Date: 5/12/15
To: City Council
From: Tom Beach
RE: **Staff summary of project and appeal**

The Planning Commission approved a site plan on 4/25/15 for a new mixed-use development at 735 Cleveland Avenue South in the Highland Village commercial area.

Project overview

The site plan shows a new four-story building. The building would be highest along Cleveland Avenue (4 stories and 45' tall). The west portion of the building would step down so that it is 25' tall nearest to the neighboring residential property.

The building would have:

- 53 apartments (one- and two-bedroom units)
- 11,000 square feet of commercial space on the first floor
- 8,000 square feet office space for Edina Realty on the second floor
- 109 parking spaces (81 parking spaces in the basement for residents and Edina Realty and 28 surface parking spaces behind the building for commercial tenants)

Issues raised in the appeal

The appeal states that the Planning Commission's decision is in error regarding a number of issues. The main issues and a response from staff are listed below. (The complete appeal is included in the hearing packet.)

<u>Building Height</u>

The building would be 45' tall. The maximum height permitted is 35' plus one foot of additional height for every foot of setback.

The appeal says the language in the zoning code requires that the setback be measured at ground level.

Staff's response is that the City's policy for determining building height is to measure the setback from parts of the building taller than 35' since that is the part of the building that might impact the visual impact of the building or shadows cast by the building. This policy has been applied to previous mixed use projects (Oxford Square and Snelling/Selby). It is also referenced in a 2003 memo from PED to the City Council when Traditional Neighborhood zoning was being proposed. (Copy is attached.)

<u>Shadows and impact on solar access</u>

The appeal states that if the building is approved as shown, "certain properties neighboring the project will lose nearly 50% of direct sunlight access during many weeks of the year."

Staff response is that a shadow study prepared, by the developer's architect, indicates that the house on Highland across the alley from the proposed building would be the most impacted. Shadows would fall on this house during part of the morning, more during the winter and less during the summer. (A copy of the shadow study with more detailed information is in the packet.)

Loss of privacy
The appeal states that the building will have a large number of units on upper floors with windows facing nearby single-family houses and this will result in a loss of privacy for the residents of those houses.

Staff response is that the impact on privacy is not unreasonable and not substantially different from other projects that have been approved by the City where taller buildings are constructed next to smaller buildings. The T2 zoning that was adopted for Highland Village allows for taller buildings

Traffic and Pedestrian Safety
The appeal focuses on the impact of the project on pedestrians at the corner of Cleveland and Highland. The sidewalk at the corner is currently narrow and the site plan approved by the Planning Commission shows the building set up to the property line. The appeal states that this will "make the corner considerably more dangerous."

Staff response is that the site plan was reviewed by Public Works Traffic Engineering staff and they did not determine that the corner would be made unsafe. However, there are some changes that could be made if the City Council thinks this is an issue that needs to be addressed.

On the issue of general traffic safety and how this project would affect it, a Traffic Impact Study was prepared by SRF Planning and Engineering. Staff from Public Works Traffic Engineering has reviewed that study and agrees with its conclusion that the project will not unreasonably affect traffic and pedestrian safety.

Parking
The appeal states that there is currently a parking shortage in the Highland Village area and no analysis was done to determine if this project will make the shortage worse.

Staff response is that the zoning code has specific standards for how much parking is required for residential and commercial uses. The project provides more parking than what those standards require.

Trash collection
Trash dumpsters will be kept on the site. Trash trucks would back from the alley and onto the site through a gated entrance that would only be used for trash pickup. Trash trucks would park on the site while picking up trash.

The appeal states that all backing/turning is required to be on the site.

Staff response is that the zoning code permits trucks to back in from the alley for trash pickup. The restriction in the zoning code on trucks applies to trucks backing from the street at businesses with loading docks.

Delivery trucks
The appeal states that deliveries must be done on the site and no room is provided for this.

Staff and the Planning Commission found that deliveries will be made in the parking lane of Cleveland Avenue and that this can be done without unreasonably interfering with traffic if the

hours for deliveries are limited. (Staff intends to require limits on the hours for deliveries but limits were not a condition of the Planning Commission's approval.)

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DATE: December 10, 2003

TO: President Bostrom and Members of the City Council

FROM: Larry Soderholm LS
Al Torstenson AT

RE: **Issues Raised at the Public Hearing on the TN Zoning/Zoning Code Reformatting Proposal (Council agenda for 12/10/03, agenda item 37)**

On December 3, 2003, the City Council heard oral testimony on the proposed amendments to Chapters 60 through 69 of the Legislative Code pertaining to zoning code reformatting and streamlining and adding Traditional Neighborhood (TN) zoning districts. The amendments were developed and recommended by the Planning Commission and then, with two relatively small amendments, were recommended by the Mayor. The Council closed the oral portion of the hearing and left the record open for written comments until the Council meeting on December 10th.

Attached at the end of this memo is a compilation of written testimony that the staff has received.

Areas of Consensus

Most of the ordinance enjoys consensus. Everyone wants to see the Zoning Code streamlined. Every ward has at least one neighborhood plan that recommends walkable, urban village development. Below is a list of proposals in the ordinance that seem to have universal support.

1. Creation of TN Mixed Use Zones
2. Restructuring/reformatting of Zoning Code to make it easier to use and suitable for the web
3. Reducing the number of variance cases
4. River Corridor Overlay Zoning amendments that were recommended by the DNR
5. Support for more housing in the city
6. Urban villages both at major redevelopment sites and focused at certain locations along

On p6 of memo

The single-family height limits are found on lines 6969 through 6973 of the ordinance.

Issue 6: Height Limits for TN Zones on University Avenue

Existing regulations: Several different zoning districts are found along University Avenue and they have different height limits as follows:

B-2:	30' plus 1:1 wedding cake stepback
B-3	30' plus 1:1 wedding cake stepback
RT-1	40'
RT-2	40'
RM-2:	50'
TN2	*35' plus 1:1 wedding cake stepback from rear and side lot lines; or 65' with a conditional use permit where located within 600' of a transit stop and not located across an alley from single family/duplex housing in the Frogtown, Aurora-St. Anthony, or Hamline-Midway neighborhoods.*
I-1	50' plus 1:1 wedding cake stepback
I-2	75' plus 1:1 wedding cake stepback

Proposed regulations: *See the italicized heights in the list above.* If in the future TN2 zoning is adopted for University Avenue, taller buildings could be built at certain locations where it wouldn't create conflicts across an alley with existing low-density neighborhoods.

Staff comment: Except for University Avenue, TN2 has a basic height limit of 35 feet and 45 feet is allowed with a conditional use permit. The increased height for University Avenue is based on its function as the City's best public transit corridor, the avenue's exceptional width, and its commercial/industrial character. Taller buildings fit on University Avenue better than they fit other city streets.

The special University Avenue height limit is found on lines 7286 through 7292.

Issue 7: Open Space Dedication in TN Zones

Existing regulations: There are no requirements in the Zoning Code or Subdivision Regulations for the dedication of parkland to the City or for payments in lieu of dedication for park improvements.

Proposed regulations: In TN3 zones, for urban village developments larger than15 acres, 20 percent of the district's gross acreage, excluding streets and