

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)**

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MEMORANDUM

DATE: July 25, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of June 24, 2013

The following actions were taken by the Planning Commission on June 24, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski – 9

Not present: Kronzer (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

4. 15th Ave Student Housing (BZZ-6080, Ward: 2 and 3), 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE ([Becca Farrar](#)). This item was continued from the June 10, 2013 meeting.

A. Rezoning: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a petition to rezone the parcels at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE from the R5 (Multiple-family) District to the R6 (Multiple-family) District. The UA (University Area) Overlay District would be maintained.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classifications of the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE from the R5 District to the R6 District. The UA (University Area) Overlay District will be maintained.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

B. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to reduce the front yard setback along the west property line adjacent to 14th Ave SE from 15 feet to 7 feet, 11 inches for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard setback along the west property line adjacent to 14th Ave SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

C. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to reduce the front yard setback along the east property line adjacent to 15th Ave SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard setback along the east property line adjacent to 15th Ave SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

D. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to reduce the corner side yard setback along the south property line adjacent to 7th St SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the corner side yard setback along the south property line adjacent to 7th St SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave E, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

E. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to allow transformers and generators within the required north interior side yard for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to allow transformers and generators within the required north interior side yard for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski
Absent: Kronzer

F. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to increase the maximum lot coverage from 70% to 81.2% for properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum lot coverage from 70% to 81.2% for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski
Absent: Kronzer

G. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom) for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom) for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE subject to the following condition of approval:

1. The required number of off-street parking stalls shall not be reduced below a ratio of .27 per bedroom.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski
Absent: Kronzer

H. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to eliminate the off-street loading requirement for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to eliminate the off-street loading requirement for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski
Absent: Kronzer

I. Variance: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to eliminate the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE subject to the following condition of approval:

1. The 5 off-street parking spaces affected by the reduced width shall be designated as compact parking spaces.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski
Absent: Kronzer

J. Site Plan Review: Application by Faegre Baker Daniels, LLP, on behalf of CPM Development, LLC, for a site plan review to allow for the construction of a new 6-story, 80-foot tall, 202 unit residential development with a total 643 bedrooms, and 174 below grade parking spaces for the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE.

Action: The City Planning Commission **approved** the site plan review application for the construction of a new 6-story residential development that includes 202 residential dwelling units with 643 bedrooms and 174 below grade parking spaces (ratio of .27 per bedroom) on the properties located at 700, 702, 704, 706, 710, 712, and 714 14th Ave SE, 1409, 1411, 1413, 1415, 1417, and 1419 7th St SE, 701, 709, 715, and 717 15th Ave SE subject to the following conditions:

1. All site improvements shall be completed by August 2, 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. The final elevations shall include the applicable material calculations for each elevation of the building. Cement board materials shall not exceed more than 30% coverage on any single elevation of the proposed building.
4. A detailed landscape plan shall be provided with the final submittal that details all specific plantings that are located on the subject property and those that are located in the public right-of-way. The final plan shall be substantially similar to the plan approved by the Planning Commission.
5. Compliance with the landscape quantity requirements, including canopy trees, per Section 530.160 of the Zoning Code.
6. A total of 643 bicycle parking spaces shall be provided on the premises; 90% of which meet the long-term bicycle parking standards as outlined in Section 541.180 of the Zoning Code.

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

President Tucker opened the public hearing.

David Stahl (Cunningham Group) [not on sign-in sheet]: We originally came in following the 15th Ave Master Plan and we met with the group and we did certain aspects. I have a brief summary to hit some of the bullet points. The master plan is quite clear in calling out setbacks and other areas and activation of larger stoops on ground floors, balconies to activate the façade and things along that manner so we did hit that, but the building due to its scale, even though we were following the setbacks so moves could be done...we held the corners and pulled the midpoints to add articulation. We had originally proposed to have larger stoops at the ground floor but not actual steps connecting just due to student housing. The group decided that it would fit better and activate the street more do have individual entries so we did add those along 15th and then later on we decided to add a muse along the back side to draw people from the inner parts of the block and give them a nice clean lit safe way to get to 15th and we added stoops along that side and on 14th as well in order to keep a feeling of uniformity around. We provided increased the amount of street scape. For instance, we have benches and tables and things like that as well. The master plan called out for 15th to be the focus. It was kind of a nice thing that we decided to go all the way around. Lastly, some of the greater good for the community improvements were the master planned called out for an eight foot sidewalk along 15th due to the load. Currently, the owner is negotiating with the owners of the properties to the north to continue that all the way up for the whole block to have that block done versus having it wide and then down all of the sudden. For the exterior of the building, we came through and the first change was articulating the midpoints, pulling it back to give some interest and undulation. There were discussions of materials. The thought has been to dial back the

variety. We thought maybe to fit in with the neighborhood and something more residential scale that's to the west we would try to bring in a few more, but it seems like most had a feeling that toning that down a little bit...we're continuing even right today working with some colors. Our massing is set and fine but we might try to bring some colors down into a closer set. While we wanted to change it, we also wanted to keep as much of the massing and the unit types the same inside. It's hard to see and I'll show a plan that shows the setbacks, but the center portion...the upper is the new and the lower is the older. This is where we do our stepping and articulation. Notice that we keep some of the materials on this side. On the south, we tried to simplify again with three moves of interest and a background where before we had a few other versions. Most of our work was done along 14th because that's where the residential...on 15th across the way is the practice fields and things. We wanted to make sure we related as much as we could to the neighborhood. We brought down two story masses and things like that to help reflect to some of the adjacent properties. Although the building is tall on that side, we wanted to do as much as we could to bring our eye down. By enhancing the public realm, that was hopefully our offset due to keeping six stories on that due to bringing all those properties together. It really made financial sense for the building to be that way.

President Tucker: Do those upper stories actually set back some substantial amount?

David Stahl: The corners we held at the midpoint after floor two, trying to keep some of the massings. They go in and out at that point they go back...

President Tucker: How far back?

David Stahl: Right now, six and half feet. In the site plan, I have a color one that will demonstrate more clearly. If you were to go straight from the corner, there's where we're doing our setbacks. Most of it is happening along the south side and then our portions on the east and west. The north side we are keeping flat due to it facing the block, but there are breakups in material and scale. We have a nice interior court to contain some of the outdoor activities. It is over parking so it doesn't count toward our lot coverage but it is a nice usable area that can be supervised and used by our residents. One hundred percent of our parking is below grade, which is in conformance with the master plan. The increased mass was the final point in the master plan that it called to accumulate plots and build bigger buildings of higher density. We are close enough to the university and Dinkytown to supply it with the residents and it wouldn't affect the parking aspect there since we're a few blocks off of the commercial district.

Jackie Starbird (718 14th Ave SE) [not on sign-in sheet]: I am on the block where this proposed building is scheduled to be built. I've lived there for nearly 20 years so I am very concerned about the scale of this building and also the parking. I've attended a couple Marcy Holmes land use meetings and it looks to me like this proposed development will occupy about 70% of the block and changing it radically. There are about 17 buildings that are proposed to be demolished with about 65 residents. It looks like this is a proposed six story and 202 unit building with 643 bedrooms. It looks to change the makeup of the residency by about ten times. There is only one building on that block that is a sort of large scale building that is about four stories. Everything else is single homes, duplexes or triplexes and townhomes. I feel strongly that it is out of scale for our neighborhood. I think there are real consequences to this kind of development and it's happening a lot in Marcy Holmes and I think it's happening a lot without resident's awareness. What this project is proposing is maximum lot coverage...an exemption I guess, from 70% to 81% as far as the scale of the building on that space so we're looking to lose green space and open space on the block. They're also looking for variances on three sides from 15 to seven or five feet and I just feel that this developer ought to maintain the basic requirements. I think the requirements are at five stories and he's going up to six. I think all of these variances are creating something that is grossly out of scale to our neighborhood. I think there is certainly room for high density in the neighborhood, but I think this is over the top and I think that it is important for Marcy Holmes

and for the City that we keep some standards to limit this sort of scale of building that it's happening quite a lot around Marcy Holmes. I understand the student population growth and the need for student housing but what we're losing here is a diversity of neighbors. A lot of long-term neighbors like myself will be basically forced out because this is essentially student housing. What you use there is a lot of commitment to the neighborhood in terms of watching the crime, the graffiti and just general safety for students and the U of MN. My other major objection is the parking. What they're asking for here is a reduction. The requirement would be 321 spaces and they're asking for a variance to 174 spaces. We're looking at 640-something residents to fill this and I can tell you as a long term resident that this is problematic and we have horrible parking problems in the area. This is going to add tremendously to the problem. I've been told there are plans for other parking lots to be built in the area, but I can tell you that students and other residents don't want to pay \$100 a month for parking. I was at a land use meeting recently with a developer and he said it was not a problem for him to accommodate the required amount of parking; that he would just have to dig deeper. I think we should expect that this developer take responsibility and help offset some of the parking problems in the area, especially because the basic requirement only meets about 50% of the needs of the number of residents that are going to be in that building. I feel like the residents of this neighborhood have not been adequately notified of the situation here. I only know about it myself because one of my neighbors is having to vacate because her building will be demolished. Except for an orange sign that was taped to a tree in front of my yard, notifying the public of this public hearing, there was no other notification that I was aware of. How the public knows about this, I'm real curious.

President Tucker closed the public hearing.

Commissioner Huynh: I will move staff recommendation for item A, the rezoning (Luepke-Pier seconded).

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

Commissioner Huynh: I will move staff recommendation for B, C, D, E, F, G, H and I (Schiff seconded).

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski

Absent: Kronzer

Commissioner Huynh: I will move staff recommendation for item J, the site plan review (Brown seconded). I think it's unfortunate that the notice that didn't get out to you. Typically, the City does issue notices at least 45 days in advance, however, the design team has been...I believe it's 45 days...

Staff Wittenberg: Just to clarify, that's a 21 day notice to the neighborhood group. We send out notices to all property owners within 350 feet about 15 days prior to the public hearing.

Commissioner Huynh: It's unfortunate that the notice perhaps didn't get to you in a timely manner, I'm not sure what happened with the mail, but the developers have been coming to our hearings and discussing some of the options and I feel that the design that we have in front of us is a better option than what we started with. They came to two City meetings and a lot of the variances were triggered by requests that the Planning Commission thought would be better for the area which is more unit entries, street trees, landscaping and we felt that that added a little bit more context and a better pedestrian environment for the project at hand.

President Tucker: The way the building meets the ground changed for the better during the whole process with all the entrances not only along 15th, but 14th and 7th. I think we were hoping for a little more change the way the building meets the sky. It's not quite as good as your effort on meeting the ground. Thank you.

Excerpt from the City
Planning Commission Minutes
Not Approved by the Commission

June 24, 2013

Aye: Brown, Cohen, Gagnon, Huynh, Luepke-Pier, Schiff, Slack and Wielinski
Absent: Kronzer