



## Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: August 6, 2009

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

**Subject:** Appeal of the decision of the City Planning Commission regarding the proposed Sydney Apartments/Dinky Dome Redevelopment located at the properties of 1500-1506 4th St SE and 310-316 15th Ave SE.

**Recommendation:** The following action was taken by the Planning Commission on July 13, 2009 (BZZ-4429):

**A. Conditional Use Permit:** Application by Jim LaValle, on behalf of Doran University, LLC, for a conditional use permit to allow 125 dwelling units for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 125 dwelling units for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, subject to the following condition:

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

**B. Conditional Use Permit:** Application by Jim LaValle, on behalf of Doran University, LLC, for a conditional use permit to increase the height from 4 stories, 56 feet to 6 stories, 72 feet for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 6 stories and from 56 feet to 72 feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, 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 one year of approval.

2. All work on the Dinky Dome shall meet the Secretary of the Interiors standards for rehabilitation. Community Planning and Economic Development Department—Planning Division staff shall review and review the final plans for the Dinky Dome.

**C. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to reduce the interior side yard requirement adjacent to the east property line from 15 feet to 12.5 ft. to allow the building for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 15 feet to 12.5 feet to allow the building for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

**D. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to reduce the interior side yard requirement adjacent to the east property line from 5 feet to 0 feet to allow a driveway and drive aisle for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 5 feet to 0 feet to allow a driveway and drive aisle for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

**E. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to reduce the required front yard adjacent to 4<sup>th</sup> St SE to allow a walkway wider than 6 feet in width and an area well grate for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The application for a variance to reduce the front yard requirement adjacent to 4th Street from 15 feet to 0 feet to allow a walkway wider than 6 feet in width and an area well grate has been **withdrawn**.

**F. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to increase the maximum size of a retail use in the C3A district from 8,000 square feet to 12,000 square feet for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a retail use in the C3A district from 8,000 square feet to 12,000 square feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, subject to the following conditions:

1. Nonresidential windows shall be transparent. No shelving, signage, merchandise, newspaper racks, mechanical equipment or other mechanisms shall be placed in front of the windows that blocks views into and out of the building at eye level (eye level shall refer to the area 4 to 7 feet above the sidewalk level and the area 4 to 7 feet above the first floor level).

2. In the window areas above and below eye level, window signs shall not exceed 30 percent of the window area as required by section 543.350 of the zoning code.

**G. Site Plan Review:** Application by Jim LaValle, on behalf of Doran University, LLC, for a site plan review for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and approved the application for site plan review for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 13, 2010, or the permit may be revoked for non-compliance.
3. Windows as required by section 530.120 for residential uses shall be added on the first floor south wall facing the loading area.
4. Nonresidential windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or greater as required by section 530.120 of the zoning code. The transparency and visible light transmittance ratio shall be identified on final and building construction plans.
5. Nonresidential windows facing 4th Street shall comply with the PO Pedestrian Oriented Overlay District window requirements in section 551.120 of the zoning code.
6. The area to the east of the residence vestibule between the addition and the Dinky Dome shall include crime prevention site design elements, including installation of a decorative, transparent fence with a gate at the east end of the space and lighting that does not cause glare, as required by section 530.260 of the zoning code.
7. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.
8. Bicycle racks, including bicycles attached to them, installed in or adjacent to the street right-of-way shall leave at least eight feet of clear pedestrian passage, unless a greater width is required by the Public Works Department.

**H. Minor Subdivision:** Application by Jim LaValle, on behalf of Doran University, LLC, for a minor subdivision for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and approved the application for a minor subdivision for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

**Ward:** 2

Prepared by: Janelle Widmeier, Senior Planner (612-673-3156)  
Approved by: Jason Wittenberg, Planning Supervisor  
Presenters in Committee: Janelle Widmeier, Senior Planner

**Financial Impact**

- No financial impact

**Community Impact**

- Neighborhood Notification: The area that the site is located in is not represented by a neighborhood group. The adjacent neighborhood, Marcy Holmes, was notified of the applications.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On July 27, 2009, staff sent a letter to the applicant extending the 60 day decision period to no later than October 27, 2009.

**Supporting Information**

Ryan Ahlberg, on behalf of Northwestern Chi Psi Educational Foundation, Inc., has filed an appeal of the decision of the City Planning Commission approving the conditional use permits, variances, site plan review, and minor subdivision for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE. At its meeting of July 13, 2009, the City Planning Commission voted 5-0 to approve the applications with two recusals. The appeal (attached) was filed on July 17, 2009.

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Variances, Site Plan Review, and Subdivision  
BZZ – 4429

**Date:** July 13, 2009

**Applicant:** Doran University LLC

**Address of Property:** 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast

**Project Name:** Sydney Apartments / Dinky Dome Redevelopment

**Contact Person and Phone:** Jim LaValle, (952) 288-2006

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** June 19, 2009

**End of 60-Day Decision Period:** August 18, 2009

**Ward: 2      Neighborhood Organization:** University (adjacent to Marcy Holmes)

**Existing Zoning:** C3A Community Activity Center District with the PO Pedestrian Oriented Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 15

**Legal Description:** Not applicable for this application

**Proposed Use:** Mixed use building addition with 125 dwelling units.

**Concurrent Review:**

- Conditional use permit to allow 125 dwelling units.
- Conditional use permit to increase the height from 4 stories, 56 feet to 6 stories, 72 feet.
- Variance to reduce the required front yard adjacent to 4<sup>th</sup> St SE to allow a walkway wider than 6 feet in width and an area well grate has been **withdrawn** by the applicant.
- Variance to reduce the interior side yard requirement adjacent to the east property line from 15 feet to 12.5 ft. to allow the building.
- Variance to reduce the interior side yard requirement adjacent to the east property line from 5 feet to 0 feet to allow a driveway and drive aisle.
- Variance to increase the maximum size of a retail use in the C3A district from 8,000 square feet to 12,000 square feet.

CPED Planning Division Report  
BZZ – 4429

- Site plan review.
- Minor subdivision.

**Applicable zoning code and land subdivision provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements...” and (3) “To vary the...floor area ratio...requirements of a...use.”; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision Regulations.

**Background:** The applicant proposes to construct a mixed use, 6-story addition with 125 dwelling units and ground floor retail adjacent to the Dinky Dome building at the properties of 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast. The site has frontage on University Avenue, 15<sup>th</sup> Avenue and 4<sup>th</sup> Street Southeast. The University of Minnesota campus is located directly across University Avenue from the site. As part of the project, the applicant is proposing to rehabilitate the Dinky Dome. Below-grade parking with 134 spaces would be provided for the dwelling units and commercial uses. Three surface loading spaces would also be provided.

The proposed project is the third development proposal for this site. The first proposal was to construct a mixed use, 12-floor addition to the Dinky Dome with 198 dwelling units and ground floor retail. The second proposal was to construct a 14-floor addition with 214 dwelling units and ground floor retail. Both proposals were approved in 2008 and included variances to reduce the minimum lot area requirement, increase the maximum floor area ratio, reduce the yard requirements, and vary the requirements of the PO overlay district to allow the building to be set back more than 8 feet where a greater yard requirement was not required. The variances for the lot area requirement, floor area ratio increase, and PO overlay standard are not being requested for this proposal.

A conditional use permit is required in the C3A district to allow 125 dwelling units. The building would be 6 stories and 72 feet in height. In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. A conditional use permit is required to increase the height. Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law.

The maximum floor area of retail sales and services uses in the C3A district is 8,000 square feet if no parking is located between the principal structure and the street and the structure is at least two-stories. One tenant space in the building addition could be 12,000 square feet. The applicant is requesting a variance.

An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R6 and OR3 zoning. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 6-story building is proposed, therefore the minimum requirement is 15 feet. The building addition would be set back 12.5 to 15 feet along the southeasterly property line. A five foot set back is required for all other obstructions in the interior side yard. A driveway and loading drive\_aisle would also be located adjacent to the southeasterly property line. A variance is required to reduce the interior side yard requirement.

CPED Planning Division Report  
BZZ – 4429

A site plan review is required to allow an addition to a mixed-use building that would increase its gross floor area by 1,000 square feet or more and to allow any building with more than five dwelling units.

The applicant is proposing to subdivide the property for financing reasons and has applied for a minor subdivision.

The area that the site is located in is not represented by a neighborhood group. Correspondence from the adjacent neighborhood group, Marcy Holmes Neighborhood Association, was received and is attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:** To allow 125 dwelling units.

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

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

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The establishment of 125 dwelling units on the site would not prove detrimental to 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.

- 2. 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.**

The proposed use would primarily provide housing for students attending the University of Minnesota. Residents would likely frequent businesses in the surrounding area. The development of this site with a residential use should have a positive effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicles would enter the site from 4<sup>th</sup> Street and exit on University Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The minimum parking requirement for the multifamily dwelling is 125 spaces (one per unit). The development qualifies for a transit incentive to reduce the parking requirement of a multifamily dwelling by 10 percent because it is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. Therefore the parking requirement is reduced to 113 spaces. For the residences, 113 spaces would be provided. A total of 205 bedrooms are proposed, which results in approximately 0.55 parking spaces per bedroom.

The applicant submitted a Travel Demand Management Plan. A study done for the plan looked at the ratio of parking spaces to dwelling units and bedrooms for 12 multiple family residences in Dinkytown and Stadium Village. The study showed that the average parking stall to unit ratio is 1.25 and the average parking stall to bedroom ratio is 0.38. On-street parking is not allowed or is metered in the immediate area. Although on-street parking is limited, other transportation and off-street parking options are available. The site is in close proximity to five transit route stops and the University of Minnesota. Students can apply for a semester-long parking contract with the University (typically 80 percent of those who apply receive a contract). A large University parking ramp is located across 4<sup>th</sup> Street. The applicant has indicated they will promote a shared car program for residents, such as HOURCAR or Zipcar.

The minimum bicycle parking requirement for the multiple family dwelling is 63 spaces (one space per two dwelling units), of which at least must be 56 must be long-term. The applicant is proposing to provide 90 long-term spaces (approximately 0.44 per bedroom).

The minimum loading requirement for multiple family dwellings of 100 to 250 dwelling units is one small loading space. One small space would be provided for the residences.

The proposed use should have little effect on traffic in the surrounding area.

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

The site is adjacent to University Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also within a designated activity center. The University of Minnesota/SEMI area is designated as a growth center. In the update of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, University Avenue will remain designated as a community corridor. Fourth Street and 15<sup>th</sup> Avenue will become community corridors. The development will be included in the Dinkytown Activity Center as well. According to the principles and polices outlined in the plan, the following apply to this proposal:

**3.3 Minneapolis has adopted a Growth Center plan for the University of Minnesota/ SEMI area which guides land use decisions and investment in the area and recognizes the contributions from existing plans and planning processes.**

**Applicable Implementation Step**

Promote moderate to high density housing of a variety of affordability levels and supporting commercial uses adjacent to the University of Minnesota.

**4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses,**

**the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**

**Applicable Implementation Steps**

Promote more intensive residential development along these corridors where appropriate.

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

**4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

**Applicable Implementation Steps**

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

**4.9 Minneapolis will grow by increasing its supply of housing.**

**Applicable Implementation Steps**

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

**9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.**

**Applicable Implementation Step**

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

**9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.**

**Applicable Implementation Step**

Use both infill development and new development opportunities to increase housing in the city.

The *Master Plan for the Marcy-Holmes Neighborhood* small area plan was adopted by the City Council in December of 2003. The site is not included in the boundaries of this plan (the boundary runs through the center of 15<sup>th</sup> Avenue); however, the plan provides guidance for the majority of the Dinkytown area. The plan supports higher density residential housing along 15<sup>th</sup> Avenue and expansion of the single-family core of the neighborhood along Fifth, Sixth, Seventh and parts of Eighth Streets. The City Council adopted the *15<sup>th</sup> Avenue Southeast Urban Design Plan* in March of this year, which provides better guidance for future development adjacent to 15<sup>th</sup> Avenue on the blocks between 5<sup>th</sup> Street and 8<sup>th</sup> Street. This plan encourages mid- to high-rise (4 to 12+ stories), high density development.

*Staff comment:* Because the site is located directly across the street from the core of the University of Minnesota, higher density housing is appropriate. The mixed use development would be high density, which is appropriate in an activity center and this growth center. Establishing higher density closer to the University may also provide opportunities for the reestablishment of single-family homes in the core of the Marcy-Holmes neighborhood. The site has access to five bus routes with frequent headways. Increased density should support nearby businesses. The use would be consistent with the comprehensive plan.

**5. And does, in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

The use of the site for a mixed use building with 125 dwelling units will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permits, variances, and site plan review.

**CONDITIONAL USE PERMIT:** to increase the maximum height of a principal structure from 4-stories to 6-stories and 56 feet to 72 feet.

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

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

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Construction of a mixed use building of 6 stories and 72 feet in height on the site would not prove detrimental to 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.

**2. 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.**

The increased height would be located at the northwest quadrant of the block. Residential properties are located southeast of the proposed building addition and should not be significantly affected. The addition would be separated from other properties to the north and west by streets. These other properties contain nonresidential uses. The effects of shadowing on those properties are lessened because they are separated by a street. A parking lot owned by the University is located east of the proposed addition and would be most affected by shadowing. The applicant has indicated that allowing a taller building will allow them to achieve the density needed to fund the rehabilitations proposed for the Dinky Dome. Preserving this well-known building would have a positive effect on the surrounding area.

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

The site is served by existing infrastructure. Vehicles would enter from 4<sup>th</sup> Street and exit on University Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

Residential parking requirements and measures are discussed in the previous conditional use permit section of this report. Because the site is located in the Dinkytown PO overlay district, nonresidential uses are not required to provide accessory off-street parking. The minimum bicycle parking requirement for the proposed commercial tenant spaces is 9 spaces (3 spaces per tenant), of which at least 5 must be short-term. The applicant is proposing to provide 10 short-term spaces adjacent to 15<sup>th</sup> Avenue. There are also 12 bike spaces existing in front of the Dinky Dome. The applicant will replace these spaces to prevent the number of spaces from becoming noncompliant. A total of 22 short-term bike spaces would be provided. The minimum loading requirement for all of the commercial uses is two small loading spaces. Two small loading spaces would be provided for the commercial uses. The development should have little effect on congestion in the streets.

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

The site is adjacent to University Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also within a designated activity center. The University of Minnesota/SEMI area is designated as a growth center. In addition to the principles and policies discussed in the previous conditional use permit section of this staff report, the following apply:

**4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

**Applicable Implementation Step**

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

**9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.**

**Applicable Implementation Step**

Enhance unique characteristics of 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 public spaces and infrastructure.

**9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.**

**Applicable Implementation Step**

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

The *Master Plan for the Marcy-Holmes Neighborhood* small area plan was adopted by the City Council in December of 2003. The site is not included in the boundaries of this plan (the boundary runs through the center of 15<sup>th</sup> Avenue); however, the plan provides guidance for the majority of the Dinkytown area. The plan supports higher density residential housing along 15<sup>th</sup> Avenue, it strongly encourages rehabilitation over demolition and rebuilding, and it discourages tall buildings that do not reflect the varied building character of Dinkytown. The City Council adopted the *15<sup>th</sup> Avenue Southeast Urban Design Plan* in March of this year, which provides better guidance for future development adjacent to 15<sup>th</sup> Avenue on the blocks between 5<sup>th</sup> Street and 8<sup>th</sup> Street. This plan encourages mid- to high-rise (4 to 12+ stories), high density development.

*Staff comment:* A taller building can be appropriate on this site located within an activity center and growth center to accommodate more density and building bulk without detracting from the character of Dinkytown. Although most of the buildings in the immediate area are between one and four stories in height, taller buildings, such as the 6-story mixed use building located at 1301 University Avenue SE, have been established that have resulted in more efficient use of land. The placement of the addition and projections and recesses in the building walls also lessen any potential adverse impacts of taller massing. The new addition would be set back two feet from the property line on 4<sup>th</sup> Street and 3 feet from the property line along 15<sup>th</sup> Avenue to widen the sidewalk area. Portions of the upper floors would project from the building to avoid a straight façade. The Dinky Dome building is set back 4.5 feet from 15<sup>th</sup> Avenue and 9 feet from University Avenue. The commercial buildings along 4<sup>th</sup> Street to the west are typically built up to the front lot line, but sidewalks are much narrower which can impede pedestrian flow. The placement of the proposed addition would improve the pedestrian realm.

Allowing increased height for the addition would result in preservation of traditional urban form and a well-known building in Dinkytown with the rehabilitation of the Dinky Dome building proposed by the applicant. The Dinky Dome has three floors and occupies approximately one-third of the site creating limitations to redevelopment opportunities. Adding onto it vertically would eliminate significant architectural features, including the dome. The proposal would not exceed the minimum lot area required for the number of dwelling units proposed and the floor area ratio would be less than what is allowed by the zoning code. Also, it will not exceed the height of the Dinky Dome measured at the top of the dome. The applicant has indicated that the following renovations would be done to the Dinky Dome: rehabilitate for future national historic registration of the building, restoring the exterior façade, restoring and reglazing the dome, replacing the existing roof, improving and redesigning the exterior signage, repairing cast stone elements, improving accessibility, restoring street level entrances, relocating retail to the street level, remodeling the interior tenant spaces and installing new mechanical and electrical systems. The rehabilitation of the Dinky Dome should be done concurrently with the construction of the

new addition and should follow the standards and procedures that would not be detrimental to the eligibility of the building for National Historic Registration.

The addition should not have a significant effect on the light, privacy and views of surrounding buildings. The site is only directly adjacent to two other properties. The area of the site where the building addition is proposed is adjacent to parking lots owned by the University of Minnesota and a fraternity. The placement of the addition would be north of the fraternity structure and set back between 12.5 and 15 feet from the shared property line.

The height would be consistent with the comprehensive plan.

**6. And does, in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

The use of the site for a 6-story, 72 foot mixed use building will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permits, variances, and site plan review.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

Residential properties are located on the southeasterly quadrant of the block. A parking lot operated by the University of Minnesota is located east of the site. Other properties are separated from the site by a street. A street intersection and railroad trench is directly north of the site. The building should have little effect on surrounding properties access to light and air.

**(2) Shadowing of residential properties or significant public spaces.**

The shadow studies submitted by the applicant indicate that residential properties would not be significantly affected. These properties are to the south and east of the proposed addition. Therefore, the shadowing effects should not be significant on residential properties. Shadowing of the adjacent streets would increase, but would not have much more effect than a four-story building on the adjacent sidewalks.

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

The height of the other buildings on the block is three stories. Most of the buildings in the immediate area are between one and four stories in height. Some taller buildings in the nearby area exist. A residential building located at the 13<sup>th</sup> Avenue and 5<sup>th</sup> Street intersection, The Chateau, has approximately 17 floors. A mixed use building located at 1301 University Avenue SE, constructed in 2005, has 6 floors. The Sanford Hall dormitory located at 1220 University Avenue SE has 9 floors. Like the height of buildings, the scale of nearby buildings also varies. The proposed addition would include recesses and projections to break up the massing of the building making the scale and character most comparable to the mixed use building located at

1301 University Avenue SE and nearby University of Minnesota buildings. The proposed addition would be consistent with the scale and character of surrounding uses.

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

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

**VARIANCES:** To reduce the interior side yard adjacent to the southeasterly property line from 15 feet to 12.5 feet to allow the building and from 5 feet to 0 feet to allow a driveway and drive aisle.

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

**1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R6 and OR3 zoning. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 6-story building is proposed, therefore the minimum requirement is 15 feet. The addition would be set back between 12.5 and 15 feet from the side lot line. A five foot set back is required for all other unpermitted obstructions in the interior side yard. A driveway and loading drive aisle would be located closer than 5 feet to the side lot line.

The existing placement of the Dinky Dome building limits where vehicle access and parking can be provided on the site. Rehabilitating the Dinky Dome rather than demolishing it is consistent with the goals of *The Minneapolis Plan*. The on-site area adjacent to the side lot line is currently occupied by parking spaces and a driveway. Parking lots and driveways for the University of Minnesota and the adjacent fraternity property are adjacent to the required side yard. The proposed addition would be located north of the fraternity structure. The shortest dimension between the addition and fraternity structure would be approximately 23 feet. The proposed set backs would have little effect on the adjacent properties. The request is reasonable.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The existing placement of the Dinky Dome building limits where vehicle access and parking can be provided on the site. Rehabilitating the Dinky Dome rather than demolishing it is consistent with the goals of *The Minneapolis Plan*. The land directly adjacent to the required side yard is used for parking and a driveway. These circumstances have not been created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Parking lots and driveways for the University of Minnesota and the adjacent fraternity property are adjacent to the required side yard. The proposed addition would be located north of the fraternity structure. The shortest dimension between the addition and fraternity structure would be approximately 23 feet. To control access to the site, the applicant is proposing to install a decorative metal fence between the driveway and the adjacent properties (the proposed fence is a permitted obstruction). The granting of the variances should have little effect on surrounding property.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The minimum parking requirements have been met or exceeded. The CPED Department does not expect that granting the variances would affect congestion or public safety.

**VARIANCE:** to increase the maximum floor area of a retail sales and services use from 8,000 square feet 12,000 square feet.

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

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height, the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Because the applicant has not secured tenants at this time, the floor plan is not fixed. Depending on the final mix of tenants and their configurations, the applicant has indicated that at least one of the retail tenants could exceed 8,000 square feet. The largest tenant size could be 12,000 square feet. The applicant has indicated there are some retail sales and services uses that do not exist in Dinkytown because those uses typically need more than 8,000 square feet to operate. The floor plans indicate that a pharmacy is currently proposed in the larger tenant space.

The proposed retail tenant space would occupy almost the entire first floor wall facing 4<sup>th</sup> Street and more than half of the first floor wall facing 15<sup>th</sup> Avenue. Allowing an increase from the permitted 8,000 square feet to 12,000 square feet for one of the retail tenant spaces would not be unreasonable provided the development complies with all PO overlay district window requirements and maintains views into and out the building at eye level in the nonresidential windows. The first floor façade of a building that faces a public street or a sidewalk is required

to have at least 40 percent clear or lightly tinted glass that allow views into and out of the building at eye level and are distributed in a more or less even manner measured between two and ten feet above the first floor level. These walls and the proposed window openings are critical to the proposed buildings' interaction with the public sidewalk and street as one tenant would occupy most of the new ground level commercial space. Too much signage or other items placed in windows can detract from a small neighborhood scale and character such as exists in Dinkytown. Windows facing the loading area are also required by the Site Plan Review chapter of the zoning code and the applicant is also proposing windows facing the driveway. Blocking up these windows can have similar impacts. Because there is a significant change in grade adjacent to the site, staff recommends that window openings are transparent and devoid of any shelving, signage, merchandise, newspaper racks, mechanical equipment or other mechanisms that block views into and out of the building at eye level from both the sidewalk level and first floor level.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The circumstances could be considered unique to the parcel of land as the proposed tenant space would be located within a geographical area where a larger retail space is necessary in order to provide desired goods and services.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The purpose of the maximum floor area requirements is to provide for the development of neighborhood scale retail sales and services. The purpose of the C3A and PO overlay districts is to promote major urban activity and street life and activity. A tenant space that enhances the pedestrian character of the neighborhood would meet the intent of the ordinance. The subject tenant space would have two entrances adjacent to the 15<sup>th</sup> Avenue and 4<sup>th</sup> Street intersection. Providing windows that comply with the PO Pedestrian Oriented Overlay District requirements would further enhance the pedestrian realm, specifically if the windows are transparent and devoid of any shelving, signage, merchandise, newspaper racks or other mechanisms that block views into and out of the building at eye level from both the sidewalk level and first floor level.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The primary patrons of the business will likely reside in the area or attend or work for the University of Minnesota. Because of the close proximity of these uses, congestion of area streets should not be a concern. The granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**SITE PLAN REVIEW**

**Findings as required by the Minneapolis Zoning Code for the site plan review:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
  
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of the Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on

CPED Planning Division Report  
BZZ – 4429

each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.
- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

*Conformance with above requirements:*

The placement of the building addition would reinforce the street wall on 15th Avenue and 4<sup>th</sup> Street. Windows would be provided at ground level to provide natural surveillance and visibility of the adjacent streets. All entrances would front a public sidewalk.

All walls of the addition facing a street would be within eight feet of the property line, except where the 15 foot front yard setback is required adjacent to 15<sup>th</sup> Avenue.

The area between the building and 4<sup>th</sup> Street would include a wider public sidewalk and bicycle racks. The area between the building and 15th Avenue would have a wider public sidewalk, and in the required front yard, landscaping would be provided. Landscape improvements between the Dinky Dome and University Avenue and 15<sup>th</sup> Avenue would also be added.

All entrances would front a public sidewalk.

All of the automobile parking would be enclosed.

Architectural elements, including recesses and projections, windows and entries, would be emphasized on all sides of the building to divide the building into smaller identifiable sections.

On the first floor, west building elevation adjacent to 15<sup>th</sup> Avenue, a blank, uninterrupted wall that does not include windows, entries, recesses or projections or other architectural elements would exceed 25 feet in length. The blank wall would be 29.5 feet wide. The wall would be adjacent to a portion of two commercial tenant spaces. The first floor building wall adjacent to

CPED Planning Division Report  
BZZ – 4429

15<sup>th</sup> Avenue exceeds the minimum nonresidential window requirement by approximately 45 square feet and it exceeds the minimum residential window requirement by approximately 77 square feet. The windows provided form a symmetrical pattern with the windows of the upper floors. The alternative proposed meets the intent of the ordinance. Staff recommends that the planning commission grants alternative compliance. A 33 foot wide blank wall is also proposed on the first floor south building elevation adjacent to the Dinky Dome. The wall is adjacent to the down ramp for the below grade parking garage. The view of the blank wall from University Avenue would be blocked by the Dinky Dome. For these reasons, staff recommends that the planning commission grant alternative compliance. Please note: The applicant has indicated that if there are objections to allowing the 2<sup>nd</sup> through 6<sup>th</sup> floor building bays to project into the required interior side yard that they may remove these bays. If the bays are removed, the east walls would still include enough architectural elements that they would not have any blank walls that exceed 25 feet in width.

The primary exterior materials would include brick, a metal panel system, stucco or fiber cement panels, architectural cast stone, stone veneer, and glass. The materials would be durable. Materials proposed on the street facing elevations would be included on interior facing walls to make all of the elevations compatible. Please note, exterior material changes at a later date would require review by the planning commission and an amendment to the site plan review.

Plain face concrete block would not be used as a primary exterior building material.

The main residential entrance would face 15<sup>th</sup> Avenue. It would be recessed and sheltered by a metal and glass canopy to emphasize its importance.

Minimum window requirements for the residential use apply to walls facing 4<sup>th</sup> Street, 15<sup>th</sup> Avenue, University Avenue, and the loading area. The windows provided would exceed the amounts required, except on the first floor east and south elevations facing the loading area. On the east wall, 25.6 square feet of windows are required. On the south wall, 30.4 square feet are required. No windows would be provided on either wall. These walls are adjacent to the move-in entrance hallway and the fitness room. An 8-foot wide steel coiling door is on the east wall providing access to the hallway. There is not additional space to provide windows. Excess windows would be provided on the upper floors providing extra natural surveillance of the loading area. However, the required amount of windows could be provided on the fitness room wall. Staff is recommending that the planning commission grant alternative compliance for the east wall and require windows on the south wall. The windows provided would be vertical in proportion and distributed in a more or less even manner.

The main entrances for the retail spaces would face 15<sup>th</sup> Avenue and 4<sup>th</sup> Street. The entrances would be surrounded by windows and sheltered by the above projecting bays to emphasize their importance.

Minimum window requirements for the nonresidential uses apply to walls facing 4<sup>th</sup> Street, 15<sup>th</sup> Avenue, and the loading area.

- The walls facing the streets are also subject to the PO Pedestrian Oriented Overlay District building façade standards. These standards require at least 40 percent clear or lightly tinted

CPED Planning Division Report  
BZZ – 4429

glass that allow views into and out of the building at eye level and that are distributed in a more or less even manner measured between two and ten feet above the finished level of the first floor. The proposed walls would have 40 percent or more windows measured between two and ten feet; however, staff did not verify that the windows allowed views into and out of the building at eye level before this project was scheduled for a planning commission meeting. On the north elevation, several of the windows needed to meet the minimum requirements would be six feet above the floor level. These windows would not allow views into and out of the building at eye level. Alternative compliance cannot be granted for a PO overlay standard, therefore these requirements will need to be met. As stated in the findings for the variance to increase the floor area of a retail tenant space, these walls and the proposed window openings are critical to the proposed buildings interaction with the public sidewalk and street as it occupies most of the new ground level commercial space. Therefore, staff is recommending that all nonresidential windows remain uncovered by shelving, signage, mechanical equipment or other similar fixtures at eye level.

- The first floor north and east walls facing the loading area would be adjacent to the largest tenant space proposed. These walls do not meet the minimum window requirements. On the north wall, 45.6 square feet of windows are required. No windows are proposed. On the east wall, 112.8 square feet of windows are required. Windows that equal 100 square feet are proposed. An access and loading door are proposed on the north wall, leaving limited room to provide windows. Residential windows on the upper floors greatly exceed the minimum requirements and would provide additional natural surveillance. Windows have also been proposed on the east wall adjacent to the driveway. Although they'll provide limited natural surveillance opportunities because the bottoms of these windows are five feet above the floor level, they do provide additional fenestration. Staff recommends that the planning commission grant alternative compliance for the window requirements on these walls provided the proposed nonresidential windows facing the driveway and loading area are not covered by shelving, signage, merchandise, newspaper racks, mechanical equipment or other similar fixtures.
- Once the windows on the north elevation are changed to meet the PO overlay standards, all required windows will be vertical in proportion and distributed in a more or less even manner.
- Once the windows on the north elevation are changed to meet the PO overlay standards, the bottom of windows used to satisfy the ground floor window requirement would not be more than four feet above the adjacent grade.
- The plans do not indicate the type of glass proposed. Final and building construction plans will need to include the visible light transmittance ratio and the transparency of the glass.
- Placement of shelving, mechanical equipment and other similar fixtures have not been identified on the floors plans. As a condition of the variance to increase the floor area of a retail tenant space, staff is recommending that all nonresidential windows remain uncovered by shelving, signage, mechanical equipment or other similar fixtures.

A flat roof is proposed. Most of the nonresidential buildings outside of the University campus also have flat roofs.

**ACCESS AND CIRCULATION:**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

*Conformance with above requirements:*

The building entrances would be connected to the public sidewalks with walkways that would be four feet in width or greater.

A transit shelter is not proposed or adjacent to the site.

All vehicles would enter from 4<sup>th</sup> Street and exit onto University Avenue. Neither curb cut would exceed 20 feet in width. The curb cut on University Avenue would be set back from the building to improve visibility for pedestrians and vehicles. The proposed access and circulation should have minimal impact on pedestrians and surrounding residential properties.

The site is not adjacent to an alley.

The site is currently all impervious surface. The building would cover most of the site. The applicant is proposing to install landscaping in planters adjacent to the Dinky Dome and in the 15<sup>th</sup> Avenue and 4<sup>th</sup> Street right-of-way including boulevard trees. The area on the east side of the building would be used for loading and on-site circulation. The amount of impervious surface proposed would not be excessive.

**LANDSCAPING AND SCREENING:**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
  - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.

CPED Planning Division Report  
BZZ – 4429

- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

*Conformance with above requirements:*

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 43,560 square feet. The building, including the below-grade parking area, would be approximately 36,188 square feet. The lot area minus the building footprints therefore consists of approximately 7,372 square feet. At least 20 percent of the net site area (1,474.4 square feet) must be landscaped. Approximately 328 square feet of the site would be landscaped. That is equal to 4.4 percent of the net lot area. Areas that are not landscaped would be occupied by loading spaces, driveways, walkways, and bike parking that are needed for efficient circulation and access. The applicant is proposing to provide additional landscaping in the 15<sup>th</sup> Avenue, University Avenue, and 4<sup>th</sup> Street right-of-ways. For these reasons, staff is recommending that the planning commission grant alternative compliance.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 15 respectfully. The applicant would provide no trees and 8 shrubs on-site. The remainder of the on-site landscaped areas would be covered with perennials. The existing Dinky Dome building and vehicle access needs limits where trees and shrubs can be provided on-site. In the right-of-way, 50 additional shrubs are proposed. The applicant is also proposing to establish a total of 9 boulevard trees in the 4<sup>th</sup> Street and 15<sup>th</sup> Avenue right-of-ways. Staff is recommending that the planning commission grant alternative compliance.

A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the loading area and University Avenue. Along University Avenue, the loading area is adjacent to 10 feet of the right of way. Loading and parking currently are located in this area without any screening. The applicant is proposing to narrow the curb cut to reduce conflicts with pedestrians. For these reasons, alternative compliance is warranted.

A 7-foot wide landscaped yard with screening that is 6 feet in height and not less than 95 percent opaque are required between the loading areas and the properties to the east. No landscaping would be provided. The applicant is proposing to provide a 3.5 foot high decorative metal fence between the loading areas and the side lot line. A driveway and parking area for a fraternity and a University of Minnesota parking lot are directly adjacent to the side lot line. Where the yard is

required, a driveway and parking area currently exist with no physical barrier between properties. Providing landscaping would require the elimination of the loading spaces and driveway access for the site. The alternative meets the intent of the ordinance. Staff is recommending that the planning commission grant alternative compliance.

There would not be any corners of the loading area available for landscaping or other architectural features.

None of the loading spaces would be within 50 feet of an on-site deciduous tree. Adding trees would eliminate loading spaces or driveway access. Staff is recommending that the planning commission grant alternative compliance.

#### **ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

#### ***Conformance with above requirements:***

The loading areas and driveway would be defined by 6-inch by 6-inch concrete curbing. The surface parking would be located over the below-grade parking. On-site filtration of stormwater is not practical.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties (see the above analysis of the conditional use permit to increase the allowed height).

Wind currents should not be major concern because the applicant has incorporated recesses and projections into the upper floors of the building.

The site design provides natural surveillance and visibility with windows on all sides of the building facing the streets and into the loading and driveway area. For natural access control, the

public and nonpublic entrances are defined by architectural details and the fence adjacent to the loading and driveway area would help control and guide movement to and from the site. Staff is concerned that the area to the east of the residence vestibule between the addition and the Dinky Dome lacks crime prevention design elements. This area would not have much natural surveillance and visibility because not many windows would look into this long, narrow space. The area also does not appear to have restricted access to the public. A decorative, transparent fence with a gate could be installed at the east end of the space and lighting that does not cause glare could be installed to make the space safer. Staff is recommending that the planning commission require the applicant to incorporate crime prevention site design elements into this space.

The existing structure on the site is not historic. However, the applicant is proposing to rehabilitate the Dinky Dome.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:** The site is zoned C3A with the PO overlay district. The applicant is proposing a mix of uses including 125 dwelling units, general retail sales and services uses, offices and restaurants. The proposed commercial uses are permitted. A multifamily dwelling with 5 or more units is a conditional use.

**Parking and Loading:**

*Minimum automobile parking requirements:* The minimum automobile parking requirement for the multiple family dwelling is 113 spaces. The general requirement for a multiple family dwelling is one per unit, or 125 spaces. The development qualifies for a transit incentive to reduce the parking requirement of a multi-family dwelling by 10 percent because it is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction. Therefore the parking requirement is reduced to 113 spaces. For the residences, 113 spaces would be provided.

In the Dinkytown PO overlay district, nonresidential uses are not required to provide accessory off-street parking. The applicant is proposing to provide 21 parking spaces for use by the nonresidential uses.

*Maximum automobile parking requirements:* Dwellings are not subject to a maximum parking requirement when all parking is enclosed.

The maximum parking requirements for nonresidential uses differs by the type of use. For nonresidential uses located in the PO overlay district, the amount of accessory parking spaces for nonresidential cannot exceed 75 percent of the general maximum parking requirements. The maximum number of spaces allowed for offices is one space per 200 square feet of floor area. Offices would occupy approximately 17,000 square feet of floor area. After the PO overlay provision is applied, the maximum number of spaces allowed for the office uses is 63. The remainder of the commercial tenant spaces would be occupied by general retail sales and

CPED Planning Division Report  
BZZ – 4429

services uses and food and beverage uses (approximately 25,000 square feet of floor area). The maximum parking requirement for general retail sales and services uses is one space per 200 square feet of gross floor area. The maximum parking requirement for food and beverage uses is one space per 75 square feet of the floor area. The applicant has not yet determined the final mix of uses. If all 25,000 square feet were occupied by retail, the maximum parking requirement would be 93 spaces. If the 25,000 square feet were occupied by food and beverage uses, the maximum parking requirement would be 250 spaces. The applicant is proposing to provide 21 spaces for the nonresidential tenants.

*Minimum bicycle parking requirements:* The minimum bicycle parking requirement for the multiple family dwelling is 63 spaces (one space per two dwelling units), of which at least must be 56 must be long-term. The applicant is proposing to provide 90 long-term spaces. All bicycle racks must be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. Please note: A zoning code text amendment may be adopted by the City Council before construction permits are obtained for this project that would require one bicycle parking space per dwelling unit. If this does occur, additional bicycle parking must be provided.

The minimum bicycle parking requirement for the proposed commercial tenant spaces is 9 spaces (3 spaces per tenant), of which at least 5 must be short-term. The applicant is proposing to provide 10 short-term spaces adjacent to 15<sup>th</sup> Avenue (some of these are proposed in the right-of-way, which requires permission from the city engineer). There are also 12 bike spaces existing in front of the Dinky Dome. The applicant will replace these spaces to prevent the number of spaces from becoming noncompliant. A total of 22 short-term bike spaces would be provided. All bicycle racks must be installed to the manufacturer's specifications, including the minimum recommended distance from other structures.

*Minimum loading requirements:* The minimum loading requirements for the proposed uses in the development are as follows:

- The minimum loading requirement for multiple family dwellings of 100 to 250 dwelling units is one small loading space (10 feet wide by 25 feet deep).
- Approximately 25,000 square feet of floor area would be devoted to general retail sales and services uses and food and beverage uses. The zoning code assigns a low rating to determine the loading requirement. For the amount of floor area proposed, one small loading space is required.
- Offices would occupy approximately 17,000 square feet of floor area. The zoning code assigns a medium rating to determine the loading requirement. For the amount of floor area proposed, one small loading space is required.

The total loading requirement for the development is three small spaces. Three small spaces are proposed.

CPED Planning Division Report  
BZZ – 4429

**Maximum Floor Area:** The lot area is 43,560 square feet. The maximum FAR allowed in the C3A District is 2.7. The development qualifies for two density bonuses to increase the FAR by 20 percent by providing all required residential parking in the building and providing residential uses above the ground floor where 50 percent of the ground floor area is devoted to commercial uses. This increases the allowed FAR to 3.78. The proposed development, including the Dinky Dome building, would have a total of 154,181 square feet, which is an FAR of 3.54.

The maximum floor area of retail sales and services uses in the C3A district is 8,000 square feet if no parking is located between the principal structure and the street and the structure is at least two-stories. One tenant space in the building addition could be 12,000 square feet. The applicant is requesting a variance.

**Minimum Lot Area:** The minimum lot area requirement in the C3A district is 400 square feet per dwelling unit, or 50,000 square feet for 125 units. The proposed lot size is 43,560 square feet. The applicant qualifies for a 20 percent density bonus for providing enclosed parking in the building. The applicant also qualifies for a 20 percent density bonus for proposing a commercial space on the ground level that occupies more than 50 percent of the gross floor area of first floor. With the density bonuses, the minimum lot size is 290.4 square feet per unit, or 36,300 square feet for 125 units. The proposed lot area is approximately 348.5 square feet per dwelling unit.

**Dwelling Units per Acre:** The proposed density would be 125 dwelling units per acre.

**Building Height:** In the C3A district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the building would be 6 stories and 72 feet in height. A conditional use permit is required to increase the height.

**Yard Requirements:** The front lot lines are adjacent to 4<sup>th</sup> Street and University Avenue. A front yard is only required in the C3A district where an adjacent property is either zoned residential or office residential or contains a residential use. Along 4<sup>th</sup> Street, the adjacent property is zoned OR3, but does not contain any structures with frontage on 4<sup>th</sup> Street. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. The minimum front yard requirement in the OR3 district is 15 feet. The building would be set back 15 feet from the front lot line in the required front yard.

An interior side yard is required where a side lot line abuts a side lot line in a residence or office residence district. The site is adjacent to R6 and OR3 zoning. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required. The minimum interior side yard requirement is equal to  $5+2x$ , where  $x$  is equal to the number of stories above the first floor. A 6-story building is proposed; therefore the minimum requirement is 15 feet. The building addition would be set back between 12.5 and 15 feet along the southeasterly property line. A five foot set back is required for all other obstructions in the interior side yard. A driveway and loading drive aisle would be located adjacent to the southeasterly property line. The applicant is requesting a variance to reduce the interior side yard requirement.

**Specific Development Standards:** Sit-down restaurants are subject to development standards. Where alcoholic beverages are served, not less than 60 percent of total gross sales revenue must be from the sale of food and beverages not containing alcohol, and the use must comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. Also, restaurants are required to regularly inspect the premises, all adjacent streets, sidewalks and alleys for the purposes of removing any litter found thereon.

**PO Pedestrian Oriented Overlay District Standards:** General standards apply to all development located in the PO overlay.

- The first floor of the building must be located within eight feet of a lot line adjacent to a street, except where a greater yard is required by the zoning ordinance. Along 15<sup>th</sup> Avenue, the first floor building wall would be set back between 3 and 8 feet from the front lot line. Outside of the required front yard adjacent to 4<sup>th</sup> Street, the first floor wall would be set back 2 feet, except where a 15 foot yard is required. Amenities are required to be provided between the building and the lot lines. The applicant is proposing to widen the sidewalk and provide bicycle racks and some landscaping, which is an asset in an area adjacent to the University with heavy pedestrian traffic. At least one principal entrance is required to face a public street rather than the interior of the site. Principal entrances would face each adjacent street.
- The first floor façade of a building that faces a public street or a sidewalk is required to have at least 40 percent clear or lightly tinted glass that allow views into and out of the building at eye level and are distributed in a more or less even manner measured between two and ten feet above the first floor level. Therefore the walls fronting 15<sup>th</sup> Avenue and 4<sup>th</sup> Street are subject to this provision. The walls facing these streets would have 40 percent or more windows measured between two and ten feet; however, staff did not verify that the windows allowed views into and out of the building at eye level before scheduling the project for a planning commission meeting. On the north elevation, several of the windows needed to meet the minimum requirements would be six feet above the floor level. These windows would not allow views into and out of the building at eye level. Windows meeting these requirements will need to be provided.
- Pole signs, back-lighted awning and canopy signs, and back-lighted insertable panel projecting signs are prohibited. This standard cannot be varied. No signs are proposed at this time.
- Accessory parking is required to be located at the rear or interior of the site, within the building, or entirely below grade. All of the parking would be located below grade. The amount of accessory parking spaces for nonresidential cannot exceed 75 percent of the general maximum parking requirements. The proposed amount of parking would not exceed 75 percent of the general maximum parking requirements. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from 4<sup>th</sup> Street and University Avenue would be 12 and 14 feet wide.

**Hours of Operation:** The hours of operation for the commercial tenant(s) must comply with the district requirements. In the C3A District, nonresidential uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m.

**Refuse screening:** Refuse storage containers would be contained in the building.

**Screening of mechanical equipment:** All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

**535.70. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
  - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
  - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
  - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Most of the mechanical equipment would be located on the roof in an enclosed structure. Two transformers would be located at ground level next to the building. The transformers must be sufficiently screened from the adjacent residential property.

**Lighting:** 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 shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) 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 from any permitted or conditional residential use.
- (3) Lighting shall not 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.
- (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.

**Signs:** The applicant has indicated that signage will be applied for in the future. Any new signage will require Zoning Office review, approval, and permits.

**MINNEAPOLIS PLAN:** In addition to the principles and policies discussed in the conditional use permit sections of this staff report, the following apply:

**4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

**Applicable Implementation Steps**

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

**9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.**

**Applicable Implementation Steps**

Enhance unique characteristics of 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 public spaces and infrastructure.

Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

**9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.**

**Applicable Implementation Steps**

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

**9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.**

**Applicable Implementation Steps**

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

In the *Master Plan for the Marcy-Holmes Neighborhood* small area plan rehabilitation is strongly encouraged over demolition and rebuilding. The neighborhood also supports the beautification of boulevards along University Avenue, 4th Street SE, and 15th Avenue emphasizing that boulevard upgrades and aesthetic improvements would enhance the image of the neighborhood.

*Staff comment:* The development incorporates urban design standards and would improve the pedestrian environment of Dinkytown. The applicant is proposing to rehabilitate the Dinky Dome, which is a well-known building in Dinkytown. Street level retail and services uses would remain in the building with reestablished first floor access to University Avenue and 15<sup>th</sup> Avenue. The new addition would also contain commercial uses on the first floor that are oriented to the adjacent streets. Each use would have an individual entrance. A common entrance that is adjacent to 15<sup>th</sup> Avenue is proposed for the residential part of the project. An abundant amount of windows would be provided to create a safe, inviting pedestrian experience at the ground level. The first floor building walls would be setback several feet from the lot lines to allow a wider pedestrian realm. Boulevard trees and planters are proposed in the adjacent street right-of-way. Bicycle racks would be located near public entrances; however, staff is concerned the racks proposed in the 15<sup>th</sup> Avenue right-of-way would leave little or no room for pedestrians to pass when bicycles are locked to them. The racks could be oriented perpendicular to the street and closer to the proposed drinking fountain and building to resolve the issue. Staff is recommending that the racks leave at least eight feet of clear passage, unless the Public Works Department requires something greater, in order to maintain a high quality public space.

All required vehicle parking would be located within the building below-grade. The required loading would be located at the interior of the site. Although the driveway providing access to the site would be located in a required interior side yard, it should have limited effect on the adjacent properties. Parking lots and a driveway are directly abutting the side lot line adjacent to the proposed driveway. As an alternative to providing a landscaped yard, the applicant is proposing a decorative, ornamental metal fence.

The proposed development would be consistent with the comprehensive plan.

**ALTERNATIVE COMPLIANCE:**

CPED Planning Division Report  
BZZ – 4429

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

▪ Blank walls

On the first floor, west building elevation adjacent to 15<sup>th</sup> Avenue, a blank, uninterrupted wall that does not include windows, entries, recesses or projections or other architectural elements would exceed 25 feet in length. The blank wall would be 29.5 feet wide. The wall would be adjacent to a portion of two commercial tenant spaces. The first floor building wall adjacent to 15<sup>th</sup> Avenue exceeds the minimum nonresidential window requirement by approximately 45 square feet and it exceeds the minimum residential window requirement by approximately 77 square feet. The windows provided form a symmetrical pattern with the windows of the upper floors. The alternative proposed meets the intent of the ordinance and recommends that the planning commission grants alternative compliance. A 33 foot wide blank wall is also proposed on the first floor south building elevation adjacent to the Dinky Dome. The wall is adjacent to the down ramp for the below grade parking garage. The view of the blank wall from University Avenue would be blocked by the Dinky Dome. For these reasons, staff recommends that the planning commission grant alternative compliance.

▪ Residential window requirements

Minimum window requirements for the residential use apply to walls facing 4<sup>th</sup> Street, 15<sup>th</sup> Avenue, University Avenue, and the loading area. The windows provided would exceed the amounts required, except on the first floor east and south elevations facing the loading area. On the east wall, 25.6 square feet of windows are required. On the south wall, 30.4 square feet are required. No windows would be provided on either wall. These walls are adjacent to the move-in entrance hallway and the fitness room. An 8-foot wide steel coiling door is on the east wall providing access to the hallway. There is not additional space to provide windows. Excess windows would be provided on the upper floors providing extra natural surveillance of the loading area. However, the required amount of windows could be provided on the fitness room wall. Staff is recommending that the planning commission grant alternative compliance for the east wall and require windows on the south wall. The windows provided would be vertical in proportion and distributed in a more or less even manner.

▪ Nonresidential window requirements

Minimum window requirements for the nonresidential uses apply to walls facing 4<sup>th</sup> Street, 15<sup>th</sup> Avenue, and the loading area.

- The walls facing the streets are also subject to the PO Pedestrian Oriented Overlay District building façade standards. These standards require at least 40 percent clear or lightly tinted glass that allow views into and out of the building at eye level and that are distributed in a more or less even manner measured between two and ten feet above the finished level of the first floor. The proposed walls would have 40 percent or more windows measured between two and ten feet; however, staff did not verify that the windows allowed views into and out of the building at eye level before this project was scheduled for a planning commission meeting. On the north elevation, several of the windows needed to meet the minimum requirements would be six feet above the floor level. These windows would not allow views into and out of the building at eye level. Alternative compliance cannot be granted for a PO overlay standard, therefore these requirements will need to be met. As stated in the findings for the variance to increase the floor area of a retail tenant space, these walls and the proposed window openings are critical to the proposed buildings interaction with the public sidewalk and street as it occupies most of the new ground level commercial space. Therefore, staff is recommending that all nonresidential windows remain uncovered by shelving, signage, mechanical equipment or other similar fixtures at eye level.
- The first floor north and east walls facing the loading area would be adjacent to the largest tenant space proposed. These walls do not meet the minimum window requirements. On the north wall, 45.6 square feet of windows are required. No windows are proposed. On the east wall, 112.8 square feet of windows are required. Windows that equal 100 square feet are proposed. An access and loading door are proposed on the north wall, leaving limited room to provide windows. Residential windows on the upper floors greatly exceed the minimum requirements and would provide additional natural surveillance. Windows have also been proposed on the east wall adjacent to the driveway. Although they'll provide limited natural surveillance opportunities because the bottoms of these windows are five feet above the floor level, they do provide additional fenestration. Staff recommends that the planning commission grant alternative compliance for the window requirements on these walls provided the proposed nonresidential windows facing the driveway and loading area are not covered by shelving, signage, merchandise, newspaper racks, mechanical equipment or other similar fixtures.
- Once the windows on the north elevation are changed to meet the PO overlay standards, all required windows will be vertical in proportion and distributed in a more or less even manner.
- Once the windows on the north elevation are changed to meet the PO overlay standards, the bottom of windows used to satisfy the ground floor window requirement would not be more than four feet above the adjacent grade.
- The plans do not indicate the type of glass proposed. Final and building construction plans will need to include the visible light transmittance ratio and the transparency of the glass.

CPED Planning Division Report  
BZZ – 4429

- Placement of shelving, mechanical equipment and other similar fixtures have not been identified on the floors plans. As a condition of the variance to increase the floor area of a retail tenant space, staff is recommending that all nonresidential windows remain uncovered by shelving, signage, mechanical equipment or other similar fixtures.

- Twenty percent landscaping

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 43,560 square feet. The building, including the below-grade parking area, would be approximately 36,188 square feet. The lot area minus the building footprints therefore consists of approximately 7,372 square feet. At least 20 percent of the net site area (1,474.4 square feet) must be landscaped. Approximately 328 square feet of the site would be landscaped. That is equal to 4.4 percent of the net lot area. Areas that are not landscaped would be occupied by loading spaces, driveways, walkways, and bike parking that are needed for efficient circulation and access. The applicant is proposing to provide additional landscaping in the 15<sup>th</sup> Avenue, University Avenue, and 4<sup>th</sup> Street right-of-ways. For these reasons, staff is recommending that the planning commission grant alternative compliance.

- Tree and shrub requirements

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 15 respectfully. The applicant would provide no trees and 8 shrubs on-site. The remainder of the on-site landscaped areas would be covered with perennials. The existing Dinky Dome building and vehicle access needs limits where trees and shrubs can be provided on-site. In the right-of-way, 50 additional shrubs are proposed. The applicant is also proposing to establish a total of 9 boulevard trees in the 4<sup>th</sup> Street and 15<sup>th</sup> Avenue right-of-ways. Staff is recommending that the planning commission grant alternative compliance.

- Landscaping and screening of the loading area

A landscaped yard with screening that is 3 feet high and at least 60 percent opaque is required between the loading area and University Avenue. Along University Avenue, the loading area is adjacent to only 10 feet of the right of way. Loading and parking currently are located in this area without any screening. The applicant is proposing to narrow the curb cut to reduce conflicts with pedestrians. For these reasons, alternative compliance is warranted.

A 7-foot wide landscaped yard with screening that is 6 feet in height and not less than 95 percent opaque are required between the loading areas and the properties to the east. No landscaping would be provided. The applicant is proposing to provide a 3.5 foot high decorative metal fence between the loading areas and the side lot line. A driveway and parking area for a fraternity and a University of Minnesota parking lot are directly adjacent to the side lot line. Where the yard is required, a driveway and parking area currently exist with no physical barrier between properties. Providing landscaping would require the elimination of the loading spaces and driveway access for the site. The alternative meets the intent of the

ordinance. Staff is recommending that the planning commission grant alternative compliance.

▪ Location of all parking spaces within 50 feet of an on-site tree

None of the loading spaces would be within 50 feet of an on-site deciduous tree. Adding trees would eliminate loading spaces or driveway access. Staff is recommending that the planning commission grant alternative compliance.

**MINOR SUBDIVISION**

**Findings Required by the Minneapolis Zoning Code for the Proposed Minor Subdivision:**

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

Both parcels will be in conformance with the requirements of the zoning ordinance and comprehensive plan. The Dinky Dome building would not become nonconforming on a smaller lot. Both lots are in conformance with the standards of the subdivision regulations. Please note: Although the subdivision will separate the Dinky Dome from the new addition, the parcels will not be able to be sold off separately without making the residential use nonconforming to the minimum lot area requirement.

**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 will split two parcel into two parcels; both suitable for commercial development. This will not be out of character with the area and will not add significant congestion to the public streets.

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

The site does not present the above noted hazards.

**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.**

Changes to the grade would be minimal. Both lots would have access to adjacent streets.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and**

CPED Planning Division Report  
BZZ – 4429

**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.**

Existing utility and drainage provisions are adequate.

**RECOMMENDATIONS**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 125 dwelling units for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast, 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 one year of approval.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 6 stories and from 56 feet to 72 feet for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. All work on the Dinky Dome shall meet the Secretary of the Interiors standards for rehabilitation. Community Planning and Economic Development Department—Planning Division staff shall review and review the final plans for the Dinky Dome.

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

The application for a variance to reduce the front yard requirement adjacent to 4<sup>th</sup> Street from 15 feet to 0 feet to allow a walkway wider than 6 feet in width and an area well grate has been **withdrawn**.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 15 feet to 12.5 feet to

allow the building and from 5 feet to 0 feet to allow a driveway and drive aisle for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum floor area of a retail use in the C3A district from 8,000 square feet to 12,000 square feet for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast, subject to the following conditions:

1. Nonresidential windows shall be transparent. No shelving, signage, merchandise, newspaper racks, mechanical equipment or other mechanisms shall be placed in front of the windows that blocks views into and out of the building at eye level (eye level shall refer to the area 4 to 7 feet above the sidewalk level and the area 4 to 7 feet above the first floor level).
2. In the window areas above and below eye level, window signs shall not exceed 30 percent of the window area as required by section 543.350 of the zoning code.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 13, 2010, or the permit may be revoked for non-compliance.
3. Windows as required by section 530.120 for residential uses shall be added on the first floor south wall facing the loading area.
4. Nonresidential windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or greater as required by section 530.120 of the zoning code. The transparency and visible light transmittance ratio shall be identified on final and building construction plans.
5. Nonresidential windows facing 4<sup>th</sup> Street shall comply with the PO Pedestrian Oriented Overlay District window requirements in section 551.120 of the zoning code.

CPED Planning Division Report  
BZZ – 4429

6. The area to the east of the residence vestibule between the addition and the Dinky Dome shall include crime prevention site design elements, including installation of a decorative, transparent fence with a gate at the east end of the space and lighting that does not cause glare, as required by section 530.260 of the zoning code.
7. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.
8. Bicycle racks, including bicycles attached to them, installed in or adjacent to the street right-of-way shall leave at least eight feet of clear pedestrian passage, unless a greater width is required by the Public Works Department.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Subdivision:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a minor subdivision for the properties located at 1500-1506 4<sup>th</sup> Street Southeast and 310-316 15<sup>th</sup> Avenue Southeast.

**Attachments:**

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos

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

250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD

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**MEMORANDUM**

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DATE: July 24, 2009

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of July 13, 2009

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The following actions were taken by the Planning Commission on July 13, 2009. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Bates, Cohen, Gorecki, Huynh, Luepke-Pier, Norkus-Crampton, Schiff and Tucker – 9

Not present: Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

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7. **Sydney Apartments / Dinky Dome Redevelopment (BZZ-4429 and MS-195, Ward: 2), 1500-1506 4th St SE & 306-316 15th Ave SE ([Janelle Widmeier](#)).**

[Staff report](#)

**A. Conditional Use Permit:** Application by Jim LaValle, on behalf of Doran University, LLC, for a conditional use permit to allow 125 dwelling units for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 125 dwelling units for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, subject to the following condition:

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

**B. Conditional Use Permit:** Application by Jim LaValle, on behalf of Doran University, LLC, for a conditional use permit to increase the height from 4 stories, 56 feet to 6 stories, 72 feet for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 6 stories and from 56 feet to 72 feet for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE, 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 one year of approval.
2. All work on the Dinky Dome shall meet the Secretary of the Interiors standards for rehabilitation. Community Planning and Economic Development Department— Planning Division staff shall review and review the final plans for the Dinky Dome.

**C. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to reduce the interior side yard requirement adjacent to the east property line from 15 feet to 12.5 ft. to allow the building for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 15 feet to 12.5 feet to allow the building for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

**D. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to reduce the interior side yard requirement adjacent to the east property line from 5 feet to 0 feet to allow a driveway and drive aisle for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard adjacent to the southeasterly property line from 5 feet to 0 feet to allow a driveway and drive aisle for the properties located at 1500-1506 4th St SE and 310-316 15th Ave SE.

**E. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to reduce the required front yard adjacent to 4<sup>th</sup> St SE to allow a walkway wider than 6 feet in width and an area well grate for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The application for a variance to reduce the front yard requirement adjacent to 4th Street from 15 feet to 0 feet to allow a walkway wider than 6 feet in width and an area well grate has been **withdrawn**.

**F. Variance:** Application by Jim LaValle, on behalf of Doran University, LLC, for a variance to increase the maximum size of a retail use in the C3A district from 8,000 square feet to 12,000 square feet for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a retail use in the C3A district from 8,000 square feet to 12,000 square feet for the properties located at 1500-1506 4<sup>th</sup> St SE and 310-316 15<sup>th</sup> Ave SE, subject to the following conditions:

1. Nonresidential windows shall be transparent. No shelving, signage, merchandise, newspaper racks, mechanical equipment or other mechanisms shall be placed in front of the windows that blocks views into and out of the building at eye level (eye level shall refer to the area 4 to 7 feet above the sidewalk level and the area 4 to 7 feet above the first floor level).
2. In the window areas above and below eye level, window signs shall not exceed 30 percent of the window area as required by section 543.350 of the zoning code.

**G. Site Plan Review:** Application by Jim LaValle, on behalf of Doran University, LLC, for a site plan review for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for site plan review for the properties located at 1500-1506 4<sup>th</sup> St SE and 310-316 15<sup>th</sup> Ave SE, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 13, 2010, or the permit may be revoked for non-compliance.
3. Windows as required by section 530.120 for residential uses shall be added on the first floor south wall facing the loading area.
4. Nonresidential windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or greater as required by section 530.120 of the zoning code. The transparency and visible light transmittance ratio shall be identified on final and building construction plans.
5. Nonresidential windows facing 4th Street shall comply with the PO Pedestrian Oriented Overlay District window requirements in section 551.120 of the zoning code.
6. The area to the east of the residence vestibule between the addition and the Dinky Dome shall include crime prevention site design elements, including installation of a decorative, transparent fence with a gate at the east end of the space and lighting that does not cause glare, as required by section 530.260 of the zoning code.
7. Mechanical equipment shall be screened as required by section 535.70 of the zoning code.
8. Bicycle racks, including bicycles attached to them, installed in or adjacent to the street right-of-way shall leave at least eight feet of clear pedestrian passage, unless a greater width is required by the Public Works Department.

**H. Minor Subdivision:** Application by Jim LaValle, on behalf of Doran University, LLC, for a minor subdivision for the properties located at 1500-1506 4<sup>th</sup> St SE & 306-316 15<sup>th</sup> Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a minor subdivision for the properties located at 1500-1506 4<sup>th</sup> St SE and 310-316 15<sup>th</sup> Ave SE.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Huynh seconded).

The motion carried 5-0; Huynh and Tucker recused, Schiff not present for the vote.