

**Department of Community Planning and Economic Development**  
Rezoning, Conditional Use Permit, Variances and Site Plan Review  
BZZ-6044

**Date:** June 24, 2013

**Applicant:** Opus Development Corporation

**Address of Property:** 1300-1322 5<sup>th</sup> Street SE, 425 14<sup>th</sup> Avenue SE

**Project Name:** 5<sup>th</sup> Street SE Mixed Use

**Contact Person and Phone:** Carol Lansing, Faegre Baker Daniels LLP, (612) 766-7005

**CPED Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** April 25, 2013

**End of 60-Day Decision Period:** June 24, 2013

**End of 120-Day Decision Period:** On May 7, 2013 staff sent a letter to the applicant extending the 60-day decision period to August 23, 2013. An EAW petition was received on May 20<sup>th</sup>, 2013 and the final decision on the petition was made by the City Council on June 14, 2013. During this time, the 60-day clock was stopped. The decision period is therefore extended to September 17, 2013.

**Ward:** 3 **Neighborhood Organization:** Marcy Holmes

**Existing Zoning:** C1, Neighborhood Commercial district; PO, Pedestrian Oriented Overlay district; UA, University Area Overlay district

**Proposed Zoning:** C3A, Community Activity Center district

**Zoning Plate Number:** 15

**Lot area:** 44,338 square feet

**Legal Description:** The Northeasterly 110 feet of Lot 5, and the Northwesterly 22 feet of Lot 3, and the Southeasterly 22 feet of Lot 4, and the Northwesterly 44 feet of Lot 4, and the Southeasterly 61 feet of the Northeasterly 85 feet of Lot 1, and that part of the Northeasterly 85 feet of Lot 1 lying Northwesterly of the Southeasterly 61 feet thereof, that part of Lot 2 lying Northwesterly of the Southeasterly 22.5 feet of said Lot 2 and the Southeasterly 22.5 feet of the Northeasterly 85 feet of Lot 2, and the Southeasterly 44 feet of Lot 3, All in Block P, Tuttle's Addition to Saint Anthony, Hennepin County, Minnesota.

**Proposed Use:** Construction of a 6-story, mixed-use building with 140 dwelling units.

**Concurrent Review:**

- Rezoning from C1, Neighborhood Commercial district to the C3A, Community Activity Center district (retaining the PO and UA Overlay districts)
- Conditional Use Permit to increase height in the C3A district from 4 stories, 56 feet to 6 stories, 73'4"
- Variance to increase the maximum front yard setback in the PO, Pedestrian Oriented Overlay district from 8 feet to 10.5 feet.
- Variance to reduce the interior side yard setbacks.
- Variance to reduce the minimum parking requirement from 140 spaces to 62 spaces (a total of 138 spaces will be provided but 76 are intended to be used for general commercial parking)
- A variance to reduce the minimum loading requirement from one small space to 0.
- Site plan review for a new mixed use building with 140 dwelling units and approximately 9,500 square feet of ground floor commercial space

**Applicable zoning code provisions:** Chapter 525: Article VII Conditional Use Permits, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” Section 525.520 (6) “to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces,” Section 525.520 (20) “to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District and Chapter 530 Site Plan Review.

**Background:** The development site is located on the north half of the block bound by 4<sup>th</sup> Street SE, 13<sup>th</sup> Avenue SE, 5<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE. The subject site currently contains three buildings and a large amount of surface parking. The applicant proposes to demolish the existing structures and construct a new 6-story, 140-unit mixed use building with 10,317 square feet of ground floor commercial space and one level of below grade parking. Additional parking is provided in the center of the building on the first floor. The property is zoned C1, Neighborhood Commercial district and is located in the Pedestrian Oriented Overlay and University Area Overlay districts. The applicant is requesting rezoning (base zoning) to the C3A, Community Activity Center district.

The principal residential entrance to the building will be located along 13<sup>th</sup> Avenue SE and will open into a lobby. A separate entrance is proposed for the residential amenities, including a club room and fitness room. That entrance will open to a patio space adjacent to 5<sup>th</sup> Street SE. The unit mix for the residential component is five studio units, 45 one-bedroom units, 80 two-bedroom units, three three-bedroom units and seven four-bedroom units. The floor plan shows five commercial tenant spaces on the east end of the building. Two of these will be oriented toward and accessed from 5<sup>th</sup> Street SE and three are oriented toward and accessed from 14<sup>th</sup> Avenue SE. The underground parking will be accessed from 13<sup>th</sup> Avenue SE and the ground level parking will be accessed from 5<sup>th</sup> Street SE.

Department of Community Planning and Economic Development  
BZZ-6044

The maximum height permitted in the C3A, Community Activity Center district is four stories, 56 feet. The proposed building has a maximum height of six stories, 73'4". A conditional use permit for increased height has been requested accordingly.

Residential uses in the C3A district have a minimum side yard setback requirement of  $5+2x$ , but not more than 15 feet, where the use contains windows facing an interior side yard or rear yard. Due to the layout and platting of the site, the property has several interior side lot lines. The three south-facing property lines are all considered interior side yards. The building wall for the residential portion of the building is reduced to 10 feet on the east side of the site, 12 feet in the center of the site and 10.5 feet on the west side of the site. The interior side yard on the west side of the site also includes a transformer and generator. The site also has an interior side yard along the west property line, between the proposed building and an existing building at 418 13<sup>th</sup> Avenue SE (Burrito Loco). This interior side yard is being reduced from 15 feet to 10 feet. Variances have been requested accordingly.

The Pedestrian Oriented Overlay district (PO) has a maximum setback requirement of eight feet for front yards and corner side yards, except where a greater yard is required. Along the north property line the applicant is proposing a maximum front yard setback of 10.5 feet for the entrances to the residential amenities (club room and fitness center) and the commercial use in the northeast corner of the site. A variance from eight feet to 10.5 feet has been requested for each of these entrances.

The minimum vehicle parking requirement for the residential component is .5 spaces per bedroom, but not less than one space per dwelling unit, and there is no commercial parking requirement. In this case, there are 140 dwelling units and 247 bedrooms and the one space per dwelling unit provision applies. The minimum parking requirement is 140 spaces. The applicant is providing 138 parking stalls within the development. However, 76 of those parking stalls will be designated for general public parking. Thus, a parking variance from 140 spaces to 62 spaces (.25 per bedroom) has been requested. The details of the public parking have not been determined at this time. The applicant/property owner may charge a fee for parking and may determine the appropriate hours of operation, subject to licensing standards.

Residential uses including 100-250 dwelling units require one small loading space. A loading space is shown in the grade-level parking area but said loading space is partially located within a required drive aisle. A variance to reduce the loading requirement from one small space to zero has been requested accordingly.

This application was originally scheduled for the May 20<sup>th</sup>, 2013 City Planning Commission meeting. On May 20<sup>th</sup>, the Environmental Quality Board (EQB) notified staff that a citizen's petition for a discretionary Environmental Assessment Worksheet (EAW) had been received for the project. The Zoning and Planning Committee of the City Council considered the petition and the staff findings related to the EAW petition at its meeting on June 6, 2013. The Zoning and Planning Committee denied the petition and the EAW was not ordered. The full City Council voted to deny the petition on June 14, 2013 with the Mayor's signature to

follow. The action of the City Council will be signed prior to the June 24<sup>th</sup> City Planning Commission public hearing.

Staff received a letter from the Marcy Holmes Neighborhood Association dated April 16, 2013, recommending approval of the applications with conditions. The conditions primarily relate to parking and traffic impacts during construction. There is also a condition asking that the commercial space be guided for small, local and diverse businesses. The full letter has been attached for reference.

**REZONING: (from C1, Neighborhood Commercial district to C3A, Community Activity Center district)**

**Findings as required by the Minneapolis Zoning Code:**

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

*The Minneapolis Plan for Sustainable Growth* identifies this site as commercial on the future land use map. The site is within the boundaries of an Activity Center and near a Growth Center (University of Minnesota). According to the principles and polices outlined in the comprehensive plan, the following apply to this proposal:

**Land Use Policy 1.1: 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.**

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 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 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.**

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.

1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

**Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

**Land Use Policy 1.8: 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.**

- 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 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.**

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- 1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

**Land Use Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.**

1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

**Housing Policy 3.1: Grow by increasing the supply of housing.**

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

**Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.**

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.

The applicant is proposing a 140-unit mixed use development on a lot that is 1.02 acres in size. The resulting density is approximately 137 dwelling units per acre. This level of density fits into the very high density category per *The Minneapolis Plan for Sustainable Growth*, which identifies this density category as development with 120-200 dwelling units per acre. This level of density is appropriate at the center of an Activity Center and near a Growth Center. While the comprehensive plan states that areas designed as commercial are typically less desirable for mix-used development that includes residential, this particular parcel is located within and near to other land use features for which mixed-use development is appropriate. Redevelopment of a site that is currently dominated by surface parking, at the development intensity proposed, supports the adopted policies for Activity Centers and is appropriate in a Pedestrian Oriented Overlay district.

**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 C3A district would be considered in the interest of both the property owner and the public as it would allow for greater density and a more diverse set of commercial and cultural uses in an Activity Center and near a Growth Center. This level of density is supported by adopted City policy and would support the Comprehensive Plan by providing high density development to contribute to the vibrancy of the Activity Center.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is currently zoned C1, Neighborhood Commercial district. The property directly north of the site is zoned C2 and is currently being redevelopment as a mixed-use Planned Unit Development with 317 dwelling units and approximately 44,255 square feet of ground floor commercial space. Other properties on the subject block are zoned C1 and include a number of restaurants, a bank and several small-scale retail sales and service uses. There is also one single-family dwelling on the block. The surrounding area contains a mix of commercial and residential uses, including some high density residential. The block to the west is primarily zoned OR3 and contains one very large residential development that is approximately 18 stories in height. The site is located within the boundaries of a designated Activity Center and near a Growth Center. The proposed C3A zoning would be appropriate in this location and compatible with existing uses of property in the general vicinity.

**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.**

There are reasonable uses of the property permitted in the current C1 zoning classification. However, the uses allowed in the current zoning district would likely result in the underutilization of the subject site in regard to residential density due to the area in which the parcel is located and the variety of commercial uses permitted. The proposed zoning is more compatible with adopted City policies and more reasonable for the site. The site is currently underutilized and contains a series of large surface parking lots with a total of 94 stalls. Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

**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 properties were zoned B3S-2 and B3S-4 (Community Service District). There has been an ongoing change in the character and trend of development within the general area due to the proximity of the site to the University of Minnesota. A large planned unit development with 317 dwelling units is currently under construction across the street to the north and other recent residential developments are located within the immediate area. Further, due to the immediacy to higher density zoning, such as OR3, as well as the fact that the subject properties are located within a designated Activity Center, staff finds that the rezoning request is reasonable, appropriate and consistent with adopted policy.

**CONDITIONAL USE PERMIT : (to increase the maximum height in the C3A district from 4 stories, 56 feet to 6 stories, 73'4".)**

**Findings as Required by the Minneapolis Zoning Code:**

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

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

The maximum height in the C3A district is 4 stories or 56 feet. The applicant is proposing a building height of 73'4". Staff finds that allowing a new 6-story structure with a maximum height of 73'4" would not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed project accommodates a mixed-use development at a residential density that is desired in an Activity Center and near a Growth Center. Further, there are developments of relative comparable height located within the immediate vicinity. The UTEC project that is currently under construction across the street will have a maximum height of six stories, 76 feet. To the northeast, building heights range from three to five stories. To the east there is an 18-story residential building (Chateau) and other three story residential buildings. The applicant has provided shadow studies that illustrate the impact on surrounding properties, which would be minimal.

**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 is not 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 within an Activity Center and near a Growth Center. Adopted City policies encourage both high and very high density mixed-use development in this location. In order to achieve the desired density in a sensitive manner, an increase in height above the district standards is appropriate.

The proposed massing of the building has the height at the center of the block with shorter sections along the street. At the corner of 5<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE, the height of the building is two stories. The building steps back 29 feet from 14<sup>th</sup> Avenue SE and 12 feet from 5<sup>th</sup> Street SE before stepping up to six stories. At the corner of 5<sup>th</sup> Street SE and 13<sup>th</sup> Avenue SE the building is three stories in height. The building steps back 18 feet from 13<sup>th</sup> Avenue SE and 12 feet from 5<sup>th</sup> Avenue SE before stepping up to six stories in this location. Along the rest of the 5<sup>th</sup> Street SE frontage the building will be one story in height for the first eight feet. The building is also articulated into two sections with the center of the building stepping back 97 feet above the first floor. The massing of the building and distribution of height mitigates any potential adverse effects on the surrounding area by reducing height at the street edge.

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

The site is served by existing infrastructure and would be accessed at two points. The grade level parking will be accessed from 5<sup>th</sup> Street SE and the below grade parking will be accessed from 13<sup>th</sup> Avenue SE. The Public Works Department has reviewed the preliminary plans and will review the final plans for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required 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 plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**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. The site is well served by transit, ample bicycle parking is provided for the residential and commercial uses and hourly public parking will be provided within the development to serve the general area. While the site requires a parking variance from 140 stalls to 62 stalls, staff does not believe that the proposed use will contribute to traffic congestion, based on the findings below in the variance section of the staff report.

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

*The Minneapolis Plan for Sustainable Growth* identifies this site as commercial on the future land use map. The site is within the boundaries of an Activity Center and near a Growth Center. According to the Principles and Policies outlined in the comprehensive plan, the following apply to this proposal:

**Land Use Policy 1.1: 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.**

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 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.

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- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

**Land Use Policy 1.8: 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.**

- 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 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.**

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.3 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.

1.12.7 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

**Land Use Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.**

1.15.4 Encourage the development of high- to very high-density housing within Growth Centers.

**Housing Policy 3.1: Grow by increasing the supply of housing.**

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

**Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.**

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.

The applicant is proposing a 140-unit mixed use development on a lot that is 1.02 acres in size. The resulting density is approximately 137 dwelling units per acre. This level of density fits into the very high density category per *The Minneapolis Plan for Sustainable Growth*, which identifies this density category as development with 120-200 dwelling units per acre. The increased height allows the project to achieve the level of density called for in an Activity Center.

The site is also within the study area of the *Marcy Holmes Master Plan*. In terms of height, the small area plan calls for a maximum height of four stories. Specifically, the plan asks that “*new building be built within the four story height framework of the district and relate to the surrounding architecture in scale and design.*” If the applicant were to construct a four story building in roughly the same building footprint, the massing would likely be altered to provide more height and bulk at the street edge. As designed, the building is one story in the center of the block fronting along 5<sup>th</sup> Street SE, two stories in the northeast corner and three stories in the northwest corner, with the majority of the height located near the center of the block. The proposed massing limits height at the street edge and provides a pedestrian experience similar to the traditional development pattern in Dinkytown.

**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 conditional use permit, variances and site plan review this development would be in conformance with the applicable regulations of the zoning code, as evaluated below.

### **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 not be expected to have significant impacts on the amount of light and air that surrounding properties receive. Staff would expect some minimal effects on the adjacent properties according to the attached shadow survey. However, the proposed massing and allocation of height, including limited height at the street, will minimize the potential impact on adjacent uses.

#### **2. Shadowing of residential properties or significant public spaces.**

There are no residential properties immediately adjacent to the site that would be significantly impacted by shadowing. The subject block has one remaining single family home that is southwest of the site. Due to the fact that this structure is on the south side of the subject site, shadowing impacts will be minimal and occur only in the early morning hours, based on the shadow study provided. The UTEC building under construction across the street to the north will range from five to six stories along 5<sup>th</sup> Street SE. The two buildings are separated by the public street and wide sidewalks. Shadows produced by the proposed building will not impact the outdoor spaces proposed on the UTEC site.

#### **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. The UTEC building that is currently under construction directly north of the subject site will have a maximum height of six stories. One block to the east, the Chateau condo building is 18 stories in height. Other structures in the immediate area vary in height from one to four stories. Staff finds that the proposal is compatible with the scale and character of other buildings in the area. The height of the building steps down to three stories in the northwest corner, one story in the center of the site fronting along 5<sup>th</sup> Street SE and two stories in the northeast corner. The design and allocation or distribution of height on site would be compatible with the surrounding uses. As proposed, the massing of the building would create a pedestrian experience similar to the historic fabric of Dinkytown while reinforcing the street edge in a sensitive manner.

#### **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 height of the proposed building.

**VARIANCE: (to reduce the required interior side yard setbacks from 15 feet to 0 feet)**

**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.**

Residential uses in the C3A district have a minimum side yard setback requirement of 5+2x, but not more than 15 feet, where the use contains windows facing an interior side yard or rear yard. Due to the layout and platting of the site, the property has several interior side lot lines. The three south-facing property lines are all considered interior side yards. The building wall for the residential portion of the building is reduced to 10 feet on the east side of the site, 12 feet in the center of the site and 10.5 feet on the west side of the site. The interior side yard on the west side of the site also includes a transformer and generator. The site also has an interior side yard along the west property line, between the proposed building and an existing building at 418 13<sup>th</sup> Avenue SE (Burrito Loco). This interior side yard is being reduced from 15 feet to 10 feet. Variances have been requested accordingly. An interior side yard is also located along the east property line, between the proposed building and the existing building at 417 14<sup>th</sup> Avenue SE. The proposed building will comply with the side yard setback requirement in this location, as the residential portion of the building will have a setback of 21.5 feet in this location. This required yard is being reduced from 15 feet to 10.5 feet.

Practical difficulties exist in complying with the ordinance. The setback requirement is based on the windows proposed on these elevations. While the height of the building is partially responsible for the degree of variance requested, the proposed height is not inappropriate given its location in an Activity Center and near a Growth Center. If the windows were eliminated, the building could be built up to the property line. However, eliminating the windows would diminish the livability of any dwelling units proposed along these interior side yards. Due to the layout of the site and the underlying platted lots, the site has five interior side yards. Requiring the building to comply with the setback requirements along these interior property lines would also create practical difficulties in complying with established policies for very high density development in this location. Furthermore, the south-facing interior side yard on the east side of the site is the most appropriate location on the site for the transformer because of the limited visibility of this corner of the site. These circumstances are unique to the property and have not been created by the applicant.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The request to allow a reduced setback along the interior side property lines is reasonable. The applicant is proposing to step back the upper floors of the building to create greater setbacks for the residential uses facing the majority of these property lines. On the west side of the building, the first three floors are located a minimum of 10.5 feet from the interior side property line (south). The fourth through sixth floors step back 25 feet from this interior side property line. In the center of the building, the building maintains a setback of 12 feet from the ground floor up. On the east side of the building, the portion of the building that faces the east interior side lot line complies with the minimum setback. The south-facing portion of the building has a setback of 10 feet on the second level and 12 feet on the third through sixth floors.

Granting this setback variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan. In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The urban design policies of the comprehensive plan also address this issue in calling for building placement to allow light and air into the site and surrounding properties. The building is designed in a manner that would allow for adequate access to light and air for the subject site and the adjacent property and would provide an adequate separation of uses. This is achieved by maintaining a minimum setback of 10.5 feet for all residential portions of the building and stepping back the upper floors to achieve setbacks of 12 feet to 25 feet. Isolating the height to the center of the site allows for an appropriate transition to adjacent uses. The proposed setbacks would also allow for adequate access to light and air should the surface parking lots to the south be redeveloped in the future.

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

The surrounding area contains a mix of commercial and residential uses. Several other buildings in the immediate area are built from lot line to lot line with no setbacks. As such, the proposed setback would not alter the character of the locality or be injurious to the use and enjoyment of adjacent properties. The proposed interior side yard setbacks would not be detrimental to the health, safety or welfare of the general public or those utilizing nearby properties. The setbacks are required due to the fact that windows are proposed for the residential uses along these property lines. A windowless building constructed directly up to the property line would have a far greater impact on the character of the surrounding area than the proposed setbacks. The proposed setbacks range from 10.5 feet to 25 feet for various portions of the building. The proposed setbacks will allow adequate access to light and air and minimize potential impacts on those utilizing nearby properties.

**VARIANCE: (to the Pedestrian Oriented Overlay District standards to increase the maximum front yard setback from eight feet to 10.5 feet.)**

**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.**

The Pedestrian Oriented Overlay district (PO) has a maximum setback requirement of eight feet for front yards and corner side yards, except where a greater yard is required. Along the north property line the applicant is proposing a maximum front yard setback of 10.5 feet for the residential amenities entries. The commercial tenant entrance at the corner of 5<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE will also have a setback of approximately 10.5 feet. This entrance faces the corner. Along 5<sup>th</sup> Street SE, the setback of the rest of the building wall ranges from one foot to five feet from the front property line. Along 14<sup>th</sup> Avenue SE the majority of the building has a setback of approximately four feet and the entrances for the other commercial tenant spaces step back to eight feet. Along 13<sup>th</sup> Avenue SE the majority of the building is located up the property line. The main residential entrance is slightly recessed and the access into the underground parking garage is eight feet back from the property line to allow proper sight triangles.

Practical difficulties exist in complying with this requirement. The additional setback for the residential amenity entries is provided in order to allow a separation between the commercial and residential spaces, to provide a more secure and private entryway and distinguish between public and private spaces. The increased setback also allows for landscaping and a patio space between the club room and fitness room and the public sidewalk which will activate the public street. An architectural trellis element is located above the outdoor space to reinforce the street wall. Similarly, in the northeast corner of the building the increased setback allow for a wider sidewalk to accommodate pedestrian traffic. This element also allows for a traditional corner store design that reflects the character of Dinkytown. The second floor of the building is located up to the property line in this location, again to reinforce the street wall. These circumstances are unique to the parcel and have not been created by the applicant.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The PO, Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The standard pertaining to the placement of buildings is intended to reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. In general, policies of the comprehensive plan also support the intent of this ordinance. The majority of the building wall along all three

street frontages will comply with the eight foot maximum setback in keeping with the spirit and intent of the ordinance. In the northeast corner of the building, the commercial entrance will have a support post at the corner and the second floor of the building will be located up to the property line. The residential amenity entrance will have a patio space between the building wall and the public street to activate the space. The overall building design and site layout will reinforce the street wall and facilitate pedestrian access and circulation. A significant amount of glazing is proposed all along the first floor, including these entrances, to provide opportunities for natural surveillance and visibility. An increased setback for these entry components is reasonable.

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

The proposed setbacks for the residential amenity entries and corner commercial tenant will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity, nor should the proposed variance will be detrimental to the public health, safety of welfare. As stated above, the increased setback for the corner commercial entrance will allow for a traditional urban design that is reflective of the historic character of Dinkytown. The increased setback for the residential amenity spaces will allow for landscaping and an outdoor gathering/patio space between the building wall and the street and delineate between public and private spaces. The majority of the building wall will maintain a maximum setback of eight feet to reinforce the street wall.

**VARIANCE: (to reduce the required number of off-street parking spaces from 140 to 62 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.**

The minimum vehicle parking requirement for the residential component is .5 spaces per bedroom, but not less than one space per dwelling unit, and there is no commercial parking requirement. In this case, there are 140 dwelling units and 247 bedrooms and the one space per dwelling unit provision applies. The minimum parking requirement is 140 spaces. The applicant is providing 138 parking stalls within the development. However, approximately 76 of those parking stalls will be designated for general public parking. Thus, a parking variance from 140 spaces to 62 spaces (.25 per bedroom) has been requested.

Practical difficulties exist in complying with the minimum parking requirement due to the fact that the site is uniquely situated in terms of proximity to transit and access to alternate

modes of transportation such as shared vehicles, bicycle infrastructure and a pedestrian friendly environment that makes the area very walkable. The amount of parking for residents is being reduced to provide hourly public parking to respond to the demand in the area and concerns raised by neighboring business owners. The existing site has 94 surface parking stalls that are currently used as hourly public parking. There are no long-term leases for these stalls and they are available to the general public. To compensate for the reduction in short-term parking available for neighboring businesses, the applicant is providing 76 public parking stalls within the development. These circumstances are unique to the parcel and have not been created by the applicant.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The requested parking variance from 140 spaces to 62 spaces is reasonable due to the fact that additional parking will be provided on site for use by the general public, the site's proximity to transit and alternative modes of transportation available in the immediate area. The applicant has provided an analysis based on leased parking for other projects in the area and maintains that the amount of parking provided will be adequate to serve the residential use. The amount of parking provided for the residential uses equates to .25 spaces per bedroom. An additional 76 spaces will be provided as hourly public parking to be used by the general public. The number of hourly spaces provided is in response to concerns raised by neighboring business owners and the Dinkytown Business Association about the loss of the surface parking currently located on site. These hourly spaces could potentially also serve as short-term guest parking for the residential uses.

Staff finds that the granting of the variance will be in keeping with the spirit and intent of the ordinance. The site is located near the University of Minnesota Campus and is within the boundaries of an Activity Center. *The Minneapolis Plan for Sustainable Growth* states that Activity Centers are heavily oriented towards pedestrians and maintain a traditional urban form and scale. Activity Centers are also well-served by transit. That is the case with this particular site. The site also contains the Pedestrian Oriented Overlay District which is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. Redeveloping a site that is dominated by surface parking is consistent with the intent of the Pedestrian Oriented Overlay district and the Activity Center designation. As evaluated below, the parking reduction is not expected to contribute to traffic congestion in the area.

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

The reduction in parking will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. A Travel Demand Management Plan

(TDMP) was completed for the project and found that no significant traffic-related impacts are anticipated with redevelopment of the site. As such, the proposed variance will not be detrimental to the public health, safety of welfare and will not result in significant congestion in the adjacent streets. Because of the proximity to transit, the adequate supply of bicycle parking and the close proximity to the core of the University of Minnesota, staff finds that the granting of the variance would have little impact on congestion of area streets.

The site is located adjacent to thirteen Metro Transit bus routes, two MVTA bus routes, one Maple Grove Transit route, and the University of Minnesota Campus Connector route. Bus stops for each of these seventeen routes are located within two blocks of on the site along 4th Street SE, 15th Avenue SE and University Avenue. There are two shared vehicles available within one block of the site as part of the Zipcar program. The site is also well-situated to promote biking as a primary mode of transportation. Secure bicycle storage will be provided within the building for residents at a ratio of one space per bedroom. Bicycle parking will be located in the underground parking garage, within the grade level parking garage and in secure storage rooms on the second and third floors. An additional 24 bicycle parking spaces will also be provided for the commercial tenants. The project site is also a 10-15 minute walk from the closest stop on the Central Corridor LRT line. Finally, there is some on-street parking that is currently available in the vicinity of the proposed site. A count of the on-street parking was conducted as part of the TDMP. The area where on-street parking was gathered is bound by 11th Avenue SE to 15th Avenue SE, between University Avenue and 6th Street SE. A total of 377 on-street parking spaces are currently available in the area surrounding the site (149 metered parking spaces, 166 unrestricted spaces, and 62 restricted 9:00 a.m. to 5:00 p.m. spaces). Most of the metered spaces near the site have a two-hour limit and some have a 30-minute limit.

The applicant has provided information from other University area developments asserting that actual market demand for residential parking is only 0.25 spaces per bedroom, which equates to 62 parking spaces for this project. To further assure that the proposed variance will not impact the surrounding area, the applicant has agreed to monitor the on-site parking demand and adjust parking lease prices at least yearly to maintain short or no waiting lists for parking and encourage student residents to leave vehicles at home. This has been agreed to through the Travel Demand Management Plan.

**VARIANCE: (to reduce the minimum loading requirement from one space to zero.)**

**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.**

Residential uses including 100-250 dwelling units require one small loading space. A loading space is shown in the below grade parking area but said loading space is partially located

within a drive aisle. A variance to reduce the loading requirement from one small space to zero has been requested accordingly. Practical difficulties exist in complying with the minimum loading requirement in this location. Designating an area in the garage for loading with a standard size drive aisle would result in a further reduction in parking stalls. In the statement submitted by the applicant, it asserts that residential unit turnover will be seasonal and therefore move-in and move-out periods will be manageable with the loading area provided. These circumstances are unique to the property and have not been created by the property owner.

**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.**

Allowing a loading space that does not have a standard drive aisle for access is reasonable in this development as it will allow for additional space within the building to be dedicated as public parking. The purpose of the loading regulations is to recognize the loading needs of uses and structures, to enhance the compatibility between loading areas and their surroundings and to regulate the number, design, maintenance, use and location of these spaces. The proposed loading space is intended for temporary move-in and move-out functions and is situated in a manner that will not interfere with maneuverability for other vehicles utilizing this level of parking. In that manner, it is in keeping with the spirit and intent of the ordinance.

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

The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The loading space provided will allow for move-in and move-out activities to occur within the building without impacting neighboring properties. The manner in which the loading space is situated allows the additional public parking to be provided on the first floor in response to concerns from neighboring property owners and businesses.

**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.
- 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:
- 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.**

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

The building will be located directly up to the property line along 13<sup>th</sup> Avenue SE and as it rounds the corner to 5<sup>th</sup> Street SE. Along 14<sup>th</sup> Avenue SE the building will maintain a setback of four feet for the majority of the building wall with the commercial entry doors located eight feet from the property line. The east end of the building that fronts along 5<sup>th</sup> Street SE will have a setback that varies from five feet to one foot. The residential amenities entrance and the entry for the corner commercial space each have a setback of 10.5 feet and a variance has been requested due to the Pedestrian Oriented Overlay district. At the corner, the second floor of the building will extend out to the property line. At the residential amenities entrances, landscaping is proposed between the building wall and the sidewalk along 5<sup>th</sup> Street SE and an architectural trellis element will extend over this space. The placement of the building and the building design will promote natural surveillance and visibility of the surrounding area. The primary entrances to the other commercial spaces will open directly onto the public sidewalk. As stated above, the increased setback for the residential amenities entrance will provide for separation between public and private spaces and the recessed corner commercial entrance will allow for a traditional corner store design that is appropriate in a commercial area. Each commercial entrance will be emphasized with significant glass coverage, awnings and signage. The main residential entrance will be recessed one foot and emphasized in a similar manner. The entrance into the residential amenity spaces, including the fitness room and club room, will have a significant amount of glass and the architectural trellis system noted above.

All of the parking proposed for the project would be located underground or completely enclosed on the first floor.

The massing of the building, including low-rise portions of one to three stories at the street edge, and material changes will break the building into smaller, identifiable sections. Along

5<sup>th</sup> Street SE, the center of the building recesses 97 feet to create a large interior courtyard on the second through sixth floors. Said courtyard will not have access from the building. The large building recess breaks the building into two sections and provides visual relief along the street. The building is also broken into smaller sections at the street through the use of varied brick color, columns, recessed entrances and other architectural elements.

The building does not contain any blank, uninterrupted walls in excess of 25 feet.

Plain face concrete block is not proposed as an exterior material.

The primary exterior materials would be durable and include brick, architectural cast stone, rockface CMU, metal panel and glass. The south side of the parking garage, facing surface parking on an adjacent lot, contains decorative metal grilles. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review. This has been included as a condition of approval.

The window requirement for the first floor of the building is 40 percent for the street-facing elevations due to the presence of the Pedestrian Oriented Overlay district. The north elevation of the building facing 5<sup>th</sup> Street SE contains glazing for 52 percent of the total wall area. On the west elevation, facing 13<sup>th</sup> Avenue SE, glazing comprises 45.3 percent of the first floor. The east elevation, facing 14<sup>th</sup> Avenue SE, contains glazing for 47.9 percent of the first floor. The window requirement for the upper floors that face a public street, public sidewalk, public pathway, or on-site parking lot is 10 percent. Again, this applies to the three street-facing elevations. On the east elevation, facing 14<sup>th</sup> Avenue SE, the upper floors have glazing for a minimum of 34.5 percent of the façade. The second floor has glazing equivalent to 42.9 percent of this elevation. On the north elevation, facing 5<sup>th</sup> Street SE, glazing is provided for a minimum of 39.5 percent of each upper floor. On the west elevation, facing 13<sup>th</sup> Avenue SE, each of the upper floors contains a minimum of 35.7 percent glazing. As a condition of approval, no shelving, signage, merchandise, newspaper racks or other similar fixtures shall be allowed in front of the required ground level transparent windows to ensure that views in and out of the building are preserved.

The first floor of the building contains active functions for more than 70 percent of each street-facing elevation. Along 5<sup>th</sup> Street SE, the ground floor parking comprises 19 percent of the north elevation.

The proposed roofline is flat, consistent with other buildings in the area.

**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 building entrances will more or less open directly onto the public sidewalks adjacent to 5<sup>th</sup> Street SE, 14<sup>th</sup> Avenue SE and 13<sup>th</sup> Avenue SE. The primary residential entrance will open onto the sidewalk. The entrance into the residential amenities will open onto a patio space between the building wall and the public sidewalk. The commercial entrances will all essentially open onto the public sidewalk.

No transit shelters are proposed or adjacent to the site.

Vehicles will access the below grade parking from 13<sup>th</sup> Avenue SE and the grade level parking from 5<sup>th</sup> Street SE. The garage door into the underground parking is recessed eight feet from the front lot line to allow vehicles to queue and safely enter and exit the garage without creating conflicts with pedestrian traffic. The site currently has four curb cuts and that number will be reduced to two as part of the project. The reduction in curb cuts will further minimize conflicts between vehicular and pedestrian traffic. Both curb cuts are limited to 20 feet in width. The applicant has requested a variance to the minimum loading requirement. While a loading space has been provided within the grade level parking, said loading space does not open to an adequate drive aisle. However, it is located in a manner that will allow for move-in and move-out functions to occur with little impact on access to other parking stalls on this level. The portion of the below grade parking that is intended for the general public will be separated from the residential parking on this same level with an access controlled door.

All building entrances are connected to the public sidewalk directly or with walkways to clearly direct pedestrian movements.

All of the parking proposed for the site would be located underground or enclosed on the first floor. Vehicle circulation will primarily occur within the parking garage and grade level parking. The building covers nearly the entire site. A limited amount of landscaping is proposed as part of the project, primarily between the south building wall and the property line and in front of the fitness room and club room. Landscaping is proposed where possible to limit the amount of impervious surface. Street trees, shrubs and perennials are also proposed in the public right-of-way.

#### **LANDSCAPING AND SCREENING:**

Department of Community Planning and Economic Development  
BZZ-6044

- **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.**
- **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.**

The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 44,338 square feet. The building footprint is 37,879 square feet. The net lot area is 6,459 square feet, of which at least 20 percent (1,291 square feet) must be landscaped. The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is three and 13 respectively.

The site plan shows 2,929 square feet of landscaping, equivalent to 45 percent of the site not occupied by buildings. The majority of this landscaping is located on the south side of the building, between the building and surface parking on the parcel to the south. Within the landscaped areas five on-site canopy trees are provided. In lieu of the required shrubs, 72 ornamental grasses and 259 perennials are proposed. Alternative compliance is requested. In addition to the on-site landscaping, 13 canopy trees are proposed within the right-of-way with landscaped beds in between. Rock mulch is shown on the south side of the easternmost part of the building. Staff recommends that the rock mulch be replaced with wood mulch or an alternate material as a condition of approval.

All parking will be provided underground or within the building and no additional landscaping standards apply.

**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.**

Continuous concrete curbing would be provided for the parking garage access points. In terms of stormwater, the project includes a new stormwater management system that will improve current conditions in which water from the surface parking areas drained unfiltered into 5<sup>th</sup> Street SE and 13<sup>th</sup> Avenue SE. Provisions for stormwater were reviewed by Public Works as part of the PDR process and that report is attached for review.

The building should not impede any views of important elements of the city. The height of the building has been evaluated in detail under the conditional use permit section above.

There are no residential properties immediately adjacent to the site that would be significantly impacted by shadowing. The subject block has one remaining single family home that is southwest of the site. Due to the fact that is on the south side of the subject site, shadowing impacts will be minimal and occur only in the early morning hours, based on the shadow study provided. The UTEC building under construction across the street to the north will range from five to six stories along 5<sup>th</sup> Street SE. The two buildings are separated by the street and wide sidewalks. Shadows produced by the proposed building will not impact the outdoor spaces proposed on the UTEC site.

Wind currents should not be a major concern.

The development would include crime prevention through environmental design. The applicant has provided a significant amount of window coverage facing all adjacent streets to provide opportunities for tenants and patrons to observe adjacent spaces. Recessed entrances, including for the residential amenities area, are provided to distinguish between public and private spaces.

The applicant obtained Historic Review Letters from the Department of Community Planning and Economic Development which determined that the existing structures are not historic and may be demolished.

**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 140-unit mixed use building is a permitted use in the C3A District. The applicant is proposing commercial spaces on the ground floor which will likely be retail or restaurant tenants, both of which are permitted in the district.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* The minimum vehicle parking requirement for the residential component is .5 spaces per bedroom, but not less than one space per dwelling unit, and there is no commercial parking requirement. In this case, there are 140 dwelling units and 247 bedrooms and the one space per dwelling unit provision applies. The minimum parking requirement is 140 spaces. The applicant is providing 138 parking stalls within the development. However, 76 of those parking stalls will be designated for general public parking. Thus, a parking variance from 140 spaces to 62 spaces (.25 per bedroom) has been requested.

*Maximum automobile parking requirement:* The maximum parking requirement for general retail uses is one space for each 500 square feet of gross floor area. There is no maximum parking requirement for dwellings except for parking that is not enclosed. All parking proposed for the project will be enclosed. As noted above, 76 parking spaces within the project will be dedicated for general public parking. While this number of spaces would exceed the maximum number allowed for commercial uses within the building, it does not exceed the maximum number of spaces that would be allowed for the project overall. As noted above, the proposed project will be replacing 94 surface parking stalls that are currently located on site.

*Bicycle parking requirement:* The minimum bicycle parking requirement for a multiple-family dwelling is equal to one space per two dwelling units. However, that number is increased to one space per bedroom in the University Area Overlay District. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. The proposed building would have 247 bedrooms and 247 bicycle or scooter parking stalls are provided. Of these, 111 will be in the below grade parking area, 48 will be located on the first floor, 44 will be provided on the second floor and 44 on the third floor. The bicycle parking requirement for the commercial spaces will partially depend on how the spaces are leased, but will likely be three spaces for each use. The requirement for retail uses is three spaces or one space for each 5,000 square feet of gross floor area. There are five commercial tenants spaces and 24 bike parking spaces within the right-of-way, exceeding the minimum requirement. Bike racks in the right-of-way shall require an encroachment permit from Public Works.

*Loading:* Residential uses including 100-250 dwelling units require one small loading space. A loading space is shown in the below grade parking area but said loading space is partially located within a drive aisle. A variance to reduce the loading requirement from one small space to zero has been requested accordingly.

**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. A trash room is included within the proposed structure.

**Signs:** Wall signage equivalent to 1.5 square feet of signage for each one foot of primary building wall is allowed on the north and east elevations because no freestanding signs are proposed. On the north elevation, up to 495 square feet of wall signage is allowed. On the east elevation, up to 126 square feet of signage is allowed. On the west elevation, the maximum allotment for signage is 170 square feet. The maximum area of a single wall sign is 180 square feet and the maximum area of a projecting sign is 48 square feet. Projecting signs may not extend more than 4 feet from the building. There is no limit on the number of signs and no height limit for other wall signage. Generic placeholders for signage have been shown on the plans. A projecting sign that is 14 square feet in area and approximately 20 feet in height is proposed at the corner of 14<sup>th</sup> Avenue SE and 5<sup>th</sup> Street SE. Additionally, a 12 square foot wall sign and a 27 square foot wall sign are shown for the commercial tenants on the east elevation. On the north elevation, a 45 square foot wall sign, a 25 square foot wall sign and a 72 square foot wall sign are proposed. A wall sign that is 28 square feet in area is shown on the west elevation. The plans note that the extent and detail of signage will be maximized as allowed by the zoning code once tenants are identified. Separate permits are required from the Zoning Office for any signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 of the zoning code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum floor area ratio for properties in the C3A district is 2.7. The site qualifies for one 20 percent bonus by enclosing all of the vehicle parking and a second 20 percent bonus for providing commercial uses for more than 50 percent of the gross floor area of the ground floor. The bonuses increase the maximum floor area ratio to 3.78. The applicant is proposing a 151,836 square foot building on a 44,338 square foot lot for a floor area ratio of 3.42. The floor area ratio is within the parameters allowed in this district.

**Minimum Lot Area:** Multiple-family developments in the C3A District require 400 square feet per dwelling unit. The site qualifies for a 20 percent density bonus by enclosing all of the vehicle parking and a second 20 percent bonus for providing commercial uses for more

than 50 percent of the gross floor area of the ground floor. These density bonuses reduce the minimum lot area requirement to 288 square feet per dwelling unit which would allow for up to 154 dwelling units on site. The applicant is proposing 140 units on a 44,338 square foot lot, resulting in a minimum lot area of 316.7 square feet per dwelling unit. The proposed lot area per dwelling unit is within the parameters allowed.

**Dwelling Units per Acre:** The applicant is proposing a 140-unit mixed use development on a lot that is 1.02 acres in size. The resulting density is approximately 137 dwelling units per acre. This level of density fits into the very high density category per *The Minneapolis Plan for Sustainable Growth*, which identifies this density category as development with 120-200 dwelling units per acre. As noted above, this level of density is appropriate in an Activity Center and near a Growth Center.

**Height:** Maximum building height for principal structures located in the C3A District is 4 stories or 56 feet, whichever is less. The applicant is proposing a building that is 6 stories, 73'4" in height and a conditional use permit has been applied for accordingly. The conditional use permit application for the proposed increase in height has been evaluated above.

**Yard Requirements:** The applicant has requested variances to the interior side yards and staff is recommending approval, as evaluated above. A variance to increase the maximum front yard setback in the PO district from eight feet to 10.5 feet has also been requested for two of the building entrances. All remaining setback requirements will be met.

**Building coverage:** Not applicable for this development.

**Impervious surface area:** Not applicable for this development.

### **MINNEAPOLIS PLAN**

*The Minneapolis Plan for Sustainable Growth* identifies this site as commercial on the future land use map. The site is within the boundaries of an Activity Center and near a Growth Center. As evaluated above, a 140-unit mixed use building is consistent with the applicable policies of the comprehensive plan. The proposed project results in a density of approximately 137 dwelling units per acre, which is considered very high density. This level of density is appropriate in an Activity Center.

### **SMALL AREA PLANS**

The site is within the study area of the *Marcy Holmes Master Plan*. The future land use of the site in the small area plan is identified as general commercial. The site is also identified as being within the "commercial focus area." Regarding Dinkytown generally, the plan states the following:

*“East Hennepin, Street Anthony Main and Dinkytown are busy activity centers with a mix of restaurants, bars, retail and entertainment uses. Transit service is good. Residences are appropriately high density to serve the nearby student population. Chronic issues of traffic congestion and parking shortages must be addressed through creative solutions such as transit incentives, shared parking arrangements, and provision of bike lanes and lockers.”*

The following policies of the small area plan apply:

***Land Use Objective:*** *Focusing housing demand to acceptable areas on the edges of the neighborhood.*

***Applicable Policy:***

- *Residential building heights should not exceed four (4) stories in Dinkytown in order to preserve the historical character of the area.*

*Staff comment:* The proposed project is a maximum of six stories in height. As evaluated above in the conditional use permit findings, the building includes lower sections at the street edge that range from one to three stories. The bulk of the building and taller residential elements are located in the center of the block. While the maximum building height exceeds that recommended in the small area plan, the massing of the building has been allocated so that the street edge is reflective of the historic Dinkytown character. If the applicant were to construct a building that were four stories over the entire site, the impact on the character of the surrounding area would likely be more significant.

***Land Use Objective:*** *Development and improvement of Dinkytown within its current boundaries.*

***Applicable Policy:***

- *Dinkytown should continue its current compact form and boundaries. Commercial uses should not expand beyond the area bounded by 13th Avenue, University Avenue, 15th Avenue, and 5th Street SE, except UTECH and the Chateau.*

*Staff comment:* The proposed project includes commercial spaces that are within the current Dinkytown boundaries.

***Land Use Objective:*** *Commercial areas that do not encroach into surrounding residential areas.*

***Applicable Policy:***

- *The neighborhood supports the redevelopment and intensification of the Central/East Hennepin and Dinkytown commercial areas, but does not support expansion into the adjacent residential neighborhoods.*

*Staff comment:* The proposed project includes redevelopment of several underutilized sites that currently contain three commercial buildings and 94 surface parking spaces. The proposed project would be an intensification of these properties and provide five commercial tenant spaces within Dinkytown.

***Housing Objective:*** *Housing construction to replace deteriorated units and provide for a balance of housing types.*

*Staff comment:* While the policies for this particular objective do not address new housing in Dinkytown, the subject site includes five dwelling units in structures that have deteriorated over time. The proposed project includes 140 new dwelling units that range from one to four bedrooms.

***Economic Development Objective:*** *Attraction of additional commercial activities, primarily neighborhood retail.*

***Applicable Policies:***

- *The neighborhood will focus attention on Central Avenue, East Hennepin Avenue, and Dinkytown for core neighborhood services such as groceries, hardware, and pharmacies.*
- *Dinkytown will be primarily, though not exclusively, a pedestrian-oriented place for walk-in business from University students, faculty, employees, visitors to the University, and nearby residents.*
- *All businesses should have active, glass storefronts, with individual business entrances on the sidewalk.*
- *The neighborhood supports a diverse mix of businesses. The Dinkytown district should not be dominated by restaurants and drinking establishments.*
- *Preservation of the character requires that new buildings be built within the four (4) story height framework of the district and relate to the surrounding architecture in scale and design.*

*Staff comment:* The proposed project will include five commercial tenant spaces, each with a significant amount of glass coverage to activate the building at the street. Each business entrance will open directly to the public sidewalk adjacent to 5<sup>th</sup> Street SE or 14<sup>th</sup> Avenue SE. The tenants for these commercial spaces have not yet been identified. As noted above, the building will be a maximum of six stories in height but the height along 5<sup>th</sup> Street and at the corners is limited to one to three stories. The massing of the building has been allocated so that the street edge is reflective of scale of surrounding buildings.

***Economic Development Objective:*** *Preservation of unique locally owned small business.*

***Applicable Policies:***

- *The neighborhood supports the preservation and establishment of unique shops and restaurants. These may be “mom and pop” stores or those that have a limited number of locations in the Twin Cities.*
- *The neighborhood encourages small sized stores rather than big box retail structures.*

*Staff comment:* As stated above, the tenants for the five commercial spaces have not been identified. The largest of the commercial spaces is 2,005 square feet, consistent with the policy to encourage small size stores rather than big box retail structures.

***Public Realm Objective:*** *Improved quality of neighborhood streets, in order to achieve a balance between pedestrian, bicycle, and vehicular uses.*

***Applicable Policies:*** *The neighborhood recognizes a hierarchy of streets. This hierarchy will be used to determine appropriate street character and streetscape treatments throughout the neighborhood, and includes the following designations:*

- *Greenway Corridors are designed for minimal traffic movement and high pedestrian amenity. In addition, they have a more intensively greened character than other neighborhood streets, and they provide immediate access to parks, trails, and bikeways.*
- *Greenway Corridor designation applies to 5<sup>th</sup> Street and Main Street, including the “missing link” parkway connection.*
- *Greenway Corridors should include planted boulevards and street trees, traffic calming measures such as curb bump-outs or variety in pavement, pedestrian-scale lighting, and sidewalks.*

*Staff comment:* 5<sup>th</sup> Street SE runs along the north side of the property and is a designated “greenway corridor” in the plan. The site plan shows nine boulevard trees along 5<sup>th</sup> Street SE with landscaped beds in between. The sidewalk width in this location is a minimum of eight feet. Additional boulevard trees are proposed along 13<sup>th</sup> Avenue SE and 14<sup>th</sup> Avenue SE.

***Public Realm Objective:*** *Adequate street-lighting.*

***Applicable Policy***

- *The neighborhood encourages more pedestrian scale lighting along University Avenue, 4th Street, the 5th Street Bikeway, and 15th Avenue (especially under the railroad bridge), and near senior citizen buildings.*

*Staff comment:* Pedestrian-scale street lighting is proposed in the public sidewalk along all adjacent streets. Building-mounted lighting is also proposed.

***Transit and Transportation Objective:*** *Parking solutions that avoid parking problems and increased traffic in the neighborhood.*

***Applicable Policies:***

- *The neighborhood strongly supports the flexibility in the Minneapolis Zoning Code that can require student housing developments in the Marcy-Holmes neighborhood to have 0.5 parking spaces for each bed proposed in a development. The neighborhood has unique challenges with respect to the new type of apartment buildings with four or more bedrooms per apartment compared to the old model of one and two bedroom apartments. These new apartments have far more people living in them, sometimes two or more people per bedroom, than the old apartments and require more parking.*

*Staff comment:* The zoning now requires .5 parking spaces per bedroom in the UA, University Area Overlay district. The minimum vehicle parking requirement for the residential component is .5 spaces per bedroom, but not less than one space per dwelling unit, and there is no commercial parking requirement. In this case, there are 140 dwelling units and 247 bedrooms and the one space per dwelling unit provision applies. The minimum parking requirement is 140 spaces. The applicant is providing 138 parking stalls within the development. However, 76 of those parking stalls will be designated for general public parking. Thus, a parking variance from 140 spaces to 62 spaces (.25 per bedroom) has been requested.

As stated above, the subject site currently contains 94 surface parking stalls. While privately owned, those surface stalls have historically been used as general public parking. No long-term leases exist for the use of the existing parking. The applicant is providing 76 parking spaces within the building to be used as short-term parking for the general public to ease potential parking shortages in the immediate area. The net loss in public parking on the site will be 18 stalls. The removal of surface parking in a Pedestrian Oriented Overlay district is strongly supported by adopted City policy. The parking variance has been evaluated in detail above.

***Character and Design Objective:*** *Preservation of the small town feel of the neighborhood.*

***Applicable Policies:***

- *The neighborhood is generally opposed to the following actions that would hurt the preservation of the small town character of the neighborhood:*
  - *New construction, generally. Rehabilitation is strongly encouraged over demolition and rebuilding.*
  - *Construction that is too big for a site. This means new buildings that are out of scale and proportion with existing buildings. They may be taller, have straight facades that ignore the architectural rhythm created by existing buildings, or occupy most of the site because of underground parking.*

*Staff comment:* The applicant is proposing to demolish three existing buildings as part of the project. Two of these buildings are former single-family homes that experienced several modifications over time and were eventually converted to mixed-use buildings. The

renovations of these structures, including enclosing the front porch on one and a concrete block addition on the other, have significantly compromised the integrity and character of the original structures. The third building is a single-story, brick commercial building that was constructed in 1973. The style of this building is a form of modernist architecture but is fairly common and unexceptional in design. Each of these existing buildings has been evaluated and do not meet the threshold for historical significance.

The proposed project will feature a continuous streetscape of varied one, two and three story building sections, each with transparent storefronts and the opportunity for individual creative use of awnings and signage. The low-rise street wall is characteristic of the historic fabric of Dinkytown's commercial core. The upper levels of the building are stepped back significantly so that the bulk of the building is primarily located in the center of the block.

***Character and Design Objective:*** *Preservation of the small town feel of the neighborhood.*

***Applicable Policies:***

- *The neighborhood is opposed to actions that would tend to destroy cultural landscapes. These include:*
  - *Neglecting the street trees and greenery in the neighborhood.*
  - *Development of apartment buildings that are located in the single family core of the neighborhood.*
  - *Large scale (large footprint) buildings or buildings taller than four (4) stories in Dinkytown that conflict with the existing character of the area.*

*Staff comment:* A total of 16 boulevard trees and a number of other plantings are proposed as part of the project to add greenery to the neighborhood. The subject site is not part of the single family core or the core of Dinkytown. The plan identifies building heights of four stories for the subject site and specifies that higher densities and building heights are appropriate on the east side of 14<sup>th</sup> Avenue SE, which borders the site to the east. The applicant is proposing one to three stories along 5<sup>th</sup> Street SE and at the corners with additional height, up to six stories, in the center of the site. As previously noted, the proposed massing and architectural design of the building will create an experience at the street level that is characteristic of the Dinkytown commercial core. The project is also consistent with the multiple-family design guidelines of the plan, as follows:

- ***Building Materials:***
  - *Use high quality primary materials: brick, stucco, stone, decorative masonry*
  - *Include complementary accent materials: stone, metal, glass, brick*
- ***Rooflines:***
  - *Use varied rooflines, especially on long buildings*
  - *Step back or accent rooflines to create visual interest*
- ***Ground Level Treatment:***
  - *Place buildings close to pedestrian ways*
  - *Accentuate entries and ground floor with complementary design*

- *Consider ground floor retail opportunities*
- *Use ramps, stairs, and other grade separation techniques to distinguish between public and private space*
- *Building Massing:*
  - *Buildings should not appear as high-rise structures*
  - *Long building facades should be broken up with green spaces, balconies, parking courts, pathways, or changes in material and design*

*Staff comment:* Exterior materials include brick, stone, metal panel and glass. The building has been broken up into smaller sections with a large recess above the second floor in the center of the building. The building is also broken up into smaller sections through the use of varied brick colors, awnings and recessed entries. The building is generally located up to the public sidewalk with a significant amount of glass coverage, detailed entrances and ground floor retail. While the maximum height of the building is six stories, it does not appear as a high-rise structure because the building steps down at the street edge.

### **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:**

Alternative compliance is requested to allow the residential amenities entry to be setback further than eight feet from the front lot line and to allow the corner commercial tenant entrance to also have an increased setback. Each of these portions of the building will be located approximately 10.5 feet from the front lot line. Staff is recommending that alternative compliance be granted and is recommending approval of a variance to the PO standards for this condition as well. The increased setback for the residential amenities entrance will provide for separation between public and private spaces and for a patio and landscaping to

be provided to help activate the street. The recessed corner commercial entrance will allow for a traditional corner store design that is appropriate in a commercial area.

The minimum landscaping standards for this site require 13 shrubs. In lieu of the required shrubs, 72 ornamental grasses and 259 perennials are proposed. Alternative compliance is requested. Staff recommends granting alternative compliance due to the number of other plantings proposed on site and in the right-of-way. In addition to the on-site landscaping, 13 canopy trees are proposed within the right-of-way with landscaped beds in between

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development for the rezoning from C1, Neighborhood Commercial district to C3A, Community Activity Center district:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for rezoning from C1, Neighborhood Commercial district to C3A, Community Activity Center district for the properties located at 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> Avenue SE.

**Recommendation of the Department of Community Planning and Economic Development for the conditional use permit to allow an increase in height from 4 stories, 56 feet to 6 stories, 73'4":**

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 4 stories, 56 feet to 6 stories, 73'4" feet for the properties located at 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> Avenue SE, subject to the following condition:

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 to reduce the interior side yard setbacks:**

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 required interior side yard setbacks for the properties located at 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> Avenue SE.

**Recommendation of the Department of Community Planning and Economic Development for the variance to the Pedestrian Oriented Overlay District standards to increase the front yard setback for the residential amenities entry and corner commercial entry from eight feet to 10.5 feet:**

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 the Pedestrian Oriented Overlay District standards increase the front yard setback for the residential entry from eight feet to 10.5 feet for the properties located at 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> Avenue SE.

**Recommendation of the Department of Community Planning and Economic Development for the variance to reduce the minimum parking requirement from 140 spaces to 62 spaces:**

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 minimum vehicle parking requirement from 140 spaces to 62 spaces for the properties located at 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> Avenue SE, subject to the following condition:

1. A minimum of 138 parking stalls shall be provided on site. The balance of the non-residential parking may be made available for general public parking.

**Recommendation of the Department of Community Planning and Economic Development for the variance to reduce the minimum loading requirement from one space to zero:**

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 minimum loading requirement from one space to zero for the properties located at 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> 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 a mixed-use development with 140 residential dwelling units on the properties 1300-1322 5<sup>th</sup> Street SE and 425 14<sup>th</sup> Avenue 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.

Department of Community Planning and Economic Development  
BZZ-6044

2. CPED Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. No shelving, signage, merchandise, newspaper racks or other similar fixtures shall be placed in front of the required ground level transparent windows.
4. Primary exterior material changes at a later date shall require review by the Planning Commission and an amendment to the site plan review.
5. The rock mulch on the south side of the building shall be replaced with wood mulch or an alternate material.
6. A minimum of 24 short-term bicycle parking spaces shall be provided on site or within the right-of-way adjacent to the site, in compliance with Section 541.180 of the zoning code.

**Attachments:**

1. Statement of findings and project description
2. PDR Report
3. Correspondence
4. Letter from the Marcy Holmes Neighborhood Association dated April 16, 2013
5. Zoning map
6. Rezoning matrix
7. Draft Travel Demand Management Plan (TDMP)
8. Site plan, floor plans and elevations
9. Shadow and context studies.
10. Photos