

LAND USE APPLICATION SUMMARY

Property Location: 5009 Beard Avenue S
Project Name: 5009 Beard Avenue S
Prepared By: Peter Crandall, Senior City Planner, (612) 673-2247
Applicant: Beard Manager, LLC – Brian Woolsey
Project Contact: Ben Ptacek – DJR Architecture, Inc
Request: To construct a new five-story mixed use building with 63 dwelling units and approximately 1,500 square feet of commercial space.

Dwelling Units	63 dwelling units
Non-Residential Uses	Retail: 1,500 sq. ft.

Required Applications:

Rezoning	Petition to rezone the properties located at 5009 Beard Avenue S from the R1A Multiple-Family District and the R2B Multiple-Family District to the OR2 High Density Office Residence District, retaining the Corridor 4 Built Form Overlay District.
Variance	To reduce the minimum reverse corner front yard requirement along 50 th Street W from 15 feet to 12 feet.
Variance	To reduce the minimum rear yard requirement along the alley from 9 feet to 5 feet.
Site Plan Review	For a new five-story mixed use building with 64 dwelling units and approximately 1,500 square feet of retail space.
Admin. Height Increase	To increase the maximum height from four stories, 56 feet to five stories, 58 feet.

SITE DATA

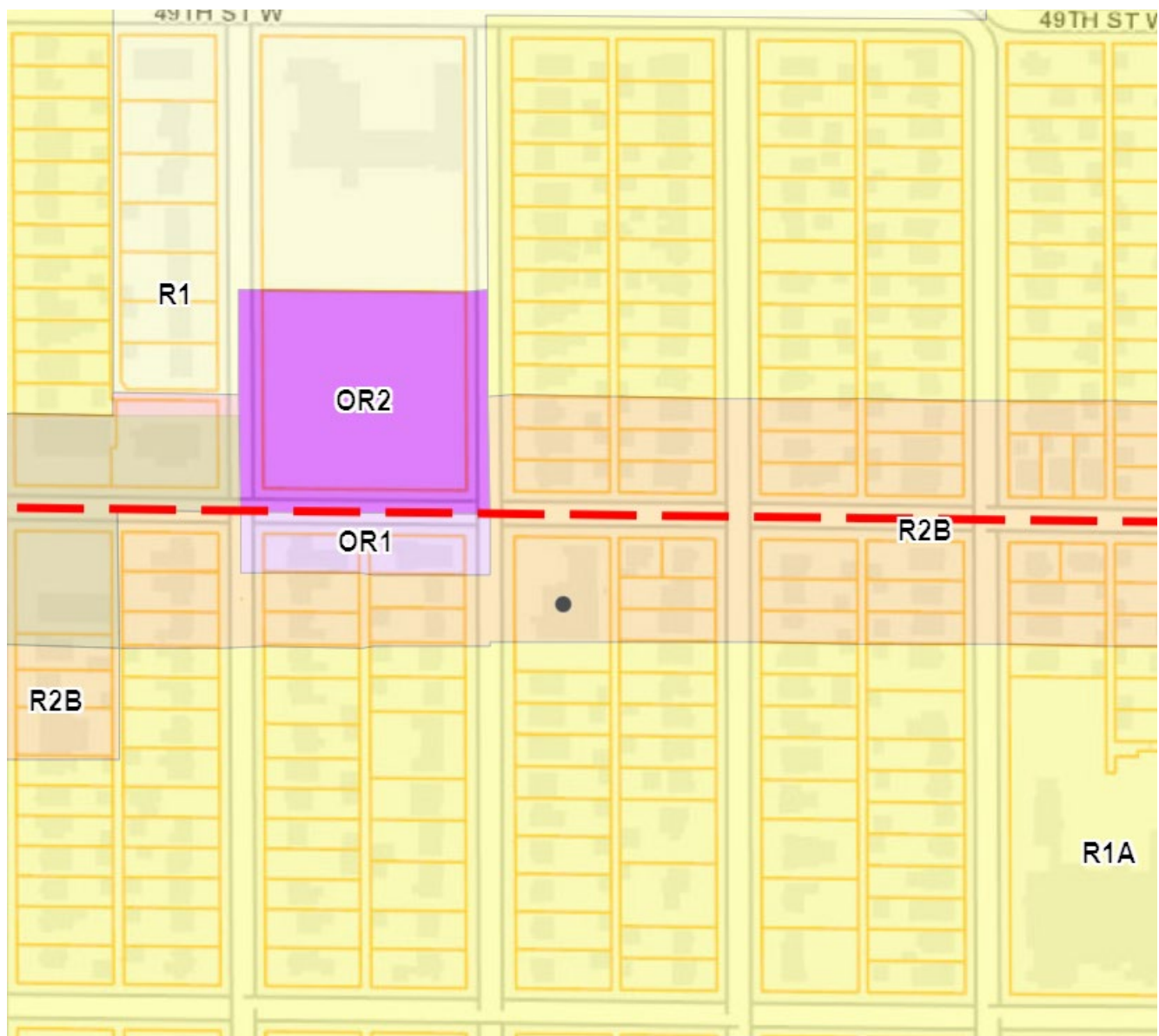
Existing Zoning	R1A Multiple-Family District R2B Multiple-Family District BFC4 Corridor 4 Built Form Overlay District
Lot Area	22,599 square feet
Ward(s)	Ward 13
Neighborhood(s)	Fulton
Future Land Use	Urban Neighborhood
Goods and Services Corridor	50 th Street W
Built Form	Corridor 4

Date Application Deemed Complete	November 8, 2022	Date Extension Letter Sent	November 22, 2022
End of 60-Day Decision Period	January 9, 2023	End of 120-Day Decision Period	March 8, 2023

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The site is located at the intersection of 50 Street W and Beard Avenue S with street frontage on both streets. There is a shared alley at the rear of the site accessed via 50th Street W. The site area is 22,599 square feet. The site is currently occupied by a church building constructed in 1950. The site also includes a surface parking lot along the south property line.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is located in the Fulton Neighborhood in an area composed primarily of single and two-family homes. 50 Street W is a Goods and Services corridor and includes some scattered small-scale commercial uses as well as larger concentrations of commercial uses at nearby intersections with Xerxes Avenue S and France Avenue S. There is a large four-story senior living complex located across 50th Street W to the north.



PROJECT DESCRIPTION. The applicant is proposing to demolish the existing structure on the site in order to construct a new five-story, mixed use building with 63 dwelling units and approximately 1,500 square feet of commercial space. The proposed project includes walk-up residential units along Beard Avenue S as well as a small commercial space fronting along 50 Street W on the north elevation of the structure. The building would incorporate structured parking on two levels, one below grade and one at grade, accessed via the shared alley to the rear. The building would be clad in brick and metal panel with some burnished block.

The project is required to comply with the standards for a minor Travel Demand Management Plan requiring 4 points. The applicant is proposing to provide a transit faire subsidy to residents and employees and to unbundle the enclosed parking fees from tenant rents.

The existing structure on the site was determined by Minneapolis Heritage Preservation staff to be a potential historic resource. The applicant sought, and was approved for, a demolition of historic resource application on September 28th, 2022 by the Minneapolis Heritage Preservation Commission.

RELATED APPROVALS.

Planning Case #	Application(s)	Description	Action
PLAN15215	Demolition of Potential Historic Resource	Application for the demolition of a potential historic resources.	Approved by the Minneapolis Heritage Preservation Commission on September 28 th , 2022.

PUBLIC COMMENTS. 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 5009 Beard Avenue S from the R1A Multiple Family District and the R2B Multiple Family District to the OR2 High-Density Office Residence District based on the following findings:

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

The proposed zoning would be consistent with the applicable guidance and policies of Minneapolis 2040 (2020):

Future Land Use	Guidance	Staff Comment
Urban Neighborhood	Urban Neighborhood is a predominantly residential area with a range of allowed building types. May include small-scale institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Like the Neighborhood Mixed Use category, commercial uses can continue serving their	The proposed rezoning to the OR2 High Density Office Residence District is consistent with the policy guidance for the Urban Neighborhood land use category. Urban Neighborhood allows for limited commercial uses along Goods and Services Corridors and

	existing commercial function. Commercial zoning is appropriate for these properties, while expansion of commercial uses and zoning into surrounding areas is not encouraged.	includes a range of housing densities and building heights.
Goods and Services Corridor	Guidance	Staff Comment
50th Street W	Goods and Services Corridors serve two purposes: 1) To indicate where commercial uses should front in relation to properties guided for commercial future land uses, and 2) In addition to the guidance for the mixed use land use categories found in this section, Goods and Services Corridors identify where the establishment or expansion of commercial uses can be considered. Properties immediately adjacent to a Goods and Services Corridor may be considered for commercial activity, allowing for uses similar in scale and scope to the Neighborhood and Corridor Mixed Use categories.	The rezoning to the OR2 High Density Office Residence District is consistent with the policy guidance for Goods and Services corridors, which allow a range of commercial uses dependent on context. Office Residence District zoning has a more limited range of permitted uses than Commercial zoning and is appropriate in more residential contexts.
Built Form Guidance	Guidance	Staff Comment
Corridor 4	New and remodeled buildings in the Corridor 4 district should reflect a variety of building types on both small and moderate-sized lots, including on combined lots. Building heights should be 1 to 4 stories. Requests to exceed 4 stories will be evaluated on the basis of whether or not a taller building is a reasonable means for further achieving Comprehensive Plan goals.	OR2 High Density Office Residence District zoning is appropriate for, and consistent with, Corridor 4 zoning which allows for high-density residential and mixed use structures of up to 4 stories in height, with the possibility to increase height administratively through the implementation of premiums. The proposed 5-story building is consistent with this guidance.

The following policies and action steps from *Minneapolis 2040 (2020)* apply to this proposal:

Policy 4. Access to Commercial Goods and Services: Improve access to goods and services via walking, biking and transit.

- a. Allow commercial uses where they currently exist throughout the city.
- b. Designate additional areas for commercial uses in parts of the city where demand for retail goods and services exceeds the supply, and that are well-served by public transportation.
- c. Allow property owners to request expansion of commercial areas where such expansion would improve access to goods and services via walking, biking, and transit.

- d. Require commercial retail to be incorporated into new buildings in select areas of the city with the highest residential densities, highest pedestrian traffic, and most frequent transit service.
- e. Allow for increased housing supply within and adjacent to Commercial areas.
- f. Allow a full range of uses in Commercial areas intended to provide goods and services to surrounding communities.
- g. Utilize regulatory tools to minimize the impacts that commercial uses have on nearby residential uses.

Policy 1. Access to Housing: Increase the supply of housing and its diversity of location and types.

- a. Allow housing to be built in all areas of the city, except in Production and Distribution areas.
- b. Allow the highest-density housing in and near Downtown.
- c. Allow multifamily housing on public transit routes, with higher densities along high-frequency routes and near METRO stations.
- d. In neighborhood interiors that contain a mix of housing types from single family homes to apartments, allow new housing within that existing range.

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

The amendment is in the interest of the public and not solely in the interest of a single property owner. The amendment to the OR2 High-Density Office Residence District is necessary in order to facilitate the development of a multi-family structure with four or more dwelling units. The existing zoning on the site would not accommodate the proposal and is not in line with current adopted land use policy for the site which calls for multiple family buildings of up to four stories in height. The implementation of a new multifamily, mixed use structure on the site will add new housing options to a high-demand area of the city with good access to transit, employment and goods and services.

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 site is currently occupied by an existing church building that is vacant. The existing zoning and the proposed zoning are both compatible with the existing use on the site. Additionally, the proposed zoning is compatible with the property in the general area which includes a mix of residential and office residence district 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.*

Reasonable uses exist for the property in question under the current zoning classification, including multiple-family structures of up to three units, however, a zoning amendment is necessary in order to allow a multiple-family structure of four or more units which is consistent with adopted land use guidance. A zoning amendment is also necessary to allow commercial uses along the Goods and Services corridor adjacent to the property.

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.*

There has been some significant development along the 50th Street W corridor particularly concentrated at the intersection of France Ave S. The Minneapolis 2040 plan, adopted by the Minneapolis City Council in 2018,

implemented new land use guidance that significantly increased the development capacity for this parcel and for other parcels along the 50th Street W corridor.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required rear yard along the alley and to reduce the required reverse corner front yard requirement along 50th Street W, 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.*

Both Variances. The required rear yard along the alley is determined by the height of the building. The proposed building has a height of 58 feet which requires a rear yard of at least 9 feet. The applicant is proposing a setback of 5 feet for the above-grade parking garage.

The property is platted along Beard Avenue S, which would typically classify the 50th Street W frontage as a corner side yard. The existence of a property immediately to the east that fronts along 50th Street W creates a reverse corner side yard condition and requires that the 50th Street W frontage be treated as a front yard. In the Corridor 4 district the minimum front yard requirement is 15 feet. The applicant is proposing a front yard setback of 12 feet 3 inches.

Practical difficulties exist in complying with the ordinance due to unique circumstances on the property. With regard to the required rear yard, the property slopes significantly from north to south along the alley. Parking is proposed to be accessed off of the rear alley, and the extra space is required at the rear yard to accommodate the slope of the parking access while maintaining established yards in the front of the building. This practical difficulty was not created by the applicant and is not based on financial considerations alone.

With regard to the 50th Street W frontage, the reverse corner yard creates a practical difficulty in complying with the ordinance. The standard setback for a corner side yard in this situation would be 12 feet. The established front yard setback of the adjacent property fronting along 50th Street W is 12 feet. The reverse corner condition creates a practical difficulty with constructing a multiple-family structure on a Goods and Services Corridor by requiring a yard that is greater than the established setbacks in the general area. The combination of two front yard setback requirements results in setbacks that comprise an unusually large portion of the parcel, greatly reducing the buildable area. This condition was not created by the applicant and is not based on financial 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.*

The requested variance to both the rear yard and reverse corner yard are reasonable and in keeping with the spirit and intent of the comprehensive plan.

Both Variances. The proposed setbacks are reasonable and in keeping with the spirit and intent of the ordinance. The intent of setback regulations is to maintain access to light and air for adjacent properties, provide adequate separation between uses and to encourage orderly development. The rear yard variance request concerns only the first level of the property structure which contains the enclosed parking structure. The remainder of the structure above the first floor is setback at least nine feet in compliance with the minimum setback requirements in the Corridor 4 district. If the structure were proposed as a one-story structure, or even a three to four story structure that was under 42 feet in height, the required rear yard

would be 5 feet. Additionally, the alley provides a buffer and significant setback from adjacent properties to the east. The proposed first-floor building placement allows for adequate separation between uses and will not impact the amount of light and air that adjacent properties receive.

The requested variance along 50th Street W is reasonable and the setback is consistent with the established development pattern in the general area. The proposed setback meets both the underlying zoning requirement for a corner side yard and the established front yard of the adjacent property to the east. The proposed variance would have no impact on access to light or air and would not allow the building to be located in an area which feels or functions as a continuation of the adjacent property's front yard.

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 variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed structure is meeting established setbacks in the general area and is designed to complement existing development patterns, and architectural character. The proposed building utilizes setbacks and other architectural strategies to minimize the impact of increased building height and bulk on adjacent lower scale uses.

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:

Applicable Standards of Chapter 530, Site Plan Review

BUILDING PLACEMENT AND DESIGN

Building placement – Requires variance(s)

- The proposed project would require a variance to the reverse corner front yard setback requirement along 50th Street W. Staff is recommending approval of said variance, as analyzed above.

Principal entrances – Meets requirements

- The proposed project would comply with the principal entrances standards.

Visual interest – Meets requirements

- The proposed project would comply with the visual interest standards.

Exterior materials – Meets requirements

- The applicant is proposing brick, metal panel, and burnished block as the building's primary exterior materials. Exterior material or balcony changes at a later date may require review by the Planning Commission and an amendment to the site plan review.

Windows – Meets requirements

- The proposed project would comply with the minimum window requirements.

Window Requirements for Residential Uses

Floor	Requirement	Proposed
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1st floor (Beard Ave S)	20% minimum	246 sq. ft.	35%	438 sq. ft.
1st floor (50th Street W)	20% minimum	62 sq. ft.	53%	164 sq. ft.

Window Requirements for Non-Residential Uses

Floor	Requirement		Proposed	
1st floor (50th Street W)	30% minimum	140 sq. ft.	46%	219 sq. ft.

Ground floor active functions – Meets requirements

- The proposed project would comply with the ground floor active functions requirements.

Roof line – Meets requirements

- The principal roof line of the building would be similar to that of surrounding buildings of a similar scale and use profile.

Parking garages – Meets requirements

- The proposed parking garage would comply with the applicable site plan review standards.

ACCESS AND CIRCULATION

Pedestrian access – Meets requirements

- There would be 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

- The proposed project would comply with the vehicular access requirements.

Residential developments without off-street parking or loading – Not applicable

LANDSCAPING AND SCREENING

General landscaping and screening – Meets requirements

- The proposed project would comply with the general landscaping and screening requirements.

Landscaping and Screening Requirements

Requirement	Required	Proposed
Lot Area	--	22,599 sq. ft.
Building Footprint	--	15,070 sq. ft.
Area Not Covered by Buildings	--	7,529 sq. ft.
Landscaped Area	1,505 sq. ft.	5,307 sq. ft.

Canopy Trees (1:500 sq. ft.)	3 trees	4 trees
Shrubs (1:100 sq. ft.)	15 shrubs	92 shrubs

Parking and loading landscaping and screening – Not applicable

- There is no surface parking proposed for the site, so the site is not subject to the screening and landscaping requirements for parking areas per section 530.170.

Additional landscaping requirements – Meets requirements

- The project appears to comply with the additional landscaping requirements in sections 530.180, 530.190, 530.200, and 530.210 of the zoning code.

ADDITIONAL STANDARDS

Concrete curbs and wheel stops – Not applicable

- There are no surface parking spaces proposed on the site.

Site context – Meets requirements

- The proposed project would comply with the site context requirements.

Crime prevention through environmental design – Meets requirements

- The proposed project would comply with crime prevention through environmental design (CPTED) standards.

Historic preservation – Not applicable

- This site is neither historically designated or located in a designated historic district, nor has it been determined to be eligible for designation. The applicant was approved for a demolition of historic resource application by the Minneapolis Heritage Preservation Commission.

Applicable Regulations of the Zoning Ordinance

Off-street Parking and Loading – Meets requirements

- The proposed project complies with the applicable vehicle parking, bicycle parking, and loading requirements.
- There is no minimum off-street vehicle parking requirement for the proposed use. The project is in compliance with the maximum parking requirement.
- There is no loading requirement for the proposed use.

Vehicle Parking Requirements Per Use (Chapter 541)

Use	Maximum	Proposed
General Retail Sales and Services (1,500 sq. ft.)	5	0
Residential Dwellings (63 units)	126	63

Bicycle Parking Requirements (Chapter 541)

Use	Overall Minimum	Short-term Requirement	Short-term Spaces	Long-term Requirement	Long-term Spaces	Long-term Spaces Without Stairs or Elevator (≥ 50%)
General Retail Sales and Services	3	≥ 50%	6	≥ 90%	0	--
Residential Dwellings	63	n/a	0	≥ 90%	70	35
Total Required	66		3		63	35
Total Provided	76		6		70	35
Non Wall-Mounted Required (≥ 25%)	16				16	

Building Bulk – Requires premium(s)

- The proposed project would meet the applicable floor area ratio requirements in the BFC4 district.
- In the BFC4 district, the maximum floor area ratio (FAR) of principal structures may be increased by 0.4 per premium, provided all applicable sections of Chapter 552, Built Form Overlay Districts, are met. The applicant is proposing to increase the maximum floor area ratio of the proposed building by providing the required premium or premiums listed below, per Tables 552-12 in the zoning code Staff finds that the project complies with the standards of the requested premiums.
- Staff recommends a condition of approval that, except as allowed by the affordable housing premium, all premiums shall be maintained for the life of the principal structure. The length of compliance with the affordable housing premium shall be as required by the Unified Housing Policy.

Floor Area Ratio Premiums Authorized in Interior 3*, Corridor 3, Corridor 4, Corridor 6, Transit 10, Transit 15, Transit 20, and Production

Premium	Standards
Affordable housing	<p>a. The development shall comply with the City’s inclusionary housing requirements by providing affordable units on-site rather than utilizing one of the compliance alternatives.</p> <p>b. The development must include at least twenty (20) dwelling units to qualify for the affordable housing bonus. In developments with fewer than fifty (50) units, all inclusionary housing standards that apply to developments with fifty (50) or more units shall apply to the development.</p> <p>c. The premium value shall be double when the affordable units are on-site and affordable at or below thirty (30) percent of the area median income, without income averaging.</p>
Enclosed parking	<p>a. All off-street parking on the zoning lot, other than temporary drop-off and pick-up spaces, shall be located within the building, entirely below grade, or in a parking garage of at least two (2) levels.</p> <p>b. All drive aisles that facilitate maneuvering into and out of parking spaces shall be located within the structure. <i>Exception: In the Interior 3 District, drive aisles and vehicle maneuvering areas may be located outdoors.</i></p>

*The Interior 3 Built Form Overlay District shall only be eligible for the Enclosed Parking premium and no others.

Building Bulk Requirements

	Required	Applied Premium(s)	Premium Value	Total	Proposed
Lot Area	--	--	--	--	22,599 sq. ft.
Gross Floor Area	--	--	--	--	62,895 sq. ft.
Min. Floor Area Ratio	--	--	--	--	2.78
Max. Floor Area Ratio	2.0	1. Enclosed parking 2. Affordable Housing	.4 (2)	2.8	

Building Height – Requires premium(s)

- In the BFC4 district, the maximum height of principal structures may be increased up to a total of 6 stories, 84 feet, provided all applicable sections of Chapter 552, Built Form Overlay Districts, are met. The applicant has submitted an administrative application to increase the maximum height of the proposed building by providing the required premium or premiums listed below, per Table 552-14 Height Increase Premiums Staff finds that the project complies with the standards of the requested premiums.
- Staff recommends a condition of approval that, except as allowed by the affordable housing premium, all premiums shall be maintained for the life of the principal structure. The length of compliance with the affordable housing premium shall be as required by the Unified Housing Policy.

Height Increase Premiums

Premium	Standards
Affordable Housing	a. The development shall comply with the City’s inclusionary housing requirements by providing affordable units on-site rather than utilizing one of the compliance alternatives. b. The development must include at least twenty (20) dwelling units to qualify for the affordable housing bonus. In developments with fewer than fifty (50) units, all inclusionary housing standards that apply to developments with fifty (50) or more units shall apply to the development. c. The premium value shall be double when the affordable units are on-site and affordable at or below thirty (30) percent of the area median income, without income averaging.

Building Height Requirements

	Required	Applied Premium(s)	Premium Value	Total	Proposed
Min. Height	--	--	--	--	5 stories, 58 feet
Max. Height	4 stories or 56 feet, whichever is less	1. Affordable housing	1 story, 14 feet	5 stories, 70 feet	5 stories, 58 feet

Additional Findings for Administrative Height Increase

The zoning administrator is required to find the following, per section 552.550 of the zoning code:

1. *The building furthers principles of human scale design and massing, particularly facing the public realm in the lower floors of the building.*

The proposed project furthers principles of human scale design and massing by stepping back upper portions of the structure from adjacent smaller scale uses, reinforcing the street wall and maximizing natural

surveillance, mimicking existing architectural patterns and rhythms by creating multiple principal entrances facing the street, and meeting established setbacks on both block faces.

2. *The portion of the building receiving the height increase responds to a change in built form on adjacent properties in less intense built form overlay districts with a gradual transition in height and scale.*

The property to the south is in the Interior 2 Built Form Overlay district. The properties to the east are primarily in the Corridor 4 Built Form Overlay district, with one parcel containing the Interior 2 Built Form Overlay. The increased height of the principal structure is mitigated through the use of step backs and transitions to lower scale uses to the east and south. The upper floors of the proposed structure are setback between 10 to 23 feet from the east property line along the alley and 11 feet from the south property line.

3. *The building form and massing is distributed and oriented in a manner appropriate to the scale and proportion of the built surroundings to reasonably address the impact of shadowing on adjacent properties, the public realm, and existing solar energy systems, and to allow access to light and air of adjacent properties.*

The proposed structure is located to the north and west of existing principal structures, is meeting setback requirements for the tallest portions of the structure and is designed to reasonably minimize excessive shadowing while enabling full-scale development on the site.

4. *Exterior materials are consistent and compatible on all sides of the building.*

Exterior materials are consistent and compatible on all sides of the building.

The Zoning Administrator is approving the administrative height increase application based on the required findings, conditions of approval, and proposed premiums, described above. The decision date of the administrative height increase shall coincide with the City Planning Commission action on the site plan review application.

Lot and Residential Unit Requirements – Meets requirements

- The proposed project would meet the applicable lot and residential unit requirements.
- The application is subject to Inclusionary Zoning per section 535.90(a) of the zoning code.

Lot and Residential Unit Requirements Summary

Requirement	Requirement	Proposed
Lot Area	5,000 sq. ft. min.	22,599 sq. ft.
Lot Width	40 ft. min.	178 ft.
Impervious Surface Area	85% max.	76%
Lot Coverage	70% max.	67%
Dwelling Units (DU)	--	63 DUs

Yard Requirements – Requires variance(s)

- The applicant is seeking a variance to reduce the required rear yard and the required reverse corner yard along 50th Street W.

Minimum Yard Requirements

Setback	Requirement	Proposed
Front (West)	15 ft.	20 ft.
Front (North)	15 ft.	12 ft.

Interior Side (South)	11 ft.	11 ft.
Rear (East)	9 ft.	5 ft.

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.
- The applicant is not currently proposing any signage on site.

Screening of Mechanical Equipment – Meets requirements with Conditions of Approval

- Mechanical equipment is subject to the screening requirements of Chapter 535 and district requirements.
- Staff is recommending a condition of approval that all exterior mechanical equipment be screened to meet the standards of chapter 535.

Refuse Screening – Meets requirements

- Refuse and recycling storage containers are subject to the screening requirements in Chapter 535.
- All refuse and recycling storage containers are located within the building.

Lighting – Meets requirements

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- The project is consistent with the applicable lighting requirements.

Fences – Not applicable

- Fences must comply with the requirements in Chapter 535. The applicant is not proposing any fencing on site.

Specific Development Standards – Not applicable

- There are no specific development standards for the proposed use.

Applicable Policies of the Comprehensive Plan

The proposed use would be consistent with the applicable guidance and policies of Minneapolis 2040 (2020):

Future Land Use	Guidance	Staff Comment
Urban Neighborhood	Urban Neighborhood is a predominantly residential area with a range of allowed building types. May include small-scale institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Like the Neighborhood Mixed Use category, commercial uses can continue serving their existing commercial function. Commercial zoning is appropriate for these properties, while expansion of commercial uses and zoning into surrounding areas is not encouraged.	The proposed project is consistent with the policy guidance for the Urban Neighborhood land use category. Urban Neighborhood allows for limited commercial uses along Goods and Services Corridors and include a range of housing densities and building heights.

Goods and Services Corridor	Guidance	Staff Comment
50 th Street W	Goods and Services Corridors serve two purposes: 1) To indicate where commercial uses should front in relation to properties guided for commercial future land uses, and 2) In addition to the guidance for the mixed use land use categories found in this section, Goods and Services Corridors identify where the establishment or expansion of commercial uses can be considered. Properties immediately adjacent to a Goods and Services Corridor may be considered for commercial activity, allowing for uses similar in scale and scope to the Neighborhood and Corridor Mixed Use categories.	The project is consistent with the policy guidance for Goods and Services corridors which allow a range of commercial uses dependent on context.
Built Form Guidance	Guidance	Staff Comment
Corridor 4	New and remodeled buildings in the Corridor 4 district should reflect a variety of building types on both small and moderate-sized lots, including on combined lots. Building heights should be 1 to 4 stories. Requests to exceed 4 stories will be evaluated on the basis of whether or not a taller building is a reasonable means for further achieving Comprehensive Plan goals.	The proposed project is consistent with Corridor 4 zoning which allows for high-density residential and mixed use structures of up to 4 stories in height, with the possibility to increase height administratively through the implementation of premiums. The proposed five-story building is within the parameters allowed in this district with an administrative increase.

The following policies and action steps from Minneapolis 2040 (2020) apply to this proposal:

Policy 4. Access to Commercial Goods and Services: Improve access to goods and services via walking, biking and transit.

- a. Allow commercial uses where they currently exist throughout the city.
- b. Designate additional areas for commercial uses in parts of the city where demand for retail goods and services exceeds the supply, and that are well-served by public transportation.
- c. Allow property owners to request expansion of commercial areas where such expansion would improve access to goods and services via walking, biking, and transit.
- d. Require commercial retail to be incorporated into new buildings in select areas of the city with the highest residential densities, highest pedestrian traffic, and most frequent transit service.
- e. Allow for increased housing supply within and adjacent to Commercial areas.

- f. Allow a full range of uses in Commercial areas intended to provide goods and services to surrounding communities.
- g. Utilize regulatory tools to minimize the impacts that commercial uses have on nearby residential uses.

Policy 1. Access to Housing: Increase the supply of housing and its diversity of location and types.

- a. Allow housing to be built in all areas of the city, except in Production and Distribution areas.
- b. Allow the highest-density housing in and near Downtown.
- c. Allow multifamily housing on public transit routes, with higher densities along high-frequency routes and near METRO stations.
- d. In neighborhood interiors that contain a mix of housing types from single family homes to apartments, allow new housing within that existing range.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 35

LEGAL DESCRIPTION.

PER EXHIBIT "A" OF FIDELITY NATIONAL TILE INSURANCE COMPANY, ISSUING AGENT EDGEWATER TITLE GROUP, LLC, COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. 35071 HAVING AN EFFECTIVE DATE OF OCTOBER 04, 2021:

LOTS TWENTY-SIX (26), TWENTY-SEVEN (27) AND TWENTY (28), BLOCK NINE (9), STEELE'S LAKE HARRIET PARK, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA.

LOT TWENTY-FIVE (25), BLOCK NINE (9), STEELE'S LAKE HARRIET PARK ADDITION TO MINNEAPOLIS, ACCORDING TO THE RECORDED PLAT THEREOF, HENNEPIN COUNTY, MINNESOTA.

RECOMMENDATIONS

The Department of Community Planning and Economic Development (CPED) recommends that the City Planning Commission and/or City Council adopt staff findings for the applications by Beard Manager, LLC for the properties located at 5009 Beard Avenue S:

A. Rezoning.

Recommended motion: The City Planning Commission recommends that the City Council **approve** the petition to rezone the property at 5009 Beard Avenue S from the R1A and R2B Multiple Family Districts to the OR2 High-Density Office Residence District.

B. Variance.

Recommended motion: The City Planning Commission **approves** the variance to reduce the minimum rear yard requirement from 9 feet to 5 feet.

C. Variance.

Recommended motion: The City Planning Commission **approves** the variance to reduce the minimum reverse corner front yard requirement along 50th Street W from 15 feet to 12 feet.

D. Site Plan Review.

Recommended motion: The City Planning Commission **approves** the site plan review for a new five-story mixed use building with 63 dwelling units and 1,500 square feet of commercial space, subject to the following conditions:

1. All site improvements shall be completed by December 5, 2024, 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, elevation, landscaping, and lighting plans before building permits may be issued.
3. All signs shall comply with Chapter 543 of the zoning code. All signage requires a separate permit from CPED.
4. All final site plan approvals subject to conditions of inclusionary housing shall be filed with the Office of the Hennepin County Recorder or Registrar of Titles and evidence of proper filing shall be submitted to the zoning administrator prior to the issuance of any building permits.
5. Except as allowed by the affordable housing premium, all premiums shall be maintained for the life of the principal structure. The length of compliance with the affordable housing premium shall be as required by the Unified Housing Policy.
6. The applicant shall meet the requirements for a minor Travel Demand Management Plan.
7. The applicant shall screen all on-site mechanical equipment to meet the standards of chapter 535.

ATTACHMENTS

1. Rezoning ordinance
2. Written description and findings submitted by applicant
3. Survey
4. Site plan
5. Plans
6. Building elevations
7. Renderings
8. Shadow study
9. Photos
10. Public comments