

LAND USE APPLICATION SUMMARY

Property Location: 805, 817, 821 8th Street SE and 803 & 815 9th Avenue SE
Project Name: Spectrum Apartments and Townhomes
Prepared By: Mei-Ling Smith, Senior City Planner, (612) 673-5342
Applicant: CPM Development
Project Contact: Scott Nelson, DJR Architecture, Inc.
Request: To construct three new residential buildings.
Required Applications:

Rezoning	Petition to rezone portions of the properties at 815 9th Avenue SE and 805 8th Street SE from the I1 Light Industrial District and IL Industrial Living Overlay District to the R5 Multiple-Family District, retaining the UA University Area Overlay District.
Conditional Use Permit	For a planned unit development including one five-story apartment building with 102 dwelling units and two three-story townhomes buildings with 16 dwelling units.
Conditional Use Permit	To increase the maximum permitted height of a structure in the R5 Multiple-Family District from 4 stories/56 feet to 5 stories/55 feet, 2 inches.
Site Plan Review	For three new residential buildings with a total of 118 dwelling units.
Preliminary and Final Plat	To combine several underlying plats into one.

SITE DATA

Existing Zoning	R5 Multiple-Family District / UA University Area Overlay District (817 & 821 8 th Street SE, 803 9 th Avenue SE) I1 Light Industrial District / IL Industrial Living Overlay District / UA University Area Overlay District (815 9 th Avenue SE & 805 8 th Street SE)
Lot Area	74,291 square feet / 1.71 acres
Ward	3
Neighborhood	Marcy Holmes Neighborhood Association
Designated Future Land Use	Urban Neighborhood (805, 817, 821 8 th Street SE and 803 9 th Avenue SE) Transitional Industrial (815 9 th Ave SE)
Land Use Features	n/a
Small Area Plan	<u>Marcy-Holmes Neighborhood Master Plan (2014)</u>

Date Application Deemed Complete	June 6, 2016	Date Extension Letter Sent	June 21, 2016
End of 60-Day Decision Period	August 5, 2016	End of 120-Day Decision Period	October 4, 2016

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site occupies five parcels between 8th Street SE and 9th Street SE on 9th Avenue SE in the Marcy-Holmes Neighborhood. The subject site would include the eastern portion of 815 9th Avenue SE, the portion of the parcel at 805 8th Street SE that does not include the existing building, and the three residential parcels facing 8th Street SE. The resulting parcel would be have six sides and be approximately 74,291 square feet in area.

The three parcels at the northwest corner of 8th Street SE and 9th Avenue NE are residentially zoned, and each contains existing single-family homes which would be demolished as part of this project. The other two parcels, 815 9th Ave SE and 805 8th Street SE, have industrial zoning and are located within the IL Industrial Living Overlay District. The property at 815 9th Avenue SE contains two, one-story metal buildings (Quonset huts) which are approximately 20 feet in height, a two-story industrial building, and surface parking, loading, and maneuvering areas. The proposed project would result in the demolition of the two Quonset huts, as well as the removal of the loading area at 805 8th Street SE. All five parcels are located within the UA University Area Overlay District. The applicant has obtained historic review letters for all existing structures on the site, which indicate that the properties do not appear to meet the local designation criteria listed in section 559.210 of the Minneapolis Code of Ordinances and have been determined to not be a historic resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is less than 300 feet to the west of I-35W. There are industrial uses to the north and west of the subject site, low-density (R2B) residential uses to the east, and medium-density residential uses to the south and west.

PROJECT DESCRIPTION. The applicant intends to replat all five parcels and rezone two of the parcels from II Light Industrial District with the IL Industrial Living Overlay District to R5 Multiple-Family District, retaining the UA University Area Overlay District, so that the site has consistent zoning. The project would include three separate buildings, which requires a conditional use permit for a planned unit development in the R5 district. The three proposed buildings are as follows:

- A five-story “L”-shaped apartment building with 102 dwelling units and a total of 110 bedrooms. The apartment building would be located on the northern portion of the site, with the residential lobby at the northeast corner. The unit mix would include one and two-bedroom units. There would also be 22 enclosed parking spaces located on the first floor, facing the interior of the site. A conditional use permit is being requested to increase the maximum height of the apartment building from 4 stories/56 feet to 5 stories/55 feet, 2 inches.
- A three-story building with 5 walk-up townhomes and a total of 20 bedrooms. Each townhome would contain four bedrooms.
- A three-story building with 11 walk-up townhomes and a total of 44 bedrooms, as each townhome would contain four bedrooms.

The applicant is proposing an outdoor dog run, an outdoor pool, and an indoor exercise room as part of the proposal. In addition, the applicant has indicated that there would be a rooftop deck area on the apartment building with garden spaces for residents, as well as balconies and patios for many of the units. All amenities would be shared between the residents in the apartments and the townhomes.

The UA University Area Overlay District requires a minimum of 87 vehicle parking spaces and 174 long-term bicycle or motorized scooter parking spaces for the 174 bedrooms proposed for the site. The applicant is proposing 77 vehicle parking spaces (55 surface, 22 enclosed), which may be reduced as an authorized alternative through the planned unit development standards. The zoning code also has a requirement of one loading space for a residential development of this size, but the applicant is not

proposing any loading areas at this time. One curb cut would be located off of 9th Ave SE and one would be located on 8th Street SE.

For the apartment building, the applicant is proposing brick as the primary exterior material around the first floor, two types of Nichiha fiber cement panel on floors two through four, and cementitious lap siding on the fifth floor. The primary materials of the townhomes would be two types of Nichiha fiber cement panel with fiber cement lap siding on the second- and third-floor bump-outs.

In addition to the rezoning, conditional use permit for a planned unit development, conditional use permit for height, and the preliminary and final plat, the proposal requires site plan review for the three new buildings with 118 dwelling units.

The City Planning Commission's Committee of the Whole reviewed two versions of this project on January 28, 2016 and on May 26, 2016. Since the May 26, 2016 meeting, the applicant has updated the plans to include a reflective roof on the apartment and townhome buildings, as well as added landscaping in the surface parking lot.

PUBLIC COMMENTS. Staff received a letter of support from the Marcy-Holmes Neighborhood Association, which was based on a previous version of the project that only included the apartment building at that time. The letter calls for the development of the south site that would be in keeping with the Marcy-Holmes Neighborhood Master Plan, including providing connectivity between 8th Street SE and 9th Street SE and implementing stormwater management solutions. 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 at 815 9th Avenue SE and 805 8th Street SE from the I1 Light Industrial District to the R5 Multiple-Family District, retaining the UA University Area Overlay District, 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 properties are designated as Transitional Industrial on the future land use map, as well as in the *Marcy-Holmes Neighborhood Small Area Plan (2014)*. However, both the small area plan and the comprehensive plan recognize that this area may eventually evolve to other uses compatible with surrounding development, as it does not have the same protection as industrial uses located within Industrial Employment Districts. The proposal to rezone two of the five parcels on the subject site to create consistent zoning would be consistent with the following principles and policies outlined in the plan apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.

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

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

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

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

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

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

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

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.

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.

- 10.6.3 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.

Urban Design Policy 10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.

Urban Design Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define

public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

The proposal to rezone a portion of the site from the II Light Industrial District and IL Industrial Living Overlay District to the R5 district is supported by the above policies and implementation steps.

The proposal is also in general conformance with the policies and strategies outlined in *The Marcy-Holmes Neighborhood Master Plan*, adopted in 2014. The plan generally contains different policy guidance for the northern portion of the site along 9th Street SE versus the southern portion of the site along 8th Street SE.

The 9th Street Industrial Character Area is identified as Transitional Industrial in the small area plan and in the future land use map. This area is characterized by large format buildings that were or are currently industrial and warehouse uses. The plan acknowledges that this area contains underutilized sites that could be rehabilitated or redeveloped for the next generation of flexible, sustainable buildings. The plan calls for exploring the feasibility of reconnecting the street grid and improving bicycle and pedestrian safety, given the diversity of uses in the area. In addition, the plan emphasizes the importance of infrastructure improvements to prevent flooding and improve water quality. The proposed development would improve adjacent pedestrian amenities and redevelop an underutilized industrial site. The applicant would also implement a stormwater management plan to capture and treat runoff.

The southern portion of the subject site that is adjacent to 8th Street SE is located in the “West Side” character area, where the plan calls for maintaining neighborhood stability, improving connectivity and pedestrian amenities, enhancing neighborhood amenities, and preserving the historic neighborhood fabric. The plan recommends developing guidelines that are inclusive of a range and variety of building types at an appropriate scale, offering incentives for sustainable redevelopment and renovation, and prioritizing investments in street trees and street tree maintenance. The landscaping plan submitted by the applicant shows that canopy trees would be planted throughout the site as well as within the public right-of-way next to the building. The proposed apartment building and townhomes are designed at a scale that is sensitive to the context of surrounding buildings and uses, and the applicant plans to provide amenities through the planned unit development.

The townhomes, and a portion of the apartment building, would be located in an area identified for Medium Density Residential (20-50 dwelling units per acre, transitions between higher and lower use/density areas) in the small area plan. The proposed development would have approximately 69 dwelling units per acre, which is characterized as High Density Residential (50-120 dwelling units per acre) and therefore slightly exceeds the residential density called for in the small area plan. In addition, this portion of the site is also classified as Urban Neighborhood in *The Minneapolis Plan for Sustainable Growth*, and these areas are not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density. However, the southern portion of the site that is Medium Density Residential in the small area plan is also zoned R5 Multiple-Family District, which is one of two high-density residential zoning districts and would allow high-density development by-right.

The intersection of 8th Street SE and 9th Avenue SE is identified as a neighborhood gateway in the plan. This intersection is a half-block from the subject site and adjacent to Phase II of the development. The plan calls for treating this location through “a change in the environment, a landmark building, or a threshold to cross to communicate a sense of arrival...Consistent treatment by public and private owners along these streets, such as lush boulevard treatments, artistic bus shelters, or other arts installations, are encouraged.”

The proposal to create consistent zoning would allow the five parcels to be developed in a consistent manner would be in keeping with the small 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 project, which spans five parcels, would result in split zoning. The zoning code does not allow developments to belong to more than one zoning classification. The rezoning would result in uniform zoning of the site and would allow for greater residential densities to accommodate an increase in the supply of housing in an area that is connected to transit and commercial and cultural amenities, as called for in adopted City policies. The existing zoning classification already allows dwelling units as a conditional use, as they are located in the IL Industrial Living Overlay District. The amendment to rezone the subject parcels to R5, and which would allow multifamily development as-of-right, is in the public interest and not solely in the interest of the property owner.

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

The proposed zoning classification would be compatible with those of other properties in the area. The entire block on the opposite side of 8th Street SE is zoned R5, as are many other properties adjacent in the general vicinity. The two properties would also be combined with three adjacent R5 parcels, which is the reason for the rezoning. All parcels on the proposed zoning lot would continue to be located within the UA University Area Overlay District, which is established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment.

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.*

The block containing the two industrial parcels has a range of residential densities, and the surrounding area contains zoning and residential uses that would be consistent with the proposal. Allowing more dense residential development in an area that is well connected to transit and other amenities is appropriate.

The total development site would be approximately 74,291 square feet, provided that the plat is approved. If the rezoning petition were not granted, any future developments on each parcel would be limited to the lot area of each site, and would be subject to different height limitations and setbacks. Those factors limit the reasonable use of the property under the current zoning. The zoning code does not allow developments to belong to more than one zoning classification. Allowing all five properties to belong to the same zoning classification would make it possible for future developments on the properties to be constructed in an efficient, coherent manner on the block.

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 two parcels have been zoned I1 since the adoption of the 1999 zoning code. Prior to that time, both belonged to the M1-2 Light Manufacturing District for at least 30 years, which is comparable to today's I1 Light Industrial District with the IL Industrial Living Overlay District or the C4 General Commercial District, as it contained a wide range of commercial, institutional, transportation,

wholesale, storage, and processing uses. Prior to the 1963 zoning code, the site was zoned for Light Industrial uses when the 1924 zoning code was adopted.

The general area of the property in question has changed since the property was zoned for light industrial uses in 1924 and again in 1999. In the 1960s, Interstate-35W was constructed 300 feet to the east of the site, which removed numerous residential, commercial, and industrial parcels in the area. In addition, the University of Minnesota campus has expanded and, with it, the supply of student and multi-family housing in close proximity to the subject site. Given these changes, staff finds that it would be appropriate to change the subject parcels' zoning classification as industrial parcels.

CONDITIONAL USE PERMIT - PLANNED UNIT DEVELOPMENT

The Department of Community Planning and Economic Development has analyzed the application for a Planned Unit Development to allow for a new five-story apartment building that includes a total of 102 dwelling units and two three-story townhome buildings with a total of 16 dwelling units, 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.*

Allowing the construction of a new five-story apartment building with 102 dwelling units, as well as two townhome buildings with a total of 16 dwelling units, would not be detrimental to or endanger the public health, safety, comfort, or general welfare. The ground floor of all three buildings would contain walk-out units and communal areas that face 8th Street SE and 9th Ave SE to increase the number of eyes on the street and enhance the safety of the surrounding area. The proposed development is contextually appropriate and further enhances the character of the area all while being consistent with adopted policies that support multi-family development in this location.

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 subject property is located in a developed urban area that contains low-to-medium density residential uses and light industrial uses. Allowing for the construction of the proposed planned unit development would not be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The project would include site, stormwater, and landscaping improvements that would improve upon the aesthetic and functional qualities of the project site and the adjacent public right-of-way. The proposed development would be compatible with the character and scale of uses located in the area, as well as consistent with adopted City policies.

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

Adequate utilities, access roads, and other necessary facilities are existing or will be provided. The parking areas serving the development would be accessed via two curb cuts (one on 9th Avenue SE and one on 8th Street SE), and the applicant is proposing an underground filtration system to capture and treat runoff from the site, where no stormwater treatment system currently exists.

The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department,

the Plan Review Section of CPED, and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all City and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Measures have been provided in regard to minimizing traffic congestion. The UA University Area Overlay District requires a minimum of 87 vehicle parking spaces and 174 long-term bicycle or motorized scooter parking spaces for the 174 bedrooms proposed for the site. The proposed development would include 77 vehicle parking spaces and 174 long-term bicycle parking spaces, as well as six short-term bicycle parking spaces near the apartment building entrance. All bedrooms within the development would therefore have one bicycle parking space, and 65 percent of the dwelling units would have an off-street vehicle parking space.

In addition to the on-site parking facilities, the site is well-served by nearby transit routes. There are two high-frequency bus routes adjacent to the site, along 8th Street SE (the 2 and the 4), and the site is also located a few blocks from Hennepin Ave, 4th Street SE, and University Ave, which all carry regular bus routes.

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

See the above listed response to finding #1 in the rezoning application. The planned unit development is consistent with the listed policies and implementation steps as well.

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 rezoning, conditional use permit, site plan review, preliminary and final plat is approved, the proposal would comply with all applicable provisions of the R5 District.

Findings Required for Planned Unit Developments:

- A. The planned unit development conforms to the applicable standards for alternatives and amenities. All planned unit developments shall provide at least one amenity or a combination of amenities that total at least 10 points, beyond those required for any alternatives. For each alternative requested, amenities shall total at least five points.

Alternatives requested:

Number of principal residential structures.

The applicant is proposing a total of three residential buildings within the PUD, which requires an alternative to allow more than one principal residential structure to be placed on one platted lot. One is a new five-story apartment building that includes 102 units, and the other two buildings are three-story townhomes totaling 16 units. Overall, 118 units would be provided on-site within the three proposed principal residential structures.

Required yards.

A reduction of required yards is necessary along the periphery of the planned unit development adjacent to 8th and 9th Street SE and 9th Avenue SE. The building walls comply with the required yards, but the applicant is requesting an authorized alternative to allow the following encroachments into the front and corner side yards:

- A patio exceeding 50 square feet in area (the proposed patio is 464 square feet and is located in a required front and corner yard).
- Entrance landings exceeding 36 square feet (four entrance landings to the townhomes are 50 square feet, and the entrance landing adjacent to the primary entrance to the apartment building, facing 9th Avenue SE, is 144 square feet).
- Awnings projecting more than 2.5 feet into the corner side yard (the awning located over the 9th Avenue SE entrance projects 5 feet into the required yard).
- Balconies projecting more than 4 feet into a required yard (the apartment balconies project 5 feet into the front/north and corner/east side yard setbacks)

Off-street parking and loading.

The minimum parking requirement is 87 based on the 174 bedrooms in the development, as the site is located within the UA Overlay District, which has a minimum parking requirement of 0.5 vehicle parking spaces per bedroom. The loading requirement for the site is one small (10 feet by 25 feet) loading space, as the development contains between 100 and 250 dwelling units. The project would include 77 parking spaces and zero loading spaces.

Points required for alternatives:

- Establishment of the PUD – **10 points.**
- Number of principal residential structures – **0 points.**
- Required yards – **5 points.**
- Off-street parking and loading – **0 points.**

Total = 15 points.

Phasing plan. No additional phases of this PUD are proposed at this time.

Amenities provided:

The applicant is proposing the following amenities from Table 527-1, Amenities (see Table 1).

Active liner uses as part of a parking garage (10 points)

Inclusion of housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway. In any district where liner uses are already required on the first floor, points shall only be awarded for liner uses on all other floors above the first where parking is located. False or display windows shall not qualify.

The apartment building would contain a parking garage with 22 spaces on the ground floor. The apartment would face both 9th Street SE and 9th Avenue SE, and residential uses would face both street frontages, while the parking garage would be located along the rear side of the building. The residential spaces lining the street frontage would include dwelling units, a lobby, and bike storage areas. Staff recommends a condition of approval that would make the bike storage area facing 9th Avenue SE more active in order to award the full ten points that are being requested. At minimum, the applicant shall provide a bicycle fixing stand, a tire pump, and a workbench within the bike storage area.

Reflective roof (3 points)

Utilize roofing materials for seventy-five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.

The applicant is proposing to cover the roofs of all three buildings with a solar reflectance index (SRI) equal to or greater than the values as required by the USGBC for low-sloped roofs. Less than 25 percent of the rooftop areas would be partially covered by rooftop access enclosures and decking.

Decorative fencing (1 point)

Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.

The applicant proposes to install a 430-foot long powder-coated metal ornamental fence along the west property line. The fence would be three feet tall in the required front yard along 8th Street SE and five feet everywhere else. The fence would be visible from 9th Street SE and 8th Street SE. An ornamental fence would also be installed around the dog run and pool area, according to the materials submitted by the applicant. Staff recommends a condition of approval that requires that all fencing materials visible from the public street shall be high-quality decorative metal fencing and be indicated as such on the final site plan.

Pet exercise area (1 point)

A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet. It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste. The pet exercise area shall not be located in a required yard.

The applicant is proposing a 720 square-foot (12 feet by 60 feet) pet exercise area in the northwest portion of the site, next to the apartment building. The pet exercise area would be enclosed with decorative fencing, include lighting in compliance with Chapter 535 of the zoning code, and provide accommodations for the proper disposal of animal waste. Staff recommends a condition of approval that requires the final site plan to show the location of the animal waste containers.

Table I. Amenity Points Summary

Amenity	Points Requested by Applicant	Points Recommended by Staff
Active liner uses	10 point	10 point
Decorative fencing	1 point	1 point
Reflective roof	3 point	3 point
Pet exercise area	1 point	1 point
Total	15 points	15 points

B. The planned unit development conforms to the required findings for a planned unit development:

1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a) The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The subject property is surrounded by residential uses of varying density and industrial uses. The proposed PUD would add a new apartment building that includes 102 dwelling units and two townhome buildings with a total of 16 units, for a total of 118 dwelling units on the site. All

ground floor units are design with individual walk-up entries, and a 15-foot landscaped yard would be maintained between the buildings and three street frontages, as consistent with the character of the surrounding residential uses. The proposed development would be contextually appropriate and advances City goals related to increasing the supply of housing near transit and local amenities.

- b) *The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.*

The development is expected to have any negative impacts on traffic movement in the vicinity. As proposed, the development would have three street frontages and be accessed via two curb cuts. The development would include a total of 77 parking spaces and 174 bicycle parking spaces to accommodate the development's off-street parking needs. The applicant is also proposing six short-term bicycle parking spaces near the apartment building entrance. The proposed site and landscaping improvements would improve the pedestrian environment in the adjacent right-of-way. The applicant is proposing to reduce the minimum vehicle parking requirement from 87 to 77, and the required number of small loading spaces from one to zero, through the planned unit development's authorized alternatives.

In addition to the on-site parking facilities, the site is well-served by nearby transit routes. There are two high-frequency bus routes adjacent to the site, along 8th Street SE (the 2 and the 4), and the site is also located a few blocks from Hennepin Ave, 4th Street SE, and University Ave, which all carry regular bus routes.

- c) *The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.*

The development provides the required amenities. Please see the amenities section of this report detailing the proposal's compliance with provisions for active liner uses as part of a parking garage, reflective roofing materials, decorative fencing, and a pet exercise area. In addition, the development would include an outdoor pool and hot tub, barbeque areas, a community room and exercise room, and a rooftop deck with planting boxes. There would be 15-foot landscaped yards between the buildings and the three street frontages.

- d) *The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.*

There is a mix of residential and industrial uses in the area, and the building types and styles are varied. The proposed development is contextually appropriate and would be compatible with the character and scale of uses surrounding the site, as well as consistent with adopted City policies. The scale and massing of the proposed building would not be out of character with the area, and the proposed use is compatible with surrounding properties. The parking areas would be enclosed within the buildings or screened from adjacent residential properties through landscaping and decorative fencing, as well as by the building itself.

- e) *An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.*

There are residential uses to the east and south of the site, and industrial uses to the north of the site. The development site is separated from adjacent properties to the north, east, and south by a 15-foot on-site landscaped yard and public right-of-way. Immediately to the west, there is a three-story apartment building and an industrial property. The development would provide appropriate transitions between adjacent residential uses and zoning districts through on-site landscaping and screening, boulevard trees.

The massing of the buildings also accounts for appropriate transition areas. The three buildings would be located on the site in accordance with R5 district setbacks while being separated from the nearest residential use to the west by the driveway off of 8th Street SE, which would be fully screened. The two townhomes along the south would be three stories in height, similar to nearby residential uses, while the five-story apartment building would be closest to the adjacent industrially zoned properties.

- f) *The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.*

The applicant will be required continue to work closely with the Public Works Department, the Plan Review Section of CPED, and various utility companies during the duration of the project's development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The City of Minneapolis will review and approve the applicant's stormwater management plan and erosion control plan.

- g) *The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.*

The applicant has indicated that any usable items within the three existing houses and two Quonset huts, which would all be demolished as part of the project, would be removed and donated to charitable organizations. The applicant also states that a waste management plan will be used to recycle cardboard, metal, brick, wood, glass, gypsum wall board, carpet, and insulation during the construction process.

2. *That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.*

The site is being re-platted into one lot for the proposed development. The preliminary and final plat complies with all of the applicable requirements in Chapter 598 of the Zoning Code.

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum height of a structure in the R5 Multiple-Family District from 4 stories/56 feet to 5 stories/55 feet, 2 inches, 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 maximum allowed height of a building in the R5 district is 4 stories or 56 feet, whichever is less. The applicant is proposing one building that is 55 feet, 2 inches in height at its tallest point, which is complies with the district maximum in terms of feet, but exceeds the maximum number of stories by one story. The proposed 55 foot tall, 2-inch tall building will not be detrimental to or endanger

the public health, safety, comfort, or general welfare provided that the development complies with all applicable building codes, life safety ordinances, and Public Works standards.

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 building wall of the proposed five-story building will comply with the 15-foot district setbacks along the street frontages, and will exceed the interior side yard setback requirement of 13 feet. The building would be surrounded by outdoor amenity space and landscaped yards on all sides, and there are industrial uses directly to the west and north. In addition, the proposed building will include site and landscaping improvements that will improve the public realm. For these reasons, CPED finds that increasing the height of the building 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 for uses permitted in the district.

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

Increasing the height of the proposed building will not have an impact on utilities, access roads, or drainage.

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

Staff finds that adequate measures are being proposed to minimize traffic congestion in the public streets. The development will include off-site parking spaces for 77 of the 118 dwelling units, while all bedrooms will have one secured bicycle parking space. In addition, the site is in close proximity to high-frequency transit routes.

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

The proposed development would be consistent with adopted City policies, as described in finding #1 for the rezoning. The policies and plans cited for the rezoning would also apply to the conditional use permit for height.

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 R5 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.*

The proposed apartment building would be 55 feet, 2 inches in height. There are industrial uses to the north and west of the subject site, low-density (R2B) residential uses to the east, and medium-density residential uses to the south and west. The building will be separated from surrounding properties by the public right-of-way on the north, east, and south street frontages, plus it will include a 15-foot landscaped yard between the building and adjacent right-of-way. There will be a pet exercise area, outdoor pool area, surface parking, and a driveway between the five-story

building and the three-story residential building to the southwest, which is directly to the west of the proposed three-story townhome buildings. Increasing the height of the apartment building should not impede access to light and air that the surrounding properties receive.

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

Allowing the proposed increase in height would not have substantial shadowing effects on adjacent residential properties, significant public spaces, or known existing solar energy systems.

The applicant submitted a shadow study showing the proposed apartment building's impacts at an hour after sunrise, noon, and an hour before sunset on March 20, June 21st and December 22nd. The shadow study does indicate some shadowing impacts on the residential properties located to the northeast/east of the proposed building before sunset throughout the year. There would also be some shadowing on the residential properties to the southwest an hour after sunrise in June. However, the shadowing impacts would be identical for a 4-story building measuring 56 feet in height, which would be permitted by-right in the R5 district as well as in the existing I1 district.

The nearest solar energy panel system is located at 1070 11th Ave SE, which is 1,100 feet to the northeast of the site. There is also another solar energy system at 512 7th Street SE, which is located approximately 1,400 feet to the southwest of the site. The proposed development will have no impact on either system.

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

The five-story apartment building would be located on the northeast corner of the block and development site, whereas the proposed three-story townhomes would be located along 8th Street SE. The residential buildings along 8th Street SE range between 2.5 stories to four stories in height, while residential buildings across 9th Avenue SE, to the east, are two stories in height. The nearby industrial properties are between one and two stories in height. The five-story apartment building would be compatible in scale and character with the various industrial and residential uses surrounding the site.

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

The proposed development will not block views of landmark buildings, significant open spaces, or bodies of water.

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:

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

BUILDING PLACEMENT AND DESIGN

Building placement – Meets requirements

- The first floor of all three buildings would be located between 15 feet and 15 feet, 3 inches from the front lot lines abutting 8th Street SE and 9th Street SE, and 15 feet from the corner side lot line abutting 9th Avenue SE. The proposed building placement complies with the requirements of the R5 zoning district.

- The placement of the building reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation.
- The area between the building and lot line includes amenities such as landscaping, patios, and bicycle parking racks for guests.
- All on-site accessory parking is located to the interior of the site and within the apartment building.

Principal entrances – Meets requirements

- The primary entrance to the apartment building would face 9th Avenue SE, which is adjacent to a corner property line. There is also an entrance to the building on the north side of the apartment building facing 9th Street SE, which is adjacent to the front property line. All residential ground floor walk-up units in the apartment building and townhome buildings would face the public street, including the public streets adjacent to the front property lines along 8th Street SE and 9th Street SE. Alternative compliance is being requested for the principal entrance facing a corner lot line instead of the front lot line facing 9th Street SE.
- All principal entrances are clearly defined and emphasized through the use of awnings, lighting, and landscaping. The east entrance of the apartment building also includes signage.

Visual interest – Meets requirements

- 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 entries – to divide the building into smaller identifiable sections.
- There are no blank, uninterrupted walls exceeding 25 feet in length.

Exterior materials – Requires alternative compliance

- For the apartment building, the applicant is proposing brick as the primary exterior material around the first floor, two types of Nichiha fiber cement panel on floors two through four, and cementitious lap siding on the fifth floor. The primary materials of the townhomes would be two types of Nichiha fiber cement panel with fiber cement lap siding on the second- and third-floor bump-outs. Cementitious lap siding is considered a restricted, nondurable material and is limited to no more than 30 percent per elevation. The easternmost townhome building, “Townhome A,” would exceed the maximum allowed percentage of fiber cement lap siding on the north and south elevations, as 30 percent is the maximum percentage allowed and 52 percent is proposed. The east and west elevations of the westernmost townhome building, “Townhome B,” also would exceed the 30 percent maximum for fiber cement lap siding, as 52 percent is proposed on each of these elevations. Alternative compliance is requested.
- The townhome buildings are consistent with the City’s policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials. However, the apartment building requires alternative compliance with this standard on all four elevations, as the applicant is proposing brick, fiber cement lap siding, and two distinct types of Nichiha fiber cement finishes.
- 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 rear and side walls of the buildings are similar to and compatible with the front of the buildings.
- 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.

Windows – Requires alternative compliance

- 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 not in compliance with the minimum window requirement for the first floor west and south elevations of the apartment building which face the on-site parking lot, the first floor south (facing 8th Street SE) and west (facing on-site parking) elevations of Townhome A, and the first floor north elevation of Townhome B facing the on-site parking lot (see Table 2). Alternative compliance is requested.
- 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	
Apartment Building				
1st floor – 9th St SE (North)	20% minimum	237 sq. ft.	23%	276 sq. ft.
1st floor – 9th Ave SE (East)	20% minimum	294 sq. ft.	27%	393 sq. ft.
1st floor – West Parking	20% minimum	187 sq. ft.	15%	136 sq. ft.
1st floor – South Parking	20% minimum	130 sq. ft.	15%	96 sq. ft.
2nd – 5th floors – 9th St SE (North)	10% minimum		>10%	
2nd – 5th floors – 9th Ave SE (East)	10% minimum		>10%	
2nd – 5th floors – West Parking	10% minimum		>10%	
2nd – 5th floors – South Parking	10% minimum		>10%	
Townhome A (East Building)				
1st floor – 9th Ave SE (East)	20% minimum	136 sq. ft.	31%	210 sq. ft.
1st floor – 8th St SE (South)	20% minimum	58 sq. ft.	14%	41 sq. ft.
1st floor – West Parking	20% minimum	136 sq. ft.	5%	35 sq. ft.
2nd – 3rd floors – 9th Ave SE (East)	10% minimum		>10%	
2nd – 3rd floors – 8th St SE (South)	10% minimum		>10%	
2nd – 3rd floors – West Parking	10% minimum		>10%	
Townhome B (West Building)				
1st floor – North Parking	20% minimum	299 sq. ft.	5%	77 sq. ft.
1st floor – 8th St SE (South)	20% minimum	299 sq. ft.	32%	484 sq. ft.
2nd – 3rd floors – North Parking	10% minimum		>10%	
2nd – 3rd floors – 8th St SE (South)	10% minimum		>10%	

Ground floor active functions – Meets requirements

- The ground floors of all three buildings contain at least 70 percent active functions for the frontages facing the public streets and sidewalks along 8th Street SE, 9th Street SE, and 9th Avenue SE.

Roof line – Meets requirements

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

Parking garages – Meets requirements

- The proposed parking garage in the apartment building would be located behind the residential uses facing 9th Street SE and 9th Avenue SE. Sloped floors do not dominate the appearance of the walls on the parking garage, and vehicles would be screened from view.
- The proposed parking garage complies with the minimum windows and ground floor active functions requirements.

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.
- Curb cuts have been consolidated. There are currently five curb cuts serving the development site and two are proposed for the project.
- There are no public alleys adjacent to the site.
- Service vehicles are not expected to access the site and would not conflict with pedestrian traffic.
- The proposed site plan minimizes the use of impervious surfaces. The maximum amount of impervious surfaces in the R5 district is 85 percent, while 78 percent of the site will be impervious. Approximately 65 percent of the existing site is impervious.

LANDSCAPING AND SCREENING

General landscaping and screening – Requires alternative compliance

- The overall composition and location of landscaped areas complement the scale of development and its surroundings.
- At least 20 percent of the site not occupied by the building is landscaped. The applicant is proposing approximately 16,033 square feet of landscaping on site, or approximately 34 percent of the site not occupied by buildings (see Table 3).
- The applicant is 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 19 and the applicant is proposing a total of 13 trees. Alternative compliance is being requested for the minimum number of on-site canopy trees.
- The applicant is 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 93 and the applicant is proposing 142 shrubs.
- The remainder of the required landscaped area is covered with turf grass, native grasses, perennial flowering plants, vines, shrubs and other trees.

Table 3. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	74,291 sq. ft.

Building Footprint	--	27,750 sq. ft.
Remaining Lot Area	--	46,541 sq. ft.
Landscaping Required	9,308 sq. ft.	16,033 sq. ft.
Canopy Trees (1:500 sq. ft.)	19 trees	13 trees
Shrubs (1:100 sq. ft.)	93 shrubs	142 shrubs

Parking and loading landscaping and screening – *Requires alternative compliance*

- There would be approximately 27 feet of parking lot frontage facing 9th Street SE (north). The parking area facing the public street contains an on-site landscaped yard of at least seven feet in width.
- The applicant is proposing a three-foot screen that is at least 60 percent opaque along the north parking lot frontage.
- There is at least one tree provided for each 25 linear feet, or fraction thereof, of parking area frontage. Two trees are required between the parking area and 9th Street SE, and four are provided.
- The parking area abutting the residential district and use to the west contains an on-site landscaped yard of between five and six feet, where seven feet is required. Alternative compliance is being requested.
- A six-foot screen that is at least 95 percent opaque is required between the parking lot area and the residential use to the west. The applicant is proposing a combination of a shrub that would reach between two and three feet at maturity and a five-foot ornamental fence. Alternative compliance is requested.
- The corners of the parking lot that are unavailable for parking or vehicular circulation are landscaped as specified for a required landscaped yard.
- Because the proposed surface parking lot contains ten or more spaces, each parking space must be located within 50 feet of the center of an on-site deciduous tree. The landscaping plan demonstrates compliance with this standard.
- Two of the proposed tree islands are at least seven feet wide in any direction, but one tree island is between four and six feet in width, so the applicant is requesting alternative compliance.
- As conditioned, the plant materials, and the installation and maintenance of the plant materials, would comply with sections 530.200 and 530.210 of the zoning code.
- All other areas not occupied by buildings, parking and loading facilities, or driveways would be covered with turf grass, native grasses, perennials, wood mulch, shrubs, and trees.

ADDITIONAL STANDARDS

Concrete curbs and wheel stops – *Meets requirements*

- All parking lots and driveways are designed to provide on-site retention and filtration of stormwater.

Site context – *Meets requirements*

- There are no important elements of the city near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This building has been designed to minimize the generation of wind currents at ground level.

Crime prevention through environmental design – *Meets requirements*

- The site plan employs best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces.
- The proposed site, landscaping, and buildings promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- The project provides lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- The landscaping, sidewalks, lighting, fencing, and building features are located to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.
- The entrances, exits, signs, fencing, landscaping, and lighting are located to distinguish between public and private areas, to control access, and to guide people coming to and going from the site.

Historic preservation – Meets requirements

- 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 of the site as a planned unit development is *conditional* in the R5 district.

Off-street Parking and Loading – Meets requirements

- The off-street vehicle parking requirement is one-half space per bedroom in the UA University Area Overlay District (see Table 4). The proposed development would contain 174 bedrooms, so the minimum parking requirement is 87. The applicant is proposing 77 parking spaces in total, of which 55 would be contained in surface parking areas, and 22 would be enclosed. As conditioned, the project would be able to reduce the on-site loading requirement through the planned unit development standards.
- Of the 77 parking spaces provided, 12 (14 percent of the minimum parking requirement) would be compact, four would be accessible, and 61 would be standard size.
- The minimum bicycle or motorized scooter parking requirement is one per bedroom (see Table 5). Bicycle or motorized scooter parking spaces may not be located in a required yard or between the principal building and a public street. The bicycle or motorized scooter requirement is 174 spaces. The applicant is proposing 174 long-term bicycle parking spaces. Each of the 22 enclosed parking stalls would have bicycle parking spaces, and the applicant is also proposing a bike storage area on the ground floor of the apartment building as well as a bike enclosure on the west portion of the site, next to the trash enclosure. In total, there are 174 long-term bicycle parking spaces provided throughout the site and six short-term bicycle parking spaces near the 9th Avenue SE entrance for the apartment building.
- The off-street loading requirement for a multiple-family dwelling with 100 to 250 dwelling units is one small (10 feet by 25 feet) space (see Table 6). The applicant is not proposing any on-site loading areas. As conditioned, the project would be able to reduce the on-site loading requirement through the planned unit development standards.

Table 4. Vehicle Parking Requirements Per Use (Chapter 54I)

Use	Minimum	Maximum Allowed	Proposed
Residential Dwellings	87	n/a	77

Table 5. Bicycle Parking Requirements (Chapter 541)

Use	Minimum	Long-Term	Proposed
Residential Dwellings	174	Not less than 90%	180

Table 6. Loading Requirements (Chapter 541)

Use	Loading Requirement	Proposed
Residential Dwellings (100-250 units)	1 small	0

Building Bulk and Height – Meets requirements

- The proposed development complies with the bulk and height requirements of the R5 district (see Table 7).

Table 7. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	74,291 sq. ft. / 1.71 acres
Gross Floor Area	--	107,066 sq. ft.
Floor Area Ratio (Minimum)	--	1.4
Floor Area Ratio (Maximum)	2.0	
Building Height (Maximum)	4 stories or 56 feet, whichever is less	5 stories / 55 feet, 2 inches

Lot Requirements – Meets requirements

- The proposed development complies with the lot requirements for the R5 district (see Table 8).

Table 8. Lot Requirements Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	118 DUs
Density (DU/acre)	--	60 DU/acre
Lot Area (Minimum)	1 acre for a planned unit development	1.71 acres
Impervious Surface Area (Maximum)	85%	78%
Lot Coverage (Maximum)	70%	37%
Lot Width (Maximum)	As approved by C.U.P	260 - 291 ft.

Yard Requirements – Meets requirements

- In the R5 zoning district, the required front yard setback is 15 feet. This applies to the north and south property lines, which are adjacent to 8th and 9th Street SE, respectively. The corner side yard facing the apartment building is 15 feet, as the requirement is 8+2x where “x” is equal to the number of stories about the first floor. For the five story building, x=4, but the corner side yard requirement cannot exceed the front yard requirement of 15 feet. The corner side yard facing the

townhomes is 12 feet, as $x=2$. The building walls comply with the front and corner side yard requirements, but the applicant is requesting an authorized alternative through the planned unit development to allow the following encroachments in the front and corner side yards:

- A patio exceeding 50 square feet in area (the proposed patio is 464 square feet and is located in a required front and corner yard).
- Entrance landings exceeding 36 square feet (four entrance landings to the townhomes are 50 square feet, and the entrance landing adjacent to the primary entrance to the apartment building, facing 9th Avenue SE, is 144 square feet).
- Awnings projecting more than 2.5 feet into the corner side yard (the awning located over the 9th Avenue SE entrance projects 5 feet into the required yard).
- Balconies projecting more than 4 feet into a required yard (the apartment balconies project 5 feet into the front/north and corner/east side yard setbacks)
- The site has two interior side yard setbacks along the west side of the property; one is parallel to the five-story apartment building, and one is parallel to the three-story townhomes. The interior side yard setback is $5+2x$, so the requirement is 13 feet for the northernmost side yard setback and the requirement is 9 feet for the southernmost interior side yard setback. The project complies with both interior side yard setback requirements.
- The rear setback is $5+2x$, or 9 feet, for the rear property line parallel which runs parallel to the south front property line. The development is in compliance with the rear yard setback requirement.
- The setbacks in Table 9 reflect the applicable building setbacks, whereas all other items are subject to a five-foot interior side yard and rear yard setback, with the exception of trash enclosures and parking areas, which are allowed to be located in a side yard if they are also in the rear 40 feet of the lot.

Table 9. Minimum Yard Requirements

Setback	Zoning District	Proposed
Front (North - 9th St SE)	15 ft.	15.2 ft.
Front (South – 8th St SE)	15 ft.	15.2 ft.
Corner Side (Northernmost/adjacent to apartments)	15 ft.	15 ft.
Interior Side (Southernmost / adjacent to townhomes)	12 ft.	15 ft.
Interior Side (Northernmost/adjacent to apartments)	13 ft.	26.5 ft.
Interior Side (Southernmost / adjacent to townhomes)	9 ft.	32 ft.
Rear	9 ft.	74 ft.

Signs – Meets requirements with Conditions of Approval

- All signs are subject to Chapter 543, On-Premise Signs. The applicant will be required to submit a separate sign permit application for any signage that is proposed.
- The applicant is proposing to install an attached sign above the 9th Avenue SE entrance. However, the applicant has not submitted a formal sign plan.

Screening of Mechanical Equipment – Meets requirements

- All mechanical equipment is subject to the screening requirements of Chapter 535 and district requirements.
- The applicant is proposing a transformer and a generator to the south of the pool house. All mechanical equipment would be screened from the public street by the building itself. All other mechanical equipment would be enclosed within the buildings.
- The apartment building would have individual HVAC units on all elevations. The individual HVAC units would be painted to match the color of the building. The townhomes would have furnaces and therefore no individual HVAC units.

Refuse Screening – Meets requirements

- All refuse and recycling storage containers are subject to the screening requirements in Chapter 535. The applicant is proposing a trash and recycling room on the ground floor of the apartment building, and a separate enclosed trash and recycling enclosure for the townhomes between the parking area and the west property line. All trash areas would be fully screened.

Lighting – Meets requirements with Conditions of Approval

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code, including:

535.590. Lighting.

- a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
 - b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:
 - 1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
 - 2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
 - 3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
 - 4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
 - 5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.
- A lighting plan showing footcandles was not provided. The applicant will be required to submit a photometric lighting plan that complies with the zoning code requirements prior to obtaining building permits.

Fences – Meets requirements with Conditions of Approval

- Fences must comply with the requirements in [Chapter 535](#). The applicant is proposing a three-to-five foot tall metal ornamental fence that would run 430 feet along the west side of the property. There would also be an ornamental fence around the pet exercise area and outdoor pool and patio area, however, the site plan does not specifically indicate a height and material for the fencing material surrounding these areas. Staff recommends a condition of approval that requires that all fencing materials and heights be indicated as proposed on the site plans.

Specific Development Standards – Not applicable

- The specific development standards that apply to a multiple family dwelling with five units or more in [Chapter 536](#) do not apply to this development, as it is located within the UA University Area Overlay District.

UA University Area Overlay District Standards – Meets requirements

- With the approval of the planned unit development application, the proposal is in compliance with the UA University Area Overlay District requirements for off-street vehicle and bicycle or motorized scooter parking, as described above.

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

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

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

See the above listed response to finding #1 in the rezoning application. The guidance provided in the *Marcy-Holmes Neighborhood Master Plan* apply to the site plan review application as well.

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:

- **Principal entrance facing a corner yard.** The primary entrance to the apartment building would face 9th Avenue SE, which is adjacent to a corner property line. There is also an entrance to the building on the north side of the apartment building facing 9th Street SE, which is adjacent to the front property line. Alternative compliance is being requested for the principal entrance facing a corner lot line instead of the front lot line facing 9th Street SE. The site has the longest street frontage along 9th Avenue SE, which acts as a primary street frontage in this case. In addition, the apartment building has an “L” shape, which the longest building frontage on 9th Avenue SE. The placement of the primary entrance on 9th Avenue SE is appropriate as a central location within the building and on the site, and staff recommends granting alternative compliance.
- **Durable materials.** For the apartment building, the applicant is proposing brick as the primary exterior material around the first floor, two types of Nichiha fiber cement panel on floors two through four, and cementitious lap siding on the fifth floor. The primary materials of the townhomes would be two types of Nichiha fiber cement panel with fiber cement lap siding on the second- and third-floor bump-outs. Cementitious lap siding is considered a restricted, nondurable material and is limited to no more than 30 percent per elevation. The easternmost townhome building, “Townhome A,” would exceed the maximum allowed percentage of fiber cement lap siding on the north and south elevations, as 30 percent is the maximum percentage allowed and 52 percent is proposed. The east and west elevations of the westernmost townhome building, “Townhome B,”

also would exceed the 30 percent maximum for fiber cement lap siding, as 52 percent is proposed on each of these elevations. Alternative compliance is requested. Staff recommends granting alternative compliance, as both elevations are only 36 feet wide, and the fiber cement lap siding on these sides would be continue to wrap the building on the other sides of the building, providing for a cohesive design for both townhome buildings.

- **Exterior materials exceeding 3 per elevation.** The townhome buildings are consistent with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials. However, the apartment building requires alternative compliance with this standard on all four elevations, as the applicant is proposing brick, fiber cement lap siding, and two distinct types of Nichiha fiber cement finishes. Staff recommends granting alternative compliance to allow four exterior materials on the elevations, as the proposed design will help to reduce the visual impact of the fifth story, which requires a conditional use permit.
- **Windows.** 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 not in compliance with the minimum window requirement for the first floor west and south elevations of the apartment building which face the on-site parking lot, the first floor south (facing 8th Street SE) and west (facing on-site parking) elevations of Townhome A, and the first floor north elevation of Townhome B facing the on-site parking lot (see Table 3). Alternative compliance is requested. The first floor west and south elevations of the apartment building are adjacent to an interior enclosed parking area along the first floor. The applicant is trying to balance the policies which encourage parking to be located to the rear or interior of the site while providing a limited amount of glazing on the exterior elevations of the parking garage. The first floors of the townhomes which face the on-site parking lot would be located on walls containing kitchen areas for all townhome units. As an alternative, the applicant is providing windows in excess of the 30 percent on the first floor facing the street frontages (9th Avenue SE and 8th Street SE), where 20 percent is the minimum requirement. Staff recommends granting alternative compliance for the minimum window requirement for all applicable elevations.
- **Canopy trees.** The applicant is 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 19 and the applicant is proposing a total of 13 trees. Alternative compliance is being requested for the minimum number of on-site canopy trees. As part of the project, the applicant is proposing to plant 19 canopy trees in the adjacent right-of-way, 12 on-site evergreen trees, and 31 on-site ornamental trees. The landscaping plan also proposed 142 on-site shrubs, which exceeds the minimum requirement by 49 shrubs. Staff recommends granting alternative compliance. The variety of landscaping materials will provide year-round visual interest, screening, and tree cover throughout the site, and staff recommends granting alternative compliance.
- **Landscaped yard.** The parking area abutting the residential district and use to the west contains an on-site landscaped yard of between five and six feet, where seven feet is required for the 18 feet of parking lot frontage. Alternative compliance is being requested. The driveway adjacent to the landscaped yard along the west property line is approximately 20 feet in width and accommodates two-way traffic. The applicant is proposing a variety of plantings in the five-to-six-foot wide landscaped yard, and an ornamental fence along the driveway, which will provide an adequate buffer between the parking area and the residential use to the west, which has a driveway along the property line that is shared with this site. Staff recommends granting alternative compliance.
- **Parking lot screening from residential uses.** A six-foot screen that is at least 95 percent opaque is required between the parking lot area and the residential use to the west. The applicant is proposing a combination of a shrub that would reach between two and three feet at maturity and a five-foot ornamental fence. Alternative compliance is requested. The applicant is proposing a 430-foot long ornamental fence and landscaping along the entirety of the west property line, while only

18 feet of the parking lot would be visible from the residential use to the west. Staff recommends granting alternative compliance.

- **Tree islands.** Two of the proposed tree islands are at least seven feet wide in any direction, but one tree island is between four and six feet in width, so the applicant is requesting alternative compliance. The tree island would contain an on-site canopy tree between the driveway and the southernmost row of parking. Staff recommends granting alternative compliance in order to accommodate vehicle turning movements within the parking area.

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:

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

The subdivision is in conformance with the design requirements of the zoning code and the land subdivision regulations and, further, is consistent with the comprehensive plan as noted above.

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 proposed subdivision would create one lot for the development that is 74,291 square feet, or approximately 1.71 acres, in size. This would have no adverse effect on surrounding property owners or result in congestion in the public streets.

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 site is relatively flat. The proposed development is over one acre and will be required to implement an approved stormwater management plan and obtain erosion control permits.

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.*

A site plan addressing these issues is required to be approved by CPED and Public Works before building permits may be issued. The site will be accessed from 9th Avenue SE and 8th Street NE.

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.*

A stormwater management and erosion control plan is required as part of the site plan approval process before building permits may be issued.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 15

LEGAL DESCRIPTION.

Existing:

Lots 4, 5, and 6, Block 5, The Andrews & Moultons Addition to Minneapolis;

AND

All that part of Lots 3, 10, 11, and 12, Block 5, The Andrews & Moultons Addition to Minneapolis lying southwesterly of “Line 1” and southeasterly of “Line 2” described below:

“Line 1”

Commencing at the most westerly corner of said Lot 12 being marked by a Judicial Land Mark pursuant to Torrens Case No. 16894; thence North 34 degrees 07 minutes 19 seconds East on an assumed bearing along the northwesterly line of said Lot 12, a distance of 120.48 feet more or less to a Judicial Land Mark set pursuant to Torrens Case No. 16894 and the point of beginning of the line to be described; thence South 60 degrees 48 minutes 22 seconds East 91.14 feet to a point hereinafter referred to as “Point Z”; thence continuing South 60 degrees 48 minutes 22 seconds East 24.28 feet to the southeasterly line of said Lot 10, and said line there terminates.

“Line 2”

Beginning at the hereinbefore “Point Z”; thence North 29 degrees 05 minutes 28 seconds East 209.44 feet to the northeasterly line of said Lot 3, and said line there terminates.

To Be Platted Along With Additional Land As:

Lot 2, Block 1, Spectrum Apartments and Townhomes

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Scott Nelson, on behalf of Spectrum Apartments and Townhomes, for the properties located at 805, 817, 821 8th Street SE and 803 & 815 9th Avenue SE:

A. Rezoning.

Recommended motion: **Approve** the petition to rezone portions of the properties at 815 9th Avenue SE and 805 8th Street SE from the I1 Light Industrial District and IL Industrial Living Overlay District to the R5 Multiple-Family District, retaining the UA University Area Overlay District.

B. Conditional Use Permit for a Planned Unit Development.

Recommended motion: **Approve** the application for a planned unit development to construct one five-story apartment building with 102 dwelling units and two three-story townhomes buildings with a total of 16 dwelling units, 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.

2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 15 points: active liner uses around a parking garage, reflective roofing materials, decorative fencing, and pet exercise area.
3. The bike storage area facing 9th Avenue SE shall include a bicycle fixing stand, tire pump, and a workbench.
4. All fencing materials visible from the public street shall be high-quality decorative metal fencing and be indicated as such on the final site plan.
5. The pet exercise area shall contain accommodations for the proper disposal of animal waste.

C. Conditional Use Permit to increase height.

Recommended motion: **Approve** the application for a conditional use permit to increase the maximum permitted height of a structure in the R5 Multiple-Family District from 4 stories/56 feet to 5 stories/55 feet, 2 inches, subject to the following conditions:

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

D. Site Plan Review for three new residential buildings.

Recommended motion: **Approve** the application for a site plan review for three new residential buildings with a total of 118 dwelling units, subject to the following conditions:

1. All site improvements shall be completed by June 27, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
1. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
2. All signs shall comply with Chapter 543 of the zoning code. All signage requires a separate permit from CPED.
3. The plant materials, and installation and maintenance of the plant materials, shall comply with sections 530.200 and 530.210 of the zoning code.
4. The final landscaping plan shall contain no fewer than 13 on-site canopy trees, as proposed.

E. Preliminary and Final Plat.

Recommended motion: **Approve** the preliminary and final plat that results in one lot.

ATTACHMENTS

1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Survey
5. Plans
6. Building elevations
7. Renderings
8. Shadow study
9. Photos
10. Plat drawings
11. Rezoning matrix
12. PDR report
13. Letter from Marcy-Holmes Neighborhood Association (February 19, 2016)
14. Comments from Public Works and City Attorney