

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

**Rezoning from I1 to C3S, conditional use permit for more than 5 units, conditional use permit to exceed the 56-ft. height limitation, site plan review, parking variance for the residential portion of the project, and preliminary plat (PL-166)
BZZ-2142**

Hearing Date: 1/24/05

Applicant: Alliance Housing, Inc., 118 E. 26th St. Rm 202, Mpls. MN 55407

Address of Property: 2740 Minnehaha Ave.

Project Name: Commons at Hiawatha

Contact Person and Phone: Kris Brogan, 3133 Bloomington #3, Mpls., MN 55407, 612-801-4942, krisbrogan@att.net

Staff Contact Person and Phone: J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Date Application Deemed Complete: 12/10/04

End of 60-Day Decision Period: 02/08/05

End of 120-Day Decision Period:

Ward: 1 **Neighborhood Organization:** Longfellow / Longfellow Neighborhood Association

Existing Zoning:

- 2510 Minnehaha Ave. (3602924430087): I1, Limited Industrial District
- 2740 Minnehaha Ave. (3602924420047): C3S, Community Shopping Center District
- 2520 Minnehaha Ave. (3602924340062): C3S, Community Shopping Center District

Zoning Plate Number: 27

Proposed Zoning: Rezone a parcel of land (Outlot A, 2510 Minnehaha Ave.) on the northern edge of the site from I1 to C3S.

Legal Description of the property to be rezoned: That part of Outlot A, MINNEHAHA INDUSTRIAL PARK, according to the recorded plat thereof, lying westerly of a line described as commencing at the most westerly corner of said Outlot A; thence on an assumed bearing of North 71 degrees 47 minutes 06 seconds East, along the southeast line of said Outlot A and the north line of AUDITOR'S SUBDIVISION NO. 119, files of the County Recorder, a distance of

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102.29 feet to a point 386.63 feet easterly of the most westerly corner of said AUDITOR'S SUBDIVISION NO. 119, as measured along said north line of AUDITOR'S SUBDIVISION NO. 119; thence South 64 degrees 11 minutes 06 seconds West a distance of 191.39 feet; thence South 27 degrees 05 minutes 11 seconds East a distance of 60.77 feet; thence South 89 degrees 55 minutes 51 seconds East a distance of 260.23 feet; thence North 64 degrees 27 minutes 55 seconds East a distance of 188.12 feet to the point of beginning of the line to be described; thence North 0 degrees 08 minutes 10 seconds East a distance of 160.36 feet; thence northeasterly a distance of 32.33 feet along a tangential curve concave to the southeast, having a radius of 40.00 feet and a central angle of 46 degrees 18 minutes 32 seconds; thence North 46 degrees 26 minutes 42 seconds East, tangent to said curve, a distance of 61.72 feet to the northeast line of said Outlot A and said line there terminating. All in Hennepin County, Minnesota.

Proposed Use: Alliance Housing, Inc. is seeking to construct a mixed-use development at 2740 Minnehaha Ave. The site is in the present parking lot for the Minnehaha Mall and is described as follows: south of the railroad right-of-way, west of vacated 25th Ave. S., north of vacated 27th St. E., and east of the railroad road right-of-way. The development will face Minnehaha Ave. and include 15,000 sq. ft. of retail with 59 surface stalls, and 80 units of housing in a 5-story, 66-ft.-high building with underground parking for 41 vehicles for the residents.

Prior approvals: City Planning Commission approved Modification 14 to the Seward South Urban Renewal Plan for the Hiawatha Commons Tax Increment Financing Plan on 9/27/04.

Concurrent Review / Applicable zoning code provisions:

1. Rezone a parcel of land (Outlot A) on the northern edge of the site from I1, Limited Industrial District, to C3S, Community Shopping Center District (the rest of the site is C3S) per Chapter 525
2. Conditional use permit for more than 5 units per Table 548-1
3. Conditional use permit to exceed the 56-ft. height limitation per 548.110
4. Site plan review per Chapter 530
5. Parking variance for the residential portion of the project per 525.520 (7)
6. Preliminary plat (PL-166) per Chapter 598

Background:

Project description: The Commons at Hiawatha project is a mixed-use, mixed-income project that combines four floors of rental housing over first floor retail and underground parking. The project will be located at the northwest corner of the Minnehaha Mall, which is located at East Lake St., and Hiawatha Ave. and Minnehaha Ave. The applicant, Alliance Housing, Inc. (AHI), will use tax increment financing resources from the City (\$2.7 million) for the project. Of the 80 residential units, 16 will be market rate apartments and 64 will be rented to low-income, single, working adults and low-to-moderate income families looking for housing close to transit, retail, and employment. The site is close to the Seward Industrial Park, the retail stores in the Minnehaha Mall—

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Target, Cub Foods, and Rainbow Foods as well as other smaller retail and service businesses. The applicants will market the units primarily to people currently working in the area as well as future employees. The project will include 40 efficiencies, 24 one-bedroom apartments, and 16 two-bedroom apartments.

The site is currently an underutilized parking lot this is part of the lot shared by the Minnehaha Mall and Cub Foods. The northern border of the site is the railroad track corridor that is slated to become part of the Midtown Greenway. AHI and the current owners of the Mall (Minnehaha Center LLC) will form a condo association with AHI owning the land and the project except for the first floor commercial space, which the Mall owners will own and operate. The commercial space will be subdivided into up to 10 retail units.

The site is in close proximity to the Hiawatha LRT line and 7 bus routes offering regular service on Lake Street, Hiawatha, and 26th Ave. to all parts of the city and region. Supportive services are also available in the area through agencies such as Employment Action Center and Goodwill/Easter Seals—both of which are nearby.

Neighborhood comment: The applicant notified the neighborhood group about the project on 12/7/04 however, staff have received no response from the neighborhood.

A. REZONING

Findings as Required by the Minneapolis Zoning Code to rezone the property at 2510 Minnehaha Ave. (3602924430087) to C3S:

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

a. The City's Goals (selected goals):

Goal 1: Increase the City's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

Goal 4: Create strong, vital commercial corridors city-wide through mixed-use development, including a variety of businesses and creative housing.

b. The Minneapolis Plan (adopted by the City Council in 2000):

Policy 4.1: Minneapolis will grow by increasing its supply of housing.

Implementation Steps (selected):

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- Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Policy 4.3: Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Implementation Steps (selected):

- Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Policy 4.6: Minneapolis will support a limited number of Auto-Oriented Shopping Centers, while promoting their compatibility with the surrounding area and their accessibility to bus, bicycle and foot traffic.

Implementation Steps (selected):

- Designate large-scale auto-oriented commercial centers as listed with the adoption of this Plan.
- Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between large-scale auto-oriented commercial centers and neighboring residential areas.
- Encourage high quality design that includes ample public green or open space.
- Require adequate buffers between auto-oriented districts and other uses which would otherwise be negatively impacted.

Policy 4.16: Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

Implementation Steps (selected):

- Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.
- Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)

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- Promote the development of new housing that is compatible with existing development in the area as well as to existing historic or older housing stock where appropriate.

Policy 4.17: Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

Implementation Steps (selected):

- Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.

Policy 4.18: Minneapolis will encourage both a density and mix of land uses in transit service areas (TSAs) that both support ridership for transit as well as benefit from its users.

Implementation Steps (selected):

- Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.
- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.
- Support the development of new housing types in the TSA, including town homes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.
- Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).
- Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

Comment: 5 floors should minimally be in there.
One level of masonry plus four levels of residential.

Policy 4.19: Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps (selected):

- Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

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- Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)
- Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

Policy 4.21: Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Implementation Steps (selected):

- Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.
- Allow reductions in minimum off-street parking requirements.
- Support shared use of parking by commercial uses with different peak periods of parking demand.
- Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.
- Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.
- Provide density bonuses for land uses that provide parking underground or within structures.
- Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density.

Implementation Steps (selected):

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

Policy 9.12: Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Implementation Steps (selected):

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- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.
- Establish reduced minimum and new maximum parking standards to discourage auto over-reliance.
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.
- Provide sufficient parking enforcement in critical parking areas so those residents who need the parking have it available.
- Implement parking solutions based on shared parking facilities and critical parking permits for residential districts.

Policy 9.22: Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Implementation Steps (selected):

- Use both infill development and new development opportunities to increase housing in the city.
- Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.
- Ensure that new development projects incorporate a mix of housing types and affordability levels to reach a range of housing submarkets.

Policy 9.23: Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps (selected):

- Plan, implement and monitor projects and programs that encourage and support the city's designated commercial areas.
- Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.

Policy 9.24: Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city.

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Implementation Steps (selected):

- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.
- Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on neighborhood compatibility.

Policy 9.28: Minneapolis will support development in commercial corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Implementation Steps (selected):

- Support a mix of uses on commercial corridors--such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial--where compatible with the existing and desired character of the street.
- Ensure that commercial uses do not negatively impact nearby residential areas.
- Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Policy 9.32: Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

Implementation Steps (selected):

- Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)
- Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.
- Promote the development of new housing that is compatible with existing development in the area, as well as to existing historic or older housing stock where appropriate.
- Provide the flexibility in the City's ordinances to accommodate new housing development tailored to meet a range of different housing submarkets.

Policy 9.36: Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps (selected):

- Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.
- Support the development of new housing types in the TSA, including town homes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.
- Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Comment: 5 floors should minimally be in there. One level of masonry plus four levels of residential.

Policy 9.37: Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps (selected):

- Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).
- Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)
- Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

Policy 9.39: Minneapolis recognized that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling and transit use.

Implementation Steps (selected):

- Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.
- Allow reductions in minimum off-street parking requirements.

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- Support shared use of parking by commercial uses with different peak periods of parking demand.
- Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.
- Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.
- Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

c. “Hiawatha / Lake Station Area Plan” (approved by the City Council on 12/28/01):

This plan includes policies consistent with the more general *Minneapolis Plan* policies regarding transit station areas listed above (Attachment 7 includes a summary). The plan calls for improved pedestrian connections between the neighborhoods and the local businesses and places of employment and increased housing opportunities with an emphasis on diversifying choice and affordability. Policies encourage “smart growth” development that links transportation, land use, economic development, and housing.

For the E Lake St. area, the plan has specific directives including complementing the existing large-format shopping center retail with “smaller commercial retail units developed as freestanding pads.” The “Preferred Alternative” map for the E Lake St. station area shows the subject site as “infill retail.”

The plan speaks to the issue of height: “The maximum height of buildings should not exceed the limits for ground-related built form or 6 stories above grade. The principles of transitional zoning suggest a height gradient from 2 to 4 stories adjacent to established single family residential areas rising to the maximum allowable height adjacent to the LRT station site.”

d. Petition’s Consistency with City Plans and Policies: The following describes how the petition relates to the above plans and policies and the Zoning Code:

- The *Minneapolis Plan* designates the area as a retail commercial area; Minnehaha; it designates Lake Street as a Commercial Corridor; and the Lake and Minnehaha area as a Transit Station Area (TSA).
- The proposed rezoning would help accommodate the project, which provides new retail development and new medium-density residential on land currently vacant or used for parking within an existing shopping center. This rezoning and development is consistent with the two City goals listed above, and the numerous City policies listed above that

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encourage appropriately located and designed housing and economic development.

- City Policies 4.1, 4.3, and 9.1 call for development of well designed moderate-density housing in appropriate locations throughout the City including along Commercial Corridors. Although the site is physically separated from Lake Street, the designated Commercial Corridor, it is adjacent to the shopping center that does front on Lake St. rezoning to C3S, the dominant zoning classification in the immediate area, is consistent with these policies.
- Although the plan does not designate this shopping center as one of the two auto-oriented shopping centers referred to in Policy 4.6, the site functions as one and the plan does classify it as a retail commercial site. Rezoning to allow the expansion of commercial development at this site will be compatible with the existing commercial development.
- Policies 4.16, 4.17, and 9.12 deal with designated Major Housing Sites and encourage medium-to-high-density residential “that is compatible with existing development in the area” and are “in close proximity to amenities or in locations where value will be sustained over time.” The Plan does not designate the area as a Major Housing Site but residential on this site would meet these other Plan objectives as would the rezoning to accommodate this development.
- Several of Plan policies address development within TSAs. The policies encourage higher residential and commercial densities, pedestrian orientation, and limited parking. The design and density of the project are consistent with these policies as is rezoning to accommodate the development.
- The applicant stated: “The rezoning facilitates a redevelopment of an underused and unneeded surface parking lot at the Minnehaha Mall. The intended project has wide support from the City of Minneapolis, Hennepin County, and the Minnesota Housing Finance Agency and is providing much needed affordable housing in close proximity to an LRT station. The project will also facilitate redevelopment of a brown field. The project will serve low and moderate income workers and the general community by providing mixed-use, high-density residential development in close proximity to transportation and retail services.”
- The project is consistent with the “Hiawatha / Lake Station Area Plan.” It includes infill retail consistent with the “Preferred Alternative” plan, it is designed consistent with “smart growth” principles, and it brings additional retail, new jobs, and mixed-income housing on to an underutilized area with potential commercial growth. At 5 stories, the height of the project is also consistent with plan’s policies.

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

The parcel to be rezoned is a relatively small sliver of land located between the main portion of the site and the railroad right-of-way. Rezoning it to C3A, the dominant rezoning on the site, is in the interest of both the City and the developer. Without rezoning, the sliver of land would continue to carry an incompatible industrial district on an unbuildable parcel.

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 zoning classification is compatible with existing uses in the area. The applicant stated: “Outlot A is isolated from the industrially zoned property to the north and is physically integrated with the commercially zoned Minnehaha Mall property. Outlot A is a remnant piece that more appropriately fits with the commercial zoning of the Minnehaha Mall than the industrial zoning to the north. The Minnehaha Mall includes discount retail store and grocery store and general commercial services. The rezoning will enable the use of Outlot A for similar purposes together with housing development that will support the retail. Outlot A cannot practically be used for industrial development because it is isolated from the industrial area by the railroad right-of-way and is too small for industrial development.”

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.

This is an unbuildable parcel.

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.

This area has been undergoing limited change over recent years, however, the new transit station located about 500 feet to the southwest of the site is expected to influence new transit-oriented development in the area. The proposed rezoning is consistent with this desirable trend.

The applicant’s comment: “Many years ago the property was part of an industrial development (Minnesota Moline). That industrial use was eliminated many years ago

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and the general area redeveloped as the Minnehaha Mall with retail services. The area north of the railroad track has been redeveloped for industrial uses. However, Outlot A was isolated from the industrial redevelopment area. Mixed use housing and retail development is taking place in the general area in connection with the development of the Lake/Midtown transit station. Rezoning of Outlot A will enable this trend to continue and allow for redevelopment of the underused parking lot.”

B. CONDITIONAL USE PERMIT TO ALLOW MORE THAN FIVE RESIDENTIAL UNITS

Findings as required by the Minneapolis Zoning Code for the Commons at Hiawatha Project at 2740 Minnehaha Ave.:

The Community Planning and Economic Development—Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Preliminary Plan Review Committee comprised of City staff reviewed the project on 10/20/04 and made no substantive changes to the project.

The applicant’s response: “The project will provide medium to high density housing at a location with convenient commercial and transportation services. The project will provide infill development without burdening existing services or the residential and commercial neighborhood. The conditional use will add housing and population close by retail and other services and enhance their well being. . . .The conditional use will promote housing redevelopment redevelop by making more productive use of the underused portion of the existing surface parking lot. Close proximity to an LRT station will enable workers to easily access the housing project and the adjacent retail and commercial services and pay affordable rents. Access to downtown will be particularly easy and the project will offer affordable housing for downtown service and other workers in an amenity rich environment. . . . The location and design will make pedestrian and bicycle access to these retail services the most convenient possible way for residents to use the services.”

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

Refer to the prior response and to the applicant’s response to this question: “The conditional use will enhance the use and enjoyment of the other property in the vicinity

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because it will add a significant number of residences in close proximity to existing retail services strengthening the customer base for those retail businesses. Additionally, the conditional use will be part of a project that will strengthen the shopping center by adding convenience retail. The project encourages the normal and orderly development of the commercial uses in the district.”

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

Adequate access roads, parking, and drainage will be provided. The project includes sufficient cross easements to permit full access via Minnehaha Ave. and through the Minnehaha Mall parking lot. This also includes truck access for service and trash collection. The applicant’s statement: “The conditional use will be located in an already developed commercial district which already has public utilities, a fully developed street system with adequate access to that system, a near LRT line and all other facilities needed for the project. The project will enable the community to make better use of existing facilities by providing infill housing in an underused surface parking lot.”

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

Refer to the prior response and to the applicant’s response: “The conditional use is intended primarily for low and moderate income workers who will use the nearby LRT line to reach their jobs without needing to use a car. Car ownership and use is intended to be lower than would otherwise be associated with an 80 unit residential facility. Further, residents will be able to access retail services without cars as the most convenient method will be on foot. Therefore, the project will not add significant numbers of auto trips to the adjacent, well developed street system.”

The owners will allow bicycles in the units and the project will include three bike racks for a total of 12 bicycles on the north and south sides of the building.

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

Refer to the response to the Finding #1 regarding rezoning the site.

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

The section of this report that deals with the site plan review application addresses how the project conforms to the other applicable regulations governing this district.

C. CONDITIONAL USE PERMIT TO INCREASE THE HEIGHT

**Findings as required by the Minneapolis Zoning Code for the Commons at Hiawatha
Project at 2740 Minnehaha Ave.:**

The Community Planning and Economic Development—Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The project at 5 stories and 66 ft. in height exceeds the limits in the C3S District by one floor and 10 feet. Applicant’s response: “The conditional use will be located in an underused surface parking lot of an existing shopping center. The area to the north is a railroad and transportation right of way. The project is sufficiently distant from the existing retail uses so that it will not interfere with access to light and air. . . . It will not shadow any residential uses. There are no significant public spaces nearby. The height variance of 10.2 feet will not cause shadowing of any such use.”

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

The “Hiawatha / Lake Station Area Plan” calls for the maximum height of buildings to not exceed 6 stories above grade. “The principles of transitional zoning suggest a height gradient from 2 to 4 stories adjacent to established single family residential areas rising to the maximum allowable height adjacent to the LRT station site.” Although the height of the other commercial buildings in the area is one story, the 5-story height of the project will be compatible with these lower structures and will be consistent with the limits in the “Hiawatha / Lake Station Area Plan.”

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

Refer to the response to Finding # 3 in the above section.

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

Refer to the response to Finding # 4 in the above section.

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

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Refer to the response to the Finding #1 regarding rezoning the site.

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

The other section of this report that deals with the site plan review application addresses how the project conforms to the other applicable regulations governing this district.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height per 548.110:

1. Access to light and air of surrounding properties.

Refer to the above responses to Finding # 1.

2. Shadowing of residential properties or significant public spaces.

Refer to the above responses to Finding # 1.

3. Scale and character of surrounding uses.

Planning staff concur with the applicant’s statement which follows: “The project will provide needed traditional urban form in a portion of the shopping center and adjacent land uses that lacks cohesiveness and definition. The height variance is only 10.2 feet which will not cause the project to be out of scale with the adjacent uses, which are large commercial developments (grocery store, Target and retail center). The height of the project will provide needed character and variety and increase the urban feel of the area, which is otherwise an undefined open surface parking lot. The additional height will provide an accent feature and will not in any way conflict with the neighborhood to the east nor the LRT line to the west. The LRT line is a vertical design element at this location and the height of the project will be compatible with and complement the LRT line.”

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

Refer to the above response to Finding # 1.

D. PARKING VARIANCE

Findings as Required By the Minneapolis Zoning Code for the Parking Variance for the Commons at Hiawatha Project at 2740 Minnehaha Ave.:

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The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The Zoning Code requires 40 stalls for the commercial space (4 for each of the 10 potential individual retail spaces), and 80 stalls for the residential units. The bike racks allow for the reduction of one stall for a total requirement of 119 stalls. (Note that bike racks can reduce the parking requirement by one space for each use within the development if the racks meet the standards of Ch. 541 for each use.) The project would have 103 stalls (41 of which would be underground). There would be 62 surface stalls available for commercial and over flow use for the residences. The project is 16 stalls short of the minimum requirement. Section 525.520 (7) authorizes the Commission to reduce the applicable off-street requirements up to 100%, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, or employees and guests of the use.

Planning staff concur with the applicant's statement which follows: "The project is located in the Lake/Midtown TSA. The TSA policy is currently in the review and approval process. The policy provides for reduction of the number of parking stalls for the residential component of the project by 10% of the standard otherwise applicable in the district and 25% for the retail commercial component. . . . As a mixed income project, with an emphasis on work force affordable housing (64 units for low and moderate income residents), located near an LRT station, the project specifically targets, and anticipates serving residents likely to be transit dependent. Thus, the project directly fits with the code policy of transit-oriented occupancy. Further, because the use is a redevelopment of a portion of the parking lot of an existing shopping center, there is ample nearby parking for customers, employees and guests of the use for overflow parking, if any ever needed. The entire purpose of the project is to have affordable mixed use housing in close proximity to retail services and in a TSA to enable residents not to have to have and use cars."

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

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Planning staff concur with the applicant’s statement which follows: “The applicant and current owner did not initially develop the shopping center. The center is developed within an area constrained by the street system and railroad corridor and is a redevelopment of an industrial site. Previous redevelopment projects in the area and of the site have sought to transform the site consistently with changing uses to the north (industrial redevelopment) and now as a transit station area to maximize the utility of the LRT line. The site is a brown field location and the applicant will cause substantial funds to be expended to remediate soil contamination. The project will achieve TSA policies and city comprehensive plan policies for housing, neighborhoods and medium and high density mixed use development at this location (fee application for conditional use permit application narrative attached). The parking variance will help achieve that objective by enabling the applicant to economically redevelop the site. Otherwise the project site will remain an underused, undevelopable surface parking lot. Without the heavily subsidized workforce housing component, the retail redevelopment is not feasible and no project is likely to take place on the site.”

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Planning staff concur with the applicant’s statement which follows: “The ordinance specifically contemplates a substantial parking variance (up to 100%) where the proposed use or buildings serves pedestrian or transit-oriented or trade occupancy and is located near an off-street parking facility that is available to the customers, occupants, or employees and guests of the use. The proposed use is specifically located and designed to complement and enhance the use of the nearby LRT station. The mixed use retail and housing development will supplement the existing retail center and provide it needed customers in close proximity who can use the retail services as pedestrians. The current owner of the shopping center is a co-developer and the development process requires the consent of the other owners of parcels in the general shopping center. The parking variance is minor (within the amounts anticipated by the TSA policies and otherwise only 14%) in the middle of a parking lot where there is ample overflow parking if ever needed.”

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Planning staff concur with the applicant’s statement which follows: “The project is designed and intended for residents who will use the LRT station and are less likely than many to even own auto vehicles. The project will minimize their need to use automobiles for shopping and commuting to work. Thus, the project will by design have a minimal impact on the nearby streets and the parking variance will not cause any added

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traffic on the nearby streets. The variance will not endanger the public safety because the project will have ample parking for the residents who are less likely to own auto vehicles than is the norm.” Refer also to the response to the first finding in this section the report.

E. SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning Code for the Commons at Hiawatha Project at 2740 Minnehaha Ave.:

Section A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A below for evaluation.)

Section B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).

Section C. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

Section A: Conformance with Chapter 530 of Zoning Code

Building Placement and Facade:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view.**

At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Planning Division Evaluation of Building Placement and Façade Requirements:

- The site is irregularly configured and it does not allow orientation of the building to Minnehaha Ave. The building is oriented to the south towards the interior of the Minnehaha Mall. This is appropriate especially for the commercial users. The rear and sides of the site include extensive landscaping and a plaza area to provide as desirable an area as possible for the residents of the units (as well the employees of the businesses).
- Sidewalks connect the site to the Minnehaha Mall and to the sidewalk on Minnehaha Ave.
- Parking is to the “front” of the building, which is the interior of the site, and is integrated into the parking on the rest of the Minnehaha Mall.
- Primary building materials include stucco and brick on all sides of the building.
- The south façade that faces the parking lot meets the Code’s window requirements.

Access and Circulation:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for on-site snow storage are provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Planning Division Evaluation of Access and Circulation:

- All entrances are connected to the sidewalks.
- All vehicular access is via Minnehaha Ave. and the Minnehaha Mall and there are cross easements in place to accommodate this access.
- There is no excessive amount of parking consistent with the policies in the Comprehensive Plan pertaining to pedestrian-oriented design in Transit Station Areas.
- There are on-site areas for snow storage.
- All areas not covered by the building, parking, and walkways are landscaped in order to minimize impervious surfaces. Public Works will require the development of a storm water management plan for the project.

Landscaping and Screening:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

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Planning Division Evaluation of Landscaping and Screening:

- The site (79,349 sq. ft., 1.82 acres) less the footprint of the building (16,577 sq. ft.) equals a net site of 62,772 sq. ft. Twenty percent of the net site area (12,554 sq. ft.) must be landscaped to the standards of Chapter 530. The project includes 30,600 sq. ft. of landscaping, which equals 49% of the net site.
- The project exceeds the minimum number of trees and shrubs required by the Code.
- Since none of the parking areas face public streets or pathways, there are no associated yard and screening requirements. The parking areas are sufficiently landscaped.
- All areas not occupied by buildings, parking and loading facilities, or driveways are landscaped.

Additional Standards:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Division has reviewed the plans.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Planning Division Evaluation of the Additional Standards:

- The applicant will comply with the lighting requirements in the Zoning Code. No fixtures will create off-site glare.
- There are no residential properties in the area to be affected by headlight glare.
- Site plans will not block any views of important elements of the City.
- The location and height of the building is such that it will not shadow of public spaces and adjacent properties or generate wind currents at ground level.
- The Police Division has reviewed the plans as regards crime prevention design elements as specified in section 530.260.
- There are no locally designated historic structures or structures that have been determined to be eligible to be locally designated.

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

ZONING CODE:

Hours of Operation:

Commercial uses will comply with the applicable hours of operation in the Code.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

Trash will be stored in a fully enclosed structure on the western end of the site.

Signage: All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

The applicant will comply with the signage limitations within the Code.

MINNEAPOLIS PLAN:

Applicable policies of the *Minneapolis Plan*: Refer to the findings above in the rezoning portion of this report.

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

Refer to the findings above in the rezoning portion of this report.

Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

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- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Planning Division Analysis Regarding Alternative Compliance:

Alternative compliance is required from the requirement that the building be located within eight feet of the front lot line and the requirement that the entrance face a public street.)

F. PRELIMINARY PLAT

Findings as Required by the Minneapolis Zoning Code for the Commons at Hiawatha Project at 2740 Minnehaha Ave.:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

There are no surviving natural features on the site. The preliminary plat conforms to all applicable land subdivision regulations with the following exception: Chapter 598 limits new residential lots to no more than 5 sides. This new parcel will have 9 sides, however, this is an unavoidable situation given the unique layout of the land and the existing property lines. Planning staff recommends that the Commission vary the subdivision standard to allow more than five sides.

- 2. 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 preliminary plat will not subdivide the existing lot such that the remaining lot will in violation of any of the requirements of Chapter 598 or the other chapters in the Zoning Code including the floor area ratio limits. Refer also to the responses to the findings for the conditional use permit application in this report.

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

The preliminary plat poses no hazards as regards floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, 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 and in providing driveway access to buildings on such lots from an approved street. Each lot created**

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through subdivision is suitable in its natural state for the proposed use with minimal alteration.

The preliminary plat creates lots that would allow the issuance of building permits, curb cuts, and any needed encroachment permits.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The project will require the approval by the City Engineer of a stormwater management plan for the entire project.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department—Planning Division to rezone the property at 2510 Minnehaha Ave. (3602924430087) to C3S:

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property at 2510 Minnehaha Ave. from the I1 District to the C3S District.

Recommendation of the Community Planning and Economic Development Department—Planning Division for the Conditional Use Permit for Five or More Dwelling Units:

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow eighty (80) dwelling units at 2740 Minnehaha Ave.

Recommendation of the Community Planning and Economic Development Department—Planning Division for the Conditional Use Permit to Increase the Maximum Permitted Height:

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the maximum permitted height from the allowed 56 ft. to 66 ft. for a new

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mixed use building at 2740 Minnehaha Ave.

**Recommendation of the Community Planning and Economic Development Department—
Planning Division for the Parking Variance:**

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the parking variance application to vary the required parking down from the required 119 stalls to 103 stalls for a new mixed use building at 2740 Minnehaha Ave.

**Recommendation of the Community Planning and Economic Development Department—
Planning Division for the Site Plan Review Application:**

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a new mixed use building at 2740 Minnehaha Ave. subject to the following conditions:

1. The Community Planning and Economic Development—Planning Division shall review and approval the final site, landscape, and lighting plans.
2. If the site improvements exceed \$2,000 in value, the applicant shall submit a performance bond for these improvements prior to the issuance of building permits.
3. The site improvements shall be completed by January 31, 2006 or the application may be revoked for noncompliance, unless extended by the Zoning Administrator.

**Recommendation of the Community Planning and Economic Development Department—
Planning Division for the Preliminary Plat Application:**

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for a new mixed use building at 2740 Minnehaha Ave.

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ATTACHMENTS

1. Zoning and parcel map
2. Overlay districts
3. Uses in the general area
4. Site plan, landscape plan, floor plans, and elevations
5. Aerial
6. Submissions from the applicant, statement of purpose, responses to required findings
7. Excerpts from the “Hiawatha / Lake Station Area Master Plan”
8. Photos of the area
9. Preliminary Plat
10. Zoning Data Sheet