

**LAND USE APPLICATION SUMMARY**

*Property Location:* 600 Washington Avenue Southeast, 612 Washington Avenue Southeast and 311 Harvard Street Southeast

*Project Name:* 600 Washington Avenue SW

*Prepared By:* Hilary Dvorak, Principal Planner, (612) 673-2639

*Applicant:* Core Minneapolis, LLC

*Project Contact:* Carol Lansing with Faegre Baker Daniels

*Request:* To construct a new mixed-use building including 438 dwelling units and 10,500 square feet of commercial space

*Required Applications:*

<b>Rezoning</b>	Petition to rezone the properties from the R6 Multiple-family District, C1 Neighborhood Commercial District and C2 General Commercial District to the C3A Commercial Activity Center District and to add the PO Pedestrian Oriented Overlay District to the entire site.
<b>Conditional Use Permit</b>	To increase the maximum height from 4 stories or 56 feet to 26 stories or 284 feet.
<b>Variance</b>	To increase the maximum floor area ratio (FAR) from 4.32 to 11.1.
<b>Variance</b>	To reduce the minimum gross floor area of the efficiency units within the building from 350 square feet to 340 square feet.
<b>Variance</b>	To reduce the minimum parking requirement from 215 spaces to 144 spaces.
<b>Variance</b>	To reduce the front yard setback along Harvard Street Southeast from the required 15 feet to zero feet for the first 25 feet north of the south property line to allow the building and mechanical equipment.
<b>Variance</b>	To reduce the east and south interior side yard setbacks from the required 55 feet to between two and 10 feet on the east side to allow the building and between zero and 16 feet on the south side to allow the building and mechanical equipment.
<b>Variance</b>	To allow the building to be located more than eight feet from the front property lines along Washington Avenue Southeast and Harvard Street Southeast in the PO Pedestrian Oriented Overlay District.
<b>Variance</b>	To increase the height of a fence from the maximum 3 feet to 20 feet.
<b>Site Plan Review</b>	For a new mixed-use building including 438 dwelling units and 10,500 square feet of commercial space.

<b>Date Application Deemed Complete</b>	June 1, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	July 31, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

**SITE DATA**

<b>Existing Zoning</b>	C1 Neighborhood Commercial District C2 Neighborhood Corridor Commercial District R6 High Density Multiple-family District PO Pedestrian Oriented Overlay District UA University Area Overlay District
<b>Lot Area</b>	29,713 square feet / .68 acres
<b>Ward(s)</b>	2
<b>Neighborhood(s)</b>	University; adjacent to Prospect Park
<b>Designated Future Land Use</b>	Mixed Use and Urban Neighborhood
<b>Land Use Features</b>	Activity Center (Stadium Village) Transit Station Area (East Bank/Stadium Village) Growth Center (University of Minnesota/SEMI)
<b>Small Area Plan(s)</b>	<i>Stadium Village University Avenue Station Area Plan (2012)</i>

**BACKGROUND**

**SITE DESCRIPTION AND PRESENT USE.** The site is located on the southeast corner of Washington Avenue Southeast and Harvard Street Southeast. A portion of the site extends all the way to Walnut Street Southeast. The site is currently occupied by two commercial buildings fronting on Washington Avenue Southeast and a surface parking lot located on a through lot that extends from Harvard Street Southeast to Walnut Street Southeast. Combined, the existing buildings contain approximately 13,700 square feet of commercial space and six dwelling units. Both buildings and the surface parking lot will be demolished.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The site is surrounded by various commercial businesses, residential developments of varying densities, parking ramps and the University of Minnesota campus. The site is located in the University neighborhood.

**PROJECT DESCRIPTION.** The applicant is proposing to construct a new 26 story, mixed-use building with 438 dwelling units (614 bedrooms), approximately 10,500 square feet of ground floor commercial space and 189 enclosed parking spaces. Of the parking spaces, 144 will be located in five levels of above-ground parking. The above-ground parking spaces will be lined with dwelling units along both Washington Avenue Southeast and Harvard Street Southeast. The remaining 45 parking spaces will be located in one level of underground parking and will be dedicated to Grace Lutheran Evangelical Church, which is located across Harvard Street Southeast from the site. The church is the current owner of the parking lot property that is part of the development parcel. The on-site loading spaces and the underground parking will be accessed from a curb cut on Harvard Street Southeast and the above-ground parking will be accessed from a curb cut on Walnut Street Southeast.

The maximum floor area ratio (FAR) in the C3A zoning district is 2.7. Since the property is located in the Transit Station Area Pedestrian Oriented Overlay District, the site qualifies for a 30 percent density bonus for both enclosed parking and mixed commercial-residential buildings. With both of these bonuses, the maximum FAR is 4.32. The proposed development has a FAR of 11.1. A variance is required to allow an increase in the maximum FAR.

The building will contain units ranging from fully furnished efficiency units to four-bedroom units. The efficiency units will be approximately 340 square feet in size. Since the minimum size for an efficiency unit in the zoning code is 350 square feet, a variance is required.

The minimum residential parking requirement in the UA University Area Overlay District is .5 spaces per bedroom or 307 spaces. However, the requirement in this PO Overlay District is reduced to 70 percent of the UA University Area Overlay requirement. The minimum residential parking requirement is 215 spaces. In the Stadium Village PO Pedestrian Oriented Overlay District, there is no minimum parking requirement for non-residential uses. The applicant will be providing 144 parking spaces for the residential portion of the development. A variance is required to allow a reduction in the minimum residential parking requirement.

The front yard setbacks along Washington Avenue Southeast and Harvard Street Southeast are equal to the lesser of the front yard required by the residentially zoned properties or residential uses for the first 25 feet from such residence or office residence district boundary or residential property. The resulting setback along Washington Avenue Southeast is zero feet and the resulting setback along Harvard Street Southeast is 15 feet for the first 25 feet north of the south property line. The east and south interior side yard setbacks are  $5+2X$  feet, where  $x$  equals the number of stories above the first floor as the building is adjacent to residentially zoned properties and residential uses. The resulting setback from these two property lines is 55 feet. Variances are required to allow reduced setbacks adjacent to the south, east and west property lines to allow the building and mechanical equipment.

The site is located in the PO Pedestrian Oriented Overlay District. One of the regulations in the overlay district requires that all buildings be located within eight feet of the front and corner side property lines. Along both Washington Avenue Southeast and Harvard Street Southeast the first floor of the building is pulled back from the front property line by more than eight feet in some places. A variance is required to allow a greater setback.

In the southwest corner of the site there is a proposed 20-foot tall fence. The purpose of the fence is to screen the mechanical equipment and the loading area. The proposed fence is located in the required front and interior side yards where the maximum fence height is three and six feet respectively. In addition, no fence is allowed to be greater than eight feet regardless of location. A variance is required to allow a fence that is 20 feet in height.

**RELATED APPROVALS.** The City of Minneapolis prepared a Mandatory Environmental Assessment Worksheet (EAW) for the 600 Washington Avenue SE project according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subp.19, Residential development D. 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes, section 473.859; and Subp. 32. Mixed residential and industrial-commercial projects with a sum of quotients exceeding 1.0. On May 27, 2016, the Minneapolis City Council approved the staff recommendation that the EAW was adequate and that the preparation of an Environmental Impact Statement (EIS) was not required.

**PUBLIC COMMENTS.** Public comments have been submitted regarding the project. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the properties from the R6 Multiple-family District, C1 Neighborhood Commercial District and C2 General Commercial District to the C3A Commercial Activity Center District and to add the PO Pedestrian Oriented Overlay District to the entire site based on the following findings:

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

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Mixed Use and Urban Neighborhood on the future land use map. The site is located in the designated Stadium Village Activity Center and the designated University of Minnesota/SEMI Growth Center. Both of these land use features are characterized as areas of high intensity employment, commercial, office, and residential uses. The site is also at the center of the Stadium Village Transit Station Area (TSA). Density, human-scale urban design, and public infrastructure are especially critical in these areas.

In designated Activity Centers and Growth Centers, high density (50-120 du/acre) and very-high density (120-200 du/acre), is allowed dependent on context. Densities up to 800 du/acre may be allowed in or near all designated Growth Centers and within Activity Centers adjacent to Growth Centers, as consistent with adopted small area plans.

The following principles and policies outlined in the plan apply to this proposal:

**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.**

- I.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 1.12: 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.**

- I.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- I.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- I.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.
- I.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- I.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

**Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.**

- I.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

- I.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.
- I.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

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

- I.15.1 Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas.
- I.15.2 Support the intensification of jobs in Growth Centers through employment generating development.
- I.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

The City Council approved the *Stadium Village University Avenue Station Area Plan* in 2012. In the plan, the future land use for this property is mixed use. The guidance in the plan calls for higher density housing close to the University campus, along major corridors and at transit station areas. The proposed zoning is consistent with the *Stadium Village University Avenue Station Area Plan*.

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

The proposed rezoning is not solely for the interest of the property owner. Rezoning the site to the C3A zoning district will allow for redevelopment of the property in a manner consistent with the comprehensive plan and the small area plan which call for a mix of uses, including very-high density residential.

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 R6 Multiple-family district, OR3 Institutional Office Residence District and C3A Commercial Activity Center District. The site is surrounded by various commercial businesses, residential developments of varying densities, parking ramps and the University of Minnesota campus. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, rezoning the subject property to the C3A Commercial Activity Center District and adding the PO Pedestrian Oriented Overlay District to the entire site 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.*

There are reasonable uses permitted in the R6 Multiple-family District, the C1 Neighborhood Commercial District and the C2 General Commercial District to the C3A Commercial Activity Center District. However, the future guidance in the comprehensive plan and the small area plan for this site is mixed use. Rezoning the property to the C3A Commercial Activity Center District will allow for redevelopment of the site that is consistent with that guidance.

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.*

Over the course of many years the surrounding area has been transitioning from a lower density commercial and residential area to a higher density commercial and residential area due to the proximity to the METRO Green Line and the University of Minnesota.

## CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum height from 4 stories or 56 feet to 26 stories or 284 feet based on the following findings:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The height limitation in the C3A zoning district is four stories or 56 feet. The applicant is proposing to construct a building that is 26 stories or 284 feet in height. The height of the building measured to the top of the roof is 268 feet but the cooling towers on top of the roof are 16 feet in height so they are included in the overall height of the building. The proposal to increase the height of the building from four stories or 56 feet to 26 stories or 284 feet will not be detrimental to or endanger the public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. The proposed height of the building is compatible with other buildings in the area as well.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The proposal to increase the height of the building from four stories or 56 feet to 26 stories or 284 feet will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property.

While CPED recognizes that the proposed height of the building is a substantial deviation from the height requirement in the C3A Commercial Activity Center District, the proposed height of the building is compatible with other buildings in the area. The proposed building is located across the street from Malcolm Moos Health Sciences Tower which is 268 feet tall. Other buildings on the block and adjacent blocks range in height from 28 feet to 99 feet. In addition, the recently built Wahu Development, located three blocks to the east, is 125 feet tall.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development would be consistent with the following policies of *The Minneapolis Plan for Sustainable Growth*:

**Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.**

- I.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

**Land Use Policy I.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.**

- I.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

**Land Use Policy I.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.**

- I.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

**Land Use Policy I.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.**

- I.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

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

- 10.5.2 Medium-scale, multi-family residential development is more appropriate along Commercial Corridors, Activity Centers, Transit Station Areas and Growth Centers outside of Downtown Minneapolis.
- 10.5.3 Large-scale, high-rise, multi-family residential development is more appropriate in the Downtown Minneapolis Growth Center.

**Urban Design Policy 10.23 Promote climate-sensitive design principles to make the winter environment safe, comfortable and enjoyable.**

- 10.23.1 Consider solar access, shelter from wind and snow storage and removal in site design.
- 10.23.3 Consider building context, placement, and height to manage wind speeds.

The comprehensive plan encourages concentrating the tallest buildings in the Downtown Minneapolis Growth Center. The site is not located in the Downtown Minneapolis Growth Center, but it is located in the University of Minnesota/SEMI Growth Center where other tall buildings are located. The massing and scale of the project will be compatible with the area.

The City Council approved the *Stadium Village University Avenue Station Area Plan* in 2012. The plan says that the highest density development should be concentrated around station areas and major corridors, as well as those areas closest to the campus. The plan goes on to say that regardless of placement, appropriate buffering and transitions are important, as well as attention to shadowing of tall buildings.

The site is located in the designated Stadium Village Activity Center, the designated University of Minnesota/SEMI Growth Center and at the center of the Stadium Village Transit Station Area (TSA). The University of Minnesota campus is located to the north, south and west sides of the site. The tallest portion of the proposed building is located along Washington Avenue Southeast and Harvard Street Southeast. The taller portion of the building has been set back from the base of the building along both the east and south sides which are adjacent to a residential structure and residentially

zoned property. The proposed building will cast shadows on adjacent buildings; however, the shadowing impacts do not appear to be significant given the context of the area.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If the requested land use applications are approved, the proposal will comply with all provisions of the C3A Commercial Activity Center District.

### **Additional Standards to Increase Maximum Height**

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in commercial districts:

1. *Access to light and air of surrounding properties.*

Increasing the height of the proposed building should have a minimal impact on the amount of light and air that surrounding properties receive. The overall height of the proposed building is 26 stories. However, the taller portion of the building has been set back from the six-story base of the building along both the east and south sides which are adjacent to a residential structure and residentially zoned property. The base of the proposed building will be set back two feet from the east property line and the L-shaped tower portion will be set back ten feet or more from the east property line. The adjacent residential building to the east is six stories in height. The first floor of the adjacent building is located up to the interior property line and the upper floors are set back ten feet from the interior property line. The south property line jogs approximately ten feet to the south approximately 45 feet back from Harvard Street Southeast. The base of the proposed building will be set back between zero and ten feet from the south property line and the L-shaped tower portion will be set back 16 feet or more from the south property line. The residential building to the south is two-and-a-half stories in height and is located 52 feet from the interior property line. All other surrounding development is separated from the site by public streets.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

The applicant submitted a shadow study depicting shadowing impacts at 10 am, noon and 3 pm on the Spring and Fall equinox and on the Summer and Winter solstice. The shadow studies indicate that the proposed building will cast shadows on the residential property to the east; however, the shadowing impacts do not appear to be significant given the context of the area. The shadow study indicates that due to the fact that the neighborhood is densely built-out, that during the periods of peak shadowing, much of the surrounding vicinity is currently shadowed by existing buildings. There is a solar energy system located on the roof of the Minneapolis Fire Station 19 located at 206 Ontario Street Southeast located approximately three blocks away. According to the shadow studies, the proposed building will not shadow the existing solar energy systems.

3. *The scale and character of surrounding uses.*

The scale and character of the project is compatible with the area. The proposed building is located across the street from Malcolm Moos Health Sciences Tower which is 268 feet tall. Other buildings on the block and adjacent blocks range in height from 28 feet to 99 feet. In addition, the recently built Wahu Development, located three blocks to the east, is 125 feet tall.

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

The Phi Chi Fraternity, located just south of the proposed development site, is a part of the University of Minnesota Greek Letter Chapter House Historic District. The height of the proposed building will block views of the landmark from this location. However, a four-story building would also block views of the fraternity since it is only two-and-a-half stories in height. In addition, the Mississippi River is located southwesterly of the site. While the Mississippi River is located close to the proposed building, there are existing buildings that block views of it from this location. It should be noted that the intent of the standard is to preserve public view corridors, not to preserve individual views from private developments.

## VARIANCE: FAR

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum floor area ratio (FAR) from 4.32 to 11.1 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 FAR in the C3A Commercial Activity Center District is 2.7. The development qualifies for two 30 percent density bonuses; enclosed parking and mixed commercial-residential building. The bonuses increase the maximum FAR to 4.32. The development site is 29,713 square feet in size and the overall size of the building is 329,750 square feet. This yields a proposed FAR of 11.1. Given this, the applicant has applied for a variance to increase the maximum FAR from 4.32 to 11.1

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The property is located in the designated Stadium Village Activity Center, the designated University of Minnesota/SEMI Growth Center and at the center of the Stadium Village Transit Station Area (TSA). Adopted City policies say that densities up to 800 du/acre may be allowed in or near all designated Growth Centers and within Activity Centers adjacent to Growth Centers, as consistent with adopted small area plans. The City Council approved the *Stadium Village University Avenue Station Area Plan* in 2012. The plan says that the highest density development should be concentrated around station areas and major corridors, as well as those areas closest to the campus. The proposed development has a density of 644 du/acre. To achieve the desired density at this location the FAR of the building needs to be increased.

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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The intent of lot controls is to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the use of lots and lot area in order to provide adequate light, air, open space and separation of uses. The proposed FAR of the building allows for the desired density in this location.

The building has been designed with a six-story base and 20 floors of housing above. The tallest portion of the proposed building is located along Washington Avenue Southeast and Harvard Street Southeast. The taller portion of the building has been set back from the base of the building along both the east and south sides which are adjacent to a residential structure and residentially zoned 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.*

The granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The proposed size of the building is compatible with other buildings in the area. The Malcolm Moos Health Sciences Tower, located across Harvard Street Southeast from the site, is comparable in size to the proposed building. There are also other large buildings in the surrounding area. The tallest portion of the proposed building is located along Washington Avenue Southeast and Harvard Street Southeast. The taller portion of the building has been set back from the base of the building along both the east and south sides which are adjacent to a residential structure and residentially zoned property.

### VARIANCE: MINIMUM GFA OF UNITS

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum gross floor area of the efficiency units within the building from 350 square feet to 340 square feet 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 building will contain units ranging from fully furnished efficiency units to four-bedroom units. The efficiency units will be approximately 340 square feet in size. The minimum size for an efficiency unit in the zoning code is 350 square feet. Given this, the applicant has applied for a variance to reduce the minimum gross floor area of the efficiency units within the building from 350 square feet to 340 square feet.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. To achieve the desired density at this location, the size of some of the dwelling units needs to be reduced. At 340 square feet, the efficiency units are only three percent smaller than what is required. In addition, a range of housing types is encouraged by the comprehensive plan.

- 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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The purpose of having a minimum gross floor area requirement for a dwelling unit is to distinguish between a rooming unit and a dwelling unit. In the zoning code, a dwelling unit is defined as “one or more rooms designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility, sleeping area and bathroom provided within the unit for the exclusive use of a single household.” The proposed efficiency units have full kitchens and baths, a washer and dryer and built in furniture for efficient use of space.

- 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 granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The reduction in unit size would not be discernible from the exterior of the building. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The efficiency units will comply with all life safety and building code requirements.

## VARIANCE: PARKING

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum parking requirement from 215 spaces to 144 spaces 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 minimum residential parking requirement in the UA University Area Overlay District is .5 spaces per bedroom or 307 spaces. However, the requirement in this PO Overlay District is reduced to 70 percent of the UA University Area Overlay requirement. The minimum residential parking requirement is 215 spaces. The applicant is proposing to provide 144 parking spaces in the building for the residential portion of the development.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. There will be one level of below ground parking and five levels of structured parking within the building. The applicant has indicated that due to a high water table in this area that it is not possible to have more than one level of below ground parking. If additional parking spaces were to be incorporated into the development, the building would have to get taller to accommodate the spaces.

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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. Parking regulations are established to recognize the parking needs of uses and structures, to enhance the compatibility between parking areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking spaces and the driveways and aisles that provide access and maneuvering space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability.

A Travel Demand Management Plan (TDMP) was completed for the proposed development. The study concludes that, overall, the proposed uses would have minimal traffic impacts on intersection operations, all intersections have adequate capacity to accommodate the number of trips that will be generated and, therefore, impacts on existing roadway operations are minimal. In addition, the study concludes that there is sufficient parking being provided within the development given the sites proximity to transit, shared vehicles and shared bicycles. The study also notes that there are public parking ramps within walking distance of the site that could be utilized if parking demand exceeds the amount of spaces available in the building.

The site is located within walking distance of several bus routes and the Stadium Village Station stop. This stop is serviced by the METRO Green Line light rail line that runs between Downtown

Minneapolis and Downtown St. Paul. The applicant will be providing 611 bicycle parking spaces and 11 motor scooter parking spaces on the. There are designated on-street bike lanes in the area which tie into the larger bike trail system in the Twin Cities. In addition, there are several Nice Ride Minnesota bike stations located within walking distance of the site.

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 granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The transit-oriented nature of the area is aligned with the proposed amount of parking in the building.

## VARIANCE: FRONT YARD

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the front yard setback along Harvard Street Southeast from the required 15 feet to zero feet for the first 25 feet north of the south property line to allow the building and mechanical equipment 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 front yard setback along Harvard Street Southeast is equal to the lesser of the front yard required by the residentially zoned properties or residential uses for the first 25 feet from such residence or office residence district boundary or residential property. The resulting setback along Harvard Street Southeast is 15 feet for the first 25 feet north of the south property line. The building is proposed to be located up to the front property line for the first 25 feet north of the south property line. The applicant is also proposing to locate mechanical equipment in the required front yard setback.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The parcel immediately to the south of the property is zoned R6 Multiple-family District, but is occupied by a large parking ramp. The parking ramp property has 33 feet of frontage along Harvard Street Southeast. South of that property is the Phi Chi Fraternity. The fraternity is located approximately two feet from the front property line along Harvard Street Southeast and it is located 52 feet from the interior property line.

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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The intent of yard controls is 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. As noted above, the Phi Chi Fraternity is located 52 feet from the 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 granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As noted above, the Phi Chi Fraternity is located approximately two feet from the front property line along Harvard Street Southeast and 52 feet from the interior property line.

## VARIANCE: SIDE YARDS

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the east and south interior side yard setbacks from the required 55 feet to between two and 10 feet on the east side to allow the building and between zero and 16 feet on the south side to allow the building and mechanical equipment 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 east and south interior side yard setbacks are  $5+2X$  feet, where  $x$  equals the number of stories above the first floor as the building is adjacent to residentially zoned properties and residential uses. The resulting setback from these two property lines is 55 feet. A variance is required to allow a reduced setback.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The property is approximately 165 feet wide and 165 feet deep. If the building were to be set back 55 feet from both the east and south property lines approximately one-third of the property in each direction would become unusable. The small area plan says that the highest density development should be concentrated around station areas and major corridors, as well as those areas closest to the campus. Without the variances, achieving the desired density would be impeded.

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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The intent of yard controls is 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 base of the proposed building will be set back two feet from the east property line and the L-shaped tower portion will be set back ten feet or more from the east property line. The adjacent residential building to the east is six stories in height. The first floor of the adjacent building is located up to the interior property line and the upper floors are set back ten feet from the interior property line. There will be a total of 12 feet separating the base of the proposed building and the adjacent building to the east.

The south property line jogs approximately ten feet to the south, approximately 45 feet back from Harvard Street Southeast. The base of the proposed building will be set back between zero and ten

feet from the south property line and the L-shaped tower portion will be set back 16 feet or more from the south property line. The residential building to the south is two-and-a-half stories in height and is located 52 feet from the interior property line.

However, there would be a lack of visual interest on floors two through six on the east side of the building and on that part of the wall not screened by the adjacent parking ramp on the south side of the building. As part of the site plan review, CPED is recommending that the east and south walls of the building be designed so they are not over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements.

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.*

With the adoption of the staff recommendation, the granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As noted above, there will be open space between the proposed building and the adjacent residential structures.

## VARIANCE: PO OVERLAY

The Department of Community Planning and Economic Development has analyzed the application for a variance to allow the building to be located more than eight feet from the front property lines along Washington Avenue Southeast and Harvard Street Southeast in the PO Pedestrian Oriented Overlay District 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 site is located in the PO Pedestrian Oriented Overlay District. One of the regulations in the overlay district requires that all buildings be located within eight feet of the front and corner side property lines. The first floor of the building will be located between three and 18 feet from the front property line along Washington Avenue Southeast and between zero and 32 feet along Harvard Street Southeast.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The property is located in the designated Stadium Village Activity Center, the designated University of Minnesota/SEMI Growth Center and at the center of the Stadium Village Transit Station Area (TSA). Adopted City policies encourage wider sidewalks in Activity Centers and Growth Centers. To achieve a wider sidewalk, the first floor of the building has been set back more than eight feet in some locations. This is an area with high levels of pedestrian traffic. The Washington Avenue sidewalk is only 11 feet wide and the Harvard Street Southeast sidewalk is 18 feet wide. Additional sidewalk width on Harvard Street allows for landscaping and benches that would enhance the public realm.

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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The PO Pedestrian Oriented

Overlay District was 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 first floor of the building has been set back incrementally from the front property line along both Washington Avenue Southeast and Harvard Street Southeast to achieve a wider sidewalk and allow for landscaping, benches and increased pedestrian space near the intersection of the two streets.

- 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 granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The applicant has indicated that the greater setbacks allow for landscaping, benches and increased pedestrian space.

## VARIANCE: FENCE HEIGHT

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the height of a fence from the maximum 3 feet to 20 feet 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.*

In the southwest corner of the site there is a proposed 20-foot tall fence. The proposed fence is located in the required front and interior side yards where the maximum fence height is three and six feet respectively. In addition, no fence is allowed to be greater than eight feet regardless of location.

Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The purpose of the fence is to screen the mechanical equipment and the loading area. The proposed fence will project approximately 12 feet further than the building wall along Harvard Street Southeast. The fence has been designed to look like the building as it will be made out of wood textured Glass Fiber Reinforced Concrete which is one of the exterior materials on the building. The height of the fence correlates to the height of the first floor of the building which is 20 feet.

- 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 that would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. Fence regulations are established to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air. The fence will be located 52 feet from the closest residential structure and, as noted above, it will be made out wood textured Glass Fiber Reinforced Concrete which is one of the exterior materials on the building. The height of the fence correlates to the height of the first floor of the building which is 20 feet. With the proposed height and material, it would appear as an extension of the first floor wall of the building from the ground level.

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 granting of this variance would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. In addition, granting of the variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As noted above, the fence will look like an extension of the first floor of the building.

## 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**

### **Building placement – Requires alternative compliance**

- The first floor of the building will be located between three and 18 feet from the front property line along Washington Avenue Southeast and between zero and 32 feet along Harvard Street Southeast. Alternative compliance is required.
- The placement of the building will reinforce the street walls, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The building will be set relatively close to the front property lines. There will be a principal entrance for the housing component facing Harvard Street Southeast and there will be principal entrances for the commercial spaces facing Washington Avenue Southeast. And there will be large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces.
- The area between the building and the front lot lines will include amenities such as landscaping, benches and increased pedestrian space.
- All of the on-site accessory parking will be located within the building. There will be one level of below ground parking and five levels of structured parking within the building.

### **Principal entrances – Meets requirements**

- There will be a principal entrance for the housing component facing Harvard Street Southeast and there will be principal entrances for the commercial spaces facing Washington Avenue Southeast.
- All principal entrances are clearly defined and emphasized through the use of floor-to ceiling glass and landscaping.

### **Visual interest – Meets requirements with Conditions of Approval**

- The building walls provide architectural detail and contain windows in order to create visual interest.
- The proposed building emphasizes architectural elements – including recesses, projections, windows, and building materials – to divide the building into smaller identifiable sections.
- The entire base of the building facing the east and south property lines is over 25 feet in length and blank. The east and south walls of the building are 69 feet tall. The east wall of the building will be located 12 feet from an adjacent residential structure and will be visible from certain vantage points along Washington Avenue Southeast. It should be noted that the first floor of the adjacent

residential structure is located up to the interior property line. Approximately one-third of the south wall of the building will be highly visible from Harvard Street Southeast. The adjacent parking ramp is located five feet from the interior property line. CPED is recommending that the east and south walls of the building be designed so they are not over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements. This condition shall apply to only those portions of the east and south building walls where the visibility of them are not blocked by an adjacent building.

**Exterior materials – Requires alternative compliance**

- The applicant is proposing metal, brick, wood textured Glass Fiber Reinforced Concrete, burnished CMU and exposed concrete as the building’s primary exterior materials. Each elevation would comply with the City’s durability standards for exterior materials (see Table I). Please note that exterior material changes at a later date may require review by the Planning Commission and an amendment to the site plan review.
- The building design is not consistent with the City’s policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials. On the north and west elevations there are only three different exterior materials. However, on the east elevation there are five different exterior materials proposed and on the south elevation there are four different exterior materials proposed. The east wall of the building will be located 12 feet from an adjacent residential structure and will be visible from certain vantage points along Washington Avenue Southeast. Approximately one-third of the south wall of the building will be highly visible from Harvard Street Southeast. Alternative compliance is required.
- Plain face concrete block is not proposed along any public streets, sidewalks, or adjacent to a residence or office residence district.
- The exterior materials and appearance of the interior side walls on the tower portion of the building are similar to and compatible with the front sides of the building. However, the exterior materials and appearance of the interior side walls on the base of the building are not similar to and compatible with the front sides of the building. In addition to the building materials on the north and west side of the building, the applicant is proposing to use burnished block and exposed concrete on the east elevation and exposed concrete on the south elevation. The east wall of the building will be located 12 feet from an adjacent residential structure and will be visible from certain vantage points along Washington Avenue Southeast. Approximately one-third of the south wall of the building will be highly visible from Harvard Street Southeast. CPED is recommending that the exterior materials and appearance of the interior side walls on the base of the building be similar to and compatible with the front sides of the building.

**Table I. Percentage of Exterior Materials per Elevation**

<b>Material</b>	<b>Allowed Max</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Brick</b>	<b>100%</b>	6.6%	3.1%	3.2%	6.8%
<b>Glass</b>	<b>100%</b>	50.7%	37.5%	28.5%	46.8%
<b>Concrete</b>	<b>100%</b>	0%	20.9%	8.8%	0%
<b>Wood Textured Glass Fiber Reinforced Concrete</b>	<b>100%</b>	.3%	2.1%	.6%	3.0%
<b>Metal Panel</b>	<b>75%</b>	42.4%	36.4%	47.3%	43.4%
<b>Burnished CMU</b>	<b>50%</b>	0%	0%	11.6%	0%

**Windows – Meets requirements**

- For residential uses, the zoning code requires that no less than 20 percent of the walls on the first floor, and no less than ten 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. The project is in compliance with the minimum window requirement (see Table 2).
- For nonresidential uses, the zoning code requires that no less than 30 percent of the walls on the first floor are windows with clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher. In addition, at least 40 percent of the first floor façade of a nonresidential use facing a public street or sidewalk is required to be windows or doors with clear or tinted glass in the PO Pedestrian Oriented Overlay District. The project is in compliance with the minimum window requirement (see Table2).
- All windows are vertical in proportion and are evenly distributed along the building walls.

**Table 2. Percentage of Windows per Applicable Elevation**

	Code Requirement		Proposed	
<b>Residential Uses</b>				
2nd floor and above facing Washington Avenue Southeast	10% minimum	163 sq. ft.	Greater than 10%	
2nd floor and above facing Harvard Street Southeast	10% minimum	152 sq. ft.	Greater than 10%	
<b>Nonresidential Uses</b>				
1st floor facing Washington Avenue Southeast	40% minimum	522 sq. ft.	93%	1,208 sq. ft.
1st floor facing Harvard Street Southeast	40% minimum	486 sq. ft.	52%	672 sq. ft.

**Ground floor active functions – Requires alternative compliance**

- At least 70 percent of the first floor building frontage facing the public street, public sidewalk, or public walkway shall contain active functions. The ground floor facing Washington Avenue Southeast contains 100 percent active functions and the ground floor facing Harvard Street Southeast contains 65 percent active functions. Alternative compliance is required.

**Roof line – Meets requirements**

- The principal roof line of the building will be flat, which is similar to that of surrounding buildings.

**Parking garages – Meets requirements**

- All of the proposed parking is enclosed within the building.
- Sloped floors do not dominate the appearance of the walls on the parking garage, and vehicles would be screened from view.

**ACCESS AND CIRCULATION**

**Pedestrian access – Meets requirements**

- There are clear and well-lit walkways at least four feet in width connecting building entrances to the adjacent public sidewalk and on-site parking facilities.

**Transit access – Not applicable**

- No transit shelters are proposed as part of this development.

**Vehicular access – Meets requirements**

- Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and with surrounding residential uses.
- There will be one curb cut along Harvard Street Southeast to access the one level of underground parking and the loading spaces and there will be one curb cut along Walnut Street Southeast to access the above ground parking.
- There are no public alleys adjacent to the site.
- There will be two small loading spaces on the site. They will be accessed from the curb cut along Harvard Street Southeast. All maneuvers affiliated with the loading spaces will occur on site.
- There is no maximum impervious surface requirement in the C3A Commercial Activity Center District. According to the materials submitted by the applicant, 99 percent of the site will be impervious, while 97 percent of the existing site is impervious.

**LANDSCAPING AND SCREENING**

**General landscaping and screening – Requires alternative compliance**

- At least 20 percent of the site not occupied by the building is required to be landscaped. The applicant is proposing approximately 315 square feet of landscaping on site, or approximately five percent of the site not occupied by the building (see Table 3). Alternative compliance is required.
- The applicant is not proposing at least one canopy tree per 500 square feet of the required landscaped area, including all required landscaped yards. The tree requirement for the site is three and the applicant is not proposing any trees. Alternative compliance is required.
- The applicant is not proposing at least one shrub per 100 square feet of the required landscaped area, including all required landscaped yards. The shrub requirement for the site is 13 and the applicant is not proposing any shrubs. Alternative compliance is required.

**Table 3. Landscaping and Screening Requirements**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Lot Area</b>	--	29,713 sq. ft.
<b>Building Footprint</b>	--	23,298 sq. ft.
<b>Remaining Lot Area</b>	--	6,415 sq. ft.
<b>Landscaping Required</b>	1,283 sq. ft.	315 sq. ft.
<b>Canopy Trees (1:500 sq. ft.)</b>	3 trees	0 trees
<b>Shrubs (1:100 sq. ft.)</b>	13 shrubs	0 shrubs

**Parking and loading landscaping and screening – Not applicable**

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

## **ADDITIONAL STANDARDS**

### **Concrete curbs and wheel stops – Meets requirements**

- The driveway leading from Walnut Street Southeast to the above ground parking will be defined by six-inch by six-inch continuous concrete curb. Drainage from the driveway will be directed to a catch basin in the street.

### **Site context – Meets requirements**

- The Phi Chi Fraternity, located just south of the proposed development site, is a part of the University of Minnesota Greek Letter Chapter House Historic District. The height of the proposed building will block views of the landmark from this location. However, a four-story building would also block views of the fraternity since it is only two-and-a-half stories in height. In addition, the Mississippi River is located southwesterly of the site. While the Mississippi River is located close to the proposed building, there are existing buildings that block views of it from this location. It should be noted that the intent of the standard is to preserve public view corridors, not to preserve individual views from private developments.
- The applicant submitted a shadow study depicting shadowing impacts at 10 am, noon and 3 pm on the Spring and Fall equinox and on the Summer and Winter solstice. The shadow studies indicate that the proposed building will cast shadows on the residential property to the west; however, the shadowing impacts do not appear to be significant given the context of the area. The shadow study indicates that due to the fact that the neighborhood is densely built-out, that during the periods of peak shadowing, much of the surrounding vicinity is currently shadowed by existing buildings. There is a solar energy system located on the roof of the Minneapolis Fire Station 19 located at 206 Ontario Street Southeast located approximately three blocks away. According to the shadow studies, the proposed building will not shadow the existing solar energy systems.
- This building has been designed with recesses and projections which should help minimize the generation of wind currents at ground level.

### **Crime prevention through environmental design – Meets requirements**

- The site plan complies with crime prevention design elements as the principal entrances will be oriented towards the public sidewalks, walkways will direct people to and from the building entrances, there will be large windows on all sides of the building that maximize the opportunities for people to observe adjacent spaces and the public sidewalks and there will be lights located near all of the building entrances.

### **Historic preservation – Not applicable**

- This site is neither historically designated nor is it located in a historic district.

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

The proposed use is permitted in the C3A Commercial Activity Center District.

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

- The applicant has applied for a variance to reduce the minimum parking requirement from 215 spaces to 144 spaces (see Table 4).

**Table 4. Vehicle Parking Requirements Per Use (Chapter 541)**

Use	Minimum	Reductions	Total with Reductions	Maximum Allowed	Proposed
General Retail Sales and Services	0	--	0	39	0
Residential Dwellings	307 residential	PO (92)	215 residential	No maximum for enclosed parking	144 residential
	<b>307</b>	<b>(92)</b>	<b>215</b>	<b>197</b>	<b>144</b>

**Table 5. Bicycle Parking Requirements (Chapter 541)**

Use	Minimum	Short-Term	Long-Term	Proposed
General Retail Sales and Services	3	Not less than 50%	--	18
Residential Dwellings	614	--	Not less than 90%	603 Bicycle 11 Motor Scooter
	<b>617</b>	<b>2</b>	<b>553</b>	<b>632</b>

**Table 6. Loading Requirements (Chapter 541)**

Use	Loading Requirement	Minimum Requirement	Proposed
General Retail Sales and Services	Low	None	2 Small
Residential Dwellings	--	2 Small or 1 Large	
		<b>2 Small or 1 Large</b>	<b>2 Small</b>

**Building Bulk and Height – Requires conditional use permit and variance**

- The applicant has applied for a conditional use permit to increase the maximum height from 4 stories or 56 feet to 26 stories or 284 feet (see Table 7).
- The applicant has applied for a variance to increase the maximum floor area ratio (FAR) from 4.32 to 11.1.

**Table 7. Building Bulk and Height Requirements**

	<b>Code Requirement</b>	<b>Bonuses</b>	<b>Total</b>	<b>Proposed</b>
<b>Lot Area</b>	--	--	--	29,713 sq. ft. / .68 acres
<b>Gross Floor Area</b>	--	--	--	329,750 sq. ft.
<b>Floor Area Ratio (Minimum)</b>	1.0	--	1.0	11.1
<b>Floor Area Ratio (Maximum)</b>	2.7	+ .81 for enclosed parking + .81 for mixed commercial-residential building	4.32	
<b>Building Height (Maximum)</b>	4 stories or 56 ft., whichever is less			26 stories or 284 ft.

**Lot Requirements – Meets requirements**

**Table 8. Lot Requirements Summary**

	<b>Code Requirement</b>	<b>Proposed</b>
<b>Dwelling Units (DU)</b>	--	438 DUs
<b>Density (DU/acre)</b>	--	644 DU/acre
<b>Lot Area (Minimum)</b>	Not applicable	67.8 sq. ft. per DU
<b>Impervious Surface Area (Maximum)</b>	Not applicable	99%
<b>Lot Coverage (Maximum)</b>	Not applicable	78%
<b>Lot Width (Maximum)</b>	Not applicable	165 ft.

**Yard Requirements – Requires variance(s)**

- The applicant has applied for a variance to reduce the front yard setback along Harvard Street Southeast from the required 15 feet to zero feet for the first 25 feet north of the south property line to allow the building and mechanical equipment (see Table 9).
- The applicant has applied for a variance to reduce the east and south interior side yard setbacks from the required 55 feet to between two and 10 feet on the east side to allow the building and between zero and 16 feet on the south side to allow the building and mechanical equipment (see Table 9).

**Table9. Minimum Yard Requirements**

<b>Setback</b>	<b>Zoning District</b>	<b>Overriding Regulations</b>	<b>Total Requirement</b>	<b>Proposed</b>
<b>Front</b> (Washington Avenue Southeast)	0 ft.	--	0 ft.	Between 3 ft. and 18 ft.
<b>Front</b> (Harvard Street Southeast)	15 ft. for the first 25 ft. north of the south property line	--	15 ft. for the first 25 ft. north of the south property line	Between 0 ft. and 32 ft.
<b>Interior Side</b> (East)	55 ft.	--	55 ft.	Between 2 ft. and 10 ft.
<b>Interior Side</b> (South)	55 ft.	--	55 ft.	Between 0 ft. and 16 ft.

**Signs – Not applicable**

- Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the C3A zoning district there can be one-and-a-half square feet of signage for every one linear foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 48 square feet in size. There is no height limitation for either wall signs or projecting signs. Freestanding monument signs are limited to 80 square feet in size and can be no taller than 8 feet. However, a freestanding monument sign shall not be allowed if the amount of signage exceeds one square foot of signage for every one foot of primary building wall. The zoning code limits the number of freestanding signs on a zoning lot to one.
- In the PO Pedestrian Oriented Overlay District, pole signs, backlit awning and canopy signs and backlit insertable panel projecting signs are prohibited.
- At this time, no signage is proposed.

**Screening of Mechanical Equipment – Meets requirements**

- All mechanical equipment is subject to the screening requirements of Chapter 535 of the zoning code.
- There will be a cooling tower located on the roof of the building. The applicant is not proposing to screen the mechanical equipment. The overall height of the cooling tower is 16 feet. Given the height of the mechanical equipment, it will be visible from the ground and from surrounding buildings. CPED is recommending that the cooling tower be screened per the standards of Chapter 535, Regulations of General Applicability.
- There will also be mechanical equipment located on the ground in the southwest corner of the site. The mechanical equipment will be enclosed with a fence. The fence will be 20 feet in height and made out of wood textured Glass Fiber Reinforced Concrete which is one of the exterior materials on the building.

**Refuse Screening – Meets requirements**

- All refuse and recycling storage containers are located within the building.

**Lighting – Meets requirements with Conditions of Approval**

- Existing and proposed lighting must comply with [Chapter 535](#) and Chapter 541 of the zoning code.
- A lighting plan showing footcandles was not submitted as part of the application materials. CPED is recommending that the final lighting plan conform to the standards of Chapter 535, Regulations of General Applicability.

**Fences – Requires variance(s)**

- Fences must comply with the requirements in [Chapter 535](#). In the southwest corner of the site there is a proposed 20-foot tall fence. The purpose of the fence is to screen the mechanical equipment and the loading area. The proposed fence is located in the required front and interior side yards where the maximum fence height is three and six feet respectively. In addition, no fence is allowed to be greater than eight feet regardless of location. A variance is required to allow a fence that is 20 feet in height.

**Specific Development Standards – Not applicable**

**PO Pedestrian Oriented Overlay District Standards – Requires variance(s)**

- The applicant has applied for a variance to allow the building to be located more than eight feet from the front property lines along Washington Avenue Southeast and Harvard Street Southeast in the PO Pedestrian Oriented Overlay District.

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

*The Minneapolis Plan for Sustainable Growth* identifies the site as Mixed Use and 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 10.6: 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.
- 10.6.6 Integrate transit facilities and bicycle parking amenities into the site design

**Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.**

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.3 Enhance pedestrian and transit-oriented commercial districts with street furniture, street plantings, plazas, water features, public art and improved transit and pedestrian and bicycle amenities.
- 10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

**Urban Design Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.**

- 10.16.1 Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota.
- 10.16.2 Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements.
- 10.16.3 Integrate placement of street furniture and fixtures, including landscaping and lighting, to serve a function and not obstruct pedestrian pathways and pedestrian flows.
- 10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

**Urban Design Policy 10.23 Promote climate-sensitive design principles to make the winter environment safe, comfortable and enjoyable.**

- 10.23.1 Consider solar access, shelter from wind and snow storage and removal in site design.
- 10.23.3 Consider building context, placement, and height to manage wind speeds.

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

The City Council approved the *Stadium Village University Avenue Station Area Plan* in 2012. The proposed development is consistent with the following principles and policies outlined in the small area plan:

- As the opportunities for infill development emerge, the new development should reinforce the urban pattern by extending the street grid and placing buildings to define the streets and enhance pedestrian walkability.
- Encourage appropriate buffering and transitions between adjacent uses, including evaluation of shadowing by tall buildings of nearby properties.
- Allow for safe, comfortable, and inviting pedestrian activity along the street to and from the light rail stations to the adjacent neighborhoods and campus.
- Incorporate streetscape elements such as more street trees, planters, monuments, public art, kiosks and benches to create a more inviting and comfortable sidewalk environment and promote more sidewalk activity.

### **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:

- **Building placement.** The first floor of the building will be located between three and 18 feet from the front property line along Washington Avenue Southeast and between zero and 32 feet along Harvard Street Southeast. The property is located in the designated Stadium Village Activity Center, the designated University of Minnesota/SEMI Growth Center and at the center of the Stadium Village Transit Station Area (TSA). Adopted City policies encourage wider sidewalks in Activity Centers and Growth Centers. To achieve a wider sidewalk, the first floor of the building has been set back more than eight feet in some locations. CPED is recommending that the City Planning Commission grant alternative compliance.
- **Number of materials.** The building design is not consistent with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials. On the east elevation there are five different exterior materials proposed and on the south elevation there are four different exterior materials proposed. The east wall of the building will be located 12 feet from an adjacent residential structure and will be visible from certain vantage points along Washington Avenue Southeast. Approximately one-third of the south wall of the building will be highly visible from Harvard Street Southeast. The east and south elevations of the building are secondary facades. They also have to be fire rated walls since they are exterior walls of an enclosed parking ramp. Given these reasons, CPED is recommending that four materials be allowed on the east and south elevations of the building to allow a less decorative material where the walls would have limited exposure due to proximity of the adjacent buildings. Although staff is recommending that a fourth material be allowed on the secondary facades, the fourth material would not be appropriate on the primary facades. This recommendation is contingent on the applicant providing additional architectural elements and incorporating more materials that match the primary facades on the east and south elevations where they will have higher visibility.
- **Active functions.** At least 70 percent of the first floor building frontage facing the public street, public sidewalk, or public walkway shall contain active functions. The ground floor facing Harvard Street Southeast contains 65 percent active functions. The access point to the on-site loading spaces and the underground parking will be located along Harvard Street Southeast as well as the loading spaces themselves. One hundred percent of the ground floor facing Washington Avenue Southeast will be active. CPED is recommending that the City Planning Commission grant alternative compliance.
- **General landscaping and screening.** The landscaping requirements for the development are 1,283 square feet of green space, three trees and 13 shrubs. The applicant is proposing 315 square feet of landscaping, zero trees and zero shrubs. However, the applicant is proposing to plant 155 perennials on the property and an additional 64 perennials and six trees in the right-of-way. The only portion of the site that does not have a basement below it or building above it is the two feet of space between the proposed building and the building to the east and the driveway connection to Walnut Street Southeast. It would not be practical to plant trees or shrubs in these locations. CPED is recommending that the City Planning Commission grant alternative compliance.

## **FOR REZONINGS ONLY**

### **ZONING PLATE NUMBER. 22**

**LEGAL DESCRIPTION.** The northerly 22.50 feet of Lot 3, Block 31, St. Anthony City Addition, Hennepin County, Minnesota. AND The South 32 feet of Lot 7 and the North 33 feet of Lot 8, Block

31, St. Anthony City Addition, Hennepin County, Minnesota, except the southerly 10.50 feet of the northerly 33.00 feet of the easterly 120.00 feet of said Lot 8, Block 31, St. Anthony City Addition. AND The West 120 feet of Lot six (6) and the West 120 feet of the North 34 feet of Lot seven (7), Block thirty-one (31), St. Anthony City, Hennepin County, Minnesota. AND The East 45 feet of Lot six (6) and the East 45 feet of the North 34 feet of Lot seven (7), Block thirty-one (31), St. Anthony City, Hennepin County, Minnesota.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Core Minneapolis, LLC for the properties located at 600 Washington Avenue Southeast, 612 Washington Avenue Southeast and 311 Harvard Street Southeast:

**A. Rezoning the property located at address from the R6 Multiple-family District, C1 Neighborhood Commercial District and C2 General Commercial District zoning district to the C3A Commercial Activity Center District and to add the PO Pedestrian Oriented Overlay District.**

Recommended motion: **Approve** the application for a petition to rezone the properties located at 600 Washington Avenue Southeast, 612 Washington Avenue Southeast and 311 Harvard Street Southeast from the R6 Multiple-family District, C1 Neighborhood Commercial District and C2 General Commercial District to the C3A Commercial Activity Center District and to add the PO Pedestrian Oriented Overlay District to the entire site.

**B. Conditional Use Permit to increase the height of the building.**

Recommended motion: **Approve** the application to increase the maximum height of the building from 4 stories or 56 feet to 26 stories or 284 feet, subject to the following conditions:

- I. 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.

**C. Variance to increase the maximum floor area ratio (FAR).**

Recommended motion: **Approve** the application to increase the maximum floor area ratio (FAR) from 4.32 to 11.1.

**D. Variance to reduce the minimum gross floor area.**

Recommended motion: **Approve** the application to reduce the minimum gross floor area of the efficiency units within the building from 350 square feet to 340 square feet.

**E. Variance to reduce the minimum parking requirement.**

Recommended motion: **Approve** the application to reduce the minimum parking requirement from 215 spaces to 144 spaces.

**F. Variance to reduce the front yard setback along Harvard Street Southeast.**

Recommended motion: **Approve** the application to reduce the front yard setback along Harvard Street Southeast from the required 15 feet to zero feet for the first 25 feet north of the south property line to allow the building and mechanical equipment.

**G. Variance to reduce the east and south interior side yard setbacks.**

Recommended motion: **Approve** the application to reduce the east and south interior side yard setbacks from the required 55 feet to between two and 10 feet on the east side to allow the building and between zero and 16 feet on the south side to allow the building and mechanical equipment.

**H. Variance of the PO Pedestrian Oriented Overlay District.**

Recommended motion: **Approve** the application to allow the building to be located more than eight feet from the front property lines along Washington Avenue Southeast and Harvard Street Southeast in the PO Pedestrian Oriented Overlay District.

**I. Variance to increase fence height.**

Recommended motion: **Approve** the application to increase the height of a fence from the maximum 3 feet to 20 feet, subject to the following conditions:

1. The fence shall be made out of wood textured Glass Fiber Reinforced Concrete to match the exterior material on the building.

**J. Site Plan Review.**

Recommended motion: **Approve** the application for a new mixed-use building including 438 dwelling units and 10,500 square feet of commercial space, subject to the following conditions:

1. All site improvements shall be completed by August 5, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
3. The east and south walls of the building shall be designed so they are not over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements. This condition shall apply to only those portions of the east and south building walls where the visibility of them are not blocked by an adjacent building.
4. There shall be no more than four exterior materials on the east and south elevations.
5. The exterior materials and appearance of the interior side walls on the base of the building shall be similar to and compatible with the front sides of the building.
6. Roof top mechanical equipment shall be screened per the standards of Chapter 535, Regulations of General Applicability
7. The final lighting plan shall conform to the standards of Chapter 535, Regulations of General Applicability.

**ATTACHMENTS**

1. PDR report
2. Written description and findings submitted by applicant
3. Travel Demand Management Plan
4. Zoning map
5. Survey
6. Site plan
7. Photos
8. Shadow studies
9. Context study
10. Architectural plans
11. Renderings

- 12. Civil plans
- 13. Landscaping plans
- 14. Correspondence