

Department of Community Planning and Economic Development
Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-5932

Date: March 4, 2013

Applicant: Doran University V, LLC, Attn: Anne Behrendt, 7803 Glenroy Road, Suite 200, Bloomington, MN 55439, (952) 288-2000

Address of Property: 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE

Project Name: The Bridges

Contact Person and Phone: Doran University V, LLC, Attn: Anne Behrendt, 7803 Glenroy Road, Suite 200, Bloomington, MN 55439, (952) 288-2000

CPED Staff and Phone: Becca Farrar-Hughes, Senior City Planner, (612)673-3594

Date Application Deemed Complete: February 4, 2013

End of 60-Day Decision Period: April 5, 2013

End of 120-Day Decision Period: On February 22, 2013, Staff sent a letter to the applicant extending the decision period to no later than June 4, 2013.

Ward: 3 **Neighborhood Organization:** Marcy Holmes Neighborhood Association (MHNA)

Existing Zoning: C2 (Neighborhood Corridor Commercial) District, UA (University Area) Overlay and the Mississippi River (MR) Overlay District

Proposed Zoning: OR3 (Institutional Office Residence) District, maintaining the UA (University Area) Overlay District and the Mississippi River (MR) Overlay District

Zoning Plate Number: 15

Lot area: 56,601 square feet or approximately 1.3 acres

Legal Description: See attachment.

Proposed Use: A new 9 to 11 story multi-family residential development that includes approximately 211 market rate units with approximately 318 bedrooms and 128 off-street parking spaces.

Concurrent Review:

- Petition to rezone the subject properties from the C2 (Neighborhood Corridor Commercial) District to the OR3 (Institutional Office Residence) District while maintaining the University Area (UA) Overlay District and the Mississippi River (MR) Overlay District;
- Conditional Use Permit to allow an increase in height from 6 stories or 84 feet to approximately 11 stories or 120 feet tall at the tallest point;
- Variance of the front yard setback requirement along the north property line adjacent to University Avenue SE from 15 feet to approximately 1 foot;

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- Variance of the corner side yard setback requirement along the east property line adjacent to 10th Avenue SE from 15 feet to zero feet at the closest point to allow the building wall, entrance canopy, balconies, walkways wider than 6 feet in width, as well as a transformer;
- Variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet;
- Variance to allow an increase in the allowable FAR from 4.2 to approximately 4.3.
- Variance of the off-street parking requirement from approximately 211 spaces to 128 spaces;
- Site Plan Review to allow a new 9 to 11 story approximately 120 foot tall multi-family residential development that includes approximately 211 market rate units with approximately 318 bedrooms and 128 off-street parking spaces.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Chapter 525, Article VII Conditional Use Permits, Article IX, Variances and Chapter 530 Site Plan Review.

Background: The applicant proposes to construct a new 9 to 11-story, 120 foot tall, residential development that includes 211 residential dwelling units with 318 bedrooms and 128 off-street parking spaces on the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE. The site is bordered by University Avenue SE to the north, the 35W off-ramp to the west, 10th Avenue SE to the east and 2nd Street SE to the south. The property is located in the C2 (Neighborhood Corridor Commercial) District and within the UA (University Area) Overlay District and the Mississippi River (MR) Overlay District.

A rezoning to OR3 is proposed in order to accommodate the density proposed on the subject site. A conditional use permit is also required in order to allow for an increase in height for the proposed building from 6 stories or 84 feet to 11 stories or 120 feet at the tallest point. Several variances are also required for the proposed development which include: **(1)** Variance of the front yard setback requirement along the north property line adjacent to University Avenue SE from 15 feet to approximately 1 foot; **(2)** Variance of the corner side yard setback requirement along the east property line adjacent to 10th Avenue SE from 15 feet to zero feet at the closest point to allow the building wall, entrance canopy, balconies, walkways wider than 6 feet in width, as well as a transformer; **(3)** Variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet; **(4)** Variance to allow an increase in the allowable FAR from 4.2 to approximately 4.3; **(5)** Variance of the off-street parking requirement from approximately 211 spaces to 128 spaces; and site plan review.

The residential tower is constructed on top of a two-story platform that consists of above grade parking and residential amenity space. The applicant also proposes to incorporate two outdoor green roof areas into the development on the 3rd and 10th floors of the structure. The accessible green roof on the 3rd level would be accessed from the second floor community spaces, and the area would include raised planters, gathering areas and outdoor kitchen and fire pit. The accessible green roof on the 10th floor would be connected through a lounge area providing views of the Mississippi River and downtown. Proposed amenities for residents include a secured building access, club room, business center, theatre and fitness center. Exterior materials would be contemporary and include pre-concrete, brick, glass, aluminum, and metal panels.

Staff has received official correspondence from the Marcy Holmes Neighborhood Association prior to the printing of this report. The correspondence has been attached for reference. No additional neighborhood letters or emails have been received. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

REZONING – from the C2 to the OR3 district

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are designated as commercial and are located along University Avenue SE which is a designated Community Corridor in this location. The site is in close proximity to the University of Minnesota which is a designated Growth Center and the site also directly abuts the I-35W and the 35W off-ramp to the west. The majority of the properties located to the west, north and east of the subject site are zoned R5, while properties to the south are zoned I2 closest to the Mississippi River. Also, in the broader area to the south and east the property located on the University of Minnesota campus is zoned OR3. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to the proposal to rezone the subject property from the C2 to the OR3 District for the purposes of constructing a new residential development:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings”; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 states: “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.” This policy includes the following applicable implementation step: (1.9.6) “Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.”

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Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

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

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

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.” This policy includes the following applicable implementation step: (10.9.4) “Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.”

The proposal to rezone the subject property from the C2 district to the OR3 district for a new residential development is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

There is an additional plan that must be considered when evaluating the proposal which is the *Marcy-Holmes Neighborhood Master Plan* which was adopted by the City Council on December 29, 2003. An addendum to the master plan called the *Marcy-Holmes Master Plan Supplement* was adopted by the City Council on January 26, 2007. Within this document the subject parcel is specifically addressed under University Avenue SE and I-35W Study Area. The plan states major sites should be redeveloped between University Avenue SE and 2nd Street SE with higher density residential buildings and the sites should be strategically redeveloped with retail nodes, including University Avenue SE/I-35W/10th Avenue SE. It further states that buildings should be oriented towards view corridors such as the river and downtown, and buildings should be oriented to streets with parking and driveways placed behind buildings. Regarding building height the plans states new residential buildings along 2nd Street SE should be allowed up to 8 to 10 stories to enable higher density on the edge of the neighborhood and potential views. Higher density residential buildings should be designed to accommodate some form of outdoor space for residents, including balconies, patios, courtyards, and rooftop gardens and the incorporation of green roof courtyards atop of parking structures is encouraged. Regarding parking, the supplement suggests that indoor parking (underground or aboveground) should be incorporated into all new residential buildings. The plan also states that gateway areas should be created at I-35W interchange ramps, including small corner plazas, landscaped areas, benches, etc. that contribute to the neighborhood’s identity and urban streetscapes should be created along University Ave, 4th St and 10th Ave using street trees and pedestrian amenities to enhance the area.

The proposal is consistent with the vision outlined in the small area plan with one exception; the incorporation of commercial/retail uses within the ground level of the building. However, the rezoning of the property to the OR3 District would still enable the developer to incorporate two 2,000 square foot

neighborhood-serving retail sales and services uses into the development should they elect to in the future. A rezoning does not prohibit those uses in the future.

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

A rezoning to the OR3 District would be considered in both the interest of the property owner and in the public interest. Regarding the property owner's interest, the rezoning would allow for the level of density and bulk needed to accommodate the development as proposed. In terms of the public interest, the rezoning would allow for redevelopment of a long vacant gateway property located just outside of the University of Minnesota Campus that is consistent with adopted small area plan policies due to the incorporation of a high-density development on the site. The development would further enhance the vitality of the University Avenue SE corridor in this location.

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 subject site is located along University Avenue SE which is a designated Community Corridor in this location. The site is also in close proximity to the University of Minnesota which is a designated Growth Center. The majority of the properties located to the west, north and east of the subject site are zoned R5, while properties to the south are zoned I2 closest to the Mississippi River. Also, in the broader area to the south and east the property located on the University of Minnesota campus is zoned OR3. The uses within the area are varied and include assorted commercial, residential and institutional uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff's analysis concludes that rezoning the subject site to OR3 would be appropriate and compatible in this location.

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.

In general, there are reasonable uses allowed under the C2 zoning classification but in order to achieve development on the site that is consistent with the adopted small area plan policies that call for a high-density development, a rezoning of the property is necessary. Further, given the surrounding zoning classifications proximate to the site, the OR3 District is appropriate given the context of the vicinity. Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for 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.

Under the 1963 Zoning Code, the subject property and the surrounding area were zoned differently than what they are zoned today, as I-35W had not yet been constructed and the original blocks and roadways were in place. The zoning classifications of the properties were split with R5A zoning located on the southerly portion of the lots and R5 located on the northerly portion of the lots. Both R5A and R5 were the predominant zoning classifications in the area with M1-2 and M2-3 zoned properties located to the

south closest to the river. There have been significant ongoing changes relative to the character and trend of development in the area. The area has seen significant redevelopment predominantly due to the growth in the student housing market and well as redevelopment near the river. The amendment to alter the existing zoning classification on the property would not adversely impact the transitions occurring in the area. Due to the proximity of the site to OR3 zoning as well as the mix of uses within the general area, Staff concludes that the rezoning request is reasonable, appropriate and consistent with adopted policy.

CONDITIONAL USE PERMIT – to increase the maximum permitted height from 6 stories or 84 feet to 11 stories or 120 feet tall at the tallest point

Findings as Required by the Minneapolis Zoning Code:

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

1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff concludes that allowing a new 11-story structure would be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development accommodates the residential density that is desired on the subject property. Further, there is a mixture of building heights in the vicinity and allowing for a tall, dense structure abutting I-35W is consistent with adopted policies.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

This property is located in a fully developed area and allowing additional height would not be expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development. The subject development site is located along University Avenue SE and adopted City policies encourage a tall, high density development on the subject site. In order to achieve the desired density and height, an increase in height above the district standards is necessary to accomplish the relevant provisions.

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

The site would be accessed via a single curb cut off of 10th Avenue SE to a parking and loading area that includes 128 parking stalls within two levels of enclosed above grade parking. A TDMP has been submitted to the City for review and approval. The TDMP concludes the following: (1) the proposed development is expected to result in the addition of approximately 900 vehicle trips per day to the adjacent roadways in an area that carries 40,000 to 50,000 trips per day; (2) only one curb cut is proposed to the site thus minimizing the number of conflict points by eliminating four of the five existing access points to the site; (3) results for the 2015 no-build scenario using the existing City of Minneapolis signal indicated poor operations on the 10th Avenue approaches of the University and 4th Street intersections during the p.m. peak hour. In addition vehicular queues were long and did not clear during each signal cycle; (4) to improve operations for 2015 no-build conditions the signal timing plan must be optimized. With an optimized plan, the 2015 no-build scenario results showed acceptable operations throughout the three key intersections; (5) results of the operational analysis with the added trips generated by the

proposed development show that the levels of service and queues remain within acceptable thresholds that are nearly identical to those of the no-build scenario.

The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for both vehicles (128 spaces) and bicycles (318 spaces in the enclosed garage). Further, the site is located across University Avenue SE, with good access to transit as a result of being within close proximity to multiple bus lines.

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

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the CUP to increase the maximum permitted height. Further, the policies outlined in the *Marcy-Holmes Neighborhood Master Plan* and the *Marcy-Holmes Master Plan Supplement* apply to the CUP application as well. The redevelopment is consistent with the vision for this area as outlined in the plan.

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

With the approval of the rezoning, conditional use permit, variances and site plan review this development would be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

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:

1. Access to light and air of surrounding properties.

This development would be expected to have impacts on the amount of light and air that surrounding properties receive as the site is currently vacant and the development as proposed would be 11 stories at the tallest point. According to the submitted shadow studies, shadowing will occur on adjacent residential properties and roadways; the extent of which depends on the time of day and the season.

2. Shadowing of residential properties or significant public spaces.

The proposed project would shadow residential properties to the north across University Avenue SE in the morning year round and would also shadow residential properties to the east of the site in the afternoons during fall and winter. While shadowing will occur as a result of the proposed height and bulk of the structure, it would not shadow abutting properties continually as the shadow will rotate from north to south throughout the day as expected.

3. The scale and character of surrounding uses.

The scale and character of the buildings as well as the architectural styles of the surrounding properties in this area are varied. Staff's analysis concludes that the proposal is compatible with the scale and character of other buildings in the area. There is a mixture of building heights in the vicinity and allowing for a tall, dense structure abutting I-35W is consistent with adopted City policies. The design and allocation or distribution of height on site would be compatible with the contextual surroundings.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by the development. However, it is important to note that the Florence Court development is located to the east of the site across 10th Avenue SE; however, increasing the height of this development would not significantly affect views of that building from public spaces.

VARIANCES – (1) Variance of the front yard setback requirement along the north property line adjacent to University Avenue SE from 15 feet to approximately 1 foot; (2) Variance of the corner side yard setback requirement along the east property line adjacent to 10th Avenue SE from 15 feet to zero feet at the closest point to allow the building wall, entrance canopy, balconies, walkways wider than 6 feet in width, as well as a transformer; (3) Variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet; (4) Variance to allow an increase in the allowable FAR from 4.2 to approximately 4.3; (5) Variance of the off-street parking requirement from approximately 211 spaces to 128 spaces.

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Variance of the front yard setback requirement along the north property line from 15 feet to approximately 1 foot: A 15-foot setback is required along the north property line. The applicant proposes to locate the structure approximately 1 foot, at the closest point from the property line along University Avenue SE. Practical difficulties existing in complying with the ordinance due to the uniqueness of the site. The property is bounded by the I-35W off ramp on the west, University Avenue SE on the north, 10th Avenue SE on the east and 2nd Street SE on the west. Locating the building nearly up to the property line along University Avenue SE is consistent with other abutting developments located to the east along University Avenue. It further reinforces the street wall and is a reasonable use of the subject site given the surrounding context and the fact that the proposed structure is on the only building that would be located on the block.

Variance of the corner side yard setback requirement along the east property line from 15 feet to zero feet: A 15-foot setback is required along the east property line. The applicant proposes to vary the setback adjacent to 10th Avenue SE from 15 feet to zero feet to allow several encroachments including the

building wall, entrance canopy, balconies, walkways wider than 6 feet in width, as well as a transformer. The actual face of the building would be located approximately 11 feet from the property line at the closest point. Practical difficulties existing in complying with the ordinance due to the uniqueness of the site. The property is bounded by the I-35W off ramp on the west, University Avenue SE on the north, 10th Avenue SE on the east and 2nd Street SE on the west. On the 10th Avenue SE side of the property a large sewer easement exists that cuts diagonally across the southeast portion of the site. In addition, significant grade changes and the 10th Avenue bridge impact this side of the site. The request to reduce the setback requirement in order to accommodate the noted building components is a reasonable use given the surrounding context and the fact that the proposed structure is on the only building that would be located on the block.

Variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet: A 25-foot setback is required along the west property line. The applicant proposes to locate the building approximately 5 feet away from the west property line at the closest point. Practical difficulties existing in complying with the ordinance due to the uniqueness of the site. The property is bounded by the I-35W off ramp on the west, University Avenue SE on the north, 10th Avenue SE on the east and 2nd Street SE on the west. The west property line is irregular which makes it difficult to comply with the setback requirements on that side of the property. The location of the west property line was created as a result of a taking by MNDOT. The request to reduce the setback requirement along the west property line is appropriate and reasonable given the surrounding context of the abutting I-35 off-ramp and the fact that the proposed structure is on the only building that would be located on the block.

Variance to allow an increase in the allowable FAR from 4.2 to approximately 4.3: Typically, the allowable FAR in the OR3 district is 3.5, however, the project is qualifies for a 20% bonus for enclosed parking resulting in an allowable increase to 4.2, which translates to an allowable gross floor area of 237,724 square feet. The applicant is proposing an FAR on site of approximately 4.3 or a 3% increase with a gross floor area of 239,898 square feet which requires a variance. Practical difficulties exist in complying with the ordinance specifically due to the fact that adopted City policies encourage tall, high-density development in this location. As such, the request to increase the maximum allowable FAR on site is reasonable and appropriate in this circumstance.

Variance of the off-street parking requirement from approximately 211 spaces to 128 spaces: Chapter 541 would typically require one off-street parking space per dwelling unit or a total of 211 parking spaces for the proposed project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 318 bedrooms or 211 dwelling units are proposed on the subject site. Therefore, a total of 211 off-street parking spaces would be required. A total of 128 spaces are being provided on-site which does not meet the requirement and requires a variance. Given the fact that the site would likely house students, and is located in close proximity to the University of Minnesota campus, Staff believes that ample parking is being provided for the development and practical difficulties exist in complying with the ordinance in this unique circumstance. The request to reduce the residential parking requirement is reasonable.

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.

Variance of the front yard setback requirement along the north property line from 15 feet to approximately 1 foot: The proposal to reduce the setback of the building from 15 feet to 1 foot at the closest point along University Avenue SE is reasonable given the context and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The proposed location of the structure is consistent with other structures situated to the east of the subject site along University Avenue SE. It further reinforces the street wall and is a reasonable use of the subject site given the surrounding context.

Variance of the corner side yard setback requirement along the east property line from 15 feet to zero feet: The proposal to reduce the setback of the building from 15 feet to zero feet at the closest point along 10th Avenue SE is reasonable given the context and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The actual building wall would be located approximately 11 feet from the property line at the closest point; the need to vary the setback to zero feet is to allow several encroachments including the entrance canopy, balconies, walkways wider than 6 feet in width, as well as a transformer. Grade issues, an existing sewer easement and the 10th Avenue bridge are all factors that affect the east side of the property. The request to reduce the setback requirement in order to accommodate the noted building components is a reasonable use given the surrounding context.

Variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet: The proposal to reduce the setback of the building from 25 feet to approximately 5 feet abutting the I-35W off-ramp is reasonable given the context and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The west property line is irregular as a result of a taking by MNDOT. The request to reduce the setback requirement along the west property line is appropriate and reasonable given the surrounding context of the abutting I-35 off-ramp.

Variance to allow an increase in the allowable FAR from 4.2 to approximately 4.3: The proposal to allow an increase in the maximum allowable FAR for the site is reasonable and would be keeping with the spirit and intent of the ordinance and comprehensive plan. The property is located along University Avenue SE which is a designated Community Corridor in this location. The site is also in close proximity to the University of Minnesota which is a designated Growth Center and the site also directly abuts the I-35W and the 35W off-ramp to the west. Adopted city policies specific to the site call for high-density, development on the property; the proposal is appropriate given all of these unique circumstances.

Variance of the off-street parking requirement from approximately 211 spaces to 128 spaces: The proposal to reduce the required off-street parking for the residential component of the development is reasonable and would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan. The site is unique in its location and proximity to various land use features. Further, based on similarly situated student housing developments, the proposed parking ratio at approximately .60 is actually higher than many other recent approvals in the area that have achieved a ratio in the .40 range.

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

Variance of the front yard setback requirement along the north property line from 15 feet to approximately 1 foot: The granting of the variance to allow a reduction in the front yard setback requirement would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposed setback is consistent with

many of the other buildings located to the east along University Avenue SE, further reinforcing the street edge.

Variance of the corner side yard setback requirement along the east property line from 15 feet to zero feet: The granting of the variance to allow a reduction in the corner side yard setback requirement would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The request to reduce the setback requirement in order to accommodate the above-noted building components is a reasonable use given the unique conditions and surrounding context.

Variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet: The granting of the variance to allow a reduction in the interior side yard setback requirement would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The request to reduce the setback requirement is a reasonable use given the irregularity of the property line and the proximity of the site to the I-35W off ramp.

Variance to allow an increase in the maximum allowable floor area ratio (FAR): The granting of the variance to allow a slight increase of approximately 3% relative to the maximum FAR on the subject site would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Adopted City policies encourage this type of high-density development on the subject parcel. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area.

Variance to reduce the parking requirement for the residential component: The proposal to reduce the parking requirement would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**

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- 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. In the case of a corner lot, the principal entrance shall face the front lot line.
- 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 walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- 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 fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Entrances, windows, and active functions:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The development is subject to required yards on all sides of the property, including the three abutting street frontages. With the exception of the front yard requirement adjacent to 2nd Street SE, all other yards are being varied as part of the proposal. Along 2nd Street SE which is a designated front yard, the building is subject to a 15-foot setback requirement. The building is setback approximately 19 feet, 10.5 inches from the property line at the closest point along 2nd Street SE. Alternative compliance is required for building placement. Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance due to the fact that grade changes along this street frontage require that retaining walls be installed to stabilize the grade. As a result it would not be practical to require compliance with this provision.

A total of 211 dwelling units are proposed with 318 bedrooms. The residential lobby is oriented towards the intersection of University Avenue SE and 10th Avenue SE with a principal entry off of 10th Avenue SE. In the case of a corner lot, the principal entrance must face the front lot line, which is University Avenue SE not 10th Avenue SE, a designated corner side yard. Alternative compliance is necessary for the proposed location of the principal entrance. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to include another door perpendicular to the proposed entrance off of 10th Avenue SE to the common vestibule off of University Avenue SE. Provided all ground level window openings are clear and provide views into and out of the building, the design of the structure maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation as practical along two of the three street frontages. The area between the building and the public streets would have new tree plantings, shrubs and perennials in addition to seating areas.

The building is subject to window requirements along three sides of the building. The north elevation of the building along University Avenue SE incorporates windows that exceed the 20% window requirement as approximately 80% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The south elevation of the building along 2nd Avenue SE incorporates windows that meet the 20% window requirement as approximately 20% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The east elevation of the building along 10th Avenue SE incorporates windows that exceed the 20% window requirement as approximately 39% are provided according to the submitted elevations. The

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windows on this elevation are in general, evenly distributed and vertical in proportion.

Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses within the ground level of the building along University Avenue SE. The proposed development meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk.

Although the proposal meets the window requirements, CPED Staff's remaining concerns regarding the proposal pertain to the tinted glass proposed within the first two levels of the building around the perimeter of the above grade ramp and parking areas. CPED Staff believes that the appearance of these tinted windows which lack a consistent pattern and rhythm consistent with the above floors detract from the overall appearance of the structure. CPED Staff believes that the lower two levels of the structure need to be redesigned to accommodate a more consistent window pattern, and further the windows should not be tinted but rather resemble the clear storefront windows located in the active areas within the building. A potential solution would be to require clear window openings in appropriate locations that look into the parking areas (especially along 10th Avenue SE) in combination with etched or perforated glass openings (similar to those located on the exterior of the Minneapolis Central Library for reference purposes), that allow light and limited views into and out of the building.

There are blank, uninterrupted walls greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the west (ground level and 10th/11th floors) and south elevations (ground level) of the building. Alternative compliance is necessary. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to modify the elevations to comply with the requirement.

The exterior materials would be compatible on all sides of the proposed building as the materials would be contemporary and include glass, precast concrete, brick, stone and metal panels. No cement board is proposed on the structure. The proposed building form and flat roof would be considered compatible with other buildings in the area as there is a mix of flat and pitched roofs in the area.

The building complies with the active functions provision along University Avenue SE but does not comply with the provision along 10th Avenue SE or along 2nd Street SE. Alternative compliance is necessary. Along 10th Avenue SE approximately 70% of ground level of the building accommodates ground-level parking and mechanical rooms. Along 2nd Street SE the entire ground level of the building accommodates ground-level parking and mechanical rooms. In this specific circumstance, Staff would recommend that the Planning Commission grant alternative compliance along both street frontages. Staff believes that with the suggested recommendations to provide clear /partially clear window openings along the ground floor of all elevations, the intent of the provision, albeit not entirely achieved, still allows for natural surveillance when the parking garage is occupied by individuals; thus contributing to the idea of active functions.

A two-level above grade parking garage, is proposed as part of the development. The parking is accessed via a singular curb cut off of 10th Avenue SE. The parking garage is completely enclosed.

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 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The principal entrance to the lobby of the residential structure would be located off of 10th Avenue SE. There is no principal entrance located directly off of University Avenue SE. Staff will recommend that an additional door be incorporated into the entrance vestibule so that there is a front door on University Avenue SE. The principal entrance is accessed directly off of the public sidewalk.

There are no transit shelters within the development, however the site is located within close proximity to several bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts to the site has been minimized to the extent practical as four of the five existing access points to the site would be eliminated with only one remaining off of 10th Avenue SE.

There is no public alley adjacent to the site.

The site plan minimizes the use of impervious surfaces. The building footprint covers over 69% of the site, and walkways and other impermeable surfaces cover 8% of the lot. Approximately, 23% of the net site is landscaped or approximately 74% of the site not occupied by buildings. The area between the building and the public streets would have new tree plantings, shrubs and perennials in addition to seating areas.

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, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **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.**
- **Except as otherwise provided, 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 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**

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- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 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 530.210.**
- **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 530.80, as provided in section 530.220.**

According to the applicant, once the project is complete, approximately 12,846 square feet would be landscaped on the premises, which would meet the 20% landscaping requirement. The site is approximately 56,601 square feet in size with the building occupying a footprint of 39, 138 square feet. A total of 3,492 square feet of landscaping would be necessary to meet the 20% requirement. The applicant proposes to include approximately 12,846 square feet of landscaping on the premises which would total approximately 74% of the site not occupied by buildings.

The Zoning Code requires that there be at least 7 trees and 35 shrubs planted on the site. The applicant proposes to include only 3 on-site trees and the 3 trees would not be located at the ground level but on a second floor green roof area (9 are proposed as street trees in the public right-of-way which do not count towards the landscaping requirement) and a total of 287 shrubs. Alternative compliance is necessary for the amount of on-site trees. Staff would recommend that the Planning Commission require compliance with the on-site tree provision as it would be practical to do so given the ample green space located on the property.

There is no surface parking proposed as part of the development. All other areas not used for parking, drives, walkways, or the building are landscaped.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, 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 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, 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.

All parking for the proposed project is being provided in a two-story above grade enclosed parking facility accessed off of 10th Avenue SE. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration.

Staff would expect the proposal to have impacts on views as the site is currently vacant and the proposed structure is between 9 and 11-stories. The proposed structure would also have some shadowing impacts on adjacent properties (see the attached shadow survey and conditional use permit findings as listed above). The proposed structure would also have impacts on light, wind and air in relation to the surrounding area as well.

The site appears to incorporate many of the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance and there are windows on all sides of the building. Further, ensuring that all ground level windows around the perimeter of the building, even those within the parking areas, are clear and allow for views in and out of the building will allow people to observe adjacent public spaces. All entrances are connected to the public sidewalk. Staff has no additional comments or concerns at this time regarding site safety. A detailed lighting plan will be required with the final plan submission.

The property is vacant. There are no historic structures or structures eligible for designation on the subject site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The proposed use of the site for 211 dwelling units with approximately 318 bedrooms 333 is permitted in the OR3 District.

With the approval of the rezoning, conditional use permit, variances and site plan review, this development would meet the requirements of the OR3 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 would typically require one off-street parking space per dwelling unit or a total of 211 parking spaces for the proposed project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 318 bedrooms or 211 dwelling units are proposed on the subject site. Therefore, a total of 211 off-street parking spaces would be required. A total of 128 spaces are being provided on-site which does not meet the requirement and requires a variance. Please see the above-listed variance findings.

Maximum automobile parking requirement: This provision is not applicable for the development as there is no maximum parking requirement for residential uses with enclosed parking. The development is therefore in compliance with this provision.

Bicycle parking requirement: Typically, multiple-family dwellings with 5 or more units would have a minimum bicycle parking requirement of 1 space per 2 dwelling units. However, due to the location of

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the site within the UA Overlay District, residential uses are required to provide at least one (1) bicycle or motorized scooter parking space per one (1) bedroom. Based on the proposed 318 bedrooms, a total of 318 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 318 bicycle parking spaces are located within the parking garage.

Loading: There is a loading requirement for the residential portion of the development as multiple-family dwellings less than 250 units require one small space. The development complies with this provision as one small loading space is located within the ground-level of the parking garage.

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. The development complies with this provision as there is a trash and recycling room located within the ground-level parking garage.

Signs: No signs have been proposed. All signs will be expected to comply with Chapter 543 of the Zoning Code. Any new signage requires a separate permit from the Zoning Office.

Lighting: The applicant is proposing to install decorative pedestrian and wall mounted light fixtures throughout the site. A photometric plan was not submitted as part of the application and will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for the proposed uses within the OR3 district is the gross floor area of the buildings which would be approximately 239,898 square feet divided by the area of the lot which is 56,601 square feet. The outcome is 4.3 which is greater than the maximum of 4.2 that is permitted in the OR3 District with the inclusion of one 20% density bonus for enclosed parking. The applicant has applied for a variance of this provision. Please see the above-listed variance findings above.

Minimum Lot Area: The OR3 District requires not less than 300 square feet of lot area per dwelling unit. Based on the lot size which is 56,601 square feet, a total of 188 dwelling units would be allowed prior to the inclusion of a 20% bonus for enclosed parking. With the inclusion of the 20% bonus an additional 37 dwelling units would be permitted totaling a maximum of 225 dwelling units. The applicant proposed a total of 211 dwelling units, or approximately 268 square feet per dwelling unit. The development complies with the minimum lot area requirement with the consideration of the bonus.

Dwelling Units per Acre: With 211 dwelling units on a site having 56,601 square feet of lot area, the proposal would include approximately 163 dwelling units per acre.

Height: Maximum building height for principal structures located in the OR3 district is 6 stories or 84 feet, whichever is less. The applicant is proposing to construct a structure that is 11 stories or 120 feet at the tallest point which requires a CUP for additional height. Please see the above-listed CUP findings.

Yard Requirements: The required yards are as follows:

- *Front yards*–
 - *University Avenue SE and 2nd Street SE:* 15 feet
- *Corner side yard – 10th Avenue SE:* 15 feet. Typically, the requirement would be 28 feet (8 + 2x); however, per Section 547.160 of the Zoning Code, the corner side yard shall not exceed the standard front yard requirement which is 15 feet.
- *Interior side yard/rear yard (5+2x):* 25 feet

The applicant proposes to vary several of the yard requirements. Please see the above-listed variance findings.

Building coverage: The maximum building coverage in the OR2 district is 70 percent. Buildings would cover approximately 69 percent of the site.

Impervious surface area: The maximum impervious surface coverage in the OR3 district is 85 percent. Impervious surfaces would cover approximately 77 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the site plan review application as well.

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

See the above listed response to finding #1 in the rezoning application as the policies outlined in the *Marcy-Holmes Neighborhood Master Plan* and the *Marcy-Holmes Master Plan Supplement* apply to the site plan review application as well.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any 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, green roof, decorative pavers, ornamental metal fencing, architectural enhancements 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.**

- **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.**

Alternative compliance is requested by the applicant to meet the following standards:

□ **Building placement:** The development is subject to required yards on all sides of the property, including the three abutting street frontages. With the exception of the front yard requirement adjacent to 2nd Street SE, all other yards are being varied as part of the proposal. Along 2nd Street SE which is a designated front yard, the building is subject to a 15-foot setback requirement. The building is setback approximately 19 feet, 10.5 inches from the property line at the closest point. Alternative compliance is required for building placement. Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance due to the fact that grade changes along this street frontage require that retaining walls be installed to stabilize the grade. As a result it would not be practical to require compliance with this provision.

□ **Principal entrance facing the front lot line:** A total of 211 dwelling units are proposed with 318 bedrooms. The residential lobby is oriented towards the intersection of University Avenue SE and 10th Avenue SE with a principal entry off of 10th Avenue SE. In the case of a corner lot, the principal entrance must face the front lot line, which is University Avenue SE not 10th Avenue SE, a designated corner side yard. Alternative compliance is necessary for the proposed location of the principal entrance. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to include another door perpendicular to the proposed entrance off of 10th Avenue SE to the common vestibule off of University Avenue SE.

□ **Blank uninterrupted walls:** There are blank, uninterrupted walls greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the west (ground level and 10th/11th floors) and south elevations (ground level) of the building. Alternative compliance is necessary. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to modify the elevations to comply with the requirement.

□ **Active functions provision:** The building complies with the active functions provision along University Avenue SE but does not comply with the provision along 10th Avenue SE or along 2nd Street SE. Alternative compliance is necessary. Along 10th Avenue SE approximately 70% of ground level of the building accommodates ground-level parking and mechanical rooms. Along 2nd Street SE the entire ground level of the building accommodates ground-level parking and mechanical rooms. In this specific circumstance, Staff would recommend that the Planning Commission grant alternative compliance along both street frontages. Staff believes that with the suggested recommendations to provide clear /partially clear window openings along the ground floor of all elevations, the intent of the provision, albeit not entirely achieved, still allows for natural surveillance when the parking garage is occupied by individuals; thus contributing to the idea of active functions.

□ **Landscape quantities:** The Zoning Code requires that there be at least 7 trees and 35 shrubs planted on the site. The applicant proposes to include only 3 on-site trees and the 3 trees would not be located at the ground level but on a second floor green roof area (9 are proposed as street trees in the public right-of-way which do not count towards the landscaping requirement) and a total of 287 shrubs. Alternative compliance is necessary for the amount of on-site trees. Staff would recommend that the Planning Commission require compliance with the on-site tree provision as it would be practical to do so given the

ample green space located on the property.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE from the C2 District to the OR3 District. The UA (University Area) Overlay District and the Mississippi River (MR) Overlay District would be maintained.

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an increase in height from 6 stories or 84 feet to approximately 11 stories or 120 feet at the tallest point for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE subject to the following condition of approval:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the front yard setback requirement along the north property line adjacent to University Avenue SE from 15 feet to approximately 1 foot for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the corner side yard setback requirement along the east property line adjacent to 10th Avenue SE from 15 feet to zero feet at the closest point to allow the building wall, entrance canopy, balconies, walkways wider than 6 feet in width, as well as a transformer for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the interior side yard setback requirement along the west property line from 25 feet to approximately 5 feet for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow an increase in the allowable FAR from 4.2 to approximately 4.3 for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the parking requirement for the residential component of the development in the UA Overlay District from 211 spaces to 128 spaces for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the site plan review:

The Department of Community Planning and Economic Development recommends that the City Planning Commission **approve** the site plan review application for the construction of a new 9 to 11 story approximately 120 foot tall multi-family residential development that includes approximately 211 market rate units with approximately 318 bedrooms and 128 off-street parking spaces for the properties located at 918 & 928 University Avenue SE, and 211/215 & 219 10th Avenue SE subject to the following conditions of approval:

1. All site improvements shall be completed by April 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Incorporation of a principal entrance off of University Avenue SE into the entrance vestibule.
4. Incorporation of windows, entries, recesses, projections or other architectural elements along the west and south elevations of the proposed building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the Zoning Code.
5. The first two levels of the building shall incorporate clear windows that have a pattern and rhythm consistent with the above floors that resemble the clear storefront windows located in the active areas within the building. Etched or perforated glass openings that allow light and limited views into and out of the building are acceptable.
6. Compliance with the landscaping quantities as required by Section 530.160 of the Zoning Code.

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7. The Travel Demand Management Plan must be approved by the Development Services Director prior to submission of plans for final approval and building permit issuance.

Attachments:

1. Rezoning Matrix – C2vs. OR3
2. Statement of use / description of the project
3. Findings –CUP and Variances
4. Correspondence
5. Zoning map
6. Plans – Site, landscape, elevations, floor plans, civils, shadow studies, context
7. Photos
8. PDR Report

Legal Description of the Property

Lots 1, 2, 9 and 10;

That part of Lots 3 and 8 lying Southeasterly of the Southeasterly right of way line of Interstate Highway No. 35 as described in Final Certificate, Document No. 1073213; All in Block 30, Saint Anthony Falls.

EXCEPT:

That part of Tract A described below:

Tract A, Lots 1, 2, 9 and 10, and that part of Lots 3 and 8 lying southeasterly of the southeasterly right of way line of Trunk Highway No. 35W as described in Final Certificate Document No. 1073213, all in Block 30, Saint Anthony Falls, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota; the title thereto being registered as evidenced by Certificate of Title No. 1045495;

Which lies northwesterly of Line 1 described below:

Line 1. Beginning at a point on the southwesterly line of said Lot 8, Block 30, distant 26.00 feet southeasterly of the southwesterly corner thereof; thence northerly to a point distant 24.00 feet southeasterly (measured at right angles) of a point on the northwesterly line of said Lot 8, distant 44.00 feet northeasterly of said southwesterly lot corner; thence northeasterly to a point distant 32.00 feet southeasterly (measured at right angles) of a point on said northwesterly lot line, distant 76.00 feet northeasterly of said southwesterly lot corner; thence northeasterly to the point of termination of Line 2 described below and there terminating.

Line 2. Beginning at the northwesterly corner of said Lot 3, Block 30; thence southeasterly along the northeasterly line thereof for 40.00 feet; thence southwesterly at right angles for 30.00 feet to a point of inflection on the northwesterly line of Tract A hereinbefore described; thence southwesterly along said northwesterly line of Tract A for 46.00 feet and there terminating.

(Torrens Property, Certificate of Title No. 1045495)

Hennepin County, Minnesota