



CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #10
 July 14, 2014
 BZZ-6609 and PL-283

LAND USE APPLICATION SUMMARY

Property Location: 1227 4th Street Southeast and 425 13th Avenue Southeast
Project Name: Riverton Community Housing
Prepared By: [Hilary Dvorak](#), Principal Planner, (612) 673-2639
Applicant: Gary Ellis with Riverton Community Housing
Project Contact: Mary Novak with Project for Pride in Living
Request: To construct a new 66-unit residential building with ground floor commercial space.

Required Applications:

Rezoning	Of 1227 4 th Street Southeast from R5 Multiple-family District to OR3 High Institutional Office Residence District
Variance	To reduce the required 20.1-foot front yard setback along 4 th Street Southeast (this was noticed as a required 15-foot front yard setback)
Variance	To reduce the required 15-foot front yard setback along 13 th Avenue Southeast
Variance	To reduce the required 15-foot north interior side yard setback
Variance	To increase the maximum permitted size of a neighborhood serving retail sales and services use
Variance	To reduce the off-street parking requirement from 71 to 30 (this was noticed from 66 to 30)
Variance	To allow 3 wall signs over 14 feet in height
Site Plan Review	For a new 6-story, 66-unit residential building with ground floor commercial space.
Preliminary and final plat	PL-283

SITE DATA

Existing Zoning	R5 Multiple-family District and OR3 Institutional Office Residence District UA University Area Overlay District
Lot Area	25,530 square feet / .59 acres
Ward(s)	3
Neighborhood(s)	Marcy-Holmes
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (4 th Street Southeast) Activity Center (Dinkytown)
Small Area Plan(s)	Master Plan for the Marcy-Holmes Neighborhood DRAFT Marcy-Holmes Neighborhood Master Plan DRAFT Dinkytown USA Business District Plan

Date Application Deemed Complete	June 18, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	August 17, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The property is located in southeast Minneapolis on the corner of 13th Avenue Southeast and 4th Street Southeast. The site is occupied by an existing 16-unit residential building that will be demolished as part of this project. The existing building was constructed in 1963.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by residential properties of varying densities and commercial uses. The site is located within walking distance of the University of Minnesota Twin Cities campus. The site is located in the Marcy-Holmes neighborhood.

PROJECT DESCRIPTION. The applicant owns the existing Riverton building located at 1227 4th Street Southeast and the existing Chateau building located at 425 13th Avenue Southeast. The applicant is proposing to demolish the existing 16-unit Riverton building and construct a new 6-story, 66-unit residential building with ground floor commercial space on that site. The applicant is not proposing to make any alterations or modifications to the existing Chateau building which is an 18-story, 127-unit residential building with ground floor commercial space.

The existing Riverton site is zoned R5 Multiple-family District and the existing Chateau site is zoned OR3 Institutional Office Residence District. Because the lots are being replatted as part of this development the underlying zoning needs to be unified as the zoning ordinance does not allow one to create a lot with split zoning. The applicant is proposing to rezone the entire site to the OR3 Institutional Office Residence District. Both of the properties are located in the UA University Area Overlay District.

In order to accommodate a larger site for the new building the applicant is proposing to reconfigure the existing property boundaries through a replat. The existing Chateau property has frontage along 4th Street Southeast. This portion of the property provides access to the underground parking for the building. There is also an access easement over this portion of the property that provides vehicular access to the adjacent residential properties on the block. The vehicular access to the Chateau and the access easement for the adjacent buildings will remain in place even after the construction of the new building is complete.

RELATED APPROVALS. No land use applications have been reviewed for this site.

PUBLIC COMMENTS. No public comments have been received for this site. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a rezoning of 1227 4th Street Southeast from the R5 Multiple-family District to the OR3 High Institutional Office Residence District based on the following [findings](#):

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

The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Urban Neighborhood. Rezoning the subject property to the OR3 Institutional Office Residence District would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The following principles and policies outlined in the plan apply to this proposal:

Land Use 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.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

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.

1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.

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

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

The amendment will allow the applicant to construct a higher-density housing development on the site than what is currently there. The amendment will also allow the applicant to include ground floor commercial space within the building. The comprehensive plan and the current *Master Plan for the Marcy-Holmes Neighborhood* call for high- to very-high density housing on this site. In addition, the draft *Marcy-Holmes Neighborhood Master Plan* designates this site as Mixed Use and specifically encourages retail along the street facing sides of the property.

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.*

Properties in the immediate area are zoned R5 Multiple-family District, OR3 Institutional Office Residence District, C1 Neighborhood Commercial District, C2 Neighborhood Corridor Commercial District and C3A Community Activity Center District. The site is surrounded by residential properties of varying densities and commercial uses. The site is also located within walking distance of the University of Minnesota Twin Cities campus. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, rezoning the subject property to the OR3 Institutional Office Residence District would be appropriate and compatible in this location.

4. *Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.*

In general, there are reasonable uses of the property allowed under the R5 zoning classification. However, the request to rezone the property to the OR3 zoning classification is also reasonable. Rezoning the site to the OR3 zoning classification would allow limited commercial uses which is a desired goal of the draft *Marcy-Holmes Neighborhood Master Plan*.

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.*

The surrounding area is and has primarily remained a mixed-use area with residential developments of varying densities and a mixture of commercial uses.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required 20.1-foot front yard setback along 4th Street Southeast based on the following [findings](#):

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The setback of the adjacent residential structure to the west from the front property line along 4th Street Southeast is 20.1 feet. The applicant is proposing to construct the building between five feet 11 inches and nine feet from the front property line. In addition, there will be a mechanical grate constructed five feet five inches from the front property line and stairs and a raised patio constructed up to the front property line. The stairs and patio are permitted obstructions but they exceed the zoning code dimensional allowances that would allow them to be constructed as of right.

The existing Chateau property has frontage along 4th Street Southeast. This portion of the property provides access to the underground parking for the building. There is also an access easement over this portion of the property that provides vehicular access to the adjacent residential properties on the block. The vehicular access to the Chateau and the access easement for the adjacent buildings will remain in place even after the construction of the new building is complete. Because of this situation the developable portion of the lot is limited and therefore the building needs to be constructed closer to the front property line along 4th Street Southeast. This is a unique circumstance of this property.

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 site is located in an Activity Center and along a Community Corridor. The comprehensive plan policies for these land use features encourage constructing buildings up to the front property line. While the immediately adjacent building to the west is set back 20.1 feet from the front property line a new development just to the west of that building was built within two feet of the front property line. Given the access easement over the western portion of the property there will be 40 feet of open space between the proposed building and the immediately adjacent building to the west.

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 recent trend in development for new buildings in the area is to construct them within close proximity of the front property line. While the immediately adjacent building to the west is set back 20.1 feet from the front property line there will be 40 feet of open space between the two buildings given the access easement over the western portion of the property.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required 15-foot front yard setback along 13th Avenue Southeast based on the following [findings](#):

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The required front yard setback in the OR3 zoning district is 15 feet. The setback of the adjacent residential structure to the north from the front property line along 13th Avenue Southeast is zero feet. It should be noted that the portion of the adjacent building that is located up to the front property line is the roof of the underground parking garage. The roof of the underground parking garage projects out of the ground approximately four to five feet. The tower portion of the adjacent building is set back 23.7 feet from the front property line along 13th Avenue Southeast. The applicant is proposing to construct the building between six feet and eight feet 10 inches from the front property line. In addition, there will be a raised patio constructed up to the front property line. The patio is a permitted obstruction but it exceeds the zoning code dimensional allowances that would allow it to be constructed as of right.

The existing Chateau property has frontage along 4th Street Southeast. This portion of the property provides access to the underground parking for the building. There is also an access easement over this portion of the property that provides vehicular access to the adjacent residential properties on the block. The vehicular access to the Chateau and the access easement for the adjacent buildings will remain in place even after the construction of the new building is complete. Because of this situation the developable portion of the lot is limited and therefore the building needs to be constructed closer to the front property line along 13th Avenue Southeast. This is a unique circumstance of this property.

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 site is located in an Activity Center and along a Community Corridor. The comprehensive plan policies for these land use features encourage constructing buildings up to the front property line.

While the tower portion of the adjacent building to the north is set back 23.7 feet from the front property line it is also set back approximately 42 feet from the shared interior property line.

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 recent trend in development for new buildings in the area is to construct them within close proximity of the front property line. While the tower portion of the adjacent building to the north is set back 23.7 feet from the front property line it is also set back approximately 42 feet from the shared interior property line.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required 15-foot north interior side yard setback based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The required interior side yard setback for a six story building in the OR3 zoning district is 15 feet. The applicant is proposing to construct the building between six feet six inches and 12 feet from the north interior property line. In addition, there will be a mechanical grate constructed six feet six inches from the north interior property line and a transformer/generator located three feet from the north interior property line.

The existing Chateau property has frontage along 4th Street Southeast. This portion of the property provides access to the underground parking for the building. There is also an access easement over this portion of the property that provides vehicular access to the adjacent residential properties on the block. The vehicular access to the Chateau and the access easement for the adjacent buildings will remain in place even after the construction of the new building is complete. Because of this situation the developable portion of the lot is limited and therefore the building needs to be constructed closer to the north interior property line. This is a unique circumstance of this property.

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 comprehensive plan encourages new developments to provide appropriate physical transitions and separation between buildings using green space, fencing, setbacks or orientation. The tower portion of the adjacent building is set back 42 feet from the shared north interior property line.

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 setback of the adjacent residential structure to the north from the north interior property line is 16 feet. It should be noted that the portion of the adjacent building that is located 16 feet from the north interior property line is the roof of the underground parking garage. The roof of the underground parking garage projects out of the ground approximately four to five feet. The tower portion of the adjacent building is set back 42 feet from the shared north interior property line.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum permitted size of a neighborhood serving retail sales and services use based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The maximum size of a neighborhood serving retail sales and services use in the OR3 zoning district is 2,000 square feet. The size of the commercial space in the proposed building is 2,365 square feet and is located on the corner of 4th Street Southeast and 13th Avenue Southeast. Typically land located within the boundaries of an Activity Center is commercially zoned. In the commercial zoning districts, a retail sales and services use is allowed to be a minimum of 4,000 square feet as of right. As part of this development a portion of the parcel is being rezoned to the OR3 zoning district. This zoning classification was chosen because the rest of the parcel was already zoned OR3. This is a unique circumstance of this property.

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.*

Providing a neighborhood serving retail sales and services use that is larger than 2,000 square feet will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The site is located in an Activity Center which encourages a variety of commercial uses on the ground floor of mixed use buildings that generate activity all day long and into the evening. The draft *Marcy-Holmes Neighborhood Master Plan* designates this site as Mixed Use and specifically encourages retail along the street facing sides of the property.

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.*

There are commercial uses in most of the buildings located within the Dinkytown Activity Center. Providing a neighborhood serving retail sales and services use that is larger than 2,000 square feet will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the off-street parking requirement from 71 to 30 based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The development site is located in the UA University Area Overlay District. In the UA University Area Overlay District, one-half parking space per bedroom but not less than one space per dwelling unit is required for the development. The applicant is proposing to have a total of 66 dwelling units and 115 bedrooms in the building. The commercial portion of the development requires a total of five parking spaces. Therefore, a total of 71 off-street parking spaces are required. The applicant is

proposing to have a total of 30 parking spaces located in one level of underground parking. The applicant owns the adjacent Chateau building which has a total of 127 dwelling units and 247 bedrooms. The commercial portion of this building requires a total of eight parking spaces. Therefore, a total of 135 off-street parking spaces are required. There are a total of 125 parking spaces located in three levels of enclosed parking and 10 surface parking spaces.

In total, between the two buildings, there are 193 dwelling units and 263 bedrooms. The combined parking requirement is 193 parking spaces for the residential and 13 for the commercial. In total, between the two buildings, there are 165 parking spaces provided. There is no commercial parking provided in either of the two buildings. For the residential portion of the building the parking factors out to be .85 parking spaces per dwelling unit or .63 parking spaces per bedroom. This is a unique circumstance of this property.

The applicant has indicated that because of the site's proximity to the University of Minnesota Twin Cities campus, access to transit and access to the robust bicycle network in Minneapolis that a one-to-one parking ratio per dwelling unit is not necessary in this location. The applicant has indicated that the residential population of the Chateau building does not lease all of the parking spaces within the building.

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 proposal to reduce the required off-street parking requirement will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The site is unique in its location and proximity to various land use features and alternative transportation options. In addition, a total of 115 bicycle parking spaces are being provided on site. However, CPED is recommending that an additional three bicycle parking spaces be provided on site to meet the commercial bicycle parking requirement.

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

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to allow 3 wall signs over 14 feet in height based on the following [findings](#):

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The applicant is proposing to have three wall signs on the building. One of the signs is located over the residential entrance and two are located over the entrance to the commercial portion of the building. There is an approximate three-foot grade change on the property, north to south. To maintain consistent floor levels within the building the southern portion of the building has been

raised approximately two feet above grade. Given this the sign band sits greater than 14 feet above grade. This is a unique circumstance of this property.

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 applicant is proposing to use the property in a reasonable manner. The overall height of the three wall signs is 15 feet; only one foot higher than what is allowed by the zoning code.

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.*

Allowing the three walls signs to be installed one foot taller than what is allowed by the zoning code will not alter the essential character of the locality. There are a variety of signs in the immediate area of different heights and sizes.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required [findings](#) and [applicable standards](#) in the site plan review chapter:

I. Conformance to all applicable standards of Chapter 530, Site Plan Review.

Building Placement and Design – Requires alternative compliance

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is located close to the front property lines along both 4th Street Southeast and 13th Avenue Southeast, there is a raised patio on the corner of the building, there are entrances and exits at street level that can be accessed by residents, guests, employees and customers and there are large windows on all sides of the development that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- The required front yard setback along 4th Street Southeast is 20.1 feet and the required front yard setback along 13th Avenue Southeast is 15 feet. The applicant has requested variances to reduce the front yard setback along 4th Street Southeast to between five feet 11 inches and nine feet from the front property line and to between six feet and eight feet 10 inches from the front property line along 13th Avenue Southeast.
- Where the building is setback from the property lines there are staircases, a raised patio, bicycle parking racks, a mechanical grate and landscaping.
- The main entrance to the residential portion of the building will be located along 4th Street Southeast and the main entrance to the commercial portion of the building will be located on the corner of 4th Street Southeast and 13th Avenue Southeast.
- Parking for the proposed development will be located in one level of enclosed parking beneath the building.
- The building is articulated with a curved building wall at the corner of 4th Street Southeast and 13th Avenue Southeast, varying window patterns, different materials and a variety of colors.
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Given the grade change on the site and the need to provide enough vertical clearance for the underground parking garage the residential portion of the building on the first floor is elevated higher than the lobby area and the commercial space. Given this the bottom of the residential windows on the 13th Avenue

Southeast side of the building are located six feet above grade. CPED is recommending that the applicant either construct raised planters, grade the land differently or plant landscape materials that will make the windows appear lower to the ground.

- The exterior materials include burnished block, brick, Nichiha fiber cement panels and fiber cement panels. The sides and rear of the building are similar to and compatible with the front of the building.
- Plain face concrete block is not being proposed as an exterior building material.
- The residential portion of the building on the first floor facing 13th Avenue Southeast does not meet the minimum window requirement. Alternative compliance is required. The windows in the development are vertical in nature and are evenly distributed along the building walls. See **Table I**.
- The entire building frontage along both 4th Street Southeast and 13th Avenue Southeast contains active functions.
- The principal roof line of the building will be flat. There is a mixture of flat and pitched roofed buildings in the area.

Table I. Percentage of Windows Required for Elevations Facing a Public Street, Sidewalk, Pathway, or On-Site Parking

	Code Requirement		Proposed	
Residential Uses				
1 st Floor along 4 th Street Southeast	20% minimum	86 sq. ft.	43%	186 sq. ft.
1 st Floor along 13 th Avenue Southeast	20% minimum	163 sq. ft.	10%	83 sq. ft.
2 nd Floor and Above along 4 th Street Southeast	10% minimum	106 sq. ft.	More than 10%	
2 nd Floor and Above along 13 th Avenue Southeast	10% minimum	162 sq. ft.	More than 10%	
Nonresidential Uses				
1 st Floor along 4 th Street Southeast	30% minimum	125 sq. ft.	71%	294 sq. ft.
1 st Floor along 13 th Avenue Southeast	30% minimum	108 sq. ft.	73%	264 sq. ft.

Access and Circulation – Meets requirements

- All of the entrances leading into the building are directly connected to a public sidewalk.
- No integrated transit shelters are proposed as part of this development.
- Parking for the proposed development will be located in one level of enclosed parking beneath the building. The parking garage will be accessed from the existing driveway along 4th Street Southeast. This access drive is also used to access the underground parking for the Chateau and the adjacent residential properties on the block.
- There is no public alley on this block.
- The maximum impervious surface requirement in the OR3 zoning district is 85 percent. According to the materials submitted by the applicant 77 percent of the site will be impervious.

Landscaping and Screening – Meets requirements

- The applicant is meeting the landscaping and screening requirements of the zoning code. In addition to providing the required number of canopy trees and shrubs, additional ornamental trees, grasses and perennials will be planted on the site. The applicant is also proposing to landscape the boulevard along both 4th Street Southeast and 13th Avenue Southeast with trees, shrubs and perennials.

Table 2. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	25,530 sq. ft.
Building footprint	--	11,284 sq. ft.
Remaining Lot Area	--	14,246 sq. ft.
Landscaping Required	2,849 sq. ft.	5,460 sq. ft.
Canopy Trees (1: 500 sq. ft.)	6 trees	7 trees
Shrubs (1: 100 sq. ft.)	29 shrubs	57 shrubs

Additional Standards – Meets requirements

- All of the parking for this development will be underground.
- The building will not block views of important elements of the city.
- The building will cast shadows on adjacent residential properties but not on public spaces. Although there will be shadows cast on surrounding properties they won't be cast for the entire day.
- This development should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there is a raised patio on the corner of 4th Street Southeast and 13th Avenue Southeast and large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there are lights located near all of the pedestrian entrances.
- This building is neither historically designated nor is the site located in a historic district.

2. Conformance with all applicable regulations of the zoning ordinance.

The proposed use is *permitted* in the OR3 District.

Off-street Parking and Loading – Requires variance(s)

- The applicant has applied for a variance to reduce the off-street parking requirement from 71 spaces to 30 spaces.
- In the UA University Area Overlay District the minimum bicycle parking requirement for residential uses is one space per bedroom. Not less than 90 percent of the required bicycle parking spaces for the residential portion of the development need to meet the standards of long-term bicycle parking. In this case not less than 104 of the 115 required bicycle parking spaces need to be located within the building.
- An additional three bicycle parking spaces need to be provided on site for the commercial portion of the development.

Table 3. Vehicle Parking Requirements Per Use (Chapter 54I)

	Minimum Parking Requirement	Applicable Reductions	Total Minimum Requirement	Maximum Parking Allowed	Proposed
General retail sales and services	4	--	4	12	--
Restaurant, sit down	5	--	5	32	--
Residential dwellings	66		66	--	--
Total	--	--	71, there is only one commercial space within the building	--	30

Table 4. Bicycle Parking and Loading Requirements (Chapter 54I)

	Minimum Bicycle Parking	Minimum Short-Term	Minimum Long-Term	Proposed	Loading Requirement	Proposed
General retail sales and services	3	Not less than 50%	--	20	None	0
Restaurant, sit down	3	Not less than 50%	--	20	None	0
Residential dwellings	115	--	Not less than 90%	95	None	0
Total	118, there is only one commercial space within the building	--	--	115	0	0

Building Bulk and Height – Meets requirements

Table 5. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	25,530 sq. ft. / .59 acres
Gross Floor Area (GFA)	--	70,864 sq. ft.
Maximum Floor Area Ratio (GFA/Lot Area)	3.5	2.78
Maximum Building Height	6 stories or 84 feet, whichever is less	6 stories or 73 feet

Residential Lot Requirements – Meets requirements

Table 6. Residential Lot Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	66 DUs
Density (DU/acre)	--	112 DU/acre
Minimum Lot Area	Not applicable	Not applicable
Minimum Lot Width	Not applicable	Not applicable

Yard Requirements – Requires variance(s)

Table 7. Minimum Yard Requirements

	Zoning District	Overriding Regulations	Total Requirement	Proposed
Front along 4 th Street Southeast	20.1 ft.	--	20.1 ft.	Between 5 ft. 11 in. and 9 ft.
Front along 13 th Avenue Southeast	15 ft.	--	15 ft.	Between 6 ft. and 8 ft. 10 in.
Interior Side (North)	15 ft.	--	15 ft.	Between 6 ft. 6 in. and 12 ft.
Interior Side (West)	15 ft.	--	15ft.	41 ft. 11 in.

Signs – Requires variance(s)

- Signs are subject to Chapter [543](#) of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. In the OR3 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 12 square feet in size. The maximum sign height for both wall signs and projecting signs is 14 feet. Freestanding signs are limited to 32 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.
- The applicant is proposing to have three wall signs on the building. One of the signs is located over the residential entrance and two are located over the entrance to the commercial portion of the building. All of the signs are smaller than 180 square feet but they are all higher than 14 feet.

Dumpster Screening – Meets requirements

- There will be a trash and recycling storage area provided on the first floor of the building.

Screening of Mechanical Equipment – Meets requirements with Conditions of Approval

- The applicant is proposing to have a transformer/generator located near the north property line. For screening purposes, the applicant is proposing to have a two-foot high retaining wall with a four-foot high decorative metal fence around them. To better screen the transformer/generator, CPED is recommending that additional landscape materials be located along the north property line.

Lighting – *Meets requirements with Conditions of Approval*

- A lighting plan showing footcandles was not submitted as part of the application materials. CPED is recommending that a lighting plan that meets the requirements of Chapter [535](#) of the Zoning Code be met.

Impervious Surface Area – *Meets requirements*

- The maximum impervious surface requirement in the OR3 zoning district is 85 percent. According to the materials submitted by the applicant 77 percent of the site will be impervious.

Specific Development Standards – *Not applicable*

UA Overlay District Standards – *Requires variance(s)*

- The applicant has applied for a variance to reduce the off-street parking requirement from 71 spaces to 30 spaces.
- In the UA University Area Overlay District the minimum bicycle parking requirement for residential uses is one space per bedroom. Not less than 90 percent of the required bicycle parking spaces for the residential portion of the development need to meet the standards of long-term bicycle parking. In this case not less than 104 of the 115 required bicycle parking spaces need to be located within the building.

3. Conformance with the applicable policies of *The Minneapolis Plan for Sustainable Growth*.

The Minneapolis Plan for Sustainable Growth identifies the site as Urban Neighborhood on the future land use map. The proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

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

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

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

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.2 Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the Downtown skyline, landmark buildings, significant open spaces or bodies of water.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.4. Conformance with applicable development plans or objectives adopted by the City Council.

4. Conformance with applicable development plans or objectives adopted by the City Council.

The current *Master Plan for the Marcy-Holmes Neighborhood* was approved by the Minneapolis City Council in December of 2003. The plan calls for high- to very-high density housing on this site. In addition, the draft *Marcy-Holmes Neighborhood Master Plan* designates this site as Mixed Use and specifically encourages retail along the street facing sides of the property. The proposed development is in conformance with these plans.

5. Alternative compliance.

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for [alternative compliance](#). Alternative compliance is requested for the following requirements:

- **Window Requirement.** The residential portion of the building on the first floor facing 13th Avenue Southeast does not meet the minimum window requirement. Twenty percent or 163 square feet of window area is required. There is 83 square feet of window area provided between two and 10 feet or approximately 10 percent. Given the grade change on the site and the need to provide enough vertical clearance for the underground parking garage the residential portion of the building on the first floor facing 13th Avenue Southeast is elevated higher than the lobby area and the commercial space. Given this the bottom of the residential windows on the 13th Avenue Southeast side of the building are located six feet above grade. This reduces the amount of window area that can be counted towards the minimum window requirement. CPED is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent. The secondary residential entrance on 13th Avenue Southeast is made out of glass. CPED is recommending that a side light equal in size and height to the door be added next to the door and that they be centered to align with the bank of windows above.

PRELIMINARY/FINAL PLAT

The Department of Community Planning and Economic Development has analyzed the application [for a Preliminary and Final Plat](#) based on the following [findings](#):

- I. *The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.*

Subdivision Regulations:

The applicant is proposing to replat several lots into two new lots. Lot 1 is being created for the existing Chateau building located at 425 13th Avenue Southeast and Lot 2 is being created for the proposed Riverton development located at 1227 4th Street Southeast.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines

and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Given the layout of the proposed development, drainage and utility easements are not possible around the interior lot lines. The Public Works Department has agreed that drainage easements are not required for this development, but encouraged. Given this CPED recommends varying the drainage easement requirement to zero.

Zoning Ordinance:

The subdivision is in conformance with the design requirements of the zoning code.

Comprehensive Plan:

The subdivision is in conformance with the policies of the comprehensive plan.

2. *The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.*

The applicant is proposing to replat several lots into two new lots.

3. *All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.*

The land intended for building can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard. The site is relatively flat.

4. *The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.*

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

5. *The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.*

The Surface Water and Sewers Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 15

LEGAL DESCRIPTION. Lot 10, all in Block Q of Tuttle's Addition to St. Anthony.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition from the R5 Multiple-family District to the OR3 High Institutional Office Residence District for the property located at of 1227 4th Street Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required 20.1-foot front yard setback along 4th Street Southeast at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required 15-foot front yard setback along 13th Avenue Southeast at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required 15-foot north interior side yard setback at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum permitted size of a neighborhood serving retail sales and services use at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the off-street parking requirement from 71 to 30 at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast, subject to the following conditions:

1. At least three bicycle parking spaces shall be provided on site for the commercial portion of the development.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow 3 wall signs over 14 feet in height at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast.

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 adopt the above findings and **approve** the site plan review application to allow a new 6-story, 66-unit residential building with ground floor commercial space at the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast, subject to the following conditions:

1. Approval of the final site plan, landscaping plan, elevations and lighting plan by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by July 14, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The applicant shall either construct raised planters, grade the land differently or plant landscape materials that will make the residential windows appear lower to the ground along 13th Avenue Southeast.
4. Not less than 104 of the 115 required bicycle parking spaces for the residential portion of the building shall be located within the building.
5. At least three bicycle parking spaces shall be provided on site for the commercial portion of the development.
6. To better screen the transformer/generator, additional landscape materials shall be located along the north property line.

7. A side light equal in size and height to the door along 13th Avenue Southeast shall be added next to the door and they shall be centered to align with the bank of windows above.

Recommendation of the Department of Community Planning and Economic Development for the Preliminary and Final Plat:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the Preliminary and Final Plat application for the properties located at 1227 4th Street Southeast and 425 13th Avenue Southeast.

ATTACHMENTS

1. PDR report
2. Written description and findings submitted by applicant
3. Zoning map
4. Site layout plan
5. Survey
6. Preliminary and final plat
7. Plat responses from the Public Works Department and the Office of the City Attorney
8. Plans set – civil plans, landscaping plan and architectural plans
9. Renderings
10. Photos
11. Correspondence