commercial Node and in a Transit Station Area. The proposed rezoning supports the redevelopment of an underutilized site near land use features that call for more development intensity.

The property is within the study area of [38th Street Station Area Plan \(2007\)](#). The small area plan identifies the site as being within the "station district" and the future land use of the site as "neighborhood mixed use." The plan specifically calls out the corner of 28th Avenue and 38th Street as an "anchor and building block for a larger mixed-use district contiguous with the station." The portion of the site that fronts along 38th Street E is recommended for landscaping and screening

improvements of the existing site to create a better pedestrian environment. The plan contains the following policy recommendations that are relevant to this project:

- 1.2. Some land-use changes will depend on larger-scale redevelopment schemes that are consistent with the vision established in the plan. The current configuration of public infrastructure and land ownership may not readily support the plan's changes. The City will support rezoning or subdivision of parcels in conjunction with land assembly and project proposals that meet the land use, density, and urban design objectives of this plan.
- 2.1 The plan should reinforce stable residential neighborhoods that are physically buffered from nonresidential land uses.
- 2.2 Redevelopment of single-family areas adjacent to or near 38th Street shall be limited to areas where the plan envisions redevelopment facing 38th Street.
- 2.5 Adequate parcel depth should be acquired to avoid the need for variances from zoning standards that arise from small sites (e.g., related to yard, landscaping and parking), not simply to increase the size of the project scale.
- 3.1 The plan should reinforce neighborhood-scale, mixed-use nodes or districts along 38th Street and Minnehaha Avenue.

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

The amendment is both in the interest of the property owner and the general public. The uses allowed in the proposed C2 district would allow for a broad range of commercial uses on a Community Corridor, within a Neighborhood Commercial Node and within a Transit Station Area. Providing for additional commercial uses and increased density near these land use features is supported by City policies and is in the public interest.

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

The proposed C2 zoning would be compatible with adjacent properties, as the proposal includes the retention of the Pedestrian Oriented Overlay district. The site is surrounded by a mix of commercial and residential uses. The neighboring buildings along 38th Street are each two stories in height with commercial uses on the ground floor and residential uses above. Directly to the north of the project site, across E 38th Street, is the Northbound Smokehouse and Brewpub. To the east, across 28th Avenue S, there is a three-story mixed use building and a four-unit residential building. The uses to the south on the subject block are all single-family homes. The three-story building east of the site is zoned C2. The building at the corner, at 3800 28th Avenue S, is zoned C1. The parcel at 2707 E 38th Street is located in the center of the block along 38th Street and this parcel is zoned C2. The single-family homes to the south are all zoned R1A. The existing uses of property and zoning classifications of property within the general area of the subject property are compatible with the proposed C2 zoning.

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

There are reasonable uses of the property under the current C1 zoning. However, as noted above, the site is part of a larger project that includes a parcel with C2 zoning. Per Section 535.210 of the zoning code, the combining of parcels shall not result in more than one primary zoning classification on a single zoning lot, except as allowed by the TP Transitional Parking Overlay District. As such, a

rezoning is required in order for the development to occur. As noted above, staff finds that the requested C2 district is consistent with adopted policy for this area.

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

The property was placed in the C1 zoning district with the adoption of the 1999 Zoning Code. In May of 2012 a rezoning study was conducted for this area following the adoption of the *38th Street Station Area Plan*. That plan did not make any recommendations to rezone property on the west side of Hiawatha Avenue. Thus, the zoning did not change as part of that plan. Since 1999, the area west of the station has seen one development project: the three-story building directly east of the site at 2803 38th Street E. This project was approved in 2003 and included a rezoning to the C2, Neighborhood Corridor Commercial district.

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the property at 3812 28th Avenue S from the R1A, Single-family District to the C2, Neighborhood Corridor Commercial district and the PO, Pedestrian Oriented Overlay district, based on the following findings:

- I. *Whether the amendment is consistent with the applicable policies of the comprehensive plan.*

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Urban Neighborhood on the future land use map and is one parcel south of a neighborhood commercial node. The site is also within a Transit Station Area, as it is within ¼ mile of the LRT station at E 38th Street and Hiawatha Avenue.

The following principles and policies outlined in the plan apply to this proposal:

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.

- I.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- I.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.

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.

- I.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- I.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Land Use Policy I.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.

- I.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 I.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- I.11.6 Encourage the development of medium-density housing immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low-density residential areas.

Land Use Policy I.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- I.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- I.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.
- I.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

The applicant is proposing to rezone this parcel from R1A, Single-family district to C2, Neighborhood Corridor Commercial district in order to match the zoning of the parcel at 2707 E 38th Street, which is currently zoned C2 and part of the proposed project. The overall project is consistent with the policies above and will allow for a high-density, mixed-use development on a community corridor and near a transit station. The proposed density is 102 dwelling units per acre.

The property is within the study area of [38th Street Station Area Plan \(2007\)](#). The small area plan identifies the site as being within the “station district” and the future land use of the site as “neighborhood mixed use.” The plan specifically calls out the corner of 28th Avenue and 38th Street as an “anchor and building block for a larger mixed-use district contiguous with the station.” The portion of the site that fronts along 38th Street E is recommended for landscaping and screening improvements of the existing site to create a better pedestrian environment. The plan contains the following policy recommendations that are relevant to this project:

- I.2. Some land-use changes will depend on larger-scale redevelopment schemes that are consistent with the vision established in the plan. The current configuration of public infrastructure and land ownership may not readily support the plan’s changes. The City will support rezoning or subdivision of parcels in conjunction with land assembly and project proposals that meet the land use, density, and urban design objectives of this plan.
- 2.1 The plan should reinforce stable residential neighborhoods that are physically buffered from nonresidential land uses.
- 2.2 Redevelopment of single-family areas adjacent to or near 38th Street shall be limited to areas where the plan envisions redevelopment facing 38th Street.

- 2.5 Adequate parcel depth should be acquired to avoid the need for variances from zoning standards that arise from small sites (e.g., related to yard, landscaping and parking), not simply to increase the size of the project scale.
- 3.1 The plan should reinforce neighborhood-scale, mixed-use nodes or districts along 38th Street and Minnehaha Avenue.

Staff finds that the proposed rezoning is consistent with the adopted small area plan policies for the site. The plan recognizes that additional parcel depth may be required in order to achieve the desired density along the corridors. The plan envisions redevelopment in this location and thus the proposed rezoning is appropriate.

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

The amendment is both in the interest of the property owner and the general public. Rezoning this parcel to the proposed C2 district would allow for greater parcel depth to accommodate a mixed-use development on a Community Corridor, within a Neighborhood Commercial Node and within a Transit Station Area as called for in the small area plan. Providing for additional commercial uses and increased density near these land use features is supported by City policies and in the public interest.

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

The proposed C2 zoning would be compatible with adjacent properties, as the proposal includes the addition of the Pedestrian Oriented Overlay district. The site is surrounded by a mix of commercial and residential uses. The buildings neighboring the larger project site along 38th Street are each two stories in height with commercial uses on the ground floor and residential uses above. Directly to the north of the project site, across 38th Street, is the Northbound Smokehouse and Brewpub. To the east, across 28th Avenue S, there is a three-story mixed use building zoned C2 and a 4-unit building with R4 zoning. The uses to the south on the subject block are all single-family homes, including the house immediately south of the property. These single-family homes are all zoned RIA.

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

Under the current RIA zoning, a parcel of this size would be limited to a single-family home. As noted above, the site is part of a larger project that includes a parcel with C2 zoning. The proposed rezoning would increase the depth of the project site to make it viable for redevelopment, as called for in the small area plan.

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

The property was placed in the RIA zoning district with the adoption of the 1963 Zoning Code. In May of 2012 a rezoning study was conducted for this area following the adoption of the *38th Street Station Area Plan*. That plan did not make any recommendations to rezone property on the west side of Hiawatha Avenue. Thus, the zoning did not change as part of that plan. Since 1999, the area has seen one development project: the three-story building directly east of the site at 2803 38th

Street E. This project was approved in 2003 and included a rezoning to the C2, Neighborhood Corridor Commercial district.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum floor area ratio, 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 base floor area ratio maximum in the C2 zoning district is 1.7. The project qualifies for a density bonus for providing commercial uses for 50 percent of the ground floor and residential uses above. The allowed bonus is 30 percent due to the site's inclusion in a Transit Station Area Pedestrian Oriented Overlay district (TSA PO). With the bonus, the floor area ratio (FAR) maximum is 2.21. The applicant is proposing 52,358 square feet of gross floor area on a lot that is 22,524 square feet in area, resulting in an FAR of 2.32. A variance to exceed the maximum FAR has been requested accordingly. The proposed floor area exceeds the maximum by 2,580 square feet.

Staff finds that practical difficulties exist in complying with the maximum floor area ratio due to circumstances unique to the property. The property is uniquely situated in a Transit Station Area and adopted city policies call for high density development. Specifically, the comprehensive plan calls for concentrating highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus. The subject site fronts on 38th Street, a designated community corridor that connects to the transit station by bus. These circumstances have not been created by the applicant.

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 request to exceed the maximum floor area ratio by 2,580 square feet will allow for the property to be used in a reasonable manner that is in keeping with the spirit and intent of the ordinance and the comprehensive plan. Bulk regulations are intended to ensure that development is compatible with the surrounding area and maintains adequate access to light and air. The proposed building is designed to read as three separate buildings, thus breaking up the mass in a way that reduces the impact on adjacent properties and maintains adequate access to light and air. Staff is recommending denial of the west side yard setback variance, evaluated below, which would result in a nominal decrease in building bulk and increase the amount of light and air the property to the west receives.

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 proposed floor area ratio will not alter the character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As noted above, the building has been designed to read as three separate buildings. Specifically, the design gives the appearance of two buildings along E 38th Street and one building along 28th Avenue S. The proposed design distributes the massing in a way that minimizes the impact on adjacent uses. The portion of the building that fronts along 28th Avenue S is designed to appear as a walk-up residential building, thus in keeping with the character of the residential uses along this block face.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the front yard setback requirement along 28th Avenue S from 19 feet to 14 feet, 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 front yard setback requirement for the south 25 feet of the property, fronting along 28th Avenue S, is 19 feet. This required setback is based on the established setback of the single-family home directly south of the site. The applicant is proposing a setback of 14 feet in this location and a variance has been requested accordingly.

Staff finds that practical difficulties exist in complying with the setback requirement in this location due to conflicting setback requirements. For the south 25 feet of the site, the project is subject to a minimum front yard setback of 19 feet. For the remainder of this frontage, there is a maximum front yard setback requirement of eight feet due to the Pedestrian Oriented Overlay district. These circumstances are unique to the property. While the applicant is extending the Pedestrian Oriented Overlay district further south, it is already located at 3806 28th Avenue S and thus the circumstances have not been entirely created by the applicant.

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 front yard setback reduction from 19 feet to 14 feet will allow for the property to be used in a reasonable manner that is in keeping with the spirit and intent of the ordinance and the comprehensive plan. The applicant is balancing the two conflicting setback requirements along the same frontage by proposing a setback of 14 feet. The site currently includes the Pedestrian Oriented Overlay (PO) district for portions of this frontage and it is proposed to extend south to 3812 28th Avenue S. The purpose of the PO district is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design. The proposed building placement along the front yard is intended to maximize the interaction with the public streets and sidewalks while still providing an adequate front yard setback that is consistent with the development pattern on the block. The proposed setback is also consistent with adopted Urban Design policies for multi-family development by providing a building that is designed in a traditional urban building form with pedestrian-scale design features at the street level.

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 proposed 14-foot front yard setback would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The portion of the building that encroaches into the required yard is minimal, as the 19-foot setback only applies to the south 25 feet of the property. The south eight feet of the proposed building steps back an additional 2.5 feet to further minimize the encroachment. The proposed building placement is fairly consistent with the pattern of residential development on this block face while also balancing the need to reinforce the street wall. The variance will not be detrimental to the health, safety or general welfare of those utilizing nearby properties.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the south interior side yard setback requirement from five feet to four feet for parking, 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 south property line for the parcel at 3812 28th Avenue S is an interior side lot line adjacent to a single-family home. The applicant is proposing a side yard setback of four feet for surface parking where five feet is required. A variance has been requested accordingly.

Practical difficulties do not exist in complying with the setback requirement nor are there unique circumstances that have not been created by the applicant. There are multiple options available to adjust the site plan and comply with the five-foot setback requirement. These options include making the one row of parking stalls compact or reducing the width of the sidewalk on the south side of the building.

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 setback reduction for the south row of parking stalls is not reasonable nor is it in keeping with the spirit and intent of the zoning ordinance. The proposed design would result in surface parking for a mixed-use building four feet from a shared property line with a single-family home. Portions of the adjacent single-family home would be within eight feet of these parking stalls. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The 38th Station Area Plan addresses this issue with the following policies:

- 2.2 The plan should reinforce stable residential neighborhoods that are physically buffered from nonresidential land uses.
- 2.5 Adequate parcel depth should be acquired to avoid the need for variances from zoning standards that arise from small sites (e.g., related to yard, landscaping and parking), not simply to increase the size of the project scale.

Allowing parking to encroach into the interior side yard adjacent to a single-family home would not provide adequate separation between these two uses and would not allow for a physical buffer as called for in the small area plan. Additionally, Chapter 530, Site Plan Review, calls for landscaped yards a minimum of seven feet in width where parking abuts adjacent residential uses. Requiring the applicant to comply with the setback requirements will allow additional space for an adequate landscaped buffer in this location and be in keeping with the intent of the small area plan.

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 setback reduction along the interior side yard would not alter the essential character of the locality but it would be injurious to the use and enjoyment of the single-family home to the south. As noted above, the adjacent home is located four feet south of the shared property line with windows facing the proposed parking area. Not providing an adequate setback in this location

would have a detrimental impact on those utilizing nearby properties, particular the property to the south.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the east interior side yard setback and north interior side yard setback adjacent to the existing building at 3800 28th Avenue S from 11 feet to zero, 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.*

In commercial districts, residential uses with windows facing the interior side or rear property line are subject to a setback requirement of $5 + 2x$ where "x" is equal to the number of stories above the first floor. This setback requirement is reflective where a proposed building abuts a building with a residential use on an adjacent property. The building at 3800 28th Avenue S has residential uses on the second floor with windows facing the north and south property lines. As such, a setback of 11 feet is required for the proposed building where it abuts this property.

Practical difficulties exist in complying with the ordinance due to the unique configuration of the site and the narrow depth of the parcels along 38th Street. The site is essentially "z-shaped" with four interior side yards. Requiring compliance with all of the interior side yard setback requirements would create practical difficulties in constructing an infill development project in this transit station area while preserving the building at the corner. Additionally, the parcel depth along E 38th Street ranges from 62 feet to 80 feet, as the underlying platter lots were originally platted toward the side streets. These circumstances resulted in the need to combine parcels and have not been created by the applicant.

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 request to allow reduced setbacks facing the east and north interior side yards is reasonable and in keeping with the spirit and intent of the ordinance. The applicant is proposing a minor subdivision as part of the project and in doing so, has placed the east property line in a location that allows the openings on the adjacent building to maintain compliance with the building code. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site and commercial building to the east due to the fact no windows are proposed on the north and east interior elevations of the proposed building and the placement of the proposed building on the south side will match that of the existing building at 3806 28th Avenue S. The existing building to the south, at 3806 28th Avenue S is currently built up to the property line and the applicant would mimic this condition with the proposed building.

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 proposed interior side yard setbacks will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The proposed building and the

existing building at 3800 38th Avenue S would have a minimum of seven feet of separation between them. On the north interior side yard setback, the proposed building would be setback eight inches from the property line and the existing building in this location is located directly on the property line. As such, the proposed building placement would not impact the character along 28th Avenue S. Additionally, the existing building at 3800 28th Avenue S would maintain compliance with the zoning code for its openings, thus the setback would be detrimental to the health, safety or welfare of the occupants in this building.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the west interior side yard setback requirement from 11 feet to zero, 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.*

In commercial districts, residential uses with windows facing the interior side or rear property line are subject to a setback requirement of $5 + 2x$ where “x” is equal to the number of stories above the first floor. This setback requirement is reflective where a proposed building abuts a building with a residential uses on an adjacent property. The west property line for the parcel at 2707 E 38th Street is an interior side lot line adjacent to a mixed use building with residential uses on the second floor. The residential portion has windows facing the east. As such, a setback of 11 feet is required for the proposed building where it abuts this property.

Staff finds that practical difficulties do not exist in complying with the setback requirement to allow the building to be constructed on the property line. The applicant is maximizing the building footprint and requesting several variances for required yards. It is possible for the applicant to reduce the building footprint and provide for a greater separation between uses in this location. As the building is designed, it would be up to the property line and thus no windows would be provided on the west elevation. Staff recommends that the building maintain a setback of at least five feet from the west property line to allow for some windows on this elevation. This would improve the design, add opportunities for natural surveillance and visibility and provide for greater separation between uses.

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 setback reduction to zero is not reasonable nor is it in keeping with the spirit and intent of the zoning ordinance. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The building to the west is located four feet from the shared property line. As such, there would only be four feet of separation between uses. Further, as designed, the proposed building would have blank walls and no windows on the west elevation due to the proximity to the property line. This design would not be consistent with the Urban Design policies of the comprehensive plan or the CPTED policies in Chapter 530, Site Plan Review, which call for opportunities to observe adjacent spaces. Additionally, the 38th Station Area Plan addresses this issue with the following policies:

- 2.2 The plan should reinforce stable residential neighborhoods that are physically buffered from nonresidential land uses.

- 2.5 Adequate parcel depth should be acquired to avoid the need for variances from zoning standards that arise from small sites (e.g., related to yard, landscaping and parking), not simply to increase the size of the project scale.

The number of yard variances requested for the project is not in keeping with the intent of these small area plan policies, which specifically call for avoiding yard variances by limiting project scale. In lieu of approving a side yard setback variance to zero, staff recommends approving a setback variance to five feet in this location. A setback of five feet would allow for some window openings on this elevation. On the first and second floors said windows would be in the stairwell and on the third floor they would be located in a dwelling unit. Requiring a setback of five feet would increase the amount of light and air that both properties receive and allow for a landscaped yard between the two buildings.

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.*

A setback reduction to zero along the west property line would not alter the essential character of the locality but it would likely be injurious to the use and enjoyment of the residential units in the building to the west. As noted above, the adjacent building is only four feet from the property line in this location and has windows facing east. Additionally, the proposed variance reduction to zero would limit the ability for windows on the proposed building, thus creating a situation that could be detrimental to the safety and welfare of the general public. In lieu of a variance to zero along the west property line staff is recommending a setback reduction to five feet, conditioned on the provision of windows on this elevation.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the south rear yard setback requirement from five feet to approximately one foot for parking, 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 south property line for the parcel at 2707 E 38th Street is a rear lot line adjacent to a single-family home. The applicant is proposing a rear yard setback of approximately one foot for surface parking where five feet is required. A variance has been requested accordingly.

Staff finds that practical difficulties do not exist in complying with the setback requirement nor are there unique circumstances to the property. The number of parking stalls provided for the project exceeds the minimum parking requirement and all parking stalls are provided in a surface lot instead of within the building or below grade. Further, the site is in a Pedestrian Oriented Overlay district with policies that strongly encourage alternate modes of transportation and lessening the impact of surface parking. These circumstances have been created by the applicant.

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 setback reduction to one foot is not reasonable nor is it in keeping with the spirit and intent of the zoning ordinance. The proposed design would result in surface parking for a mixed-use building one foot from a shared property line with a single-family home. The single-family home to

the south is only three feet from the property line and has several windows facing the proposed parking area. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Allowing parking to encroach into the required yard adjacent to a single-family home would not provide adequate separation between these two uses. As noted above, the small area plan specifically addresses this issue with Policy 2.2, which states, “*The plan should reinforce stable residential neighborhoods that are physically buffered from nonresidential land uses.*” Additionally, Chapter 530, Site Plan Review, calls for landscaped yards a minimum of seven feet in width where surface parking abuts adjacent residential uses. Requiring the applicant to comply with the rear setback requirement will allow for an adequate landscaped buffer in this location as called for in the small area plan.

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 setback reduction along the south rear yard would not alter the essential character of the locality but it would be injurious to the use and enjoyment of the single-family home to the south. As noted above, the adjacent home is located three feet south of the property line with windows facing the proposed parking area. Not providing an adequate setback in this location would have a detrimental impact on the livability of this home.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to the requirements of the Pedestrian Oriented Overlay district to allow the building to be setback more than eight feet from the front lot line along 28th Avenue S, 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 Pedestrian Oriented Overlay district requires that buildings be setback no more than eight feet from the front property line. In this case, there are portions of the building fronting along 28th Avenue S that are 14 feet from the front lot line and a variance has been requested accordingly.

Staff finds that practical difficulties exist in complying with the setback requirement in this location due to conflicting setback provisions. For the south 25 feet of the site, the project is subject to a minimum front yard setback of 19 feet based on the established setback of the adjacent residential structure. For the remainder of this frontage, there is a maximum front yard setback requirement of eight feet due to the Pedestrian Oriented Overlay district. These circumstances are unique to the property. While the applicant is extending the Pedestrian Oriented Overlay district further south, it is already located at 3806 28th Avenue S and thus the circumstances have not been entirely created by the applicant.

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 front yard setback increase from eight feet to 14 feet will allow for the property to be used in a reasonable manner that is in keeping with the spirit and intent of the ordinance and the comprehensive plan. The applicant is balancing the two conflicting setback requirements along the same frontage by proposing a setback of 14 feet. The building is designed to have walk-up

residential units along this frontage with porches that are located within six feet of the front lot line to engage the street. The purpose of the PO overlay district is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design. The proposed building placement along the front yard is intended to maximize the interaction with the public streets and sidewalks while still providing an adequate front yard setback that is consistent with the development pattern on the block. The proposed setback is also consistent with adopted Urban Design policies for multi-family development by providing a building that is designed in a traditional urban building form with pedestrian-scale design features at the street level.

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 proposed 14-foot front yard setback would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As noted above, front porches are provided to engage the street while allowing for the rest of the building to step back in a manner that is consistent with the character of the residential uses on this block face. The proposed building placement is fairly consistent with the pattern of residential development on this block face while balancing the need to reinforce the street wall. The variance will not be detrimental to the health, safety or general welfare of those utilizing nearby properties.

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

Building placement – Requires alternative compliance

- The first floor of the building is located within eight feet of the front lot line along E 38th Street. The first floor of the building is setback four inches from the front lot line for this entire frontage. Along 28th Avenue S, portions of the building step back to 14 feet and alternative compliance is requested. Staff recommends granting alternative compliance based on the findings analyzed in the variance to the PO requirements.
- The placement of the building reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation.
- The area between the building and lot line includes amenities along 28th Avenue S. Amenities include landscaping and front porches.
- All on-site accessory parking is located to the rear or interior of the site. All parking is at grade with the majority of it covered by the building floors above.

Principal entrances – Meets requirements

- The building is oriented so that at least one principal entrance faces the front property line. The commercial spaces each have an entrance facing E 38th Street. The primary residential entrance faces 28th Avenue S. There are also two ground floor walk-up units along this frontage with doors facing the street.

- All principal entrances are clearly defined and emphasized through the use of glazing and, in the case of the residential entrance, a canopy over the door.

Visual interest – Requires alternative compliance

- Many of the exterior building walls provide architectural detail and contain windows in order to create visual interest. However, there are several instances of blank walls facing the interior and rear of the site that will require alternative compliance. Those wall sections are called out below.
- The proposed building emphasizes architectural elements – including recesses, projections, windows, and entries – to divide the building into smaller identifiable sections. The building is designed to read as three separate buildings. Along 38th Street, the alley separates the two building sections at grade and two primary materials are used; brick on the west portion of the building and stucco on the east portion of the building. Along 28th Avenue S the residential units are designed to appear as a third building with the two-story building at the corner providing a visual break in the massing from the street.
- There are several instances of blank walls in excess of 25 feet throughout the building that require alternative compliance. Those sections of blank wall are as follows:
 - The east wall facing the building at 3800 28th Avenue S has a blank wall 33 feet in length on the ground floor, blank walls 60 feet in length on floors two and three and a 33-foot blank wall on the fourth floor. The first two floors will be screened by the neighboring building but visible from the residential units within the neighboring building. The top two floors would be visible as one travels west on 38th Street.
 - The ground floor of the north elevation, facing the building at 3800 28th Avenue S, has a blank wall approximately 36 feet in length.
 - The west elevation of the building where it faces the property at 2701 38th Street E has a blank wall approximately 34 feet in length on the first floor, and blank wall sections ranging from 27.5 feet in length to 34.5 feet in length on floors 2-4.
 - The first floor of the west elevation, facing the on-site parking area, is blank for approximately 86 linear feet.
 - The south elevation facing the single-family home at 3816 28th Avenue S has blank walls that are approximately 38 feet in length on the second, third and fourth floors closest to the street.
 - The south elevation has a blank wall approximately 57 feet in length on the ground floor on the west side of the alley and a blank wall approximately 74 feet in length on the ground floor on the east side of the alley.

Exterior materials – Requires alternative compliance

- The applicant is proposing brick, stucco, metal panel and fiber cement lap siding as the building's primary exterior materials. Alternative compliance is requested for the City's durability standards for exterior materials on the south elevation, east elevation and a portion of the north elevation (see Table 2). Please note that exterior material changes at a later date may require review by the Planning Commission and an amendment to the site plan review.
- In addition, the application requires alternative compliance with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials.
- Plain face concrete block is not proposed along any public streets, sidewalks, or adjacent to a residence or office residence district.
- Alternative compliance is requested to the requirements that the exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building. The building is designed to read as three separate buildings, each with a different primary material.

In terms of primary materials, one building section is brick on the front elevation, one section is stucco and one section is fiber cement lap siding. On the back of the building and on the west elevation facing the alley, fiber cement panel is introduced but this material is not proposed on the front. Additionally, fiber cement lap siding is introduced on the east elevation of the brick section where it faces the alley but this material is not proposed on the front.

Table 1. Percentage of Exterior Materials per Elevation

Material	Allowed Max	North	South	East	West	North-facing 3800 28 th Ave S	East-facing 3800 28 th Ave S	West-facing 2701 E 38 th St	South-facing 3816 28 th Ave S
Brick	100%	18.5%	11.2%	--	--	--	--	39.2%	--
Glass	100%	16.7%	--	36.2%	29.6%	--	--	--	--
Stucco	75%	19.8%	--	--	--	--	70.9%	--	--
Metal Panel	75%	20.3%	29.9%	16%	48.4%	44%	15.3%	51.9%	78.5%
Burnished CMU	50%	--	13.8%	--	22%	20.8%	13.8%		8%
Fiber Cement (≤ 5/8")	30%	--	10.8%	--	--	--	--	--	--
Fiber Cement Siding	30%	--	18.6%	37.4%	--	33.5%	--	--	--

Windows – Requires alternative compliance

- For mixed-use buildings, the zoning code requires that no less than 30 percent of the walls on the first floor are windows with clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher where they face a public street or on-site parking lot. In addition, at least 40 percent of the first floor façade of a nonresidential use facing a public street or sidewalk is required to be windows or doors with clear or tinted glass in the Pedestrian Oriented Overlay District. The 40 percent requirement applies to the ground floor uses facing E 38th Street and 28th Avenue S. No less than ten percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows. The project requires alternative compliance for the minimum window requirement (see Table 3).
- Each individual ground level commercial tenant facing E 38th Street complies with the minimum window requirements.
- All windows are vertical in proportion. With the conditions of approval recommended by staff, they will be evenly distributed along the building walls.

Table 2. Percentage of Windows per Applicable Elevation

	Code Requirement	Proposed
Nonresidential Uses		
1 st floor- north	40% minimum	459 sq. ft. 76.2% 875 sq. ft.
1 st floor- east	40% minimum	299 sq. ft. 49.2% 368 sq. ft.
1 st floor-south	30% minimum	346 sq. ft. 0% 0 sq. ft.
1 st floor- west	30% minimum	223.96 sq. ft. 0% 0 sq. ft.

2 nd floor and up- north	10% minimum	128 sq. ft.	47.3%	605.36 sq. ft.
2 nd floor and up- east	10% minimum	74.7 sq. ft.	31%	232 sq. ft. min
2 nd floor and up- west (facing parking lot)	10% minimum	74.65 sq. ft.	36.9%	276 sq. ft.
2 nd floor and up- south	10% minimum	122.5 sq. ft.	11.4%	140.31 sq. ft.

Ground floor active functions – Meets requirements

- The ground floor facing E 38th Street contains active functions for 87.2 percent of the frontage and the ground floor facing 28th Avenue S contains active functions for 88.8 percent of the frontage.

Roof line – Meets requirements

- The principal roof line of the building will be flat, which is similar to that of surrounding commercial and mixed use buildings along 38th Street.

Parking garages – Not applicable

ACCESS AND CIRCULATION

Pedestrian access – Meets requirements

- There are clear and well-lit walkways at least four feet in width connecting building entrances to the adjacent public sidewalk and on-site parking facilities.

Transit access – Not applicable

- No transit shelters are proposed as part of this development.

Vehicular access – Meets requirements

- Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and with surrounding residential uses.
- Curb cuts have been consolidated. The applicant is not proposing any new curb cuts to the site and will entirely rely on existing alley access
- Traffic in the adjacent alley will be directed as to minimize its impact on residential properties. The site currently has large surface parking lots that serve commercial uses and said lots are accessible from the alley. The applicant is proposing to continue utilizing the alley for access. The parking area has been designed so that all turning movements can occur on-site without requiring any maneuvering in the alley.
- Service vehicle access does not conflict with pedestrian traffic. Trash pick-up and deliveries will occur on the back side of the building within the parking area.
- There is no maximum impervious surface requirement in the C2 zoning district. According to the materials submitted by the applicant, 90.8 of the site will be impervious. Staff is making recommendations for additional landscaping in the findings below that will increase the amount of pervious surface on-site.

LANDSCAPING AND SCREENING

General landscaping and screening – Requires alternative compliance

- The overall composition and location of landscaped areas complement the scale of development and its surroundings.
- At least 20 percent of the site not occupied by the building is landscaped. The applicant is proposing approximately 1,940 square feet of landscaping on site, or approximately 29.5 percent of the site not occupied by buildings (see Table 4). Landscaping is primarily concentrated along 28th Avenue S and in small areas within the parking lot.
- The applicant is not meeting the minimum requirement of at least one canopy tree per 500 square feet of the required landscaped area. The tree requirement for the site is three and the applicant is only proposing one canopy tree on site. Eleven additional canopy trees are proposed in the right-of-way in front of the building and nine ornamental trees are proposed on site. Alternative compliance is requested.
- The applicant is proposing at least one shrub per 100 square feet of the required landscaped area, including all required landscaped yards. The shrub requirement for the site is 13 and the applicant is proposing 56 shrubs.
- The remainder of the required landscaped area is covered with turf grass, native grasses and perennial plantings.

Table 3. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	22,524 sq. ft.
Building Footprint	--	15,969 sq. ft.
Remaining Lot Area	--	6,555 sq. ft.
Landscaping Required	1,311 sq. ft.	1,940 sq. ft.
Canopy Trees (1:500 sq. ft.)	3 trees	1 tree
Shrubs (1:100 sq. ft.)	13 shrubs	56 shrubs

Parking and loading landscaping and screening – Requires alternative compliance

- The applicant is proposing a surface parking lot to the rear of the building. Parking areas abutting or across the alley from a residence or office residence district, or any residential use, require an on-site landscaped yard of at least seven feet in width.
- With the proposed design, 7-foot landscaped yards are required along the south sides of the parking lot and on the west side where it abuts the alley. The landscaped yards that abut the alley require screening that is a minimum of three feet in height and 60 percent opaque. The landscaped yards along the south property line require landscaping that is a minimum of six feet in height and 95 percent opaque. Alternative compliance is requested for all of these required landscape yards.
- On the south side of the west section of parking lot the applicant is only proposing one foot of landscaping between the parking area and the residential use to the south. This one-foot area does not contain any plantings but a 6-foot fence is proposed. Staff does not recommend granting alternative compliance for the width of the landscaped yard due to the close proximity to residential uses.
- On the west side of the east section of parking, the applicant is proposing a landscaped yard that is also only four feet in width. The plantings proposed in this area meet the screening requirement but alternative compliance is requested for the width of the landscaped yard.
- On the south side of the east section of the parking lot, the applicant is proposing a landscaped yard four feet in width where seven feet is required. The screening required in this area needs to be six feet in height and 95 percent opaque due to the adjacent residential use. The screening proposed includes a solid wood fence and a densely planted row of arborvitae. The proposed screening meets

the minimum height and opacity requirements but alternative compliance is requested for the width of the yard.

- The parking area is located to the rear and interior of the site and therefore not subject to the requirement of one tree for each 25 linear feet, or fraction thereof, of parking or loading area frontage.
- The corners of the parking lot that are unavailable for parking or vehicular circulation are landscaped as specified for a required landscaped yard.
- Because the proposed surface parking lot contains ten or more spaces, each parking space must be located within 50 feet of the center of an on-site deciduous tree. Alternative compliance is requested. There are six parking spaces that are further than 50 feet from the center of a tree.
- The proposed tree islands are only four feet in width in lieu of the seven feet required.
- Information included in the landscape plan indicates that the plant materials, and installation and maintenance of the plant materials, would comply with sections 530.200 and 530.210 of the zoning code.
- All other areas not occupied by buildings, parking and loading facilities, or driveways would be covered with turf grass, native grasses, perennials, wood mulch, shrubs, and trees.

ADDITIONAL STANDARDS

Concrete curbs and wheel stops – Meets requirements

- The parking lot is defined by a six-inch by six-inch continuous concrete curb and on-site retention of stormwater is not proposed.

Site context – Meets requirements

- There are no important elements of the city such as parks, greenways, or significant buildings, near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties. The applicant is proposing a four-story building. The fourth floor steps back from 38th Street and from 28th Avenue S to minimize the impact on adjacent properties. Shadow studies provided by the applicant show that the building will not shadow buildings on the north side of the 38th Street or the residential uses to the south. The building directly to the north, across E 38th Street, has recently installed solar panels. Per the shadow studies provided by the applicant, these solar panels would not be shadowed by the proposed building.
- This building has been designed to minimize the generation of wind currents at ground level.

Crime prevention through environmental design – Requires alternative compliance

- The site plan employs best practices to control and guide movement on the site, and to distinguish between public and non-public spaces. However, the design is lacking in opportunities for natural surveillance and visibility and the ability to observe adjacent spaces. No windows are proposed on the first floor facing the parking area and no windows are proposed on the first three floors of the west elevation. In lieu of alternative compliance, staff is recommending that windows be added in these locations.
- The project provides lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- The landscaping, sidewalks, lighting, fencing, and building features are located to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

- The entrances, exits, signs, fencing, landscaping, and lighting are located to distinguish between public and private areas, to control access, and to guide people coming to and going from the site.

Historic preservation – Meets requirements

- This site is neither historically designated nor is it located in a historic district.

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

The proposed use is permitted in the C2 District. Specific commercial tenants have not been identified at this time but they are expected to be general retail sales and service uses.

Off-street Parking and Loading – Meets requirements

- The proposed retail uses are all less than 1,000 square feet in area and therefore not subject to a minimum parking requirement. The parking requirement for the residential uses is one space per dwelling unit. However, that requirement is reduced to 50% of the minimum due to the site’s proximity to the LRT station at 38th Street and Hiawatha. The total parking requirement for the use is 26 spaces (see Table 5). The applicant is also providing parking for the building at 3800 28th Avenue S as part of the project.
- The minimum bicycle parking requirement for the residential portion is one space for every two dwelling units, or 26 spaces in this case. The retail uses are all less than 1,000 square feet and not subject to a bike parking requirement. (See Table 6).
- The use is not subject to an off-street loading requirement. Deliveries will occur within the parking area during off-peak hours as needed.

Table 4. Vehicle Parking Requirements Per Use (Chapter 541)

Use	Minimum	Reductions	Total with Reductions	Maximum Allowed	Proposed
General Retail Sales and Services	0	--	0	19	--
Residential Dwellings	53	Transit Incentives (27)	26	--	--
	--	--	26	--	44

Table 5. Bicycle Parking Requirements (Chapter 541)

Use	Minimum	Short-Term	Long-Term	Proposed
General Retail Sales and Services	0	Not less than 50%	--	3
Residential Dwellings	26	--	Not less than 90%	53
	26	--	--	56

Building Bulk and Height – Requires variance(s)

- The applicant has requested a variance of the maximum floor area ratio as evaluated above. The use complies with all other bulk and height requirements (see Table 8). Table 6. Building Bulk and Height Requirements

	Code Requirement	Bonuses	Total	Proposed
Lot Area	--	--	--	22,524 square feet / 0.517 acres
Gross Floor Area	--	--	--	52,358 sq. ft.
Floor Area Ratio (Minimum)	None	--	--	2.32
Floor Area Ratio (Maximum)	1.7	+0.51 for mixed commercial-residential	2.21	
Building Height (Maximum)	4 stories or 56 feet, whichever is less			4 stories, 44 ft.

Lot Requirements – Meets requirements

- The applicant is proposing 53 dwelling units on a 0.517 acre lot, which is a density of 102 dwelling units per acre (see Table 9). The comprehensive plan classifies this as high density, which is considered to be 50-120 dwelling units per acre.

Table 7. Lot Requirements Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	53 DUs
Density (DU/acre)	--	102 DU/acre

Yard Requirements – Requires variance(s)

- The applicant has requested several variances to the required yards. Please refer to the variance sections of this report for additional information. (See Table 10).

Signs – Not applicable

- All signs are subject to Chapter 543, On-Premise Signs. The applicant will be required to submit a separate sign permit application for any signage that is proposed.
- No signage is proposed at this time. Generally, wall signs in the C2 district are allowed to be up to 28 feet in height and no single sign can exceed 180 square feet. Projecting signs are allowed to be up to 20 square feet in area and cannot project more than four feet from the building.

Screening of Mechanical Equipment – Meets requirements with Conditions of Approval

- All mechanical equipment is subject to the screening requirements of Chapter 535 and district requirements:

535.70. Screening of mechanical equipment.

- a) In general. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.
 - 1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:

- a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- 2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
 - 3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
 - 4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.
- b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:
- 1) Minor equipment not exceeding one (1) foot in height.
 - 2) Mechanical equipment accessory to a single or two-family dwelling.
 - 3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.
- The applicant is proposing several condensers on the roof that will be required to be screened in accordance with the provisions above as a condition of approval. The solar panels on the roof do not require screening.

Refuse Screening – Meets requirements

- All refuse and recycling storage containers are subject to the screening requirements in Chapter 535:

535.80. Screening of refuse and recycling storage containers.

Refuse, recycling storage, and compost containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

- The applicant is proposing a trash enclosure within the parking lot, adjacent to the alley which meets the screening requirements above.

Lighting – Meets requirements

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code, including:

535.590. Lighting.

- a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

- b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:
- 1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
 - 2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
 - 3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
 - 4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
 - 5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Fences – Meets requirements with Conditions of Approval

- Fences must comply with the requirements in Chapter 535. The applicant is proposing a six-foot fence along the south property line on the west side of the site. This fence is required to step down to four feet in height where it lines up with the back of the residential structure to the south. This adjustment will be required as a condition of approval. A second fence is proposed along the south property line on the east side of the alley. This fence is allowed to be six feet in height for the length of property line where proposed.

PO Overlay District Standards – Requires variance(s)

- The applicant has requested a variance to the standards of the PO district as it relates to building placement along 28th Avenue S. Staff is recommending approval of this variance as evaluated above.

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

The Minneapolis Plan for Sustainable Growth identifies the site as a combination of mixed use and urban neighborhood on the future land use map. East 38th Street is a Community Corridor in this location. The parcel is located within a Transit Station Area, as it is within 1/4 mile of the LRT station at E 38th Street and Hiawatha Avenue. In addition to those outlined in the rezoning sections above, the proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

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

- 10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.
- 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.
- 10.6.2 Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water.
- 10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.
- 10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.
- 10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

Urban Design Policy 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.

CPED finds that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The applicant is proposing a high-density, mixed use development in a Transit Station Area, within a Neighborhood Commercial Node and along a Community Corridor. With the conditions of approval recommended by staff the project will exemplify traditional urban form while providing for adequate transition spaces to the adjacent residential uses.

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

The property is within the study area of 38th Street Station Area Plan (2007). The small area plan identifies the site as being within the “station district” and the future land use of the site as “neighborhood mixed use.” The plan specifically calls out the corner of 28th Avenue and 38th Street as an “anchor and building block for a larger mixed-use district contiguous with the station.” The portion of the site that fronts along 38th Street E is recommended for landscaping and screening improvements of the existing site to create a better pedestrian environment. The plan contains the following policy recommendations that are relevant to this project:

- 2.1 The plan should reinforce stable residential neighborhoods that are physically buffered from nonresidential land uses.
- 2.2 Redevelopment of single-family areas adjacent to or near 38th Street shall be limited to areas where the plan envisions redevelopment facing 38th Street.
- 2.4. Acquisition of parcels for development adjoining 38th Street must facilitate new development that faces 38th Street. As part of the goal of creating a pedestrian-oriented 38th Street, buildings and uses should contribute to vitality and activity along 38th Street. As such, entrances should be oriented to 38th Street. Ground-level activity, such as offices and gathering places, should front 38th Street.
- 2.5 Adequate parcel depth should be acquired to avoid the need for variances from zoning standards that arise from small sites (e.g., related to yard, landscaping and parking), not simply to increase the size of the project scale.

- 3.1 The plan should reinforce neighborhood-scale, mixed-use nodes or districts along 38th Street and Minnehaha Avenue.
- 6.1 Heights of new buildings shall be related to their neighborhood context.
- 10.1. Landscaping, planters, and usable open space should be created or acquired over time, especially in the following locations:
 - In front of, or adjacent to, properties along 38th Street particularly between Minnehaha Avenue and 28th Avenue
- 11.3. The City will support the development of creative parking solutions that include shared use. The zoning code includes provisions that reduce the total number of required off-street parking spaces if such spaces are shared between sites with different periods of peak usage. Shared parking areas across property lines can also result in more efficient layouts, including reducing the number of drive-aisles and curb cuts.

The applicant is proposing a four-story building that fronts along 38th Street. Commercial uses are proposed on the ground floor, facing 38th Street, as called for in the plan. The applicant is proposing to acquire one residential parcel in order to increase the parcel depth. As noted above, the plan recommends acquiring adequate parcel depth in order to avoid the need for yard variances and landscaping reductions. Several yard variances have been requested for this project and staff is recommending denial of three of those, in part due to the Policy 2.5 above. Staff is also making recommendations for additional landscaping to provide adequate transitions between the proposed project and the residential uses south of the site.

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:

- **Building placement.** The first floor building wall is required to be located not more than 8 feet from the lot line. Along 28th Avenue S, portions of the building step back to 14 feet. Staff recommends granting alternative compliance for this provision due to conflicting setback requirements along this frontage. One portion of this frontage has a minimum front yard setback requirement of 19 feet and one portion has a maximum setback requirement of 8 feet. The applicant is balancing the setback requirements while providing a design that is in keeping with the residential character on this block-face.
- **Visual interest.** There are several instances of blank walls in excess of 25 feet throughout the building that require alternative compliance. Those sections of blank wall are as follows:
 - The east wall facing the building at 3800 28th Avenue S has a blank wall 33 feet in length on the ground floor, blank walls 60 feet in length on floors two and three and a 33-foot blank wall on the fourth floor. The first two floors will be screened by the neighboring building but visible from the residential units within the neighboring building. The top two floors are visible as one travels west on 38th Street.
 - The ground floor of the north elevation, facing the building at 3800 28th Avenue S, has a blank wall approximately 36 feet in length.
 - The west elevation of the building where it faces the property at 2701 38th Street E has a blank wall approximately 34 feet in length on the first floor, and blank wall sections ranging from 27.5 feet in length to 34.5 feet in length on floors 2-4.
 - The first floor of the west elevation, facing the on-site parking area, is blank for approximately 86 linear feet.

- The south elevation facing the single-family home at 3816 28th Avenue S has blank walls that are approximately 38 feet in length on the second, third and fourth floors closest to the street.
- The south elevation has a blank wall approximately 57 feet in length on the ground floor on the west side of the alley and a blank wall approximately 74 feet in length on the ground floor on the east side of the alley.

Staff does not recommend granting alternative compliance for any instances of blank wall other than the ground floor of the north elevation facing 3800 28th Avenue S. This portion of blank wall has limited visibility and little value would be added to the design by breaking up the burnished block with another material. However, the other elevations identified above are visible from neighboring buildings and/or the on-site parking lot and therefore will be required to be broken up by a material change, recess, projecting, window or other architectural element.

- **Windows.** Alternative compliance is requested for the minimum window requirement on the ground floor of the south and west elevations, facing the parking lot. The minimum window requirement is 30 percent on each elevation and no windows are provided. Staff does not recommend granting alternative compliance. Window requirements are intended to provide visual interest and to allow for natural surveillance and visibility of adjacent spaces. While the parking area is covered in these locations, it is not enclosed. As such, windows on these elevations would provide opportunities to observe adjacent spaces and reinforce CPTED principles outlined in Chapter 530, in addition to breaking up the blank walls and adding visual interest.
- **General landscaping and screening.** The applicant is not meeting the minimum requirement of at least one canopy tree per 500 square feet of the required landscaped area. The tree requirement for the site is three and the applicant is only proposing one canopy tree on site. However, eleven additional canopy trees are proposed in the right-of-way in front of the building and nine ornamental trees are proposed on site. Staff recommends granting alternative compliance given the number of canopy trees proposed in front of the site.
- **Exterior materials.** The applicant is proposing brick, stucco, metal panel and fiber cement lap siding as the building's primary exterior materials. Alternative compliance is requested for the City's durability standards for exterior materials on the south elevation, east elevation and a portion of the north elevation. On the east elevation, alternative compliance is requested to allow fiber cement lap siding for 37.4 percent of the elevation where 30 percent is the maximum allowed. Staff recommends granting alternative compliance for this material. This portion of the building is designed to reflect the residential character of the single-family homes on this block. As such, the proposed material is appropriate. On the south elevation, facing the single-family home at 3816 28th Avenue S, the applicant is proposing metal panel for 78.5 percent of the elevation where 75 percent is the maximum allowed. Again, staff recommends granting alternative compliance. The amount of metal panel proposed is not expected to result in a durability issue as it exceeds the maximum by a marginal amount. On the north elevation facing the building at 3800 28th Avenue S, the applicant is proposing fiber cement lap siding for 33.5 percent of the elevation where 30 percent is the maximum. Staff recommends granting alternative compliance, as this is an interior elevation and the proposed material is in keeping with the character of the front of the building.

In addition to the durability requirement, the application requires alternative compliance with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials. Staff recommends granting alternative compliance for this provision. The building is designed to read as three separate buildings, each with a different primary material. One section of building is brick, one is stucco, and one is fiber cement lap siding. Each building section also includes metal panel to provide visual interest and break up the massing. Staff is recommending that the fiber cement panel on the east and south elevations be replaced with a

material on the remainder of the building and this will result in a reduction in the overall number of materials. That recommendation is analyzed further in the paragraph below.

Alternative compliance is requested to the requirements that the exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building. The building is designed to read as three separate buildings, each with a different primary material. In terms of primary materials, one building section is brick on the front elevation, one section is stucco and one section is fiber cement lap siding. On the back of the building and on the west elevation facing the alley, fiber cement panel is introduced but this material is not proposed on the front. Additionally, fiber cement lap siding is introduced on the east elevation of the brick section where it faces the alley but this material is not proposed on the front. Staff does not recommend granting alternative compliance for this provision and, as a condition of approval, the fiber cement panel shall be replaced with a material used on the front of the building in both locations.

- **Parking and loading landscaping and screening:**

- Landscaped yards. Parking areas abutting or across the alley from a residence or office residence district, or any residential use, require an on-site landscaped yard of at least seven feet in width. On the south side of the west section of parking lot, the applicant is only proposing one foot of landscaping between the parking area and the residential use to the south. This one-foot area does not contain any plantings but a 6-foot fence is proposed. Staff does not recommend granting alternative compliance for the width of the landscaped yard due to the close proximity to residential uses. Additionally, the small area plan specifically states that required landscaped yards and setbacks should be provided where new development is proposed adjacent to low-density residential areas.

On the west side of the east section of the parking lot, the applicant is proposing a landscaped yard that is also only four feet in width where seven feet is required. Staff does not recommend granting alternative compliance. There is a sidewalk on the other end of this row of parking that is approximately 10 feet wide. This sidewalk width can be reduced to accommodate additional landscaping between the parking lot and the alley. The plantings proposed in this area meet the screening requirement.

On the south side of the east section of the parking lot, the applicant is proposing a landscaped yard four feet in width where seven feet is required. The screening required in this area needs to be six feet in height and 95 percent opaque due to the adjacent residential use. The screening proposed includes a solid wood fence and a densely planted row of arborvitae. The proposed screening meets the minimum height and opacity requirements but alternative compliance is requested for the width of the yard. Again, staff does not recommend granting alternative compliance. Staff is also recommending denial of a setback variance in this location. The parking is directly adjacent to a single-family home and the small area plan specifically calls for projects to meet the required landscaped yards in these situations. This row of parking can be converted to compact stalls or adjustments can be made to the building or walkway behind the building in order to provide the seven-foot landscaped yard required in this location.

- Distance to trees. Because the proposed surface parking lot contains ten or more spaces, each parking space must be located within 50 feet of the center of an on-site deciduous tree. Alternative compliance is requested for this provision. There are six parking spaces that are further than 50 feet from the center of a tree. Staff recommends granting alternative compliance. The parking lot is designed to have the building cantilever over most of it, thus opportunities for trees are limited.

ZONING PLATE NUMBER. 27

LEGAL DESCRIPTION.

3806 28th Avenue S: The south ½ of Lot 2 and the north ½ of Lot 3, Block 1, Robert Blaisdell's Addition to Minneapolis, Hennepin County, MN

3812 28th Avenue S: Lot 4 and the south ½ of Lot 3, Block 1, Robert Blaisdell's Addition to Minneapolis, Hennepin County, MN

MINOR SUBDIVISION

The Department of Community Planning and Economic Development has analyzed the application for a minor subdivision based on the following findings:

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

Subdivision Regulations:

The applicant is proposing to subdivide the existing lot at 3800 28th Avenue S into two parcels. The proposed subdivision would place the new lot line approximately seven feet west of the existing building. The new lot (Parcel B) would become part of the larger development site for the new four-story mixed use building and the existing building at 3800 28th Avenue S would remain in place on a smaller lot. The proposed building (Parcel B) will wrap around the existing building (Parcel A) at the corner of 38th Street E and 28th Avenue S, preserving the existing building. The subdivision is in conformance with the design requirements of the land subdivision regulations.

Zoning Ordinance:

The proposed minor subdivision would conform to the applicable regulations of the zoning ordinance. There are several land use applications required for the overall development, which have been evaluated above.

Comprehensive Plan:

The proposed minor subdivision is consistent with the applicable policies of the comprehensive plan. For a complete analysis of applicable policies, please see the Rezoning and Site Plan Review sections of this report.

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

The proposed subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to surrounding land uses. The proposed subdivision will allow for development on the west side of the parcel, which is currently a surface parking lot. Subdividing the lot into two parcels will not add to traffic congestion in the public streets and adequate parking is being provided for the new use mixed-use development. Parking for the existing two-story building will also be provided on the site of the new project. The site will continue to utilize alley access and no new curb cuts are proposed.

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

None of the above hazards exist on the site.

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

Both resulting parcels are flat and each one has frontage on a public street. The proposed development project on Parcel B has been evaluated above and has gone through the Preliminary Development Review process. As proposed, there are no foreseeable difficulties in securing permits or providing access. Both lots are suitable for development in their natural state. The existing building will remain on the Parcel A and no modifications are proposed on that parcel at this time.

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

The proposed subdivision to split the existing lot into two parcels is not expected to result in increased stormwater runoff or soil erosion. Existing utility and drainage provisions are adequate for the area. Standard erosion control measures would be required during construction of a future home on the vacant parcel.

VACATION

The applicant is requesting to vacate the air rights over the north 47.51 feet of the 14-foot alley in the block bounded by E 38th Street, 28th Avenue S, 39th Avenue S, 27th Avenue S. The applicant is proposing to construct the proposed building over the alley starting at the third level. The proposed design will maintain a clear width from grade up to 16.5' above the alley's surface. The proposed application has been submitted accordingly. Public Works has reviewed the application and recommends approval of said petition, legally described in the attached letter.

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. Of the responses received, there were no objections and no easements requested.

FINDINGS. The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by The Lander Group for the properties located at addresses:

A. Rezoning the property at 3806 28th Avenue S.

Recommended motion: **Approve** the application for a rezoning for the property at 3806 28th Avenue S from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district, retaining the Pedestrian Oriented Overlay district.

B. Rezoning the property at 3812 28th Avenue S.

Recommended motion: **Approve** the application for a rezoning at 3812 28th Avenue S from the R1A, Single-family District to the C2, Neighborhood Corridor Commercial district and the PO, Pedestrian Oriented Overlay district.

C. Variance to increase the maximum floor area ratio.

Recommended motion: **Approve** the application for a variance of the maximum floor area ratio from 2.21 to 2.32.

D. Variance to reduce the front yard setback.

Recommended motion: **Approve** the application for a variance to reduce the required front yard setback along 28th Avenue S for the south 25 feet along 28th Avenue S due to the adjacent residential zoning from 19 feet to 14 feet.

E. Variance to reduce the south interior side yard setback.

Recommended motion: **Deny** the application for a variance to reduce the interior side yard setback along the south property line for surface parking from five feet to four feet.

F. Variance to reduce the east interior side yard setback and north interior side yard setback.

Recommended motion: **Approve** the application for a variance to reduce the east interior side yard setback and north interior side yard setback adjacent to the existing building at 3800 28th Avenue S, from 11 feet to zero.

G. Variance to reduce the west interior side yard setback.

Recommended motion: **Deny** the application for a variance to reduce the west interior side yard setback from 11 feet to zero and **In Lieu Thereof Approve** an application for a variance to reduce the west interior side yard setback from 11 feet to five feet, subject to the following conditions:

1. The area between the building and the west property line shall include landscaping in the form of shrubs, native grasses or perennials.
2. Windows shall be added to the west elevation on floors 1-3 as allowed by building code to add visual interest and provide opportunities to observe adjacent spaces.

H. Variance to reduce the south rear yard setback.

Recommended motion: **Deny** the application for a variance from five feet to approximately one foot for parking.

I. Variance to the requirements of the PO, Pedestrian Oriented Overlay district.

Recommended motion: **Approve** the application for a variance to allow portions of the building to be setback more than 8 feet from the front lot line along 28th Avenue S.

J. Vacation.

Recommended motion: **Approve** the application for a vacation of air rights over a portion of the existing north-south alley.

K. Minor subdivision.

Recommended motion: **Approve** the application for a minor subdivision to adjust the common lot line between 2702 E 38th Street and 3800 28th Avenue S.

L. Site Plan Review for the construction of a four-story, mixed-use building with 53 dwelling units.

Recommended motion: **Approve** the application for site plan review, subject to the following conditions:

1. All site improvements shall be completed by August 5, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

2. CPED Staff shall review and approve the final site, elevations, landscaping and lighting plans before building permits may be issued.
3. The first floor of the south elevation, facing the parking lot, and the first floor of the west elevation, facing the parking lot, shall be revised to comply with the 30 percent glazing requirement, in compliance with Section 530.120 of the zoning code.
4. Windows shall be added to the fourth floor of the east elevation, adjacent to the building at 3800 28th Avenue S, to break up the blank wall in compliance with Section 530.120 of the zoning code.
5. A material change shall be provided to break up all blank walls in excess of 25 feet on the north and east elevations where they face the building at 3800 28th Avenue S, in compliance with Section 530.120 of the zoning code.
6. The fiber cement panel on the south elevation shall be replaced with fiber cement lap siding to reduce the number of primary materials and make the rear of the building more compatible with the front, in compliance with Section 530.120 of the zoning code.
7. The fiber cement panel on the west elevation, facing the alley, shall be replaced with stucco to reduce the number of primary materials and make the rear of the building more compatible with the front, in compliance with Section 530.120 of the zoning code.
8. Windows shall be added to the west elevation of the building to eliminate blank walls in excess of 25 feet, in compliance with Section 530.120 of the zoning code.
9. All required ground floor windows shall maintain a visible light transmittance ratio of 0.6 or higher, in compliance with Section 530.120 of the zoning code.
10. A landscaped yard a minimum of seven feet in width shall be provided between the parking lot and the south lot line on both the east and west sides of the parking lot, in compliance with Section 530.170 of the zoning code.
11. The landscaped yard on the south side of the parking lot on the west side of the alley shall include plantings that are a minimum of six feet in height at maturity. Screening in this location shall achieve 95 percent opacity, in compliance with Section 530.170 of the zoning code.
12. A landscaped yard a minimum of seven feet in width shall be provided between the east area and the alley, in compliance with Section 530.170 of the zoning code.
13. The height of the fence in the southwest corner of the site shall be reduced to four feet from the back of the adjacent single-family home to the west property line.
14. All rooftop mechanical equipment shall be screened in compliance with Section 535.270 of the zoning code.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. PDR report
3. Zoning map
4. Survey
5. Plans
6. Building elevations
7. Renderings
8. Shadow study
9. Photos
10. Vacation materials

11. Vacation approval letter from Public Works
12. Rezoning matrices
13. Correspondence

STATEMENT OF PROPOSED INTENT FOR LAND USE APPLICATION

We are proposing a mixed use infill building on 38th and 28th in response to the transit investment, 2000 Comprehensive Plan, 2007 TSA plan, and recent private investment in the area - Northbound Pub, Cupcake, and Klodt Station 38 apartments. We think this site presents an increasingly valued multi-modal lifestyle.

The small retail offerings - 1,000 square foot bays - will attract smaller, neighborhood food and service tenants. We expect 2-3 different tenants. The retail screens the at-grade parking at the rear of the property. We expect many of the customers to arrive by foot, bike, bus, or transit.

The housing is designed to meet the fast growing market of 1 and 2 person households. The density is as proposed in the Minneapolis Comp plan. It calls for medium density housing within 1/2 mile of the station. While the adjoining properties to the south are zoned R1A, this zoning doesn't appear to be in compliance with the comp plan. We think the area would be well served by R3 and R4 zoning that would allow 'missing middle' housing types - smaller scale, but multi-family. None the less, we have respected the 15' setback and provided an attractive landscape 'wall' as the neighborhood view on that closer wall. We're fine with the 3/4 story to two story condition if the properties to the south don't redevelop more densely.

Most recent infill development in Minneapolis has been on the corridors (riverfront) and in old industrial lands (Midtown Greenway) and has been larger 4, 5, and six story buildings with 100+ units. We are proposing a more 'village scale' with three story facades (a fourth level is set back) broken into parts by the alley, and smaller, human scale elements like porches, swings, canopies, etc., and 45-50 units. All these elements help these new buildings increase density, but 'fit-in' the existing context.

We are offering .8 spaces per housing unit and shared parking for the commercial, in an at-grade condition. This allows everything to be more affordable. More and underground parking dramatically increase capital and operating costs. We believe in shared parking in neighborhood districts and will carefully manage our parking inventory for maximum use/benefit.

Description of Project: The 38th Street Mixed Use project at East 38th Street and 28th Avenue South is a four-story mixed use property with 53 dwelling units and up to four retail spaces totaling 52,358 square feet. The first level is a 6,300 sf footprint that includes 3,730 sf of commercial space that can be divided into 4 tenant spaces along 38th Street. Visually these will read as two separate buildings, as shown in the illustration, to relate to the scale and context of the neighborhood, but will complement one another. The building at the corner of 38th Street and 28th Avenue will remain and be replatted as a separate piece of property. Along 28th Street, two walk-up residential units are planned along with the main entrance to the residential building. These will have patios that again better relate to the scale of the neighborhood. At grade behind the buildings that front 38th and 28th, will be 44 vehicle and 56 bicycle parking for the property. The goal is for these to be shared by the property and therefore available to commercial uses during the day and while residents are away at work. The project is located 1/2-mile from a rail transit stop with midday service of 15 minutes or less which allows for a residential parking reduction of 50%. The second level is 15,700 square feet and begins to connect the buildings seen at the first level along 38th and 28th and partially covers the parking at grade. The clearance over the alley extends into the area where the second level starts, and therefore the buildings remain separate at that point. There are four units that are accessed from an entry and stair along 38th that are separate from the building. The third level fully connects the buildings and extends across the alley. There is also a small community patio planned near the corner of 38th and 28th. There are no plans for a commercial/restaurant patio on the upper levels. Commercial uses would be confined to the street level on 38th Street.

Land Use Applications: The project is submitting for General Land Use and Zoning Application to rezone the three of the four parcels to C2 zoning designation. One of the properties, at 2707 38th Street East is currently designated as C2. The alley airspace will be vacated to 16'-6" to allow for connection of the building starting at the third level; the city required clear width will be maintained to Alternate compliance for landscape buffer for parking next to residential properties will be used to provide a six foot hedge with trees in a 4'-5' depth instead of the 7 foot depth listed. Variances would be sought for:

- Parking into interior sideyard setback south of building
- Southeast corner of east front yard setback adjacent to R1A zoning
- Increase the FAR from 2.2 (includes 30% increase for more than 50% commercial at ground floor) to 2.4
- Reduce 28th Street maximum setback
- Parking into interior sideyard setback at southwest side of building

Addresses of properties for which zoning approval is sought:

- 3800 28th Ave South - requesting rezoning from C1 to C2
- 3806 28th Ave South - requesting rezoning from C1 to C2
- 3812 28th Ave South - requesting rezoning from C1 & R1A to C2

PARKING CALCULATIONS

AUTOMOBILE (44 total stalls provided)

Residential - **27 total stalls required**

- Per section 541.160:
 - 1 stall per dwelling unit:
 - 53 dwelling units = 53 parking stalls
- Per section 541.200:
 - 50% reduction allowed for projects with 51 or more dwelling units when project is located 1/2-mile or less from a rail transit stop with midday service of 15 minutes or less.
 - 38th Street station 760-feet away (less than 1/2-mile).
 - Midday service every 10 minutes
 - 50% of 53 = 26.5 stalls

Non-Residential - **0 total stalls required:**

- Per section 541.160, Table 541-1:
 - Non-residential uses of 1,000 sf or less exempt from off-street parking requirements.
 - Multiple-tenant or multiple-use buildings may exempt no more than (4) uses of 1,000 sf or less from the off-street parking requirements.
 - The project currently has (4) non-residential uses less than 1,000 sf.

Total Automobile Parking Required (both residential and non-residential): **27 stalls**

BICYCLE (56 total stalls provided)

- Per section 541.180
 - Residential Uses
 - 1 per 2 Dwelling Units
 - 50% of 53 = 26.5 stalls
 - Commercial Uses
 - 3 per 5,000sf
 - The project currently has less than 5,000sf of commercial spaces so (3) stalls should be provided

Total Bicycle Parking Required (both residential and non-residential): **30 stalls**

MISC PROJECT DATA		UNIT MIX	
PARKING COUNT (VEHICLE): 44			
PARKING COUNT (BICYCLE): 56		UNIT TYPE	QUANTITY
SITE AREA: 22,524 SF		ONE BEDROOM	40
NUMBER OF STORIES: 4		TWO BEDROOM	13
TOTAL HEIGHT: 48'		TOTAL NUMBER OF UNITS: 53	
PROJECT AREA			
FIRST FLOOR	RETAIL	3,730 SF	
FIRST FLOOR	RESIDENTIAL	2,569 SF	
SECOND FLOOR	RESIDENTIAL	15,680 SF	
THIRD FLOOR	RESIDENTIAL	16,318 SF	
FOURTH FLOOR	RESIDENTIAL	14,061 SF	
TOTAL AREA		52,358 SF	

JLG 16002 - LANDER GROUP 38TH STREET

GLUA00 - GENERAL LAND USE APPLICATION

05/25/16 | © 2016 JLG ARCHITECTS



DESIGN FOR LIFE



JLG 16002-1A 38th Street Mixed Use
RE: Zoning Change Description
April 18, 2016

ZONING CHANGE TO C2

We are proposing a mixed use infill building on 38th and 28th in response to the transit investment, 2000 Comprehensive Plan, 2007 Transit Station Area plan, and recent private investment in the area - Northbound Pub, Cupcake, and Klodt Station 38 apartments. We think this site presents an increasingly valued multi-modal lifestyle.

The density and scale is as proposed in the Minneapolis Comp plan. It calls for medium density housing within 1/2 mile of the station. One property is currently zoned as C2, while the other three are C1, one of which has a portion of R1A. Rezoning to C2 to provide the required one zoning designation for the site is proposed. The 38th Street Station Area Plan provides guidance for this zoning selection. The property is included in the Station District - the district that is the closest to the station itself. The Planned Land Use is Neighborhood Mixed Use, which is defined as generally four stories; page 40 of the TSA document calls for "Higher density new development and rehabilitation of existing buildings will reinforce the station as a focal point for the neighborhood." The majority of the site is within a pedestrian overlay district and we ask that this be extended to project area. Our goal has been to select a zoning designation that aligns as closely as possible with what the project is - it is four stories, so we are calling it that, by requesting C2 zoning. C1 is similar, except it calls for 2-1/2 stories. We do not intend to have auto uses, like there is on site currently. The description of C2 Neighborhood Corridor Commercial District in the zoning code doesn't fully explain what it, as a zoning type, provides a project and contains conflicting opportunities.

While the adjoining properties to the south are zoned R1A, this zoning doesn't appear to be in compliance with the comp plan. We think the area would be well served by R3 and R4 zoning that would allow 'missing middle' housing types - smaller scale, but multi-family. None the less, we have respected the 15' setback except for the stair tower and provided an attractive landscape 'wall' as the neighborhood view on that closer wall. We're fine with the 3/4 story to two story condition if the properties to the south don't redevelop more densely.

We are proposing a more 'village scale' with three story facades (a fourth level is set back) broken into parts by the alley, and smaller, human scale elements like porches, swings, canopies, etc. All these elements help these new buildings increase density, but 'fit-in' the existing context.



The following variances are being requested for the 3800 Mixed Use Project.

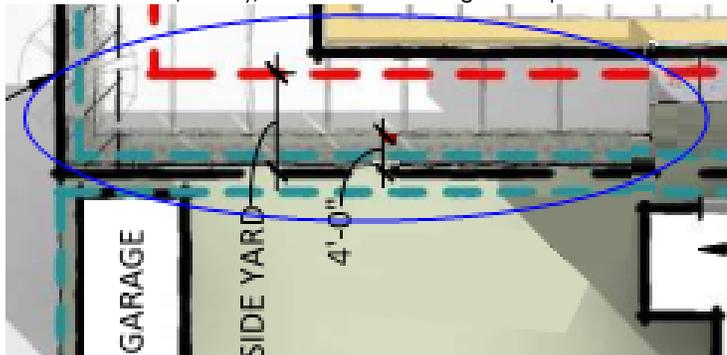
VARIANCE

ALL VARIANCES: A written statement by the applicant which addresses the following 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.
- (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.
- (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.

VARIANCE #1: PARKING INTO INTERIOR SIDEYARD SETBACK

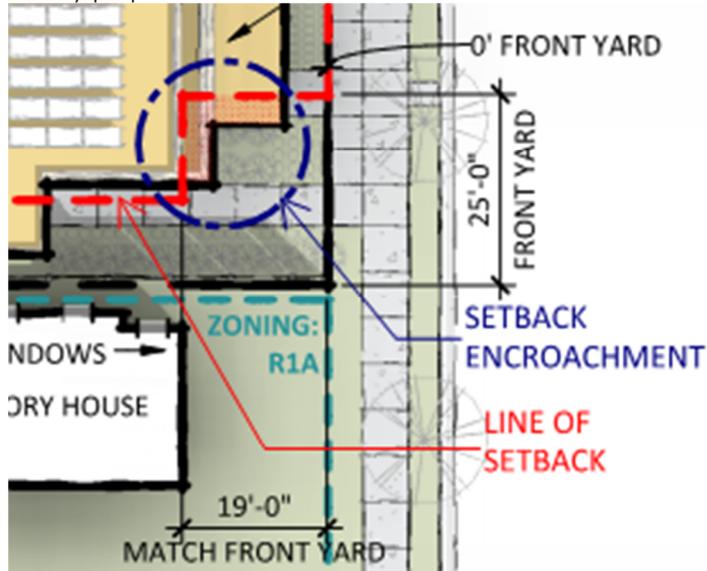
1. Practical Difficulties: Locating the parking in the 5'-0" interior parking setback allows for full size parking stalls and a walkway and bumper clearance to the building at the north side of the parking lot.
2. Use of Property keeping with spirit and intent of ordinance: The variance will allow parking on the site to be increased and allows the design to be located further into the site which allows more landscaping and reduces the building scale along the front of the building. The parking encroachment allows for wider walkway to the north for safer user travel from and through the parking areas.
3. This variance will not alter the essential character of the locality, as it allows for maximum stall size. It is not detrimental to the health, safety, or welfare of the general public or those using the property or nearby properties.



VARIANCE #2: SOUTHEAST CORNER OF EAST FRONT YARD SETBACK ADJACENT TO R1A ZONING

1. Practical Difficulties: In order to maintain the desired look and composition of the front façade and maximize the extern of the frontyard, the 2-story walk-up balcony and building corner encroach 48-inches into the setback.

2. Use of Property keeping with spirit and intent of ordinance: The remaining portion of the site to the north does not require a setback so the encroachment allows the design to be located further into the site along the entire length which allows more landscaping and reduces the building scale along the front of the building.
3. This variance will not alter the essential character of the locality as it allows the façade design to better meet the look of the district by keeping the proportions and composition simplified and maximize the extent of the frontyard. It is not detrimental to the health, safety, or welfare of the general public or those using the property or nearby properties.

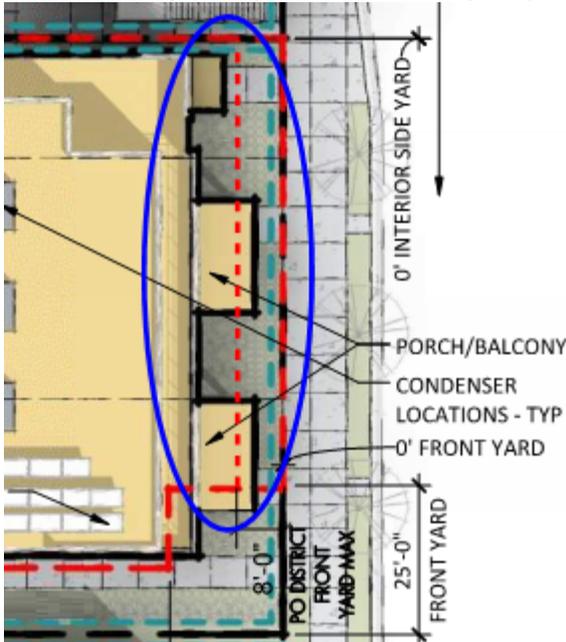


VARIANCE #3: INCREASE FAR

1. Practical Difficulties: Increasing FAR from 2.2 to 2.4 (4,400sf) aligns with the density goals of the Station District in the 38th Street Station Area Plan and use of the alley. There wasn't a perfect zoning designation that aligned with these density and land use goals. The concept has realized efficient use of the site while aligning with the character and scale of the neighborhood. The increased FAR allows the option of a below grade level for storage and equipment that helps balance maximize the residential density for the area, provide retail amenities and adequate parking.
2. Use of Property keeping with spirit and intent of ordinance: With the increased FAR the project still meets the remaining code requirements parking (car and bicycle), building height and stories thus maintaining the allowable look allowed by code.
3. This variance will not alter the essential character of the locality, with the minimal FAR increase and meeting the code requirements building height and stories, the building bulk will have the same effect on the neighboring sites. It is not detrimental to the health, safety, or welfare of the general public or those using the property or nearby properties.

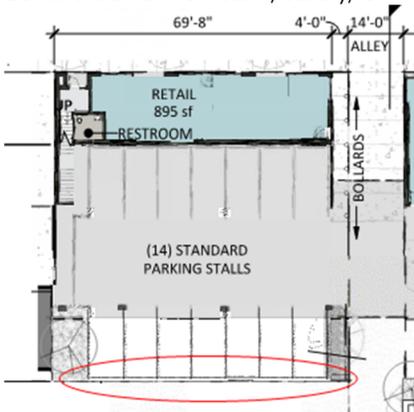
VARIANCE #4: REDUCE 28TH STREET MAX SETBACK

1. Practical Difficulties: There are two setback requirements along 28th Street – one in the standard zoning requirements and one per the Pedestrian Overlay (PO) 551.110 Building placement requirements. While the standard zoning would allow zero setback along, the PO requirements indicate a maximum setback of eight feet. Staff has noted that there is a policy clarification in the works to address this conflict to have the zoning requirement override the PO requirement.
2. Use of Property keeping with spirit and intent of ordinance: The intent of the design is to provide interaction with the building and site elements which does occur thru use of porches, while creating interest.
3. This variance will not alter the essential character of the locality. It is not detrimental to the health, safety, or welfare of the general public or those using the property or nearby properties.



VARIANCE #5: PARKING INTO REARYEARD SETBACK

1. Practical Difficulties: Locating the parking in the 11'-0" rearyard parking setback allows for full size parking stalls and relocation of the dumpster area away from residential garage. There is also the possibility of climbing landscape at the fence as a landscape buffer.
2. Use of Property keeping with spirit and intent of ordinance: The variance will allow parking on the site to be increased and allows the design to be located further into the site which allows more landscaping at the south rearyard lotline.
3. This variance will not alter the essential character of the locality, as it allows for maximum stall size. It is not detrimental to the health, safety, or welfare of the general public or those using the property or nearby properties.

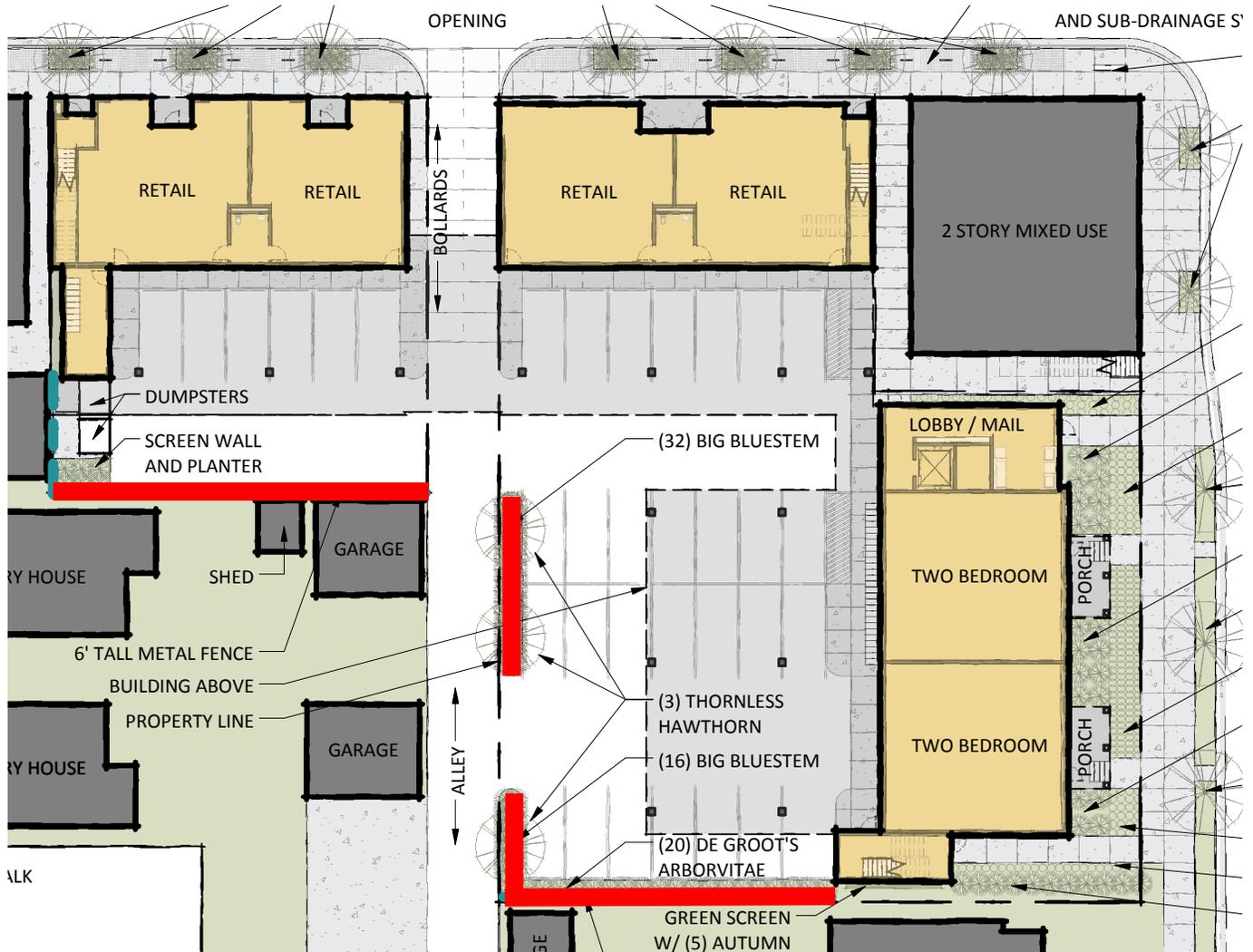


VARIANCE #6: 530.120 BUILDING DESIGN - 20% GLAZING AT RESIDENTIAL AND 30% GLAZING AT NON-RESIDENTIAL

1. Practical Difficulties: Marketability of units at first level benefits from greater security from parking lot.
2. Use of Property keeping with spirit and intent of ordinance: The parking lot will be well-lit and open. There are several windows at the upper levels that contribute to visibility to the parking lot.
3. This variance will not alter the essential character of the locality - quality durable materials will be used. It is not detrimental to the health, safety, or welfare of the general public or those using the property or nearby properties.



The 3800 Mixed Use project is requesting alternate compliance for the landscape buffer between parking and adjacent residential. The proposed alternate compliance, at locations shown on site plan and indicated in red below, will be accomplished by six foot tall hedge with periodic trees planted on our property or in concert with adjacent property owners. This planted buffer can be accomplished in less than 7'-0" and provides an edge more desirable than a fence.





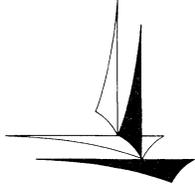
JLG 16002-1A 38th Street Mixed Use
RE: MINOR SUBDIVISION
April 18, 2016

EXISTING SITE CONDITIONS INVENTORY:

The existing site is located in an urban setting. The site consists entirely of a paved parking lot and building footprint. Grade over the site is flat. The existing site does not contain any wetlands, significant trees and native plant communities, floodplain and Shoreland boundaries, wildlife habitats or areas containing slopes over twelve (12) percent grade and greater than ten (10) feet in height.

SUBDIVISION FINDINGS STATEMENT:

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.
2. The proposed use and construction meets City zoning requirements for size and use and so the subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, or add substantially to congestion in the public streets.
3. The proposed use and construction will utilize the existing site elevations which is not located in a floodplain or has any major changes in elevation, so the subdivision will not endanger the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.
4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits. Driveway access to buildings on such lots from an approved street is not required. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration due to utilizing the existing site elevations.
5. Impervious areas to remain unchanged and the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development. No permanent erosion control measures are required and any temporary erosion control will be implemented and coordinated during construction in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations.



Minneapolis Development Review
 250 South 4th Street
 Room 300
 Minneapolis, MN 55415

Preliminary Development Review Report

Development Coordinator Assigned: **JENNIFER THORESON**
(612) 673-5867
jennifer.thoreson@minneapolismn.gov

Status *
Resubmission Required

Tracking Number:	PDR 1001441
Applicant:	JLG ARCHITECTS 801 WASHINGTON AVE N #120 MPLS, MN 55401
Site Address:	2707 38TH ST E 3800 28TH AVE S 3806 28TH AVE S 3812 28TH AVE S
Date Submitted:	11-MAY-2016
Date Reviewed:	18-MAY-2016

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.

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

Four story mixed use project with 53 dwelling units and up to four retail spaces totaling 50,500 square feet. The proposed building will be L shaped with frontage on 38th Street and 28th Ave S. The proposed building will wrap around the existing building at the corner of 38th Street East and 28th Ave S, preserving the existing building.

Review Findings (by Discipline)

Historical Preservation Committee

- There is no HPC flag on this property. Preservation review is not required at this time. However, there is a preservation review as part of the wreckinfg application process.

*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.

□ Zoning - Planning

- The project requires the following land use applications:
 - Rezoning from C1 and R1A to C2 with the Pedestrian Oriented Overlay district
 - Variance to increase the maximum floor area ratio
 - Variance to reduce the required front yard setback for the south 25 feet along 28th Avenue S due to the adjacent residential zoning
 - Variance to reduce the interior side yard setback along the south property line for the building from 11 feet to 4 feet and for the surface parking lot from 5 feet to 4 feet.
 - Variance to reduce the interior side yard setbacks adjacent to the existing building at 3800 28th Avenue S
 - Variance to reduce the interior side yard setback along the west property line from 11 feet to 0.
 - Variance to the requirements of the PO, Pedestrian Oriented Overlay district to allow portions of the building to be setback more than 8 feet from the front lot line along 28th Avenue S.
 - Vacation of air rights in the existing alley
 - Minor subdivision to adjust the lot line at 3800 28th Avenue S
 - Site Plan Review
- Thus far, alternative compliance to the requirements of Chapter 530 has been identified for the following items:
 - Building placement, to allow the building to be setback more than 8 feet from the front lot line along 28th Avenue S.
 - The window requirement on the first floor of the south and west elevations facing the surface parking. The glazing requirement is 30 percent. No windows are proposed.
 - Blank walls in excess of 25 feet on the first floor of the south and west elevations and interior elevations.
 - To allow less than 20 percent of the site not occupied by buildings to be landscaped ($22,524 - 7,905 = 14,619$. $14,619 \times 20\% = 2,923$ sf of required landscape area). 2,923 square feet of landscaped area is required, 1940 square feet is proposed.
 - To allow fewer than 1 canopy tree for every 500 square feet of required landscape area ($2,923/500 = 6$ required canopy trees). 6 canopy trees are required, none are proposed on site.
 - Reduction of the 7' foot landscaped yard between the parking lot and the alley and between the parking and the residential use to the south.
 - To allow parking stalls to be more than 50 feet from the center of an on-site deciduous tree
- Additional notes:
 - The 6-foot fence proposed along the south property line needs to step down to 4 feet for the length of the adjacent residential home.

□ Addressing

- The four retail spaces facing East 38th Street (starting with the one closest to 27th Ave S) will be addressed 2705, 2709, 2713 and 2717 East 38th Street.
- The current address (3800 28th Ave S) for the building to remain at the corner of East 38th Street and 28th Ave S will stay the same.
- The main entrance and lobby for the apartment building will be addressed 3806 28th Ave South
- As long as there is not an interior access way from the walk up units to the other residential space(s). The two walk up residential units (starting with the one closest to East 38th Street) will be addressed 3812 and 3814 28th Ave South.
- Per City of Minneapolis Street Naming and Address Standard V1.22, the City of Minneapolis holds authority for assignment of all addresses, verification, change, and/or additions. Contact Development Coordinator for new address assignment. Each assigned address number uses the street that provides the best/direct access for life safety equipment and best/direct access to the occupants.
- 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.

❑ Parks - Forestry

Contact Craig Pinkalla (cpinkalla@minneapolisparks.org), Telephone (612)-499-9233 regarding removal or protection of trees during construction in the city right of way.

- Proposed plantings on 38th and first two locations on 28th are in hardscape and require Engineered root space. Adding pavers around existing tree on 38th St. would require retrofit with engineered root zone as well as new locations. **See City Standard Specifications for Engineered root zone requirements**
Minimum unpaved opening of 4' x 6' would meet Forestry approval for serviceable opening size.
- Proposed tress on 38th St. require diversity component. Minimum (2) genera required. Elm OK as one but recommend different variety. Princeton not recommended. New Harmony is a preferred variety.
- Due to narrow blvd. on 28th Ave S only small selections would be approved (mature ht. <25'). Autumn Blaze Maple not approved. *Maple is also overrepresented at neighborhood level.

Standish Neighborhood

Genus	Percentage (%)	
Ash	10%	Do NOT plant due to EAB
Linden	16%	Overrepresented – avoid planting
Maple	31%	Overrepresented – avoid planting

- 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> If you have additional questions, you can contact Adam Arvidson with the Minneapolis Park Board at 612-230-6470
- 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 38th Street Mixed Use project, the calculated dedication fee is as follows:

Residential - 53 (-2 credits given) x \$1521	=	\$77,571.00
Commercial -		\$ 0.00
Administrative Fee - (5% or max \$1,000)	=	\$ 1,000.00
Total	=	\$78,571.00
- 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 Jennifer Thoreson at 612-673-5867.

❑ Right of Way

- The site plan does not indicate locations of proposed electric utility transformers; it is recommended that the Applicant begin discussions with Xcel Energy as soon as possible in order to identify electric utility and transformer locations on the site plan. It should not be assumed that the City will approve any proposed transformer location in the Public 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.
- The site plan proposes the vacation of "air rights" over the Public alley; the Applicant shall continue to work with Bob Boblett at (612) 673-2428 throughout the vacation process. See Street Design for additional comments.

□ Street Design

- All driveway aprons shall be designed and constructed to City standards. All driveway aprons shall be shown graphically correct on all related plan sheets. Please refer to the following: http://www.minneapolismn.gov/publicworks/plates/public-works_road. The Minneapolis Standard Plates for the ROAD-2000 series provided on Sheets C5.0 and C5.1 have recently been updated and shall be replaced with the following details: ROAD-2000-R1, ROAD-2001-R1, ROAD-2002, and ROAD-2003-R1.
- The site plan proposes the vacation of "air-rights" over the existing alley and reconstruction of a new alley surface at this location. The Applicant shall provide complete plans for the construction of the proposed alley, including a plan view and centerline profile. Cross sections and elevation views shall be provided detailing alley dimensions; a minimum vertical clearance of 16'-6" shall be maintained over the alley at all times. A 20x20 clear sight triangle is required at the alley intersection with E. 38th St.; if this is not possible the Applicant shall provide mitigating measures, such as pedestrian warning devices, and/or signage.
- All proposed alleys shall be designed and constructed to City standards. Please refer to the following: http://www.minneapolismn.gov/publicworks/plates/public-works_road. Add the following details from the ROAD-3000 Series - Alleys to the plans: ROAD-3000 and ROAD-3001-R1.
- In addition to the required sidewalk construction permit, the construction of the proposed alley will require a Right-of-Way Excavation Permit; as part of that permit the Applicant (and respective Contractors) are required to enter into a separate Testing and Inspection Agreement with the Public Works Department. This agreement outlines the specification requirements for alley construction, performance bond requirements, and the responsibility of the Applicant to cover the costs for the City Engineering Laboratory testing and inspection services. For further information regarding this agreement please coordinate with Paul Miller at (612) 673-3603.

□ Sidewalk

- 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 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)

□ Traffic and Parking

- The nature of the proposed development is such that traffic impacts will be an issue and a Travel Demand Management Plan (TDMP) will be required; please contact Allan Klugman at (612) 673-2743 to discuss the requirements of a Travel Demand Management Plan (TDMP).
- 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 vehicle circulation, 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 loading/parking entrance areas. Per City Ordinance the Applicant shall provide for (and identify) a solid waste collection point (SWCP) on the site plans. The location of the SWCP is subject to the review and approval of the Public Works Department.
- Per the City of Minneapolis Street Lighting Policy, street lighting will be strongly encouraged in areas immediately adjacent to existing lighting systems, in high density areas such as Uptown and the University of Minnesota, and along major pedestrian corridors and business nodes as identified in the Minneapolis Street Lighting Policy.
- All street lighting (existing and proposed) shall be shown clearly on the site plan. Prior to site plan approval, the Applicant shall contact Joseph Laurin at 612-673-5987 to determine street lighting requirements. E. 38th St. is a Pedestrian Street Lighting Corridor. If any of the street, boulevard and/or sidewalk is impacted lighting must be installed to meet the Pedestrian Street Lighting Corridor levels outlined by the policy. Note: If decorative street lighting exists on the proposed site it must be preserved or replaced at existing levels. If street lighting is required, all street lighting in the Public right-of-way shall be designed and constructed to City standards. The Applicant shall submit a detailed plan specifying pole locations, light standards and fixture types, and include all required Minneapolis standard plates for installation details.
- Note to the Applicant: In addition to the various required construction permits, impacts to existing traffic signal and street lighting systems (including installation of new street lights) will require the Applicant and respective Contractors to enter into a separate Right-of-Way Excavation Permit (including Testing and Inspection requirements) with the Public Works Department, for further information regarding this permit please coordinate with Paul Miller at (612) 673-3603. 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. The City of Minneapolis Traffic Department is available to install street lighting systems by agreement and will provide an estimate of installation costs as requested, please contact Joe Laurin (612) 673-5987 for further information.
- 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 lighting or traffic 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 water service connections to the site shall be noted on the plans for removal, and shall be removed per the requirements of the Utility Connections Department before any new service lines can be installed, call (612) 673-2451 for more information.
- Meters shall be set at the point where the service line enters the building and shall be set in a location where it is easily assessable. Domestic service lines larger than three inches require a Bypass Assembly (see attachment). Please contact Rock Rogers at (612) 673-2286, to review domestic and fire service design, connections, and sizes.

□ 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 and maintain fire apparatus access at all times.

□ Business Licensing

- An updated SAC determination will be required for each retail buildout. More information is available on our website http://www.minneapolismn.gov/www/groups/public/@regservices/documents/webcontent/convert_281675.pdf
- If you plan on selling food even pre-packaged items like soda or chips, you will be required to complete a food plan review and obtain approval from the City of Minneapolis Health Department before any permits or business licenses can be approved. You can find more detailed information by clicking on the link below. http://www.minneapolismn.gov/www/groups/public/@regservices/documents/webcontent/convert_284265.pdf
- The City of Minneapolis Business Licensing Department requires all establishments selling food to be licensed. You can find more information on their website (below) or by calling 612-673-2080. http://www.minneapolismn.gov/licensing/business-licensing_food_index

□ Environmental Health

- Part of the site, at 2715 38th St E, was operating as gasoline service station in 1937. Minneapolis Fire Department records indicated that an oil tank was reinstalled in 1957 for the station. MFD records report that all gasoline tanks, 1 - 1,000 gallon and 2 - 550 gallon, were removed in 1979. No documentation for the removal of the oil tank was noted. In 2012 a petroleum release was reported to the Minnesota Pollution Control Agency and identified by leak number 18920. The MPCA closed the file in 2013. At the same the property was entered into the Voluntary Investigation and Cleanup Program, VP29750. In 2013 a no action letter was issued from the VIC Program. The project should have a contingency plan in place to address impacted soils if encountered or out of service underground storage tanks.
- 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.

□ Sewer Design

Stormwater Management:

- The proposed project is located within the Minnehaha Creek Watershed District, which has a separate review process from that of the City. Please note it may be necessary to obtain approvals or permits from Minnehaha Creek Watershed District.

Surface Drainage:

- Please identify the location of all existing and proposed roof drains, including the building proposed to remain at the corner of 28th and 38th. Roof drains should not discharge directly onto the alley.
- Please identify the proposed property lines on the plans. If drainage and utilities from one property crosses over an adjacent property, private easements and/or agreements would be necessary.
- The alley should be graded according to City standard detail plate ROAD-3000. The proposed cross slope in portions of the alley appear to be pretty excessive. There also appears to be a significant hump where the proposed high point is located.
- There appears to be a low point proposed along the curb line of 38th St E, east of the alley, that would not have drainage provided (proposed spot elevation of 31.57). The curb line along 38th St E should be graded to drain to the CB near the intersection of 28th. It is also not clear if the proposed spot elevations along the curb line are all top of curb, flow line or a combination of both. These should be clearly identified.
- There appears to also be a proposed low point along 28th Ave S, at a 31.60 proposed spot elevation. 28th Ave S appears to slope towards the south, but with minimal slope. This should be maintained.

Utility Connections:

- There may be several existing sanitary and storm sewer service connections to the site. Please note these service connections are the responsibility of the property owner. If any damage occurs due to failure of any service the property owner is liable for the damage. If the services are proposed to be removed at this time, please note this on the plan. Existing utility service location information is available through the City's Utility Connections Office, 612-673-2451.
- For the proposed sanitary connection for the building to the west of the alley, it is preferred that the sanitary sewer connection be made at the existing manhole just upstream of the current proposed connection location. Please evaluate if this is feasible, if not please contact Jeremy Strehlo, 612-673-3973, for further requirements for the proposed connection directly to the main. Please see comment below regarding the depiction of the sewers in 38th.
- The proposed sanitary connection for the building to the east of the alley, should be made by cutting in a clay wye and installation of couplings with shear rings, and concrete collars. Please note this on the plans.
- The slopes on the proposed sanitary sewer connections should be such that the velocity in the pipe is 15 feet per second or less. Please also note, the top of the existing 111" storm/sanitary sewer may be at a similar elevation to the invert of the 8".

Utility:

- The configuration of the existing public sanitary sewer and storm sewer in 38th St E does not appear to be accurately represented. The 111" sewer is a pipe-in-pipe storm/sanitary. Sanitary connections to that will likely not be permitted. The sanitary portion of the pipe is a MCES Interceptor. The 8" clay pipe is separate and the manhole at its upstream end is separate from the 111" system, according to City records. The 8" sewer should be tied into for connections, if feasible.

For comments or questions on Public Works Surface Water & Sewers Division related requirements please contact Jeremy Strehlo, (Professional Engineer) at (612) 673-3973, or jeremy.strehlo@minneapolismn.gov

□ Construction Code Services

Building Code Plan Review comments for PDR. This is not intended as a complete code review, but to confirm basic design elements for exterior building code items. For your convenience, we have Preliminary Commercial Plan review appointments available. For more information click on the link below.

http://www.minneapolismn.gov/www/groups/public/@regservices/documents/webcontent/convert_258454.pdf

- The connecting link over and across the property lines may require special approvals from the building official and additional documentation.
- Roof top mechanical equipment and solar panels less than 10' to roof edge will require guards per IBC 1013.6

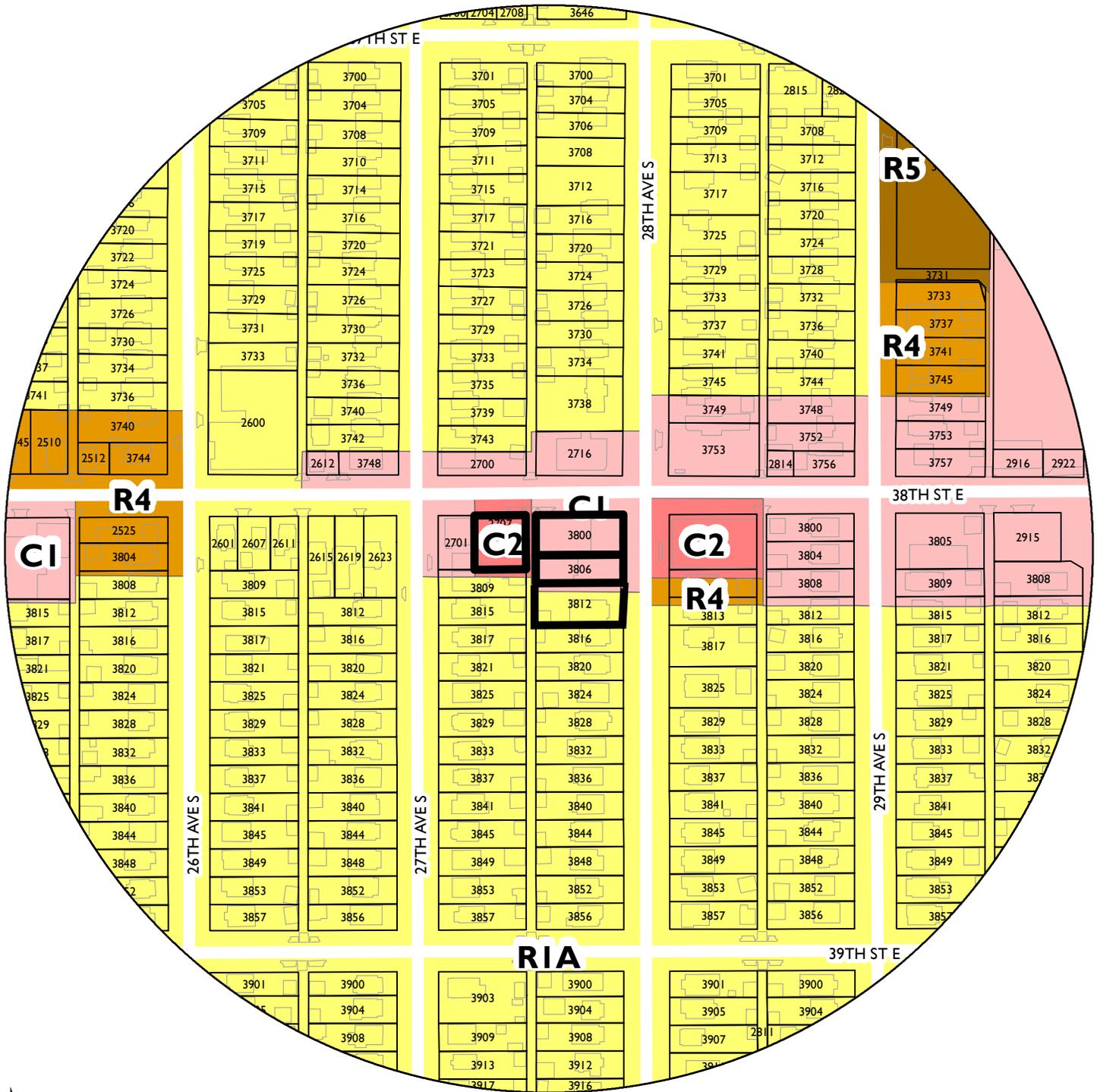
The remainder are typical exterior Accessibility code comments;

- Exterior Accessible routes shall consist of walking surfaces or slopes not steeper than 1:20. IBC 1104.1
- Accessible parking spaces shall be located per MN 1341.1106.6
- Accessible parking spaces and access aisles to be 96" (8') width 502.4.2
- Access aisles are to be marked "no parking" per 502.4.4 ANSI A117.1 2003
- Accessible curb ramps as per MN 1341.0406
- Maximum slope 1:48 for access aisle and parking space per 502.5
- Accessible signage to comply with MN 1341.1110
- A SAC determination will be required. More information is available on our website
http://www.minneapolismn.gov/www/groups/public/@regservices/documents/webcontent/convert_281675.pdf

END OF REPORT

NAME OF APPLICANT

WARD

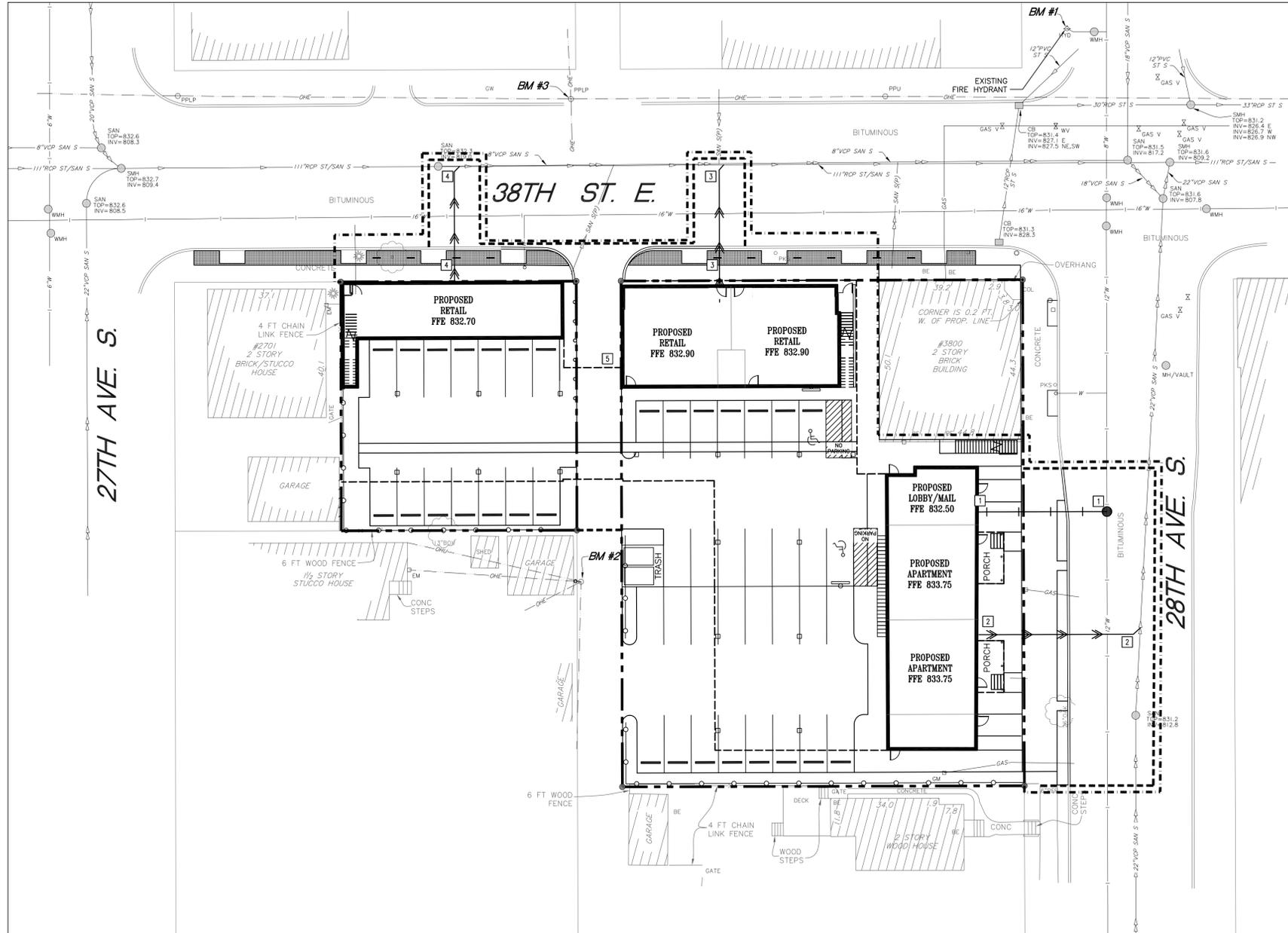


PROPERTY ADDRESS

2707 E 38th Street, 3800-3812 28th Avenue S

FILE NUMBER

BZZ-7682



1
C3.0 UTILITY PLAN
1"=20'

PROPOSED PLAN SYMBOLS

CONSTRUCTION LIMITS	---
PROPERTY LINE	---
SAWCUT LINE (APPROX.)	- - - -
SANITARY SEWER	—>—>—>
WATER PIPE	—+—+—+—+—
MANHOLE	●

ABBREVIATIONS

BLDG	Building
BM	Bench Mark
CB	Catch Basin
CONC	Concrete
DIP	Ductile Iron Pipe
ELEV	Elevation
EX	Existing
FFE	Finished Floor Elevation
HDPE	High Density Polyethylene
INV	Invert
MAX	Maximum
MH	Manhole
MIN	Minimum
PVC	Polyvinyl Chloride
RCP	Reinforced Concrete Pipe
RD	Roof Drain

*NOTE: CONSTRUCTION LIMITS ARE ANTICIPATED TO BE PROPERTY LINE UNLESS OTHERWISE SHOWN.

KEYED NOTES

- KEYED NOTES ARE DENOTED BY [NO] ON PLAN.
- WETAP EXISTING 12-INCH WATER MAIN FOR PROPOSED 8-INCH COMBINED FIRE AND DOMESTIC WATER SERVICE. THE CITY OF MINNEAPOLIS WILL PROVIDE AND INSTALL THE WETAP AND VALVE AS PART OF THE PERMIT FEE. THE CONTRACTOR IS TO EXCAVATE FOR THE WETAP, CONSTRUCT THE WATER VALVE MANHOLE, CONNECT TO THE VALVE AND BACKFILL THE TRENCH PER CITY OF MINNEAPOLIS STANDARDS AND SPECIFICATIONS. REFER TO DETAIL 5/C5.0. PROPOSED WATER MANHOLES ARE POSSIBLY LOCATED IN CURB LINE. THE INTENT IS TO ROTATE CONE OF STRUCTURE SO CASTING IS OUTSIDE OF CURB LINE. COORDINATE ALL WORK WITH CITY OF MINNEAPOLIS. CONTRACTOR SHALL SUBMIT TRAFFIC CONTROL PLANS TO MNDOT PRIOR TO CONSTRUCTION.
 - CORE DRILL EXISTING 22" VCP FOR PROPOSED SANITARY SEWER SERVICE CONNECTION. GROUT SEAL AROUND OPENING. ANTICIPATED INVERT OF EXISTING 22" SANITARY SEWER IS 811.95. INSTALL 52'-FEET OF 6-INCH SDR 26 PIPE AT 28.54% TO INVERT OF 827.00. STUB TO WITHIN 5'-FEET OF PROPOSED BUILDING. COORDINATE EXACT LOCATION AND INVERT ELEVATION WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 - 8"x6" WYE FOR PROPOSED SANITARY SEWER SERVICE CONNECTION. ANTICIPATED INVERT OF EXISTING 8" SANITARY SEWER IS 818.25. INSTALL 43'-FEET OF 6-INCH SDR 26 PIPE AT 21.28% TO INVERT OF 827.40. STUB TO WITHIN 5'-FEET OF PROPOSED BUILDING. COORDINATE EXACT LOCATION AND INVERT ELEVATION WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 - 8"x6" WYE FOR PROPOSED SANITARY SEWER SERVICE CONNECTION. ANTICIPATED INVERT OF EXISTING 8" SANITARY SEWER IS 818.94. INSTALL 37'-FEET OF 6-INCH SDR 26 PIPE AT 22.32% TO INVERT OF 827.20. STUB TO WITHIN 5'-FEET OF PROPOSED BUILDING. COORDINATE EXACT LOCATION AND INVERT ELEVATION WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 - LOCATION OF PROPOSED ROOF DRAIN OUTLET. INTENT IS FOR DRAIN TO DISCHARGE WEST INTO EXISTING ALLEY.

UTILITY NOTES FOR WORK IN PUBLIC RIGHT-OF-WAY:

- FOLLOW ALL CITY OF MINNEAPOLIS AND HENNEPIN COUNTY STANDARDS AND SPECIFICATIONS.
- PRIOR TO CONSTRUCTION, CONTRACTORS ARE TO COORDINATE ALL WORK WITHIN RIGHT OF WAY AND OBTAIN ALL APPLICABLE PERMITS.

UTILITY NOTES:

- COORDINATE SERVICE CONNECTION LOCATIONS AT THE BUILDING WITH THE MECHANICAL CONTRACTOR PRIOR TO CONSTRUCTION. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR UNCOORDINATED WORK.
- ALL SERVICE CONNECTIONS WITH LESS THAN 5 FEET OF COVER OVER THE TOP OF PIPE ARE TO BE INSULATED. INSULATION SHALL BE INSTALLED FROM THE CONNECTION OF THE SERVICE AT THE BUILDING TO THE POINT WHICH THE SERVICE ATTAINS 5 FEET OF COVER. CONTRACTOR SHALL OBTAIN WRITTEN PERMISSION FROM ARCHITECT OR ENGINEER PRIOR TO INSTALLATION OF INSULATION.
- PROTECT ALL EXISTING STRUCTURES AND UTILITIES WHICH ARE NOT SCHEDULED TO BE REMOVED.
- ALL SEWER AND WATER CROSSINGS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 1.5 FEET AND HORIZONTAL SEPARATION OF 10 FEET. FOLLOW ALL HEALTH DEPARTMENT AND CITY OF MINNEAPOLIS AND HENNEPIN COUNTY STANDARDS.
- ALL WATER MAINS SHALL BE DUCTILE IRON PIPE, CLASS 52, UNLESS NOTED OTHERWISE.
- ALL WATER MAIN SHALL HAVE A MINIMUM DEPTH OF COVER OF 7.5 FEET OVER TOP OF WATER MAIN.
- PROVIDE THRUST BLOCKING ON ALL WATER MAIN PER CITY OF MINNEAPOLIS. PROVIDE MECHANICAL JOINT RESTRAINTS ON ALL BENDS, VALVES, TEES, PLUGS AND HYDRANT LEADS.
- SANITARY SEWER PIPING SHALL BE SDR 26 PVC UNLESS NOTED OTHERWISE.
- CONTRACTORS ARE TO COORDINATE ALL WORK WITH GAS, ELECTRIC, TELEVISION AND TELEPHONE COMPANIES PRIOR TO START OF CONSTRUCTION.
- ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10'-FEET OF THE BUILDING OR WATER SERVICE LINE SHALL BE TESTED IN ACCORDANCE WITH MN PLUMBING CODE.
- ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GAS TIGHT OR WATER TIGHT IN ACCORDANCE TO MN PLUMBING CODE. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATER TIGHT CONNECTIONS TO MANHOLES, CATCH BASINS, AND OTHER STRUCTURES. GROUT RINGS ARE AN ACCEPTABLE ALTERNATIVE. CEMENT MORTAR JOINTS ARE PERMITTED ONLY FOR REPAIRS AND CONNECTIONS OF EXISTING LINES CONSTRUCTED WITH SUCH JOINTS.

CITY OF MINNEAPOLIS UTILITY NOTES:

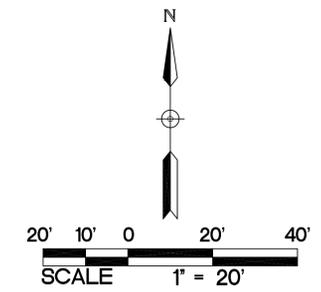
- ALL WORK DONE OUTSIDE OF THE LOT LINE ON PUBLIC RIGHT-OF-WAY MUST BE DONE BY A CONTRACTOR LICENSED TO WORK IN THE CITY OF MINNEAPOLIS WHO HAS THE \$100,000.00 SIDEWALK CONTRACTOR'S BOND ON FILE WITH THE SIDEWALK DIVISION.
- ALL UTILITIES MUST BE INSTALLED BY A MINNEAPOLIS LICENSED CONTRACTOR.
- THE CONTRACTOR, PROPERTY OWNER OR RESPONSIBLE PARTY SHALL CONTACT MINNEAPOLIS SURFACE WATERS AND SEWERS 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION RELATED TO OR IN THE LOCATION OF THE PROPOSED STORM WATER MANAGEMENT BMP. CONTACT PAUL CHELSEN, 612-673-2406 PAUL.CHELSEN@MINNEAPOLIS.MN.GOV.
- UPON THE PROJECT'S COMPLETION, THE GENERAL CONTRACTOR SHALL PROVIDE TO THE DEPARTMENT OF PUBLIC WORKS A FINAL STORMWATER MANAGEMENT REPORT INCLUDING RECORD DRAWINGS. THIS REPORT WILL SERVE AS A MEANS OF VERIFICATION THAT THE INTENT OF THE APPROVED STORM WATER MANAGEMENT DESIGN HAS BEEN MET. THIS FINAL REPORT SHALL SUBSTANTIATE THAT ALL ASPECTS OF THE ORIGINAL DESIGN HAVE BEEN ADEQUATELY PROVIDED FOR BY THE CONSTRUCTION OF THE PROJECT.



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Minneapolis, MN 55429-2518
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Fax: (783) 843-0421
www.bkbm.com



**PRELIMINARY
NOT FOR CONSTRUCTION**

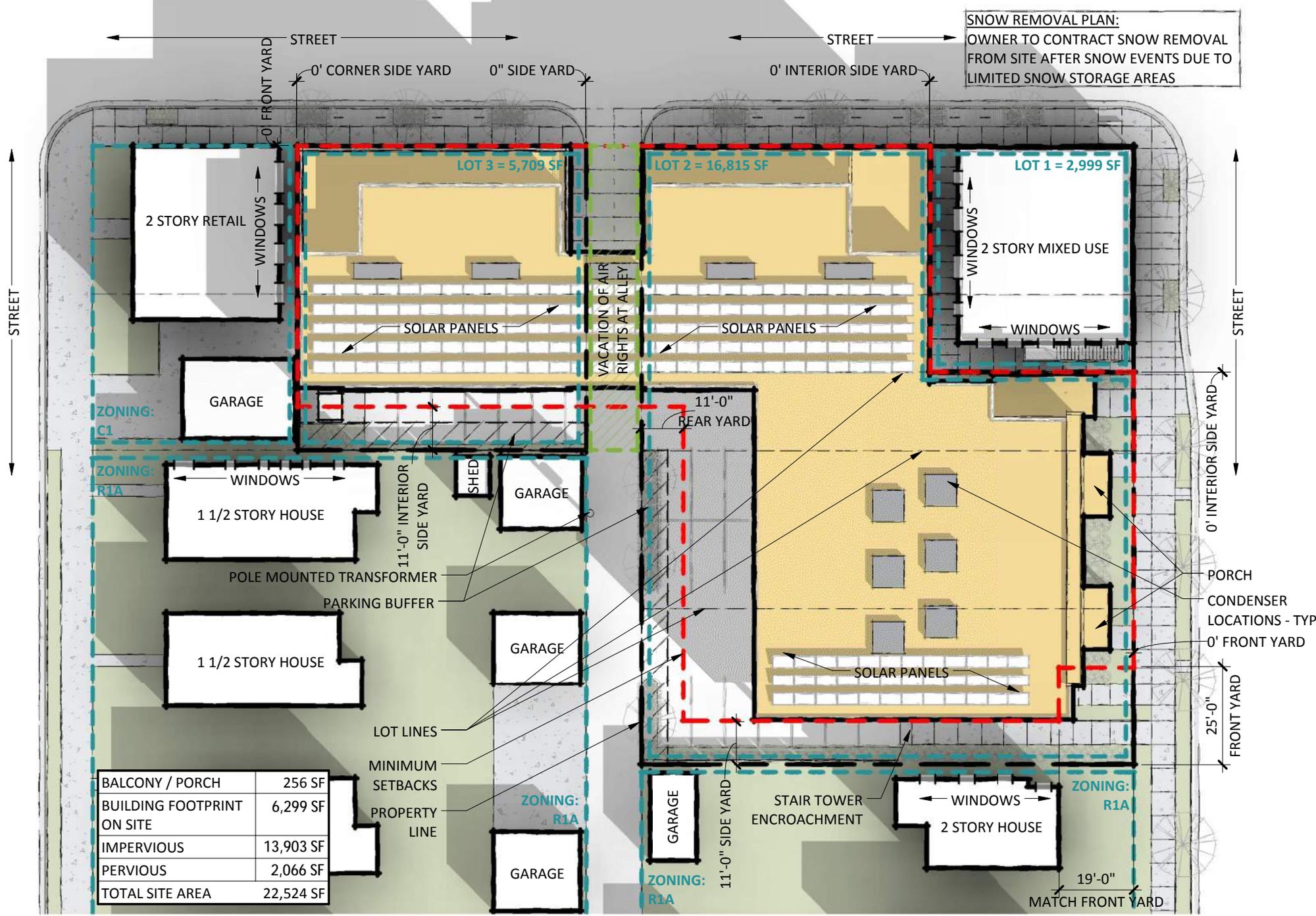
No.	Description	Date

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.
Date: License: Lic. No.: 12245

Lander Group
38th Street
Minneapolis, MN

DATE
06/03/2016
PROJECT STATUS
Land use Resubmittal
BKBM PROJECT #
16234

Utility Plan
C3.0

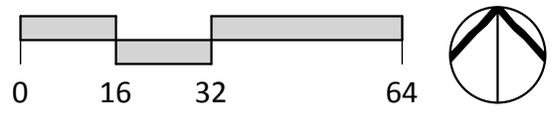


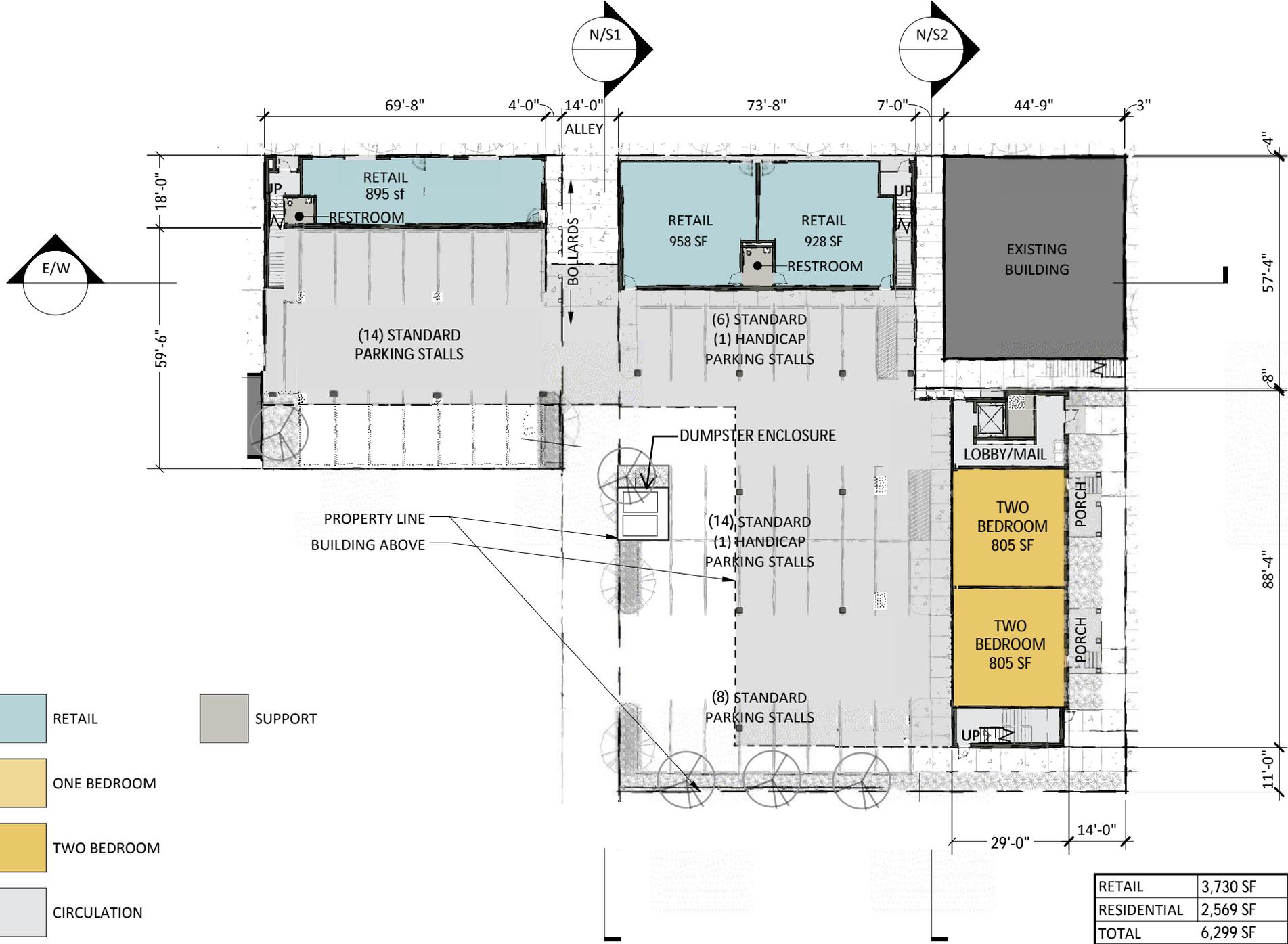
BALCONY / PORCH	256 SF
BUILDING FOOTPRINT ON SITE	6,299 SF
IMPERVIOUS	13,903 SF
PERVIOUS	2,066 SF
TOTAL SITE AREA	22,524 SF

JLG 16002 - LANDER GROUP 38TH STREET

GLUA01 - OVERALL SITE PLAN

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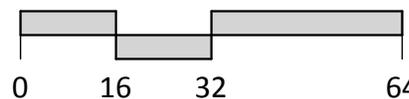


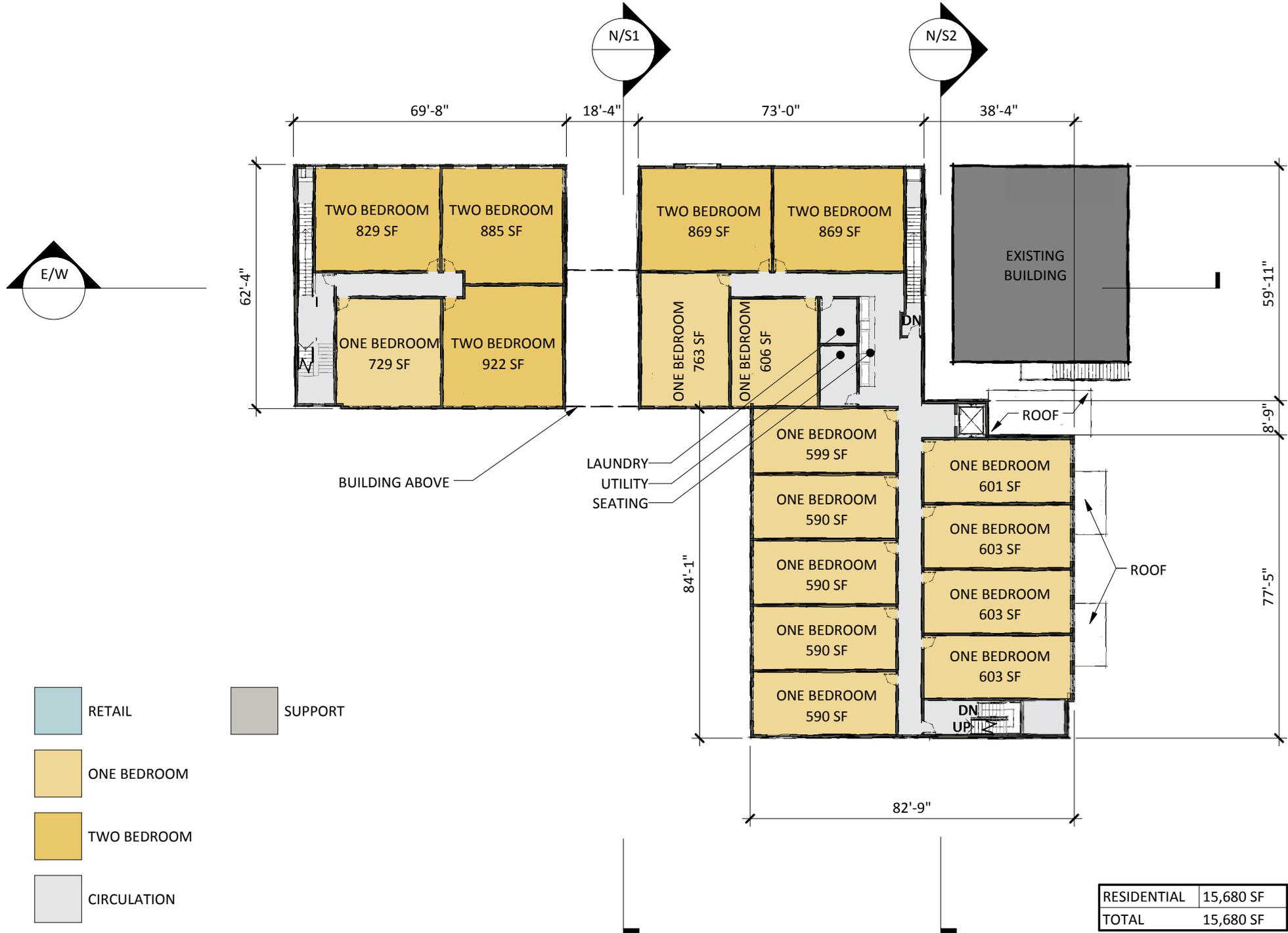


JLG 16002 - LANDER GROUP 38TH STREET

GLUA02A - FLOOR PLAN - FIRST

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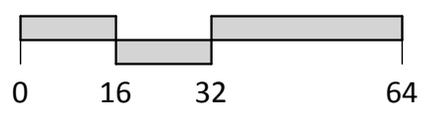


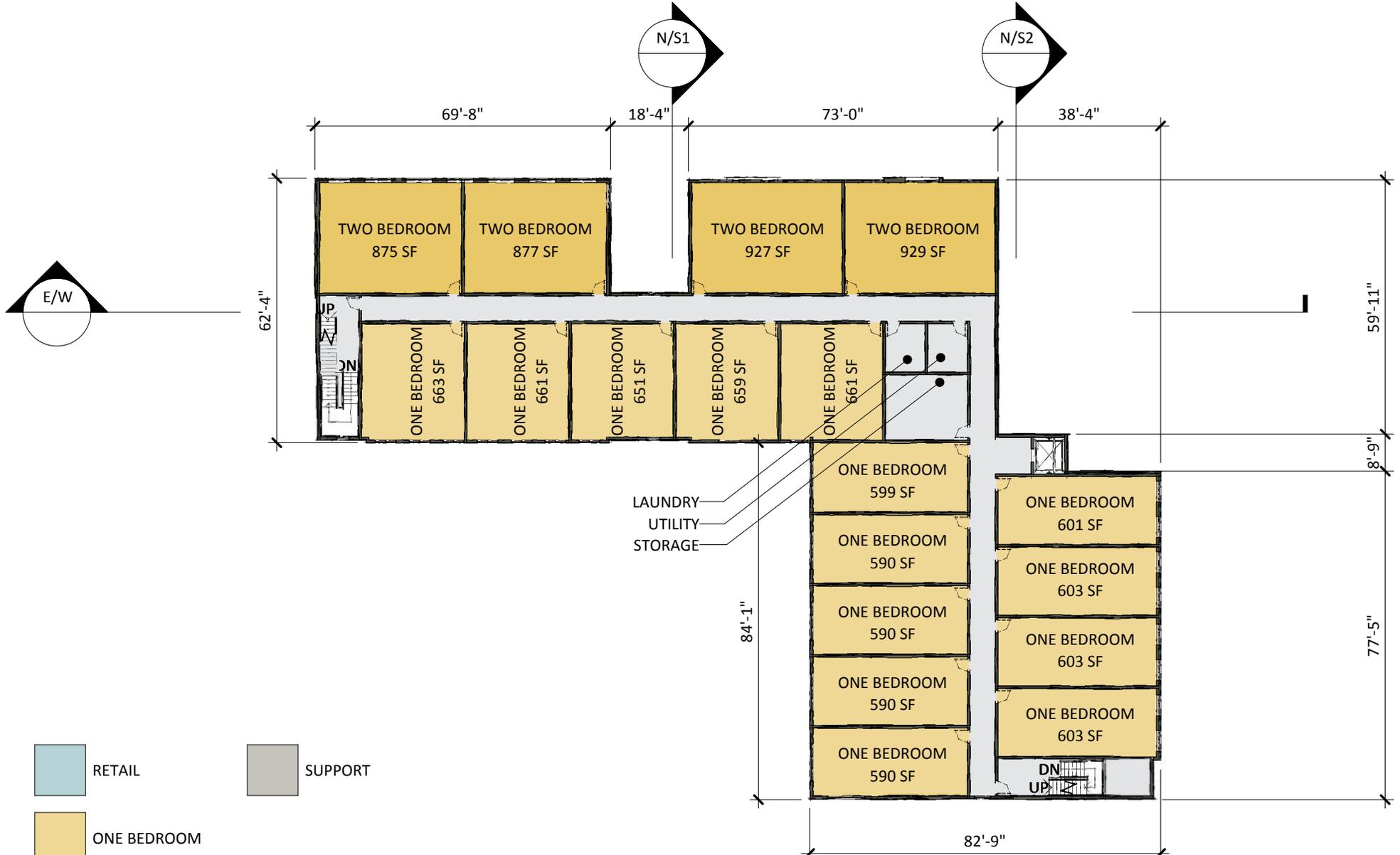


JLG 16002 - LANDER GROUP 38TH STREET

GLUA02B - FLOOR PLAN - SECOND

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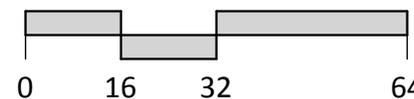
RETAIL
 SUPPORT
 ONE BEDROOM
 TWO BEDROOM
 CIRCULATION

RESIDENTIAL	16,318 SF
TOTAL	16,318 SF

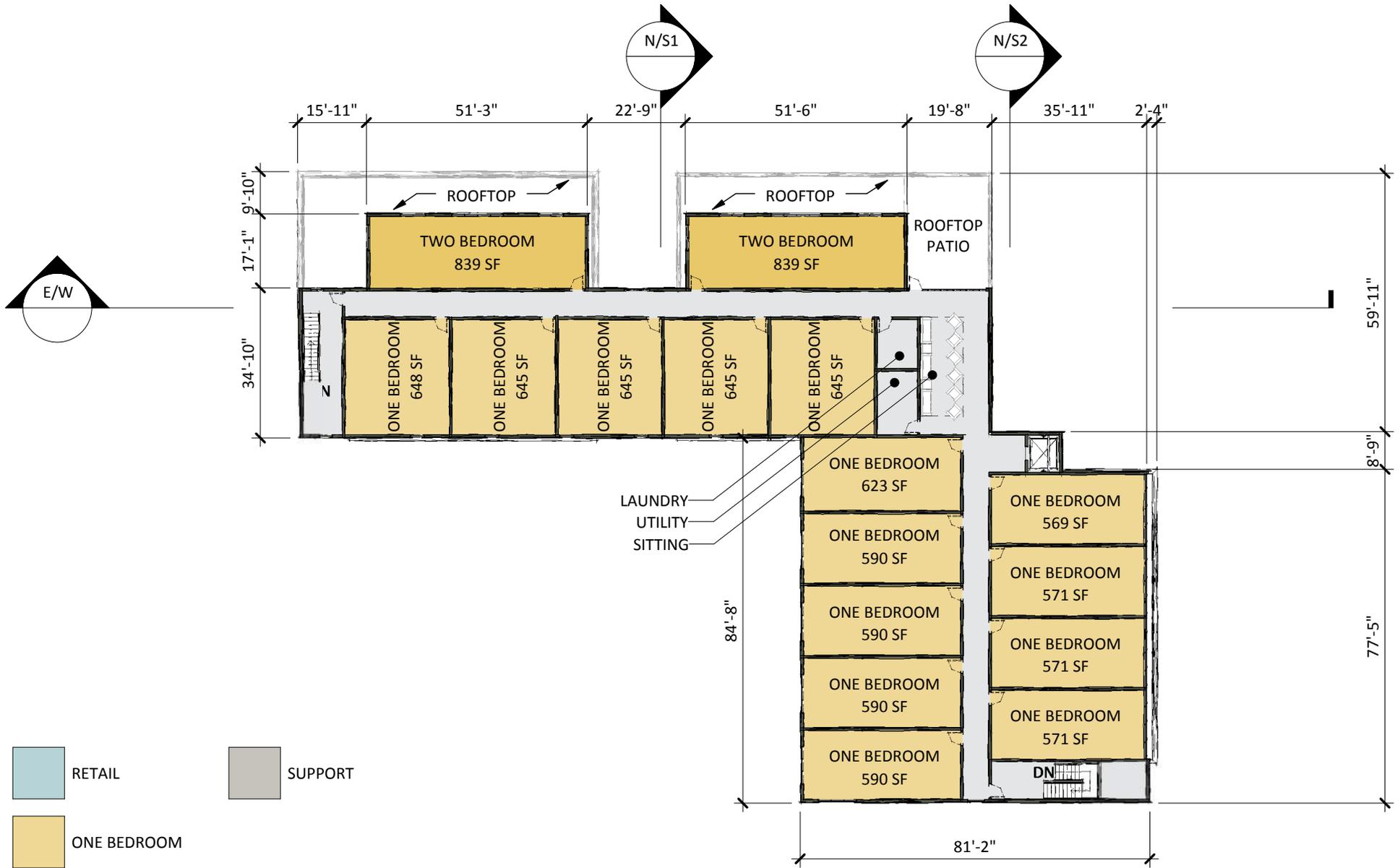
JLG 16002 - LANDER GROUP 38TH STREET

GLUA02C - FLOOR PLAN - THIRD

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DESIGN FOR LIFE



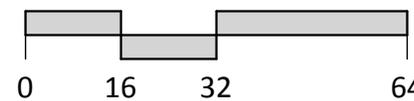
RETAIL
 ONE BEDROOM
 TWO BEDROOM
 CIRCULATION
 SUPPORT

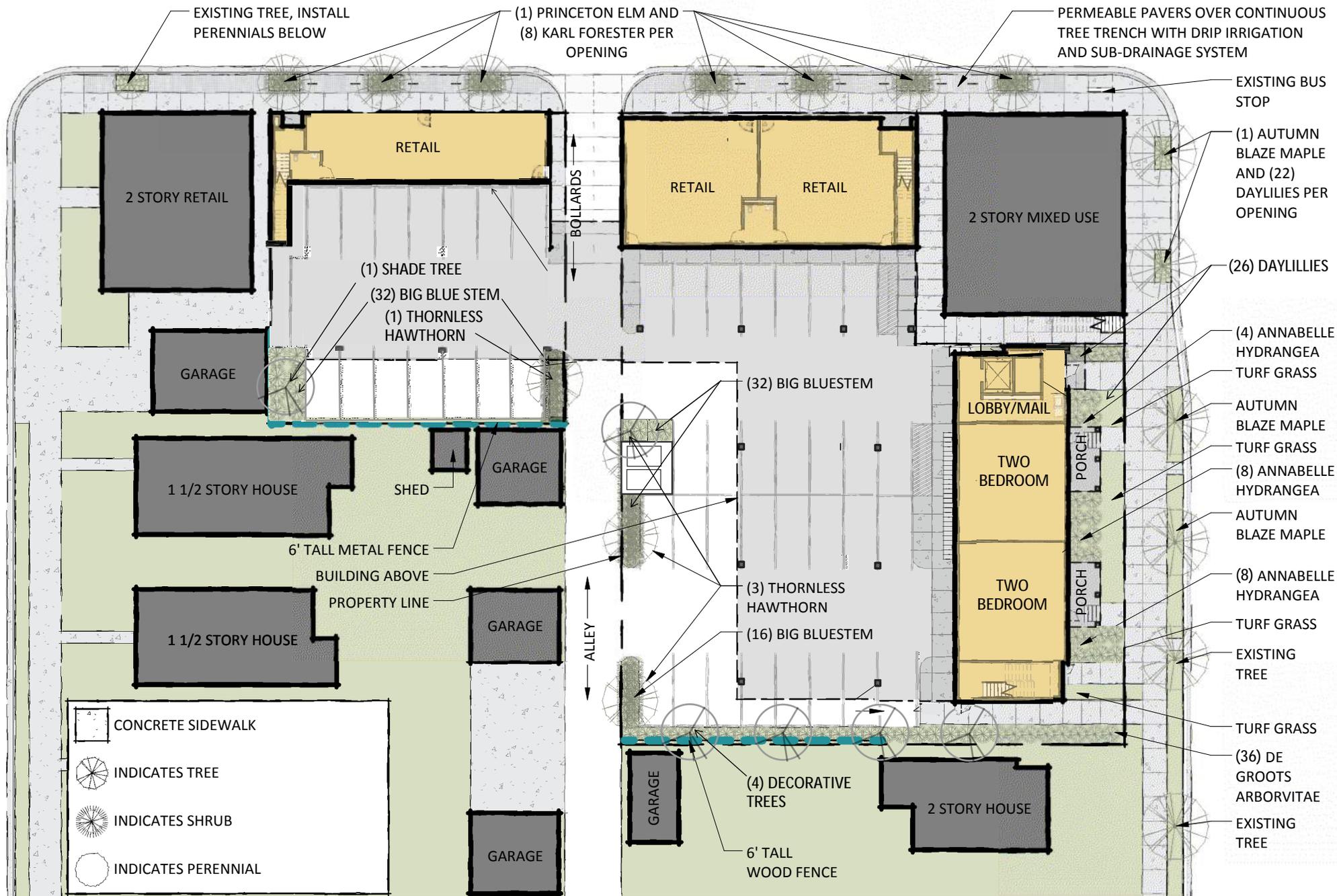
RESIDENTIAL	14,061 SF
TOTAL	14,061 SF

JLG 16002 - LANDER GROUP 38TH STREET

GLUA02D - FLOOR PLAN - FOURTH

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JLG 16002 - LANDER GROUP 38TH STREET

GLUA03B - LANDSCAPE PLAN - PLANTING

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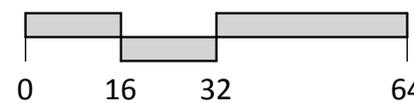


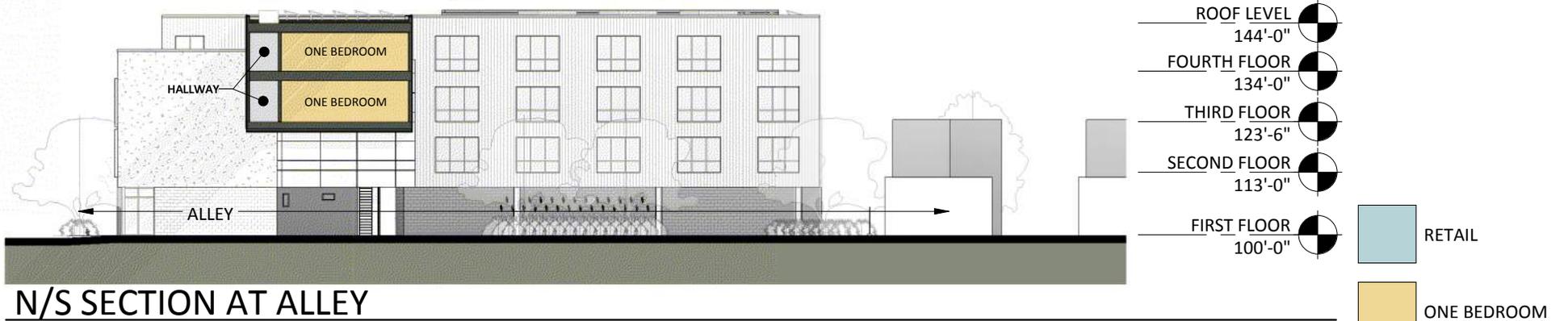
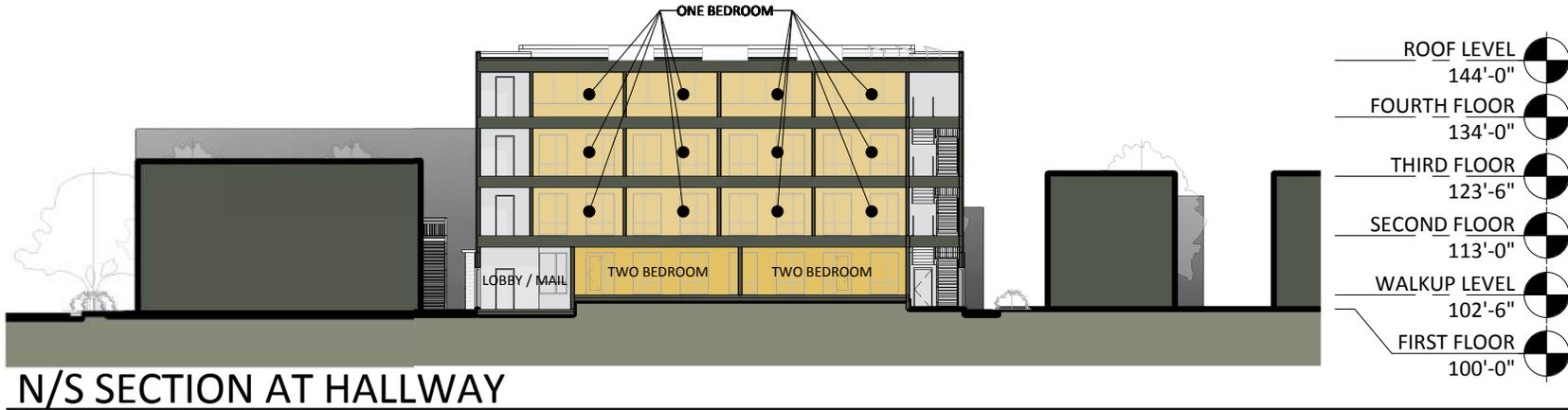


JLG 16002 - LANDER GROUP 38TH STREET

GLUA03C - LANDSCAPE PLAN - LIGHTING

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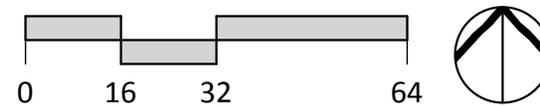


- RETAIL
- ONE BEDROOM
- TWO BEDROOM
- CIRCULATION
- SUPPORT

JLG 16002 - LANDER GROUP 38TH STREET

GLUA04 - BUILDING SECTIONS

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MATERIAL COMPOSITION (FRONT YARD)

LAP SIDING(BRICK ALTERNATE) =	1,507 SF	(37.4%)
METAL PANEL =	644 SF	(16.0%)
GLAZING - STOREFRONT =	576 SF	(14.3%)
GLAZING - WINDOW =	880 SF	(21.9%)
TOTAL =	4,026 SF	(100%)

MATERIAL COMPOSITION (CORNER SIDE YARD)

BURNISHED MASONRY =	330 SF	(13.8%)
STUCCO =	1,698 SF	(70.9%)
METAL PANEL =	367 SF	(15.3%)
TOTAL =	2,395 SF	(100%)

EAST ELEVATION



MATERIAL COMPOSITION (CORNER SIDE YARD)

LAP SIDING (BRICK ALTERNATE) =	580 SF	(33.5%)
BURNISHED MASONRY =	359 SF	(20.8%)
METAL PANEL =	760 SF	(44.0%)
TOTAL =	1,729 SF	(100%)

MATERIAL COMPOSITION (FRONT YARD)

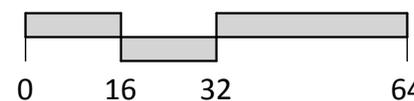
BRICK =	1,385 SF	(18.5%)
GLAZING - STOREFRONT =	1,247 SF	(16.7%)
METAL PANEL =	1,517 SF	(20.3%)
STUCCO =	1,482 SF	(19.8%)
TOTAL =	7,478 SF	(100%)

NORTH ELEVATION

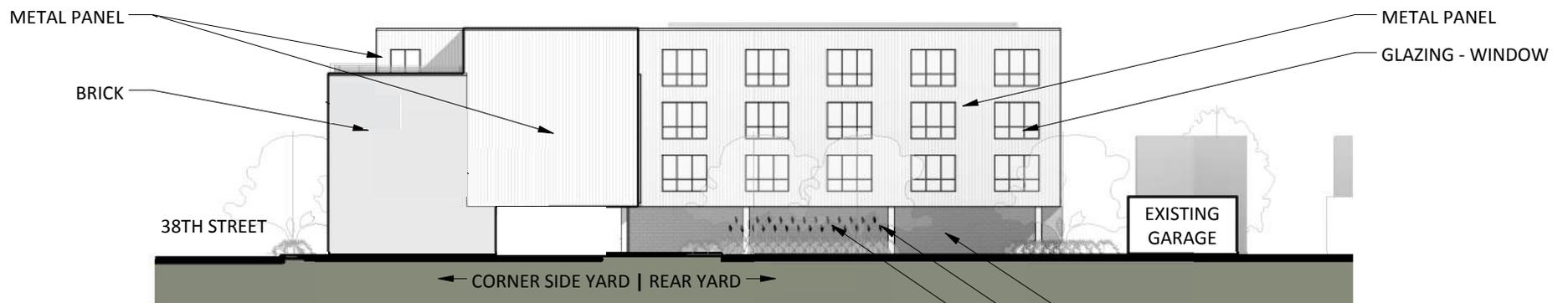
JLG 16002 - LANDER GROUP 38TH STREET

GLUA05A - ELEVATIONS - NORTH AND EAST

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DESIGN FOR LIFE



MATERIAL COMPOSITION (CORNER SIDE YARD)

BRICK =	1,068 SF	(32.9%)
METAL PANEL =	1,689 SF	(51.9%)

TOTAL = 3,251 SF (100%)

MATERIAL COMPOSITION (REAR YARD)

BURNISHED MASONRY =	683 SF	(22.0%)
METAL PANEL =	1,628 SF	(48.4%)

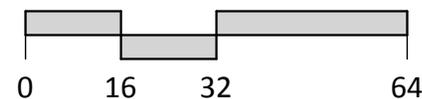
TOTAL = 3,103 SF (52.5%)

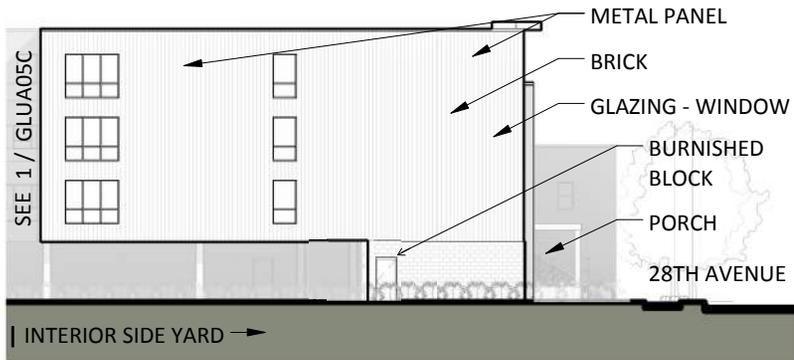
WEST ELEVATION

JLG 16002 - LANDER GROUP 38TH STREET

GLUA05B - ELEVATIONS - WEST

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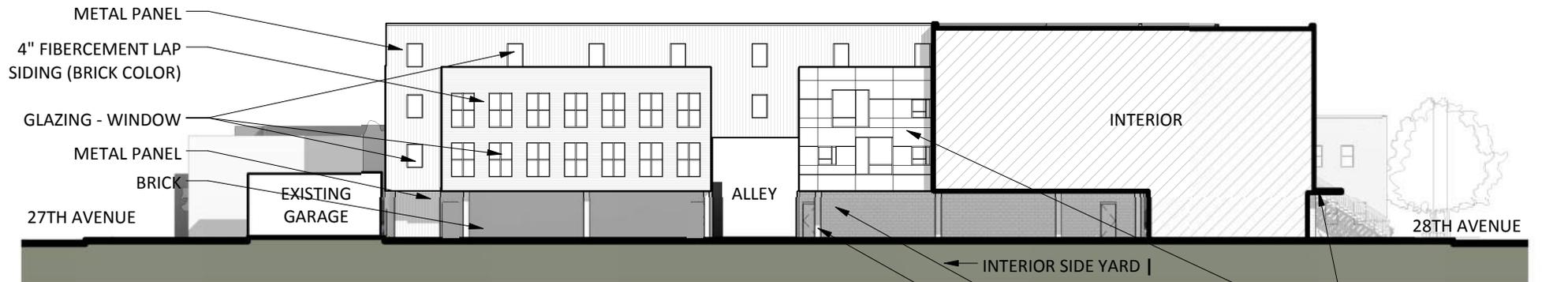




MATERIAL COMPOSITION

BURNISHED BLOCK =	266 SF	(8.0%)
METAL PANEL =	2,600 SF	(78.5%)
TOTAL =	3,311 SF	(100%)

SOUTH ELEVATION AT INTERIOR SIDE



MATERIAL COMPOSITION

METAL PANEL =	1,602 SF	(29.9%)
FIBERCEMENT LAP =	996 SF	(18.6%)
FIBERCEMENT PANEL =	581 SF	(10.8%)

MATERIAL COMPOSITION

BURNISHED CMU =	739 SF	(13.8%)
BRICK =	602 SF	(11.2%)

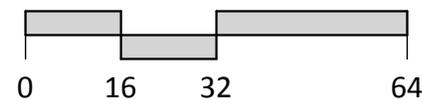
TOTAL = 5,359 SF (100%)

SOUTH ELEVATION AT INTERIOR

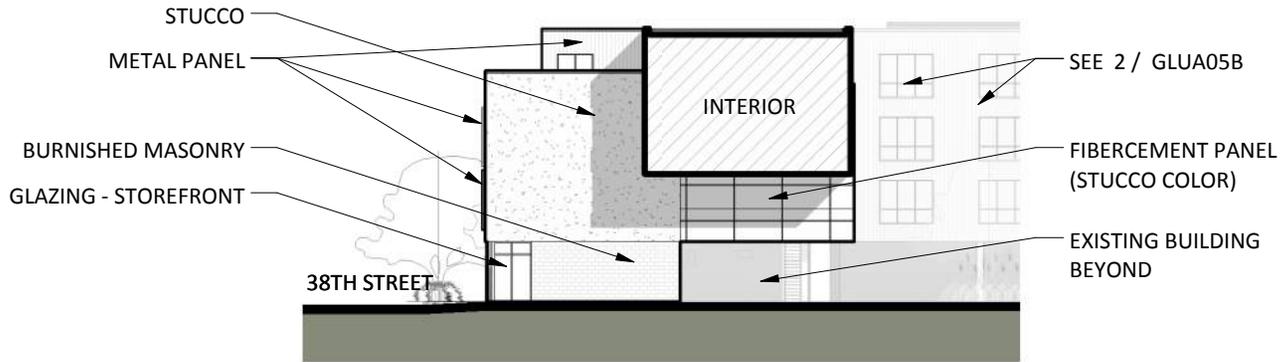
JLG 16002 - LANDER GROUP 38TH STREET

GLUA05C - ELEVATIONS - SOUTH AND INTERIOR

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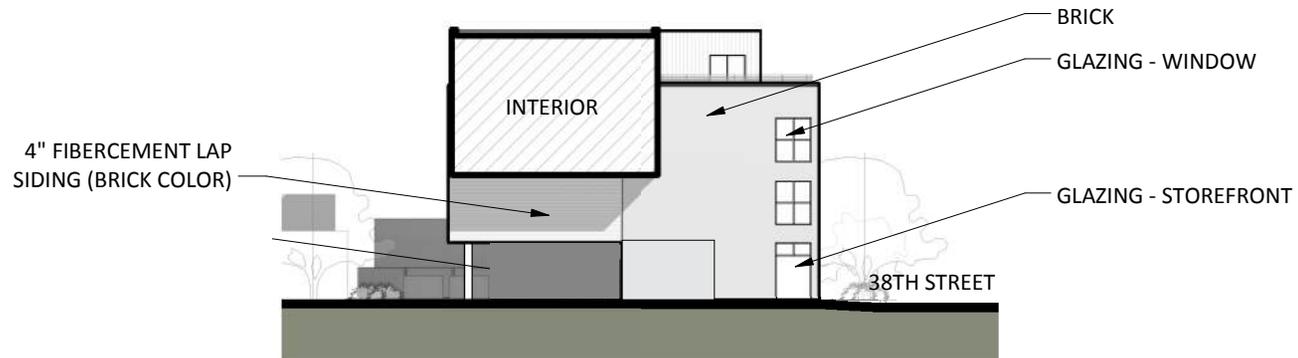
DESIGN FOR I IFF



MATERIAL COMPOSITION

STUCCO =	832 SF	(51.3%)
BURNISHED MASONRY =	265 SF	(16.3%)
FIBERCEMENT PANEL =	336 SF	(20.7%)
TOTAL =	1,621 SF	(100%)

WEST ELEVATION AT ALLEY



MATERIAL COMPOSITION

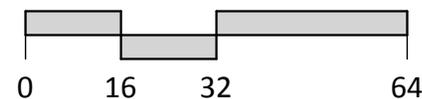
BRICK =	971 SF	(53.1%)
METAL PANEL =	237 SF	(12.9%)
FIBERCEMENT LAP =	337 SF	(18.4%)
TOTAL =	1,829 SF	(100%)

EAST ELEVATION AT ALLEY

JLG 16002 - LANDER GROUP 38TH STREET

GLUA05D - ELEVATIONS - ALLEY

05/25/16 | © 2016 JLG ARCHITECTS





JLG 16002 - LANDER GROUP 38TH STREET

GLUA06A - RENDERING - 38TH STREET FROM WEST

05/25/16 | © 2016 JLG ARCHITECTS





JLG 16002 - LANDER GROUP 38TH STREET

GLUA06B - RENDERING - 28TH AVENUE FROM SOUTH

05/25/16 | © 2016 JLG ARCHITECTS



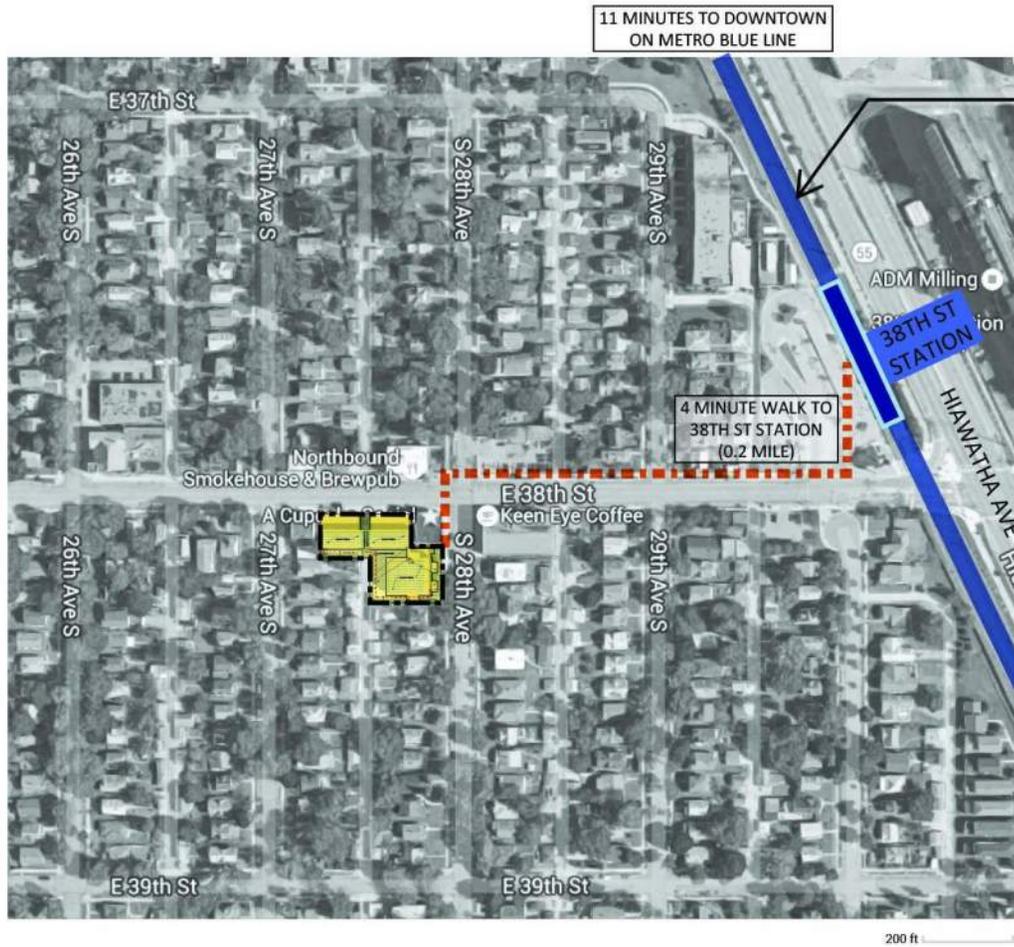


JLG 16002 - LANDER GROUP 38TH STREET

GLUA06C - RENDERING - ALLEY FROM SOUTH

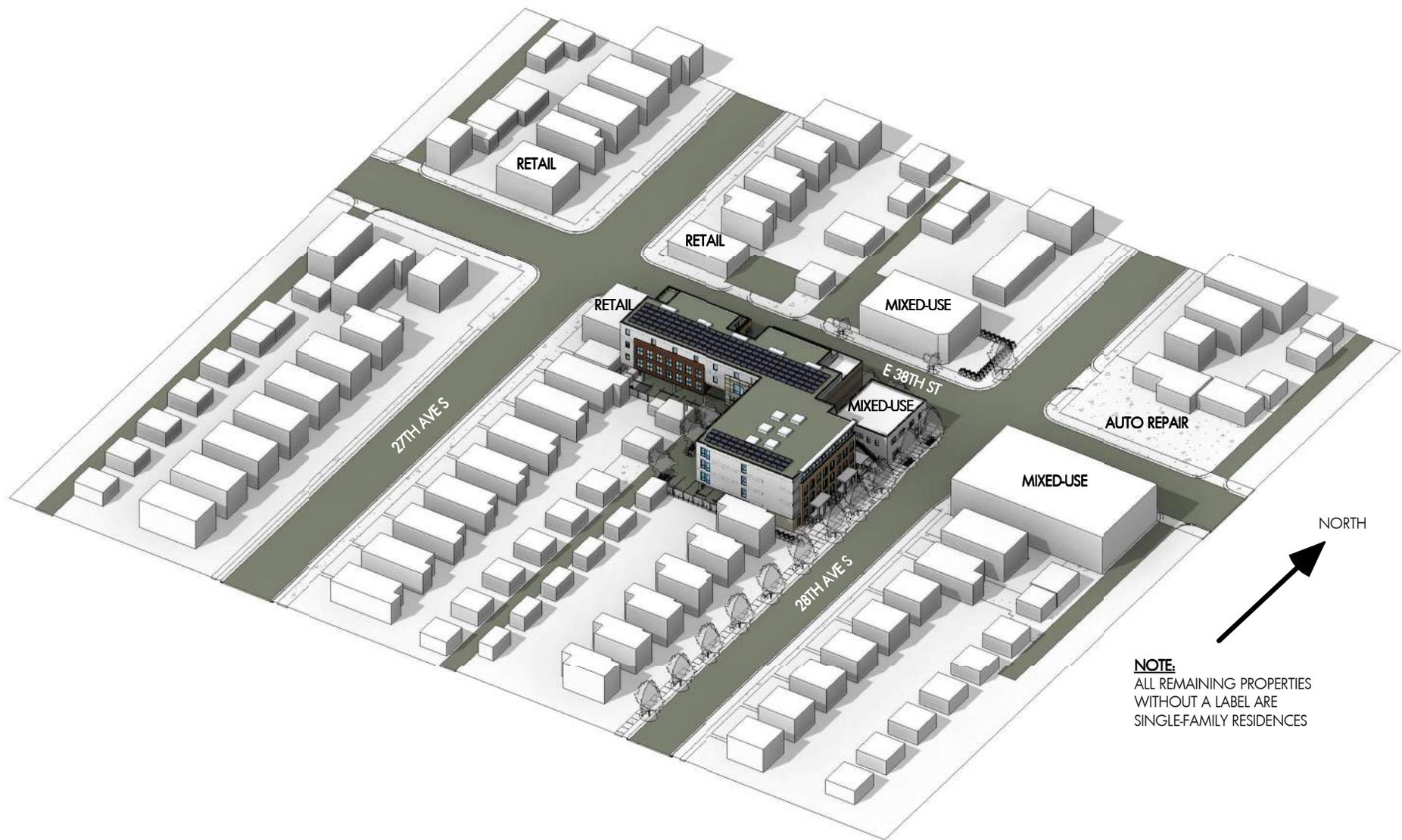
05/25/16 | © 2016 JLG ARCHITECTS





JLG 16002 - LANDER GROUP 38TH STREET

GLUA07A - CONTEXT STUDY - LOCATION

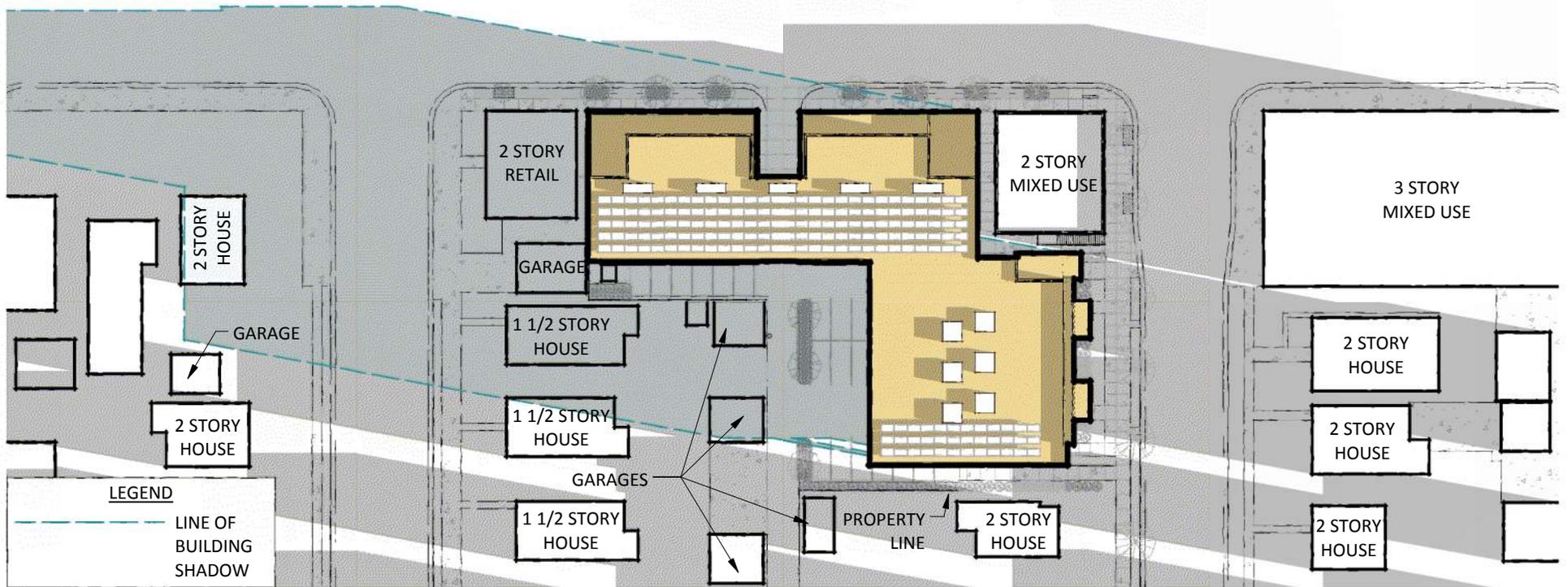
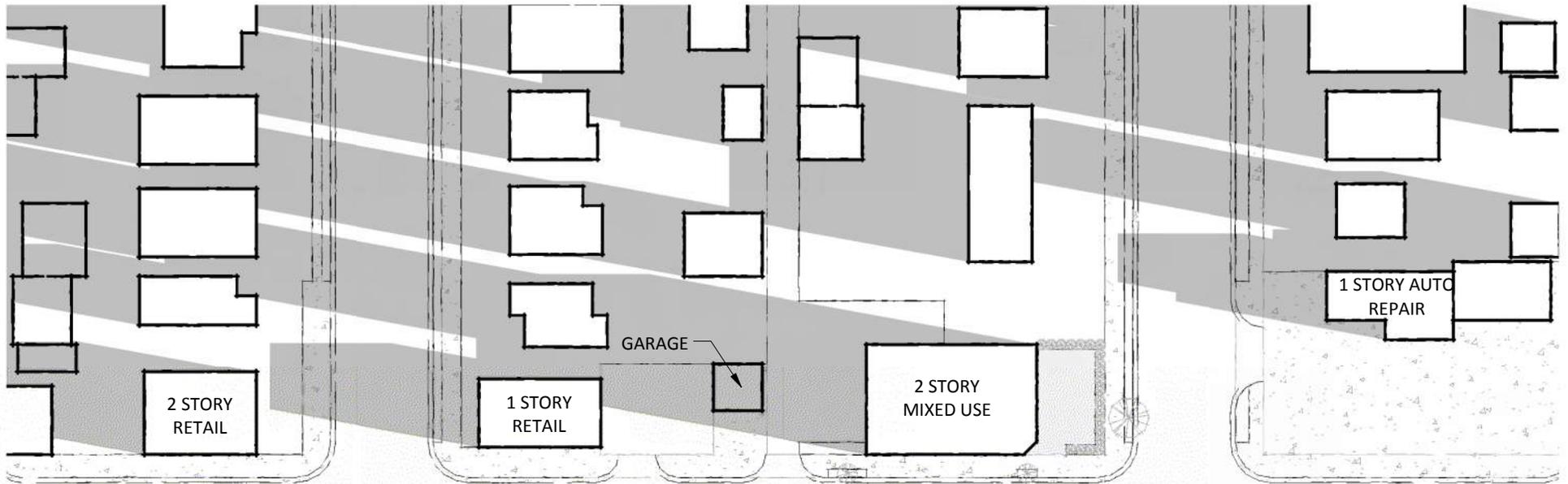


JLG 16002 - LANDER GROUP 38TH STREET

GLUA07B - CONTEXT STUDY - AERIAL

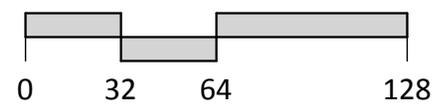
05/25/16 | © 2016 JLG ARCHITECTS

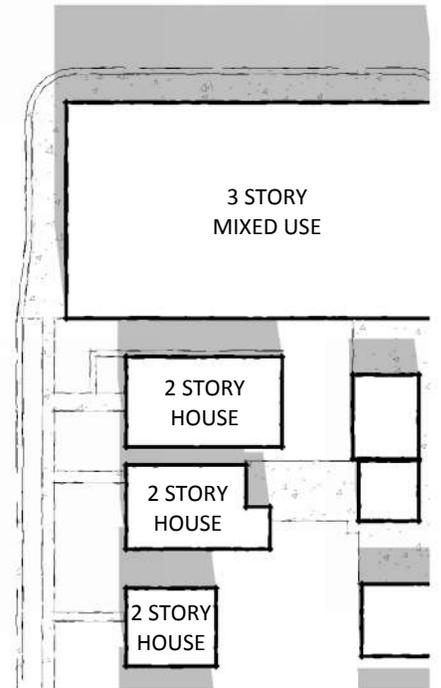
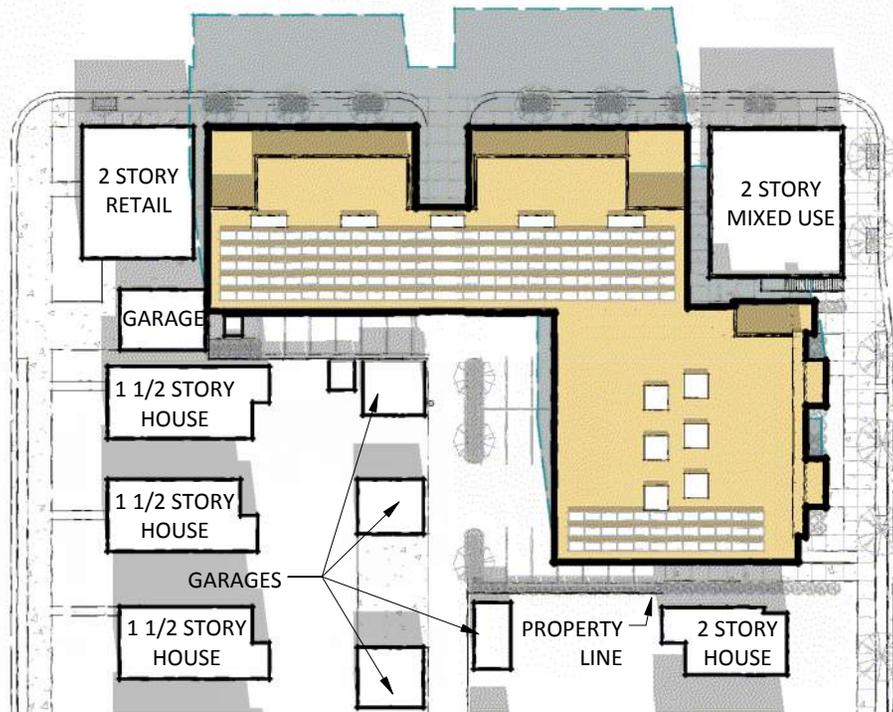
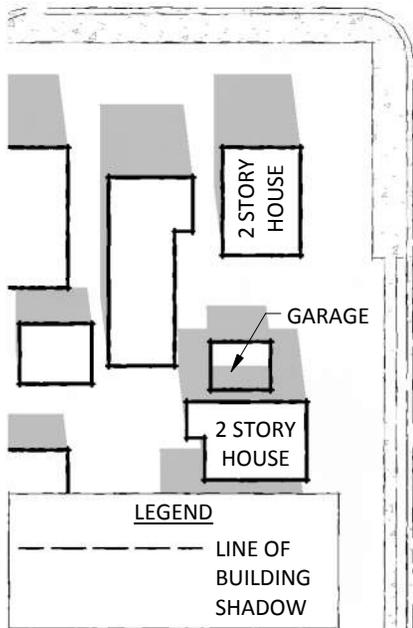
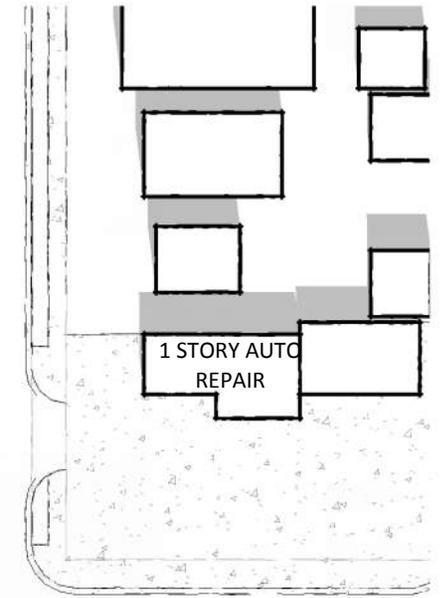
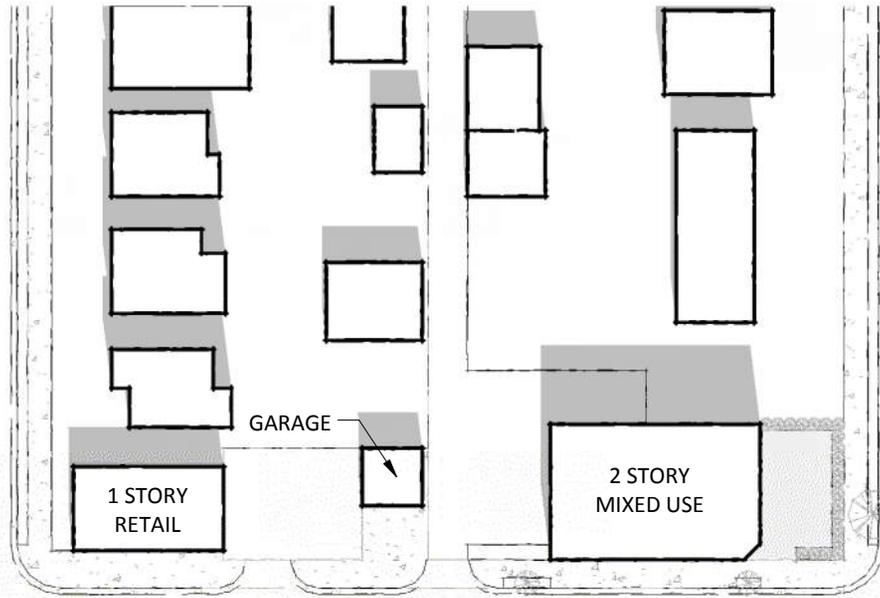
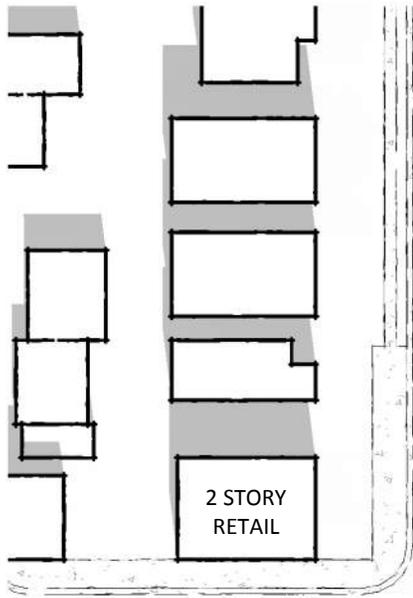




JLG 16002 - LANDER GROUP 38TH STREET

GLUA08A - SUN STUDY - MARCH / SEPTEMBER 20TH - 1 HOUR AFTER SUNRISE

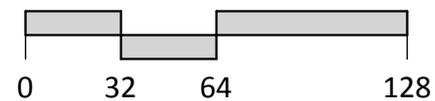


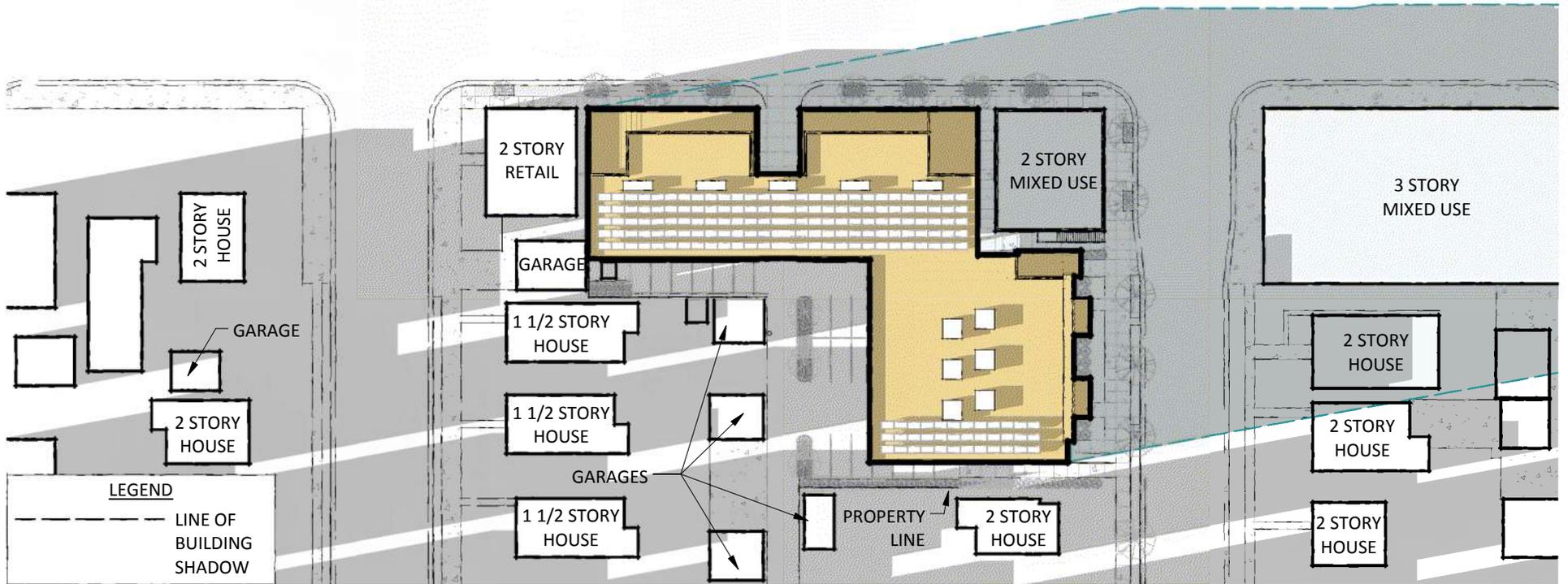
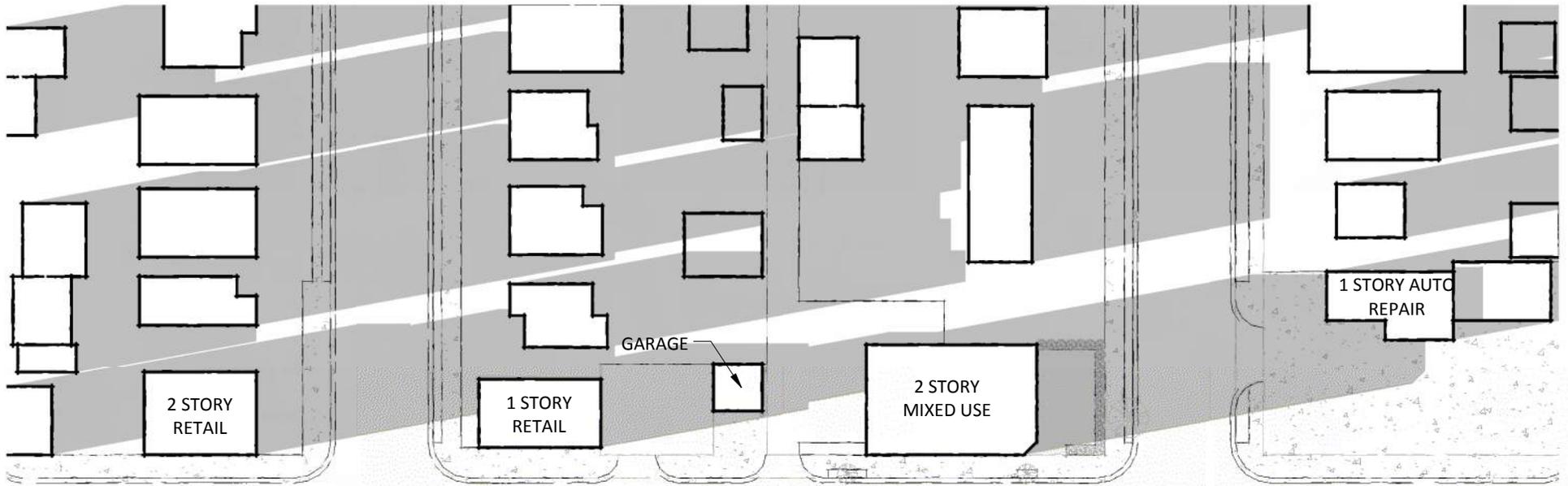


JLG 16002 - LANDER GROUP 38TH STREET

GLUA08B - SUN STUDY - MARCH / SEPTEMBER 20TH - NOON

05/25/16 | © 2016 JLG ARCHITECTS

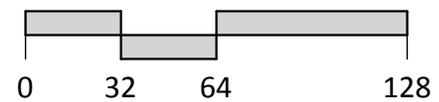


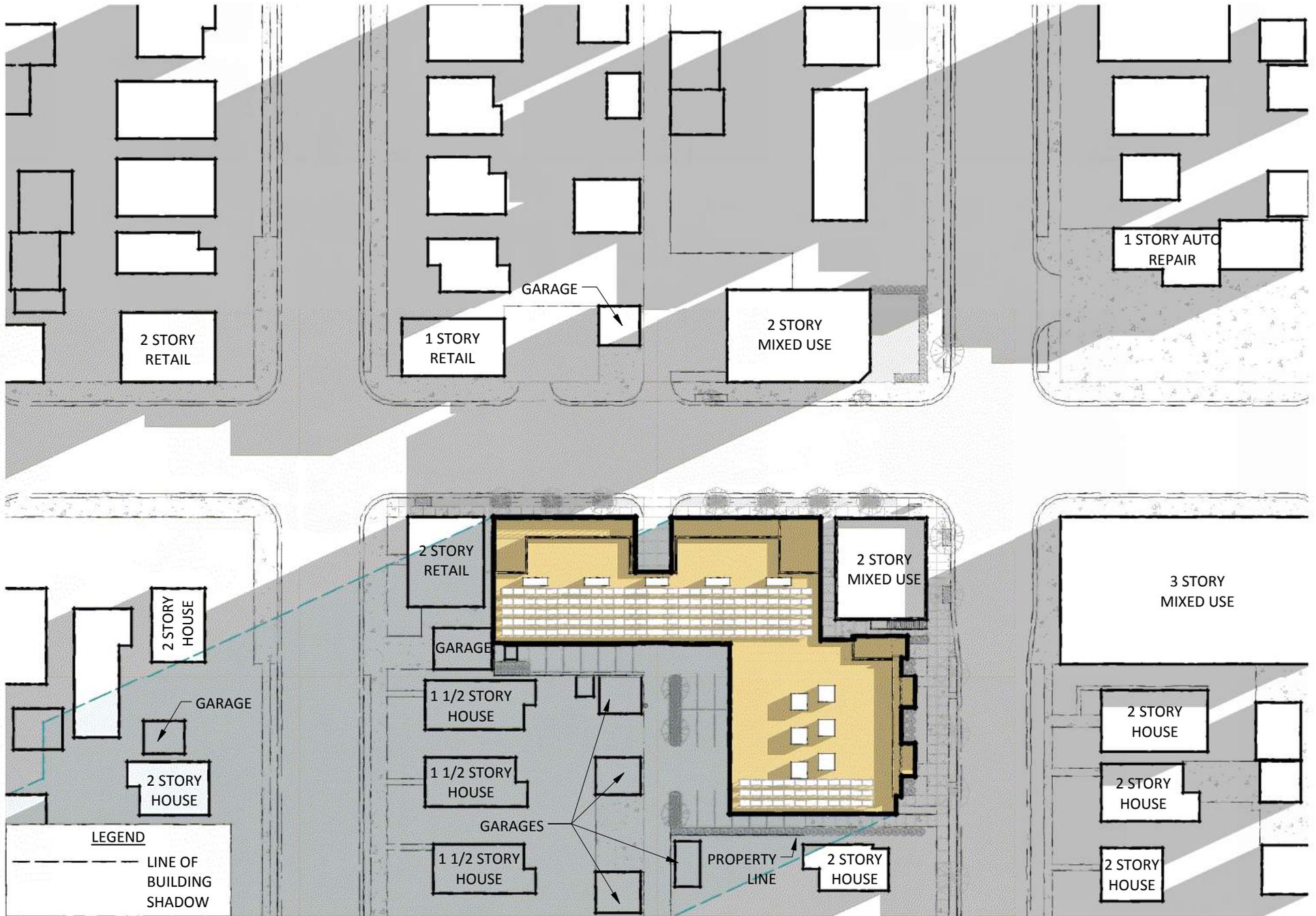


JLG 16002 - LANDER GROUP 38TH STREET

GLUA08C - SUN STUDY - MARCH / SEPTEMBER 20TH - 1 HOUR BEFORE SUNSET

05/25/16 | © 2016 JLG ARCHITECTS

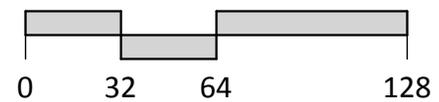


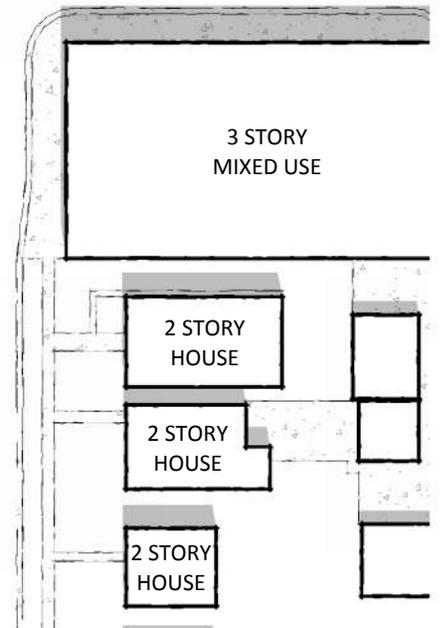
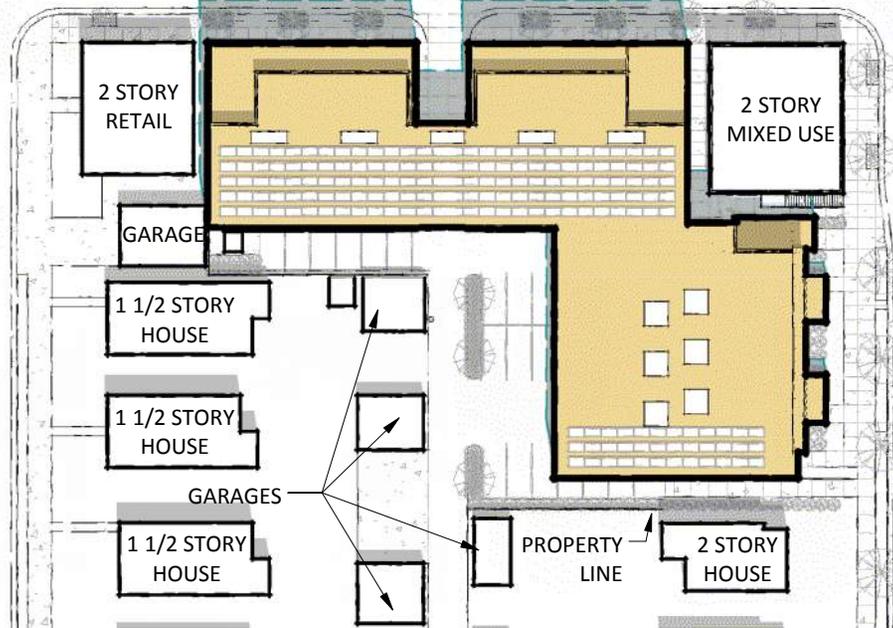
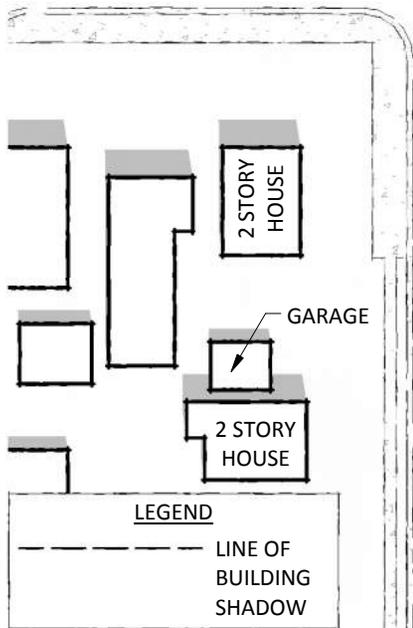
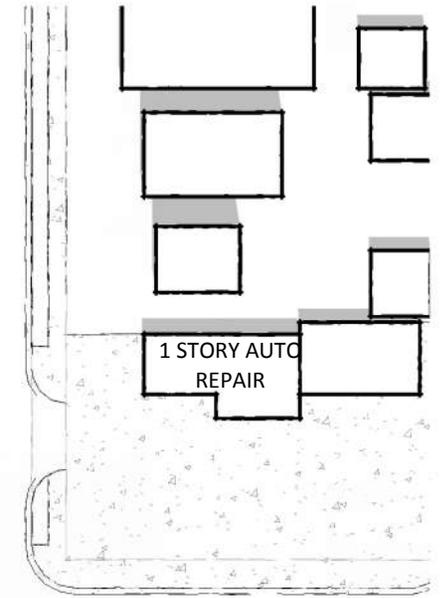
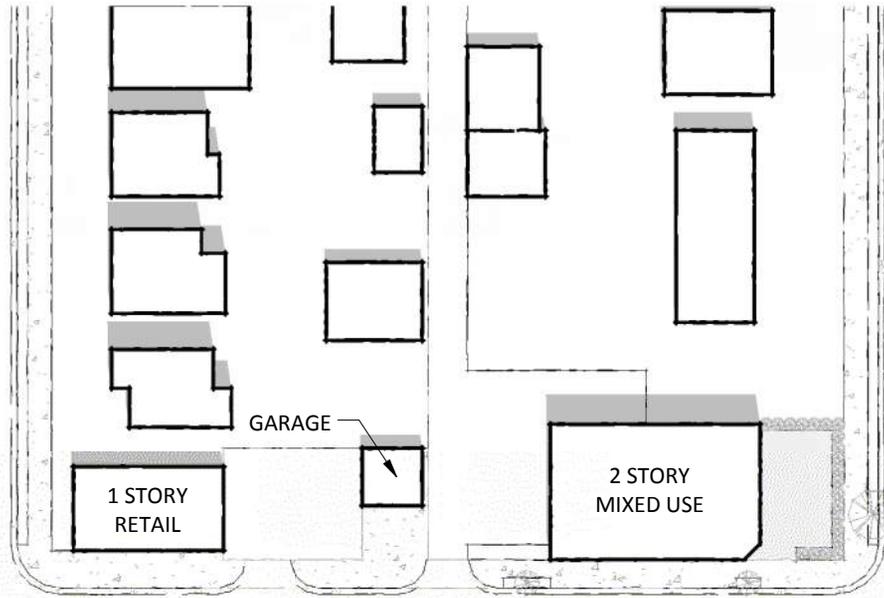
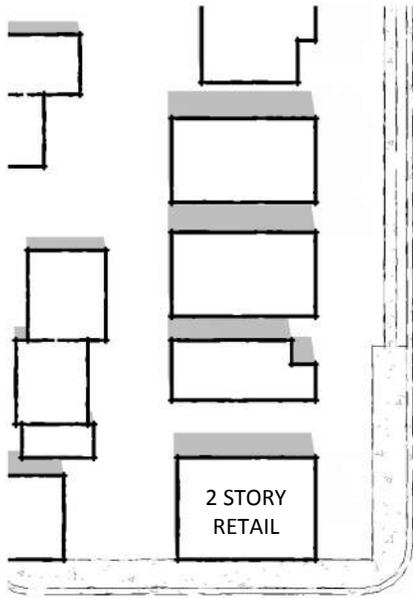


JLG 16002 - LANDER GROUP 38TH STREET

GLUA09A - SUN STUDY - JUNE 21ST - 1 HOUR AFTER SUNRISE

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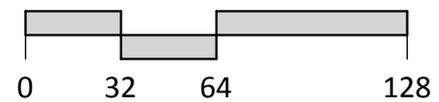


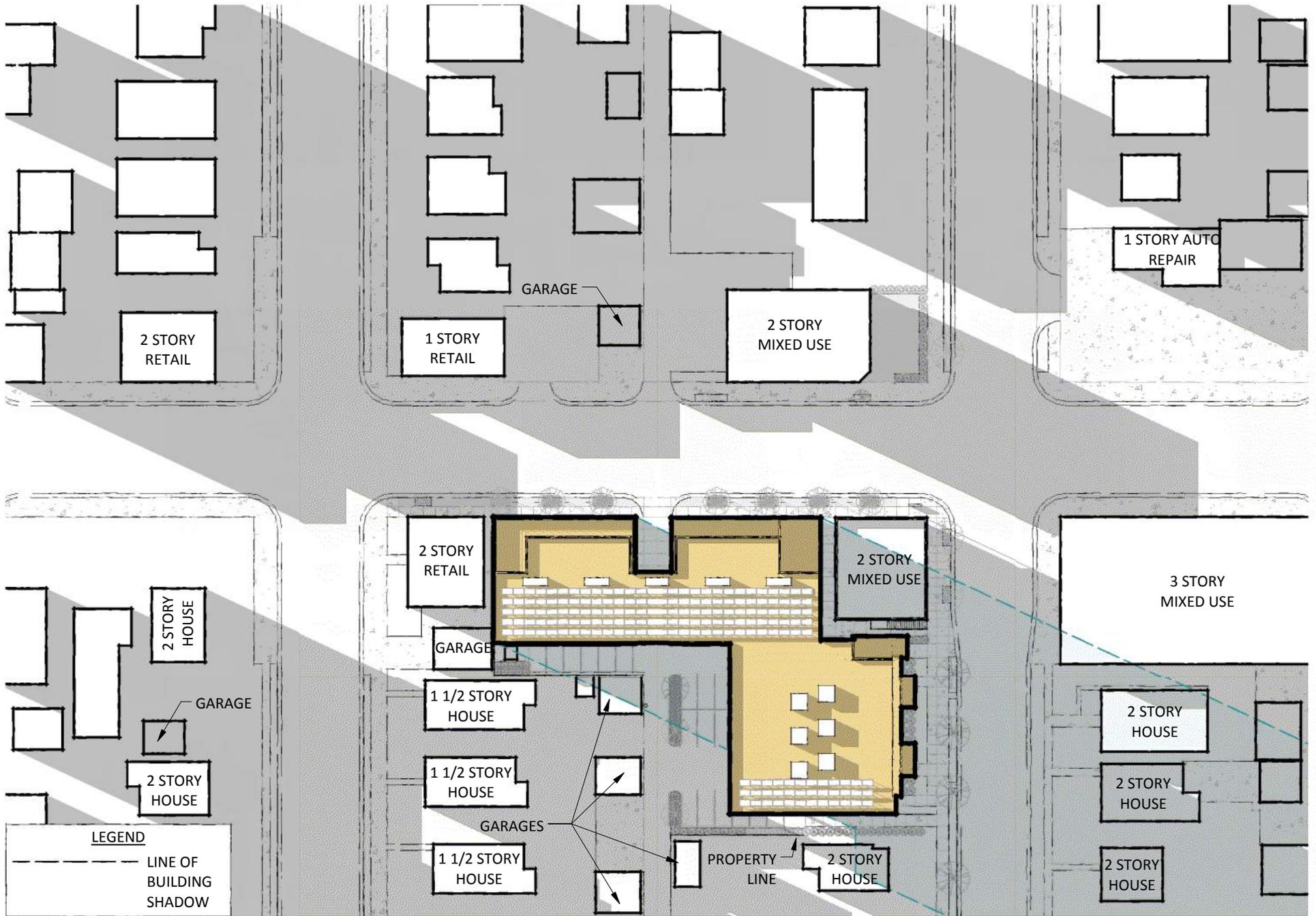


JLG 16002 - LANDER GROUP 38TH STREET

GLUA09B - SUN STUDY - JUNE 21ST - NOON

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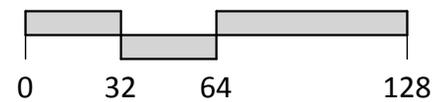




JLG 16002 - LANDER GROUP 38TH STREET

GLUA09C - SUN STUDY - JUNE 21ST - 1 HOUR BEFORE SUNSET

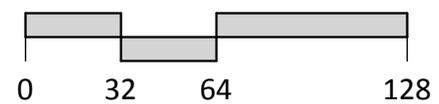
05/25/16 | © 2016 JLG ARCHITECTS

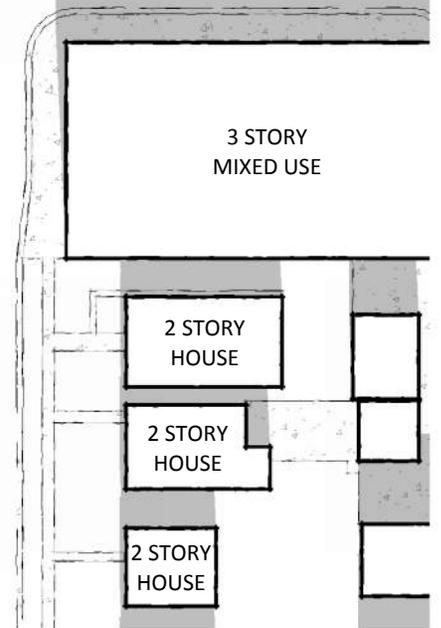
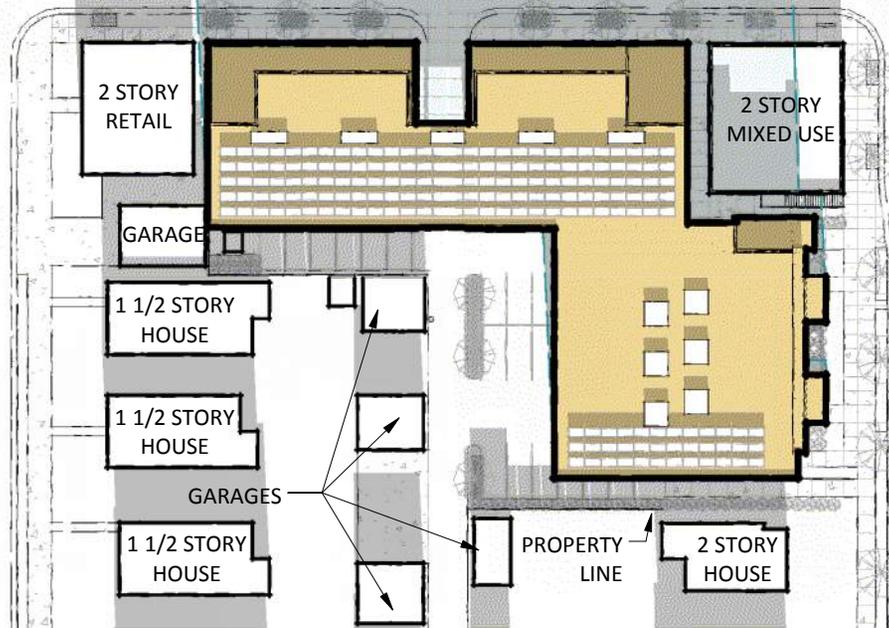
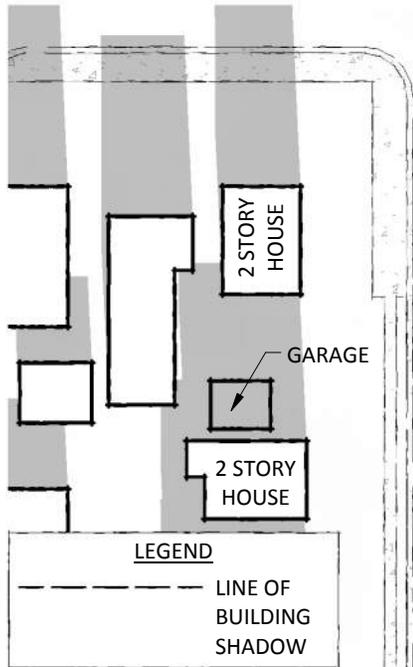
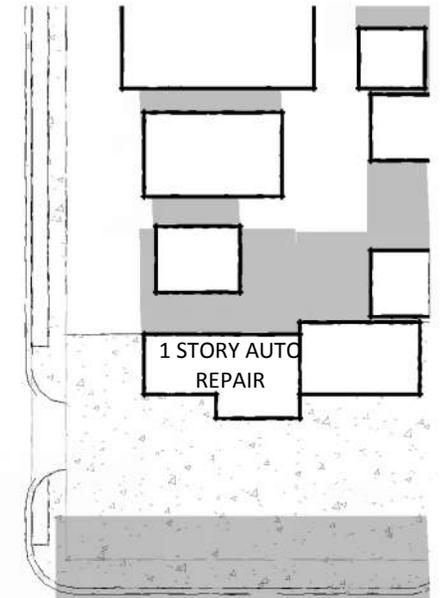
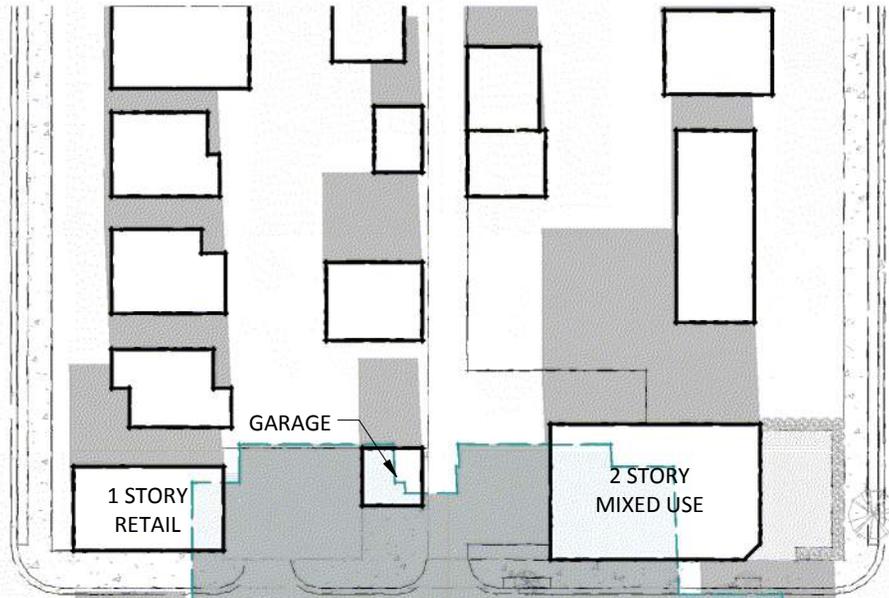
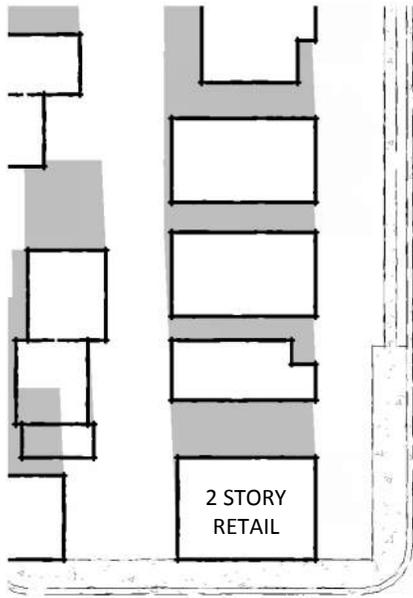




JLG 16002 - LANDER GROUP 38TH STREET

GLUA10A - SUN STUDY - DECEMBER 22ND - 1 HOUR AFTER SUNRISE

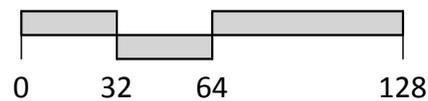




JLG 16002 - LANDER GROUP 38TH STREET

GLUA10B - SUN STUDY - DECEMBER 22ND - NOON

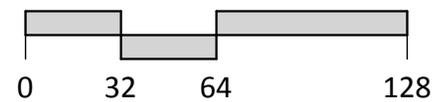
05/25/16 | © 2016 JLG ARCHITECTS

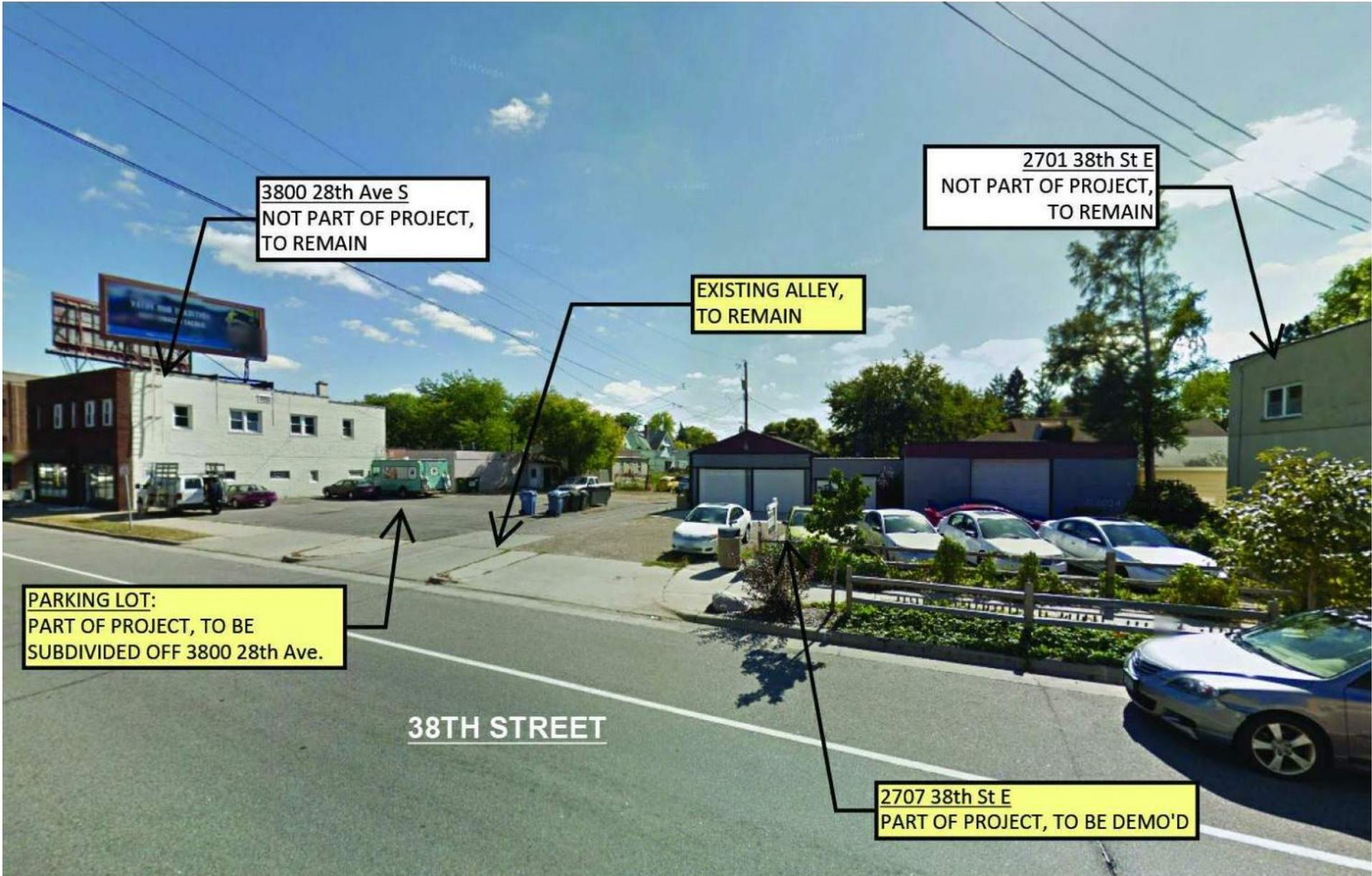




JLG 16002 - LANDER GROUP 38TH STREET

GLUA10C - SUN STUDY - DECEMBER 22ND - 1 HOUR BEFORE SUNSET





JLG 16002 - LANDER GROUP 38TH STREET

GLUA07D - EXISTING CONDITIONS - 38TH STREET LOOKING SOUTHEAST

05/25/16 | © 2016 JLG ARCHITECTS





3816 28th Ave S
NOT PART OF PROJECT, TO REMAIN

3812 28th Ave S
PART OF PROJECT, TO BE DEMO'D

3806 28th Ave S
PART OF PROJECT, TO BE DEMO'D

3800 28th Ave S
NOT PART OF PROJECT,
TO REMAIN

28TH AVENUE

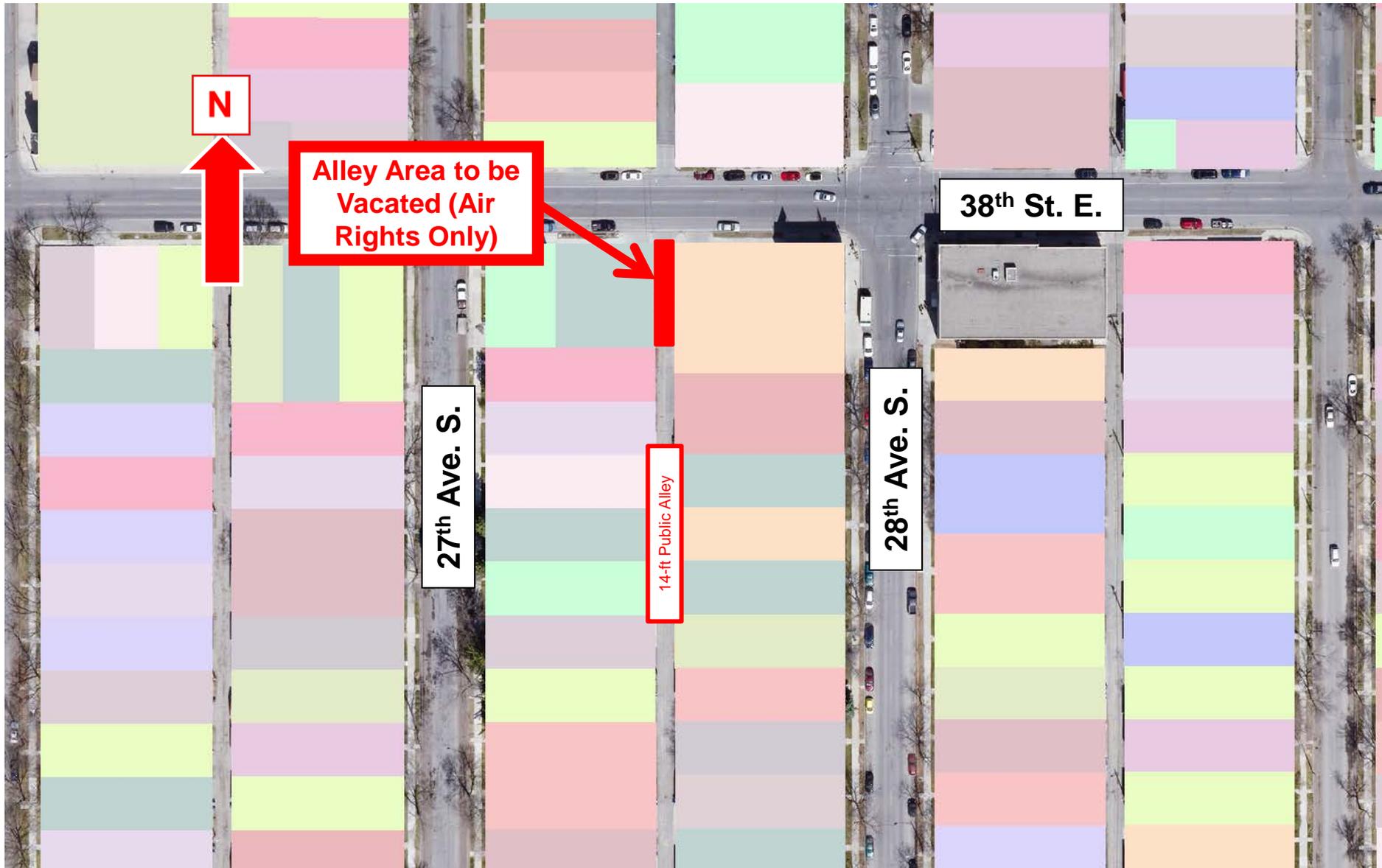
JLG 16002 - LANDER GROUP 38TH STREET

GLUA07C - EXISTING CONDITIONS - 28TH AVENUE LOOKING NORTHWEST

05/25/16 | © 2016 JLG ARCHITECTS



Proposed Vacation of Alley Air Rights over 16'6"



N

Alley Area to be
Vacated (Air
Rights Only)

38th St. E.

27th Ave. S.

14-ft Public Alley

28th Ave. S.



N

Alley Area to be
Vacated (Air
Rights Only)

14-ft Public Alley

27th Ave. S.

28th Ave. S.

38th St. E.

June 15, 2016



Minneapolis
City of Lakes

**Department of
Public Works**

Steven A Kotke, P.E.
City Engineer
Director

350 South 5th Street – Room 203
Minneapolis MN 55415

Office 612 673-3000
Fax 612 673-3565
TTY 612 673-2157

Kimberly Holien
CPED-Planning
250 4th St. So., Room 300
Minneapolis, MN 55415

RE: Vacating partial alley air rights in Block 1, Robert Blaisdell's Addition to Minneapolis, (Vacation 1658)

Dear Ms. Holien:

Public Works staff has reviewed this vacation petition and recommends Approval of said petition.

The alley easement air rights being vacated are legally described as follows:

That part of the alley lying within Block 1, ROBERT BLAISDELL'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the easterly extension of the south line of Lot 29, said Block 1 and southerly of a line drawn from the northeast corner of Lot 30, said Block 1, to the northwest corner of Lot 1, said Block 1 and lying above an elevation of 850.0 feet, NGVD 29 datum.

Sincerely,

A handwritten signature in blue ink, appearing to read "Don Elwood".

Don Elwood, Director
Transportation Engineering & Design Division

Cc: Dennis Morris



	Residential Districts		Commercial Districts
	R1A	C1	C2
	Single-Family District	Neighborhood Commercial District	Neighborhood Corridor Commercial District

FAR			
Base FAR Maximum	0.50	1.70	1.70
20% bonus for enclosed, underground or structured parking	n/a	0.34	0.34
20% bonus for 50% ground floor commercial	n/a	0.34	0.34
20% bonus for 20% affordable units	n/a	0.34	0.34
Total possible FAR	0.50	2.72	2.72

Required lot area per dwelling unit (sq. ft.)

Possible DU Bonuses:

20% bonus for enclosed, underground or structured parking	5,000	N/A	N/A
20% bonus for 50% ground floor commercial		Y	Y
20% bonus for 20% affordable units		Y	Y
Base building height maximum (in stories)	2.5	2.5/3	4
Maximum size of retail store (sq. ft.)	0	8,000	30,000
Maximum Lot Coverage	50%	n/a	n/a
Maximum Impervious Surface Coverage	65%	n/a	n/a

Yard Requirements			
Front	20	0	0
Interior side or rear ¹	5 (+2X) ¹	5+2X ²	5+2X ²
Corner Side	8 (+2X) ¹	0	0

Height Requirements

Feet	35	35/42	56
Stories	2.5	2.5/3	4

Retail

Maximum size of retail store (sq. ft.)-base	0	5,000	30,000
Bonus for no parking b/w structure and street	0	2,500	0
Bonus for additional stories & parking	0	2,500	0
Bonus for large, mixed use building	0	0	0

Nicole Washburn

From: Nicole Washburn
Sent: Friday, April 15, 2016 4:17 PM
To: 'andrew.johnson@minneapolismn.gov'
Cc: 'Tony'; 'Sam Newberg'; 'Michael Lander'; Dave Uhlir
Subject: RE: 38th Street Mixed Use

Hello Andrew:

We wanted to contact you with an update the Land Use applications for The Lander Group's 38th Street Mixed Use project. We attended the Committee of the Whole last night and a few subparts of the Land Use Application were listed separately, so we wanted to make you aware of that clarification. If you haven't heard we received great support in signatures from the neighborhood to rezone to C2 and have the number of signatures we need for the rezoning. We will be submitting on Monday.

The Land Use Application includes:

- Rezoning from C1 and R1A districts to C2, Neighborhood Corridor Commercial District
- Variance to exceed maximum floor area ratio: Requesting increase from 2.2 to 2.4
- Variance to decrease the south interior side yard setback from 11 feet to 4 feet at the stair well only
- Variance to decrease the front yard setback along 28th Avenue for small corner of the building a patio. Most of 28th Street is has no setback, but for the 25' adjacent to the single family residences the setback matches the adjacent residential structure's setback
- Minor Subdivision: This is to create a separate site for the building at the corner of 38th and 28th from this site, as it will remain (Cupcake Social).
- Vacation of Air Rights over the Public Alley: Alley will remain open, providing city requested clearances at the alley.
- Site Plan Review

We may also be asking that the Pedestrian Overlay apply to the entire site if those provisions have requirements that apply to the project. This is more of a technicality that we need to arrange.

Please let me know if you have any question. Thank you so much for your time.
Have a great weekend!

From: Nicole Washburn
Sent: Wednesday, March 23, 2016 12:10 PM
To: 'andrew.johnson@minneapolismn.gov' <andrew.johnson@minneapolismn.gov>
Cc: 'Tony' <Tony@landergroup.com>; Sam Newberg <sam@joe-urban.com>; 'Michael Lander' <michael@landergroup.com>; Dave Uhlir <DUhlir@jlgarchitects.com>
Subject: 38th Street Mixed Use

Hello Andrew – Thank you so much for all you've done in support of the 3800 Mixed Use project at the SENA meeting on Monday night. The turnout was amazing, again thanks to you, as was the feedback from the neighborhood!

While we discussed the specifics of the project several times, including Monday night, we wanted to formally provide you information related to the intent for the project that will be included in the Land Use and Zoning Applications.

Description of Project: The 38th Street Mixed Use project at East 38th Street and 28th Avenue South is a four-story mixed use property with 52 dwelling units and up to four retail spaces totaling 50,500 square feet. The first level is an 8,000 sf footprint that includes 3,500 sf of commercial space that can be divided into 2 to 4 tenant spaces along 38th Street. Visually these will read as two separate buildings, as shown in the illustration, to relate to the scale and context of the

neighborhood, but will complement one another. The building at the corner of 38th Street and 28th Avenue will remain and be replatted as a separate piece of land. Along 28th Street, two walk-up residential units are planned along with the main entrance to the residential building. These will have patios that again better relate to the scale of the neighborhood. At grade behind the buildings that front 38th and 28th, will be 34 vehicle and 27 bicycle parking for the property. The goal is for these to be shared by the property and therefore available to commercial uses during the day and while residents are away at work. This area is covered by the Pedestrian Overlay that reduces the 1 to 1 parking stall per dwelling to 70% of that number. The second level is 15,200 square feet and begins to connect the buildings seen at the first level along 38th and 28th and partially covers the parking at grade. The clearance over the alley extends into the area where the second level starts, and therefore the buildings remain separate at that point. There are four units that are accessed from an entry and stair along 38th that are separate from the building. The third level fully connects the buildings and extends across the alley. At the fourth level, the building mass steps back, to provide interest and a building mass at the street side that ties to the adjacent properties. This provides for small individual unit balconies with views to the north. There is also a small community patio planned near the corner of 38th and 28th. There are no plans for a commercial/restaurant patio on the upper levels. Commercial uses would be confined to the street level on 38th Street.

Land Use Applications: The project will be submitting for General Land Use and Zoning Application to rezone the three of the four parcels to C2 zoning designation. One of the properties, at 2707 38th Street East is currently designated as C2. The alley airspace will be vacated to 16'-6" to allow for connection of the building starting at the third level; the city required clear width will be maintained to Alternate compliance for landscape buffer for parking next to residential properties will be used to provide a six foot hedge with trees in a 4'-5' depth instead of the 7 foot depth listed. Variances for Yard Setbacks would be sought for:

- the stairwell to the south; the mass of the rest of the building is within the setback requirements
- small corner of the building and patio at the southeast that extend slightly into the corner yard requirement,
- parking – after further review our the count at 52 units we are requesting a variance for 3 stalls and providing 4 stalls to cupcake.

Addresses of properties for which zoning approval is sought:

- 3800 28th Ave South – requesting rezoning from C1 to C2
- 3806 28th Ave South – requesting rezoning from C1 to C2
- 3812 28th Ave South – requesting rezoning from C1 & R1A to C2

Applicants Information:

3828 LLC, c/o Lander Group, Tony Kriha
3802 Nicollet Avenue South, Suite 200
Minneapolis, MN 55409
612-986-2511
tony@landergroup.com

Please let us know if you have any questions. Thank you so much for your time and consideration!

From: [Murphy, Suzanne](#)
To: [Holien, Kimberly](#)
Subject: FW: 38th/28th development
Date: Monday, June 20, 2016 3:43:30 PM

-----Original Message-----

From: Nathan Shepherd [<mailto:nshepherd@gmail.com>]
Sent: Monday, June 13, 2016 9:00 PM
To: Johnson, Andrew
Subject: 38th/28th development

Council Member Johnson,

I am hoping that you can pass my message regarding the proposed development at 38th Street and 28th Avenue along to the folks making the decision about the proposed zoning change on the 27th. Alternatively, please let me know who I should direct this message to.

Full disclosure, I am a member of the SENA board, but I am writing this only to express my personal opinion.

I am a resident of Standish (about 8 blocks from this intersection) and I think that this development would be great for neighborhood. I think that the additional commercial space will serve that intersection well, and draw more development at that intersection and at nearby intersections. I think that the denser residential will fit well with that localized part of the neighborhood, and the overall LRT station plan. Further, I think that the C2 zoning that is being proposed is essential to foster the type of commercial development that is needed in Standish/Ericsson and in Minneapolis in general.

I think that the folks in charge of this project have done a great job of reaching out to neighbors nearby, and the meeting about the development was surprisingly positive for the type of development change this represents. I think this speaks to the recognition of the neighborhood that this development is welcome, positive, and well-planned.

This is exactly the kind of project that is wanted in this neighborhood: it is the right size for the area, mixed-use, and complimentary to the already existing uses.

Please support this project, and urge your fellow council members to do so on my behalf.

Best,
Nathan Shepherd

From: [Molly McCartney](#)
To: [Holien, Kimberly](#)
Subject: Letter of support for land use applications at 2707 E 38th St, 3806 and 3812 28th Ave S
Date: Monday, June 20, 2016 2:53:41 PM

Ms Holien,

I am writing to support the land use applications for the above mentioned mixed use building. I am supportive of the project because it increases housing and commercial options near a transit station, develops two surface parking lots, and will add new businesses and neighbors to this community.

As the president of the Standish-Ericsson Neighborhood Association (SENA), I can speak to the outreach the development team has done with the neighbors most impacted by the development and the neighborhood in general. The project team door knocked properties within 100 ft. of the site for the rezoning, and was able to get enough signatures to move forward with rezoning. The team hosted a community meeting that had more than 70 neighbors in attendance. Some people had concerns about construction and traffic impacts, but for the most part neighbors were interested in the opportunities that would come with development – new shops and neighbors. The team has also presented to our board and committees on the project a number of times. While SENAs have not (and does not typically) voted to deny or support this project, I can say this outreach has been the most extensive for a development project I have been a part of on my four years on the SENAs board.

I also live about a block and half from the development, and I am excited to see this type of investment so close to light rail. I moved to Standish the spring before LRT opened in 2004 and this is the type of transit oriented development I have been expecting for the last 12 years. This location is a close walk to the 38th St Station and adds a car-free living option in the neighborhood and help to increase density. I am looking forward to the new shops or restaurants that will fill the first floor. One great thing about living in Standish-Ericsson are the local businesses that are within walking and biking distance, and I hope the new building brings more.

The proposed project is very much in keeping with the land uses and building form called for in the City-adopted 38th Street Station Area Plan. I believe that the variances are needed in part because the existing parcels along 38th St are so shallow. While the 38th St Station Area Plan calls for new development in this area called the "Station District", the existing development pattern with shallow parcels of about 40 ft. deep makes it difficult for any new building of a reasonable size to be built without a variance. The project does utilize a number of parcels along 28th Ave, but even then, those residential setbacks are inconsistent with commercial setbacks as well as the Pedestrian Oriented Overlay District.

Thank you so much for consideration of approval for this project!

Molly McCartney
3933 27th Ave S
Mpls, MN 55406

Nicole Washburn

From: Nicole Washburn
Sent: Friday, April 15, 2016 4:17 PM
To: 'mc_mccartney@yahoo.com'
Cc: 'Tony'; 'Sam Newberg'; 'Michael Lander'; Dave Uhlir
Subject: RE: 38th Street Mixed Use

Hello Molly:

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- Variance to decrease the front yard setback along 28th Avenue for small corner of the building a patio. Most of 28th Street is has no setback, but for the 25' adjacent to the single family residences the setback matches the adjacent residential structure's setback
- Minor Subdivision: This is to create a separate site for the building at the corner of 38th and 28th from this site, as it will remain (Cupcake Social).
- Vacation of Air Rights over the Public Alley: Alley will remain open, providing city requested clearances at the alley.
- Site Plan Review

We may also be asking that the Pedestrian Overlay apply to the entire site if those provisions have requirements that apply to the project. This is more of a technicality that we need to arrange.

Please let me know if you have any question. Thank you so much for your time.
Have a great weekend!

From: Nicole Washburn
Sent: Wednesday, March 23, 2016 12:22 PM
To: 'mc_mccartney@yahoo.com' <mc_mccartney@yahoo.com>
Cc: 'Tony' <Tony@landergroup.com>; Sam Newberg <sam@joe-urban.com>; 'Michael Lander' <michael@landergroup.com>; Dave Uhlir <DUhlir@jlgarchitects.com>
Subject: 38th Street Mixed Use

Hello Molly,

Thank you so much for your introduction and facilitation for the 3800 Mixed Use project at the SENA meeting on Monday night. The turnout was amazing and great feedback was shared.

While you heard an overview of the project at the meeting, we wanted to formally provide you information related to the intent for the project that will be included in the Land Use and Zoning Applications.

Description of Project: The 38th Street Mixed Use project at East 38th Street and 28th Avenue South is a four-story mixed use property with 52 dwelling units and up to four retail spaces totaling 50,500 square feet. The first level is an 8,000 sf

footprint that includes 3,500 sf of commercial space that can be divided into 2 to 4 tenant spaces along 38th Street. Visually these will read as two separate buildings, as shown in the illustration, to relate to the scale and context of the neighborhood, but will complement one another. The building at the corner of 38th Street and 28th Avenue will remain and be replatted as a separate piece of land. Along 28th Street, two walk-up residential units are planned along with the main entrance to the residential building. These will have patios that again better relate to the scale of the neighborhood. At grade behind the buildings that front 38th and 28th, will be 34 vehicle and 27 bicycle parking for the property. The goal is for these to be shared by the property and therefore available to commercial uses during the day and while residents are away at work. This area is covered by the Pedestrian Overlay that reduces the 1 to 1 parking stall per dwelling to 70% of that number. The second level is 15,200 square feet and begins to connect the buildings seen at the first level along 38th and 28th and partially covers the parking at grade. The clearance over the alley extends into the area where the second level starts, and therefore the buildings remain separate at that point. There are four units that are accessed from an entry and stair along 38th that are separate from the building. The third level fully connects the buildings and extends across the alley. At the fourth level, the building mass steps back, to provide interest and a building mass at the street side that ties to the adjacent properties. This provides for small individual unit balconies with views to the north. There is also a small community patio planned near the corner of 38th and 28th. There are no plans for a commercial/restaurant patio on the upper levels. Commercial uses would be confined to the street level on 38th Street.

Land Use Applications: The project will be submitting for General Land Use and Zoning Application to rezone the three of the four parcels to C2 zoning designation. One of the properties, at 2707 38th Street East is currently designated as C2. The alley airspace will be vacated to 16'-6" to allow for connection of the building starting at the third level; the city required clear width will be maintained to Alternate compliance for landscape buffer for parking next to residential properties will be used to provide a six foot hedge with trees in a 4'-5' depth instead of the 7 foot depth listed. Variances would be sought for:

- For Yard Setback at the stairwell to the south; the mass of the rest of the building is within the setback requirements
- For Yard Setback at a small corner of the building and patio at the southeast that extend slightly into the corner yard requirement,
- Parking – after further review of the count at 52 units we are requesting a variance for 3 stalls and providing 4 stalls to cupcake.

Addresses of properties for which zoning approval is sought:

- 3800 28th Ave South – requesting rezoning from C1 to C2
- 3806 28th Ave South – requesting rezoning from C1 to C2
- 3812 28th Ave South – requesting rezoning from C1 & R1A to C2

Applicants Information:

3828 LLC, c/o Lander Group, Tony Kriha
3802 Nicollet Avenue South, Suite 200
Minneapolis, MN 55409
612-986-2511
tony@landergroup.com

Please let us know if you have any questions. Thank you so much for your time and consideration!

From: [Bob Weber](#)
To: [Holien, Kimberly](#)
Subject: Lander Group Mixed Use Building Proposal
Date: Friday, June 03, 2016 7:58:59 PM

Dear Ms. Holien,

Unfortunately I can not attend the Lander Group meeting on June 13. I would like to express some concerns as an immediate neighbor of this development.

This development proposes to have upwards of 70 residents share 34 off street parking spaces with the employees and customers of 4 commercial retail spaces. Despite their speculation that residents will exclusively use mass transit, bicycle or walk, it is unlikely they will not have motor vehicles. I do not think it is prudent or fair to the neighborhood to make street parking worse. Many residents and businesses are already competing with light rail riders parking in our neighborhood. In my opinion, Lander Group needs to reduce the number of apartment units or increase the allotted off street parking spaces in their design.

Thank you for your time.

Bob Weber
2803 East 38th Street
Minneapolis, Mn